

DECRIMINALISED PARKING ENFORCEMENT THE SOUTH LANARKSHIRE EXPERIENCE

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1.0 Background

1.1 General

A number of local authorities have for many years used parking charges as a traffic management tool in regulating the use of off-street car parking. In situations where the demand for parking spaces exceeds the supply, parking charges aids management of this asset. Human nature being as it is, if you have parking charges in place, some drivers will look for ways of avoiding payment. Under the terms of Part IV of the Road Traffic Regulation Act 1984, local authorities have the power under civil law to issue a charge notice to a vehicle which has committed the offence of parking without displaying a valid pay and display ticket or the ticket displayed, has expired.

On-street parking offences were covered by criminal law and enforcement rested with the police. Over a number of years the police began to introduce Traffic Wardens to carry out the enforcement in order to free up police time. As traffic volumes began to rise, so did congestion, particularly within our inner city areas. Local authorities already had the powers to introduce and amend Traffic Regulation Orders, which are a powerful tool in allocating kerbside space, and ensure they met their statutory obligations to manage the road network.

It became evident that due to the expansion of duties undertaken by Traffic Wardens, the levels of enforcement in some areas did not match the expectations of the local authority. Negotiations with local police failed to resolve the issues and pressure was put on Central Government to devolve the responsibility for the enforcement of stationary parking offences to local authorities.

As the most serious problems were in the most congested part of the country, the London Boroughs were given the opportunity, through the Road Traffic Act 1991, to introduce Decriminalised Parking Enforcement.

This legislation allowed the local authority to enforce its own on-street waiting, loading and parking regulations. Due to the success of the legislation in dealing with parking contraventions, its scope was extended to the rest of England and Wales in 1996 and then to Scotland through the Road Traffic Act 1991 (Amendment of Schedule 3) (Scotland) Order 1998.

Glasgow City Council closely followed Edinburgh City Council in taking on Decriminalised Parking Enforcement powers in 1999 and 1998 respectively. Three other Scottish local authorities saw the advantages of this legislation,

Aberdeen, Dundee and Perth and Kinross Councils, between 2000 and 2002.

1.2 South Lanarkshire Council

South Lanarkshire (population c 310,000) is a Scottish local authority located to the south east of Glasgow. It consists of over 23 towns and villages, ranging from its largest urban area, East Kilbride which has a population in excess of 75,000 to small communities of only a few hundred homes. Each is subject to some form of traffic regulation relating to stationary vehicles.

The council produced a Parking Charter in 1997, shortly after its inception, which detailed the strategy to be used to manage the council's off-street parking stock. This ensured that the limited number of public accessible town centre parking spaces would be regulated to the benefit of shoppers while, at the same time, being mindful of the need to make provision for workers.

The council undertook a series of urban regeneration projects since its inception in 1996, investing over £200m in its towns and villages. As part of these projects, on-street regulations were reviewed and amended to meet the needs of the people working, living and visiting each of the areas on an individual basis. One of the largest projects was the introduction of parking charges, in 1998, within East Kilbride which was needed to manage the demand for long-stay parking as this was having a detrimental effect of short-stay shopping trips. In partnership with the private sector, parking charges were introduced across the whole of the town centre car parks. In parallel, the council promoted a Traffic Regulation Order introducing 6 controlled parking zones, which affected 3,950 homes. While the police supported this, and many other Traffic Regulation Orders, the levels of enforcement required to make the regulations effective was not forthcoming, due to other commitments.

Following extensive investigations, using the information contained within the Guidance on Decriminalised Parking Enforcement outside London (Local Authority Circular 1/95) as a guide and through discussions with colleagues in other local authorities, it was concluded that South Lanarkshire Council could operate a Decriminalised Parking Enforcement regime.

A consultant was appointed, who gave us an independent report, which closely matched our own conclusions on the subject.

A business plan was developed and accepted and the council gave its approval to proceed with the development of the idea leading to the submission of an application to the Scottish Ministers.

2.0 Key issues

2.1 Summary

The key issues to be addressed in order to introduce Decriminalised Parking Enforcement fall into the following 4 main categories:-

- Administration
- Personnel/Staffing
- Technical support
- Procedures

In practical terms, while Chief Constables are in favour of transferring enforcement powers to local authorities, the council requires to have the necessary policies in place to deal with the challenges Decriminalised Parking Enforcement brings. These include:-

- A parking policy dealing with demand and availability which sits within a defensible framework.
- A review of existing Traffic Regulation Orders to determine how accurate the on-street lining and signing is compared to the text of the orders.
- All the Traffic Regulation Orders require to be available, including the old ones promoted by previous local authorities.
- Decisions on whether the enforcement team should be staffed in-house or contracted out.
- Similarly with the notice processing team – in-house or contracted out?

In relation to funding, it is difficult to provide a self-funding Decriminalised Parking Enforcement service out-with large cities. Our own experience in South Lanarkshire is that it has not been possible to make Decriminalised Parking Enforcement self-financing. The only way we have managed to keep the trading account on the credit side is to combine the on-street enforcement with off-street car parking.

2.2 Fundamental Administration Issues

Parking policy

The local authority requires to have a parking policy which has been updated and reviewed to take account of:-

- Existing and predicted levels of demand for parking places
- The availability and pricing of both on and off-street parking
- The nature and extent of on-street parking restrictions
- The adequacy of existing signs and lines
- The level of compliance which the local authority considers acceptable and what is necessary to secure this
- The views of the police.

Enforcing out-of-date and inappropriate regulations which have not been enforced for many years does not have popular support and brings the system into disrepute. Having a framework on which our parking policy sits, clearly demonstrates thought and reasoning behind restrictions and enables a defensible position to be maintained.

The local authority requires a Traffic Regulation Order for all marked restrictions.

Without a copy of the order, you cannot be sure that what is marked on the ground is correct and therefore you cannot be certain that you are enforcing the correct regulations.

The limits of the Special Parking Area and the Permitted Parking Areas require to be set, and agreed, with the Chief Constable and Transport Scotland. This details which roads are included and which are excluded within the boundary of your Decriminalised Parking Enforcement area – which would normally be the whole local authority area, excluding the trunk roads.

Adjudication

Any new Scottish local authorities will join those already carrying out Decriminalised Parking Enforcement in using the services of the Scottish Parking Appeals Service. However, a contractual agreement requires to be made with the Scottish Parking Appeals Service and the existing Decriminalised Parking Enforcement authorities.

A system of pulling together all the information required to defend each case is necessary.

Sheriff Officers and debt collectors

A system of debt collection, suitable for a Decriminalised Parking Enforcement operation, is required in order to ensure a robust and effective enforcement regime.

Reports & Consultation

The preparation of reports for the appropriate council committee(s) will be required, as will the preparation of information packs for delivery to councillors' seminars.

A draft report for the Scottish Government's consideration and comment needs to be produced. After the submitted report has been viewed, commented on and returned to the local authority it needs to be amended and finally submitted 6 months before the proposed commencement date.

The Scottish Government will carry out a statutory consultation on the proposals with all other Scottish Councils, Chief Constables and a host of other organisations and interested parties.

Publicity

It is advisable to prepare information leaflets for posting to all addresses in council area through the council's resident's newspaper, if one exists.

In order to inform members of the public the printing and distribution of information leaflets on the proposal to introduce Decriminalised Parking Enforcement, including the background to the project and the benefits it will bring to law abiding citizens, is advisable.

The preparation of a Public Relations strategy and associated information leaflets, as well as Statutory Notices for local papers, would also be recommended.

Financial assessment

A local authority should aim to make its Decriminalised Parking Enforcement self-financing as soon as practical and therefore a financial assessment for the first two years requires to be submitted to the Scottish Government with the application for Decriminalised Parking Enforcement, showing the viability of the operation.

2.3 Personnel/Staffing Issues

General staffing issues

It is highly likely that the Chief Constable will require his existing Traffic Wardens, working within the geographical area, to be transferred to the local authority under "The Transfer of Undertakings (Protection of Employment) Regulations" at the Decriminalised Parking Enforcement commencement date.

It is generally considered that due to the duties undertaken by and supervision given to Traffic Wardens, that they will require additional assistance, support and training when moving to a Decriminalised Parking Enforcement regime.

A full staffing structure is required and should include all of the personnel needed to effectively carry out the task.

This includes notice processing staff at the rate of 1 for every 5000 penalty charge notices issued, as well as an administration officer to support and supervise the operations. Job profiles require to be constructed for the notice processing staff and parking attendants. A number of existing job profiles require to be amended to reflect the new tasks undertaken by existing parking unit staff.

How many Parking Attendants?

As part of the decision-making process, the number of parking attendants needs to be addressed at an early stage. The level of enforcement required has to be balanced with the number of contraventions you expect to detect, in order to achieve a scheme that is, at worst, cost neutral.

Questions such as, “what level of enforcement is considered to be right for the council area and what coverage do you want in each of your main settlements?”, require to be considered. Enforcement in outlying areas and how the parking attendants get there raise issues relating to transport provision and lone working arrangements which in turn leads to the need for risk assessments.

The period of the day which requires enforcement also needs to be addressed when deciding on parking attendant numbers. If you wish to cover all restriction times, you will need parking attendants available 24 hours per day, 7 days per week. This is neither practical nor desirable other than possibly in the centre of London.

Therefore the working hours e.g. 8 am to 6 pm every day, evening enforcement and which evenings are covered all need to be considered. Sunday cover will depend on whether local services or shops are open, and what level of congestion, or reduction in income, would result from non-enforcement on a Sunday.

Parking Attendants Base

Following the decision on the operating hours of the parking attendants you need to decide on the location for a base. In general, standard office accommodation is not totally suitable, as the opening hours tend not to include weekends and the cost of opening a building for a handful of employees may not be seen as cost effective. In a geographically dispersed council area several bases may be considered. However, the facilities required in relation to IT for the downloading of handheld units, as well as toilets, showers and drying facilities all require to be considered when deciding on a location for your parking attendants.

Parking Attendant uniforms

Many councils have, over the years, invested heavily in developing a corporate image which will dictate the colours and general style of the uniform chosen. The guidelines suggest that the parking attendants should be smart in appearance in order to gain respect while, at the same time, not be dressed in a manner that they would be mistaken for Traffic Wardens or police officers. There has been a trend recently to “soften” the uniforms and a move away from more formal wear.

A decision on the items of clothing contained within the uniform needs consideration as the parking attendants will be working in heavy rain, exceptionally low temperatures as well as on hot summer days. Therefore, issues such as shirts, (long and short sleeved) jumpers, body warmers, fleece, jackets, trousers, waterproofs, hats, body belts, etc all have to be addressed.

Personnel

As Decriminalised Parking Enforcement requires new posts to be created, job profiles for notice processing staff and parking attendants have to be produced. At this stage it would be prudent to have the posts graded using corporate guidelines to ensure that budget estimates can be confirmed and the recruitment data gathered. Following agreement on work rotas, locations, and job profiles, the preparation and formation of contracts of employment can be completed. At all stages of the processes the trade unions are likely to be consulted or directly involved. The existing staffing structure will require to be amended to show the numbers and grades for each new post as well as the relationship between these posts and those that already exist within the organisation.

The advertising of posts will require some thought in order to attract the appropriate calibre of person. Interview dates, locations, shortlisting, questions etc will require attention, as will the appointment processes.

Inevitably, some staff will transfer from the police which requires interaction between the two organisations at both legal and personal levels. Transferring staff will be very wary of the changes being thrust upon them and may need additional reassurance relative to job security, etc.

Given that it is unlikely that there will be any in-house expertise in Decriminalised Parking Enforcement, staff training relative to the technical and legal aspects of the new post will require to be bought in.

Risk assessments on the beats, routes and areas covered will require to be produced and updated on a regular basis as the authority gains experience. As part of the health and safety of parking attendants is concerned, specialist training, protective clothing and the issue and use of personal alarms, radios/mobile phones and lone working protection systems all require to be appraised.

Accommodation

After you have identified the accommodation requirements for both office staff and parking attendants, and sufficiently developed proposals, internal consultation with interested parties, will require to be undertaken. Dependant on the extent of the proposals, planning permission and / or building warrants may be required.

When the proposals have been agreed and detailed plans produced a works programme can be prepared. Following completion of the works and snagging, the accommodation can be handed over ready for the furniture and other materials to be delivered.

2.4 Technical Support Issues

Traffic Regulation Orders

Traffic Regulation Orders require to be in a format that is easily accessible for both technical and non-technical staff preferably electronically, through the use of a database, using a map-based system such as ParkMap. When answering any queries, which are in the order of 50% of the number of penalty charge notices issued in a day, it is important to have records which are easily accessed.

Prepare statutory stationary

The penalty charge notice, Notice to Owner and Charge Certificates require to be designed with wording and text that meets the requirements of the Road Traffic Act 1991, as amended, and includes any amendments or statutory items, included in the Scottish Statutory Instrument.

The delivery of the penalty charge notice to the driver is carried out by enclosing the actual notice in a bag or pouch – the design and content of which requires consideration and attention.

Database of all regulated streets

In order to make the input of contravention details, by the parking attendant when issuing a penalty charge notice, easier, it is best to split the council area into geographical zones. Larger zones, of over 7000 linear meters of regulated kerb length should be sub-divided into beats. This approach also makes deployment of parking attendants easier and allows more relevant management data to be gathered in relation to enforcement.

Each beat requires to have all its regulated streets listed, with the specific details of limited waiting restrictions noted, where applicable.

In addition, all relevant offence groups and codes require to be highlighted.

The issue and processing of penalty charge notices

Handheld ticket issuing equipment requires to be procured at a rate of 1 per parking attendant plus a spare. Including a printer, the current cost is about £3,100 per unit.

The specification requirements relative to a software package to process penalty charge notices, log mail, produce standard and non-standard replies, log telephone calls- in and out, store photographs, etc. needs to be developed. You also require a management reporting system to gather and collate statistics, primarily to ensure effective and efficient enforcement and to provide the relevant statistic for Central Government, which is a statutory duty.

A system needs to be in place to transfer the penalty charge notices, along with the associated notes and photographs taken by the parking attendant, from the handheld units to the server accessed by the processing staff.

The system also requires to take payments directly and remotely, as well as give accurate information on the outstanding balance at the time of an enquiry.

Payments systems

Where and how customers can pay charges requires the cooperation of other council resources and may also need new processes and procedures to be developed. Payment by phone, both manned and 24/7 automated, online 24/7, in person at cash halls and by post is likely to require new procedures and links to be put in place.

Telecoms

As well as the provision of a “help” line number, which may be a free phone number, telephones will be required for notice processing staff, possibly with headsets and caller identification. Mobile phone requirements in relation to parking attendants, supervisors etc requires to be considered.

2.5 Procedural Issues

Production of, and amendments to, Traffic Regulation Orders

Having Traffic Regulation Orders in a standard format, is a key element to the success of a Decriminalised Parking Enforcement operation. This can be achieved through a central unit that processes all Traffic Regulation Orders to a consistent standard and can react quickly and effectively to adjudicators’ enquiries and decisions.

Clear and equitable methods of dealing with penalty charge notice appeals

There is a full statutory process set out as to how to deal with penalty charge notices, appeals and representations. It is important to be fair and equitable when dealing with customers and ensure that due process is followed in order to maintain the integrity of your operation.

It is good practice to have an operational manual which details how the local authority will deal with specific issues such as fallen “Pay and Display” tickets, “blue” badges incorrectly displayed or not displayed at all, what grace period is going to be allowed in limited waiting areas, etc. In addition, a guideline on local councillor and senior management involvement in cases requires to be agreed before the commencement of Decriminalised Parking Enforcement, ensuring no undue influence be brought to bear on officers.

3.0 Conclusion

Given the above, it may be considered that the diversity and scale of the tasks to be undertaken outweigh the benefits.

It is, however, clear from those local authorities which have adopted Decriminalised Parking Enforcement powers, that a return to the “old way” of working would be a backward step.

In South Lanarkshire, we now have an effective traffic management strategy which allows shoppers to park, buses to use bus stops and taxis to get into

taxi ranks. Short stay parking regulations have been, and continue to be, adjusted to meet the demands of the local area, following the changes in usage patterns due to enforcement. Loading areas are more effectively managed and traffic flows better. Regulations in residents' areas are now enforced, and are generally welcomed. Overall congestion is noticeably reduced.