

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE  
2 DECEMBER 2002**

**REPORT ON: DECRIMINALISATION OF PARKING ENFORCEMENT**

**REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION**

**REPORT NO: 757-2002**

## **1 PURPOSE OF REPORT**

1.1 This report reviews the potential for the Decriminalisation of Parking Enforcement (DPE) in Dundee and seeks authorisation to proceed with an application to the Scottish Executive and the preparation of a recruitment and training plan for the necessary staff.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Committee
- a remits the Director of Planning and Transportation to apply to the Scottish Executive for the introduction of a Decriminalisation of Parking Enforcement (DPE) in Dundee during late 2003; and
  - b requests that the Director of Planning and Transportation and Personnel and Management Services bring forward a report on the additional staff and training requirements as a result of the introduction of DPE.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 The additional expenditure associated with the start up costs together with the ongoing enforcement and operational expenditure will be offset by the additional income generated in the first two years of implementation.
- 3.2 A further report will be submitted to the Committee detailing the outcome of the application to the Scottish Executive for the introduction of a Decriminalisation of Parking Enforcement.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 The introduction of DPE will address the following key terms of Dundee 21.
- Resources are used effectively.
  - Access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.
  - Health is protected by creating a safe, clean and pleasant environment.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 DPE will help to promote a barrier free city.

## 6 BACKGROUND

- 6.1 The Road Traffic Act 1991 (RTA 1991) permits the decriminalisation of most non-endorsable parking offences for specific areas in the UK. Local roads authorities may apply to the Scottish Ministers for orders to decriminalise certain offences within particular geographical areas; within these areas enforcement ceases to be the responsibility of the police and wardens and becomes the responsibility of the authority.
- 6.2 Local authority Parking Attendants (PA's) can then place Penalty Charge Notices (PCN's) on vehicles contravening parking regulations; these are civil debts, due to the authority and enforceable through a streamlined version of the normal civil debt recovery process. The local authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems and for certain other traffic management purposes.
- 6.3 Motorists wishing to contest liability may make representation to the authority; if these representations are unsuccessful, they may have grounds of appeal to independent parking adjudicators, whose decision is final.
- 6.4 The main advantages of DPE are:
- Local authorities are able to ensure that parking policies are effectively implemented and enforced, with consequent benefits in improved traffic and public transport flow, road safety, use of parking spaces and environmental benefits.
  - The integration of all enforcement and parking policy provides opportunities for better monitoring and use of enforcement, enabling it to become more responsive to public needs and the authority's requirements.
  - Local authorities can use the revenue received from penalty charges to fund enforcement and any surplus for transport-related projects.

Edinburgh, Glasgow, Aberdeen and Perth & Kinross are currently using DPE powers in their Council areas.

### 6.5 Existing Operations

The main features of existing operations/conditions are:

- On-street controls are enforced by Tayside Police (8 wardens), with off-street car parks being enforced by DCC staff (5 attendants).
- The central area is regulated by a Controlled Parking Zone (CPZ), operating from 8.00 am to 6.00 pm Monday to Saturday and Sunday from 1300 hours to 1800 hours. The CPZ covers some 27km of kerbspace, and includes nearly 500 paid public bays.
- Outside the CPZ, there are some 48km of main traffic routes, with general single yellow line controls prohibiting waiting between 8.00 am and 6.00 pm Monday to Saturday and Sunday from 1300 hours to 1800 hours, but with

peak hour loading bans, limited waiting controls and double yellow lines at appropriate locations.

- A further 80km of kerbspace spread over the City is regulated for various reasons, the majority by double yellow controls prohibiting waiting any time, or limited waiting areas in shopping streets.
- While Dundee does not suffer from very extensive parking problems experienced in some other cities, surveys indicate a level of illegal parking affecting certain traffic and bus movements and other road users.

#### 6.6 Potential Operation and Business Plan

The main features of the proposed operation are:

- Some 13-15 enforcement staff would be required in total, some of whom would be mobile;
- Processing could be undertaken by existing DCC staff with an additional three staff. In addition, posts for a Team Leader, Senior Parking Officer and technician for traffic regulation orders are recommended;
- There is an opportunity to upgrade IT systems used for enforcement, with a new processing system, hand-held computers for attendants and digital recording of traffic regulation orders;
- Two different PCN values - £30 discounted to £15 for early payment for overstaying in paid bays and £60 discounted to £30 for early payment for waiting contraventions are recommended;

#### 6.7 Parking has an important role to play in transport policy, and this is recognised in Dundee's Local Transport Strategy. The Council is the roads authority, responsible for traffic regulation and use of roads and is also the largest provider of off-street parking in Dundee. Illegally parked vehicles can have an impact on:

- Road safety, by obstructing sight-lines;
- Traffic flow by reducing capacity;
- Bus operations by reducing capacity and obstructing bus stops and other bus facilities such as bus lanes;
- The local economy by reducing servicing opportunities and opportunities for shoppers to park;
- Cyclists and walkers by obstructing pavements and facilities;
- Disabled motorists by reducing opportunities for them to park;
- Local residents, particularly where there is a high level of in-commuting.

#### 6.8 Parking enforcement therefore has an impact on almost all aspects of transport policy in urban areas, and is becoming increasingly important as there is increasing pressure on available road space and the extent of traffic regulation orders increases. One of the key outcomes of studies into the potential for improving parking enforcement was the Road Traffic Act 1991, which allowed local authorities to undertake some enforcement duties.

- 6.9 The new decriminalised enforcement will generally not apply to the following offences (unless prohibited in terms of specific Traffic Regulation Orders for that authority):
- Parking on zig-zags at pedestrian crossings;
  - Double-parking;
  - Parking on footways (with the exception of decriminalised offences involving HGV's);
  - Misuse of Disabled Badge entitlement
  - School keep-clear markings.
- 6.10 A traffic authority must apply to the Scottish Ministers for the DPE powers. An order must then be laid before the Scottish Parliament and the procedure can take 4-6 months. The anticipated key milestones are:
- Draft application to Scottish Executive
  - Review of draft by SE
  - Final version by Council
  - Consultation by SE
  - Preparation of Designation Order by SE
  - Designation Order signed by Minister
  - Designation Order laid before Parliament
- 6.11 The Scottish Ministers also require that traffic authorities undertake:
- A **policy statement** – to review parking policy and traffic regulation orders to ensure that their policies are in line with wider objectives (including their Local Transport Strategy), that the demand/supply of parking is adequate and the levels of compliance which are required. In Dundee the Council has recently reviewed transport policy generally in their Local Transport Strategy, and has reviewed most of the locations where regulations are in force over the last few years.
  - A review of the **Traffic Regulation Orders (TRO's)** to ensure that these are in order – Dundee has recently reviewed and consolidated its orders.
  - A review of **roadmarkings and signing** to ensure that these match the TRO's. Any outstanding items can be reviewed and a revised programme of maintenance introduced where required.
  - The views of the police are likely to be a key factor in any decision on the application area. Nationally police forces are generally encouraging DPE and transferring traffic wardens to Councils for this operation – however in some cases the Police have retained traffic wardens for other purposes.

## 7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services, and Director of Corporate Planning, have been consulted and are in agreement with the contents of this report.

## 8 BACKGROUND PAPERS

- 8.1 None

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