

The background of the slide features a large, light blue watermark of the University of Alberta crest. The crest is a shield divided into four quadrants. The top-left quadrant shows a building with a cross on top. The top-right quadrant shows a beaver with a cross on its back. The bottom-left quadrant shows a three-masted sailing ship on the water. The bottom-right quadrant shows an eagle with its wings spread. Above the shield is a crown with four maple leaves. Below the shield is a banner with the motto 'ANNE FOR A'.

Agenda Item

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Decriminalised Parking Enforcement

Falkirk Council

Title: Decriminalised Parking Enforcement
Meeting: Executive
Date: 9 January 2018
Submitted By: Director of Development Services

1. Purpose of Report

- 1.1 The purpose of this report is to provide an update on the on-going preparations for the possible introduction of Decriminalised Parking Enforcement (DPE) in the Falkirk Council area and to authorise initiation of the formal process with Scottish Ministers.

2. Recommendations

2.1 The Executive is asked to:-

- (1) note the progress made with putting in place the infrastructure required to allow DPE to be implemented;**
- (2) agree to instruct officers to submit the application for DPE powers to Scottish Ministers;**

3. Background

- 3.1 Reference is made to the report by the Director of Development Services on DPE which was considered by the Executive on 27 September 2016. That report described the work that the Council would have to undertake and summarised the Council's business case to introduce DPE in the Falkirk Council area.

4. Considerations

4.1 Designation Order

The Road Traffic Act 1991 allows local authorities to formally make an application to Scottish Ministers to make a Designation Order which decriminalises parking enforcement across the whole of a local authority area. There are several benefits to adopting DPE, one of which is that enforcement of both on-street and off-street parking can be undertaken in a coordinated and comprehensive manner under a single regime.

- 4.2 Before the Council will be allowed to operate DPE, it must put in place proper management and operational systems. Scottish Ministers require evidence that consultation with local stakeholders and Police Scotland is undertaken as part of the Council's submission for DPE powers. Waiting, loading and

parking restriction traffic signs and road markings require to be in a good state of repair and clear in their meaning. There must also be put in place operational and management systems to ensure enforcement is undertaken in a fair and robust manner. It is important that sufficient publicity is generated to ensure stakeholders are aware of the Council's intention to implement DPE and what effect this may have on them. Progress made to address each of these items is described below.

4.3 Draft application for powers

A draft application for DPE powers was submitted to Scottish Ministers on 29 June 2017. This formed an informal consultation with Scottish Ministers that provided an opportunity for comment on the Council's DPE proposals. A response to the draft was received from Transport Scotland (TS), on behalf of Scottish Ministers, on 9 November 2017.

The application has been amended in line with these comments and is available for viewing as a background paper.

Submission of the final DPE application commits the Council, subject to approval by Scottish Ministers, to undertake on-street parking enforcement duties.

Transport Scotland has advised that approving the DPE application and putting in place the statutory instruments to permit the transfer of enforcement powers from Police Scotland to the Council can take up to 9 months to complete. However, this timescale is heavily influenced by the date on which the DPE application is submitted and the relationship this bears to Parliamentary recess dates. On this basis, and subject to the decision made by Members, it is anticipated that DPE could commence in Falkirk Council on Monday 1 October 2018.

4.4 Consultation

The Council has consulted over 220 stakeholders, including all community councils, nursery, primary and secondary schools and organisations representing the interests of the disabled and elderly in respect of the proposals. The consultation letter and responses will be included in the DPE application. Five stakeholders responded with no adverse comments and Police Scotland confirmed their support.

4.5 Review of traffic signs and road markings

All traffic signs and road markings associated with waiting, loading and parking restrictions have been reviewed. A contract to remedy issues with waiting restriction traffic signs has recently been completed. A contract for alterations to road markings, located in towns and villages throughout the Council area, has commenced and is anticipated to be completed in February 2018. Contract documents to address road markings alterations required in Falkirk town including the town centre are currently being drafted. It is intended that this contract will commence early next financial year.

4.6 Issuing and processing penalty charge notices

Parking within off-street public car parks operated by the Council is currently enforced by parking attendants employed by Falkirk Council.

The parking attendants utilise hand held computer terminals to issue excess charge notices (ECN's) in the car parks. Processing ECN's is now highly automated. The ECN processing system can be modified to issue and process on-street penalty charge notices (PCN's) should DPE be implemented.

The full procedure for PCN processing from initial issue through to addressing an appeal placed before the Parking and Bus Lane Tribunal is detailed in the DPE application.

4.7 Publicity

If agreement is given to seek DPE powers, a comprehensive publicity programme would be initiated with the aim of advising motorists and residents as to the progress made implementing DPE. Closer to the commencement date, motorists and residents would be advised of the forthcoming changes in parking control and enforcement. Advice would be offered on where and how to park legally.

A range of media would be used in the publicity campaign; these would be likely to include posters for public buildings, leaflets for general distribution, information on the Council's web site, social media and press releases. The website would contain a permanent page for highlighting DPE issues.

The Council is required to publish, in the local newspaper, a notice of the charges it proposes to impose under DPE. The notice would be published at least 14 days before the date DPE was initiated.

The Council must adopt the national standard penalty charge for contraventions set by Scottish Ministers. Currently, the standard penalty charge is £60 which is discounted to £30 if payment is made within 14 days. The penalty charge will be increased by 50% to £90 on issue of a Charge Certificate should the penalty charge of £60 not be paid within 28 days.

5. Implications

5.1 Financial

Option F described in the DPE business case outlined in the report considered by the Executive on 27 September 2016 is being progressed. This demonstrates a viable business model.

5.2 Resources

None beyond those identified in the report considered by Executive on 27 September 2016. These included an additional staffing resource requirement, the cost of which is included in the business case.

5.3 Legal

None

5.4 Risk

Although the business case selected for progression was considered to be robust, there remains a risk that income from penalty notices will fall short of that projected and the service will require to be subsidised.

5.5 Equalities

No adverse impact on protected groups anticipated.

5.6 Sustainability/Environmental Impact

No adverse impact anticipated.

6. Conclusions

6.1 Work is progressing to ensure successful implementation and operation of a DPE regime. Agreement for officers to submit an application to Scottish Ministers for DPE powers would trigger initiation of a publicity campaign and for particular DPE focussed tasks to be commenced.

6.2 Agreement to submit the application would commit Falkirk Council to undertake on-street waiting, loading and parking restriction enforcement should the application be approved.

6.3 The application is likely to take 9 months to complete its journey through the process culminating in Statutory Instruments being made.

Director of Development Services

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Date: 15 December 2017

Appendices

None

List of Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- Falkirk Council's application to Scottish Ministers for decriminalised parking enforcement powers

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504830 and ask for Russell Steedman