

Midlothian Traffic Warden Service

Report by Ricky Moffat, Head of Commercial Operations

1 Purpose of Report

On 1 October 2013 Police Scotland advised the Council of their intention to withdraw the role of traffic wardens across Scotland.

This report provides the Council with further information regarding the implications of the withdrawal of the traffic warden service by Police Scotland, including

- a. The potential effects on road safety, communities, public transport, town centres and disabled people,
- b. Options for Midlothian Council to consider, including a 'do nothing approach'

2 Background

- 2.1 The Council received a letter on 1 October 2013 from Police Scotland, included as Appendix 1, regarding the proposal to withdraw the traffic warden service from local authority areas including Midlothian. Initial Council officer concerns were that this would have significant ongoing financial implications for Midlothian Council in addition to road safety, access and obstruction issues. In this letter Police Scotland stated 'Where parking is dangerous or causes significant obstruction Police Scotland will task police officers to resolve the issue using the appropriate *enforcement activity*, including parking tickets, other direct measures or prosecution reports.' It was initially proposed that the service be withdrawn as of January 2014.
- 2.2 Separately Council officers were advised that the traffic warden based in the Penicuik area had been released from service prior to October 2013, and the warden based in Dalkeith had been given a termination date at the end of December 2013.
- 2.3 The letter dated 1 October 2013 requested a Council response to the proposed withdrawal of the traffic warden service. Concerns were expressed to senior Police Scotland staff at a meeting involving the Chief Executive and Senior Council Officers on Monday 2 December 2013.

These concerns were also set out in a letter dated 30 October 2013 which was sent to Police Scotland by Director Resources. This is included as Appendix 2.

It was expressed very clearly to Police Scotland that the Council have been aware of significant issues in relation to parking citing examples in Dalkeith both before and after introducing parking charges in two car parks. These issues have included obstruction where public bus services could not operate along St Andrews Street on a number of occasions. Residential streets within the town centre are often heavily congested with non-resident's cars and the High Street and adjacent shopping streets have issues with both illegally and inappropriately parked cars.

- 2.4 Dalkeith High Street and Bonnyrigg High Street have been highlighted in this year's road accident cluster analysis as having a pedestrian injury accident problem. One of the causation factors is likely to be inappropriately parked vehicles blocking visibility of drivers and pedestrians.
- 2.5 The Council has assigned considerable resources into complying with the Disabled Persons Parking Places Act. If there is a lack of enforcement, the traffic regulation orders, procedures and resources will be ineffective and disabled persons will have difficulty in both residential and retail locations. Parking in bus bays will also restrict disabled access onto public transport. These issues presently arise but are dealt with by the traffic warden service. Parking in bus stops and loading bays can also cause considerable congestion and road safety issues resulting from inappropriate manoeuvres associated with driver frustration.
- 2.6 In 2007-08 SEStran (South East Scotland Regional Transport Partnership) commissioned WS Atkins plc to develop a Parking Management Strategy and a business case for a SEStran-wide Decriminalised Parking Enforcement scheme. The Decriminalised Parking Enforcement study was not considered detailed or robust enough by officers within the member Councils to allow them to recommend a definitive way forward regarding involvement in the scheme. MVA Consultancy were then commissioned to provide a more detailed study. The study completed in March 2009 confirmed that in financial terms Midlothian would be a loss making authority with or without joining other SEStran (South East Scotland Regional Transport Partnership) members.
- 2.7 This was approximately valued in the business case as a potential £450,000 annual loss in the 2009 report. Whilst the report is dated and various information and parameters could be argued and require to be reconsidered and updated, the conclusion would be that without introducing wide spread parking charges and a rigorous enforcement regime, Midlothian Council could only operate a decriminalised parking scheme at a substantial loss ie additional cost to Council.

- 2.8 Of the thirty two Scottish Councils, eleven Scottish local authorities have Decriminalised Parking Enforcement. The eleven authorities with Decriminalised Parking Enforcement in Scotland are

Cities

City of Edinburgh
Aberdeen City
Glasgow City
Dundee City

Semi Urban

South Lanarkshire
East Renfrew
East Ayrshire
Perth and Kinross
South Ayrshire
Fife
Renfrewshire

Authorities including Midlothian Council who have not applied for Decriminalised Parking Enforcement realise the significant cost implications of operating a Decriminalised Parking Enforcement arrangement. In essence, the proposal to withdraw traffic wardens will force local authorities such as Midlothian Council to consider implementing a scheme at a cost to local residents at a time when the public sector is facing unprecedented budget cuts.

- 2.9 The Society of Local Authority Chief Executives considered the matter recently and the following is an extract from the report:-

'DPE (Decriminalised Parking Enforcement) is only a viable proposition for areas where there is a significant amount of on-street charged parking. "Significant" would be sufficient to create enough income to cover the costs of management and enforcement of parking, as well as enforcement of all the other TROs (Traffic Regulation Orders). Preparation of DPE (Decriminalised Parking Enforcement) is a lengthy process which requires the approval of the Scottish Ministers and a number of Statutory Instruments, which are then laid before the Scottish Parliament'.

[Source: Report to SOLACE 24 September 2013 from Transport Portfolio Holder].

This not only confirms the results from the MVA Consultancy report but also highlights the legal process Councils would have to undertake to introduce Decriminalised Parking Enforcement in their area. It is anticipated that the process takes two to three years to complete. However, it is clear from discussions with officials from Transport Scotland that, if a Council cannot show that a Decriminalised Parking scheme can be shown to at least "break even" they would not support the necessary legislation going forward to Ministers for consideration.

- 2.10 In conclusion, the Police Scotland review did not take into account road safety issues, financial issues or timescales to allow local authorities to put in place suitable alternative arrangements. Similarly there was a presumption that all local authorities could introduce decriminalised parking.

- 2.11 A further letter was received from Police Scotland dated 24 December 2013, Appendix 3, which was more positive whereby Police Scotland suggests that they would be willing to take action regarding parking. Particularly, where this affects disabled persons parking, town centres, and responses to requests from Councils, Community Councils and members of the public.

On a further positive note an interim arrangement has been agreed with Police Scotland whereby one Warden will continue to operate for a further 12 months across Midlothian Council area. A Service Level Agreement is currently being finalised outlining the respective responsibilities and arrangements and it is anticipated that this will commence on 1 April 2014 for a period of up to one year.

The Council will require to make a contribution of £2,000 per month towards the cost of providing this interim service. There is no budgetary provision therefore this funding will require to be sourced from requesting a supplementary estimate.

- 2.12 Following receipt of the correspondence from Police Scotland officers contacted neighbouring Councils to establish how they had responded and what their likely course of action would be.

East Lothian Council *intimated that "The Council formally expressed its disappointment to Police Scotland at the end of October over the handling of the review of traffic warden services. The Council Leader and Chief Executive subsequently met with relevant senior police officers to discuss further. While we are aware of the general intention to withdraw traffic warden services across Scotland from 3 February, we are still in negotiation with Police Scotland over the possible extension of this service within East Lothian."*

West Lothian Council *responded by saying 'The Chief Executive to write to the Cabinet Secretary to request a delay to the removal of the Traffic Warden Service until the Council has had the opportunity to fully investigate the practicalities of implementing a DPE in West Lothian...' (DPE refers to Decriminalised Parking Enforcement).*

Scottish Borders Council *confirmed there had been no formal decision yet but there may be a desire to see what difference it actually makes on the ground first.*

Discussions with City of Edinburgh Council confirmed that there was a possibility to join the Decriminalised Parking Scheme currently operated by the City of Edinburgh Council at an indicative approximate cost of £100,000 a year. It was not clear at this stage whether ticket revenue would be returned to Midlothian Council. This would be a substantial saving to Midlothian Council compared to procuring a decriminalised parking scheme on its own. This approach would require further discussion if it was to be progressed. However indications are that Transport Scotland does not tend to support Decriminalised Parking Schemes which operate at a deficit.

2.13 Accordingly there are a number of options that can be explored further by the Council:-

- Explore with Police Scotland whether there is a way for the Council to continuing in the longer term making a contribution towards retaining the existing service via the Service Level Agreement
- Join with Neighbouring Authorities to investigate the implementation of decriminalised parking together on a regional basis
- Join Edinburgh City Councils decriminalised parking scheme (subject to Transport Scotland approval)
- Defer a decision and report back to Council as other authorities take decisions or there is a noticeable change to conditions on street within Midlothian.

2.14 A number of Scottish Councils are considering a legal challenge, however it is best felt by Officers that local discussions coupled with the establishment of the Service Level Agreement provide the best basis for progressing a lower cost solution for Midlothian in the interim.

3 Report Implications

3.1 Resource

Any solution to control on street parking other than to rely on Police Scotland enforcement is anticipated to cost Midlothian Council. In addition consultancy work would be required to establish a business case for decriminalised parking and additional funds would be required to make changes to signs and road markings on-street.

As set out in Paragraph 2.11 the interim Traffic Warden Service Level Agreement is at a full year cost of £24,000 which is not provided for in the Revenue Budget.

3.2 Risk

Inadequate parking enforcement could cause road safety, equality and economic harm.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to focus on the following areas as key priorities under the Single Midlothian Plan:-

- Early years and reducing child poverty
- Economic Growth and Business Support
- Positive destinations for young people.

As outlined in the report, there are possible implications for economic growth of not taking forward solutions to town centre parking in the future.

3.5 Impact on Performance and Outcomes

Dependant on Police Scotland enforcement activity, road safety, and economic outcomes may be impacted.

3.6 Adopting a Preventative Approach

The report seeks to maximise parking opportunities that reduces the reliance on parking enforcement, resulting in fines. It is however accepted that road safety and economic outcomes are dependent on Police Scotland, at least in the interim.

3.7 Involving Communities and Other Stakeholders

There has been considerable dialogue with Police Scotland in relation to the Traffic Warden Service. This dialogue is ongoing at a local level.

3.8 Ensuring Equalities

Recent correspondence from Police Scotland confirms that they will continue to undertake their duties in respect of disabled persons parking places.

3.9 Supporting Sustainable Development

Inappropriate and illegal parking reduces the ease of access and road safety for pedestrians, cyclist, public transport users and in fact motor vehicles. This may in turn affect the economic success of town centres to remain liable and hinder growth.

3.10 IT Issues

There are no IT issues identified.

4 Recommendations

Council is asked to:

- a) Approve the interim Service Level Agreement at a cost of £24,000
- b) If minded to approve, authorise a supplementary estimate of £24,000 for 2014/15
- c) Take no further action in relation to on street enforcement meantime and request the Director Resources to come back with a further report in twelve months time providing an updated position statement.

12 March 2014

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Tel No: 0131 271 3501

Background Papers:

List of Appendices

- Appendix 1 Police Scotland letter dated 1 October 2013
- Appendix 2 Letter to Police Scotland dated 30 October 2013
- Appendix 3 Police Scotland letter dated 24 December 2013

NOT PROTECTIVELY MARKED

1st October 2013



Jeanette McDiarmid
Chief Superintendent
Local Police Commander

The Lothians and Scottish Borders
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Email: lothianscotborderscommandsupport@scotland.pnn.police.uk

Dear Mr Lawrie

TRAFFIC WARDEN REVIEW

I wrote to you earlier this year to advise that Police Scotland were embarking on a review of the service delivered by traffic wardens. At that time I advised that I would provide further information as it became available and would provide an opportunity for you to comment on the proposals being made.

Enforcement of parking in Scotland has historically been delivered by traffic wardens employed by legacy forces across Scotland. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere throughout the UK. The relevant provisions of the 1991 Act were commenced in Scotland in June 1997. Since this time a number of councils have adopted the legislation and have decriminalised parking enforcement.

Enforcement of parking legislation and other minor road traffic matters (greenways enforcement etc) can be conducted by police traffic wardens or can be decriminalised and become the responsibility of local authorities. If decriminalised the parking charges and associated fixed penalty notices are paid to the relevant local authority rather than to the Chancellor of the Exchequer.

This letter is to advise you that Police Scotland is proposing to withdraw the role of traffic warden across the divisions where the role still exists. This is to allow Police Scotland to focus on the core activity of keeping people safe. Where parking is dangerous or causes significant obstruction Police Scotland will task police officers to resolve the issue using the

appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports.

I am keen to hear your views and would be grateful if you could send any correspondence by email to TrafficWardensReview@scotland.pnn.police.uk or to Traffic Warden Review Team, Business Change Office, Police Scotland, Pitt Street, Glasgow, G24JS. If, however, you wish to discuss the matter with a member of staff from Lothians and Scottish Borders Division please email lothianscotborderscommandsupport@scotland.pnn.police.uk

Thank you again for your support and interest in the service that we provide.

Yours sincerely

James

Divisional Commander

Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Corporate Resources

Director
John Blair

Midlothian

30 October 2013

Jeanette McDiarmid
Chief Superintendent
Local Police Commander
The Lothians & Scottish Borders
Dalkeith Police Station
Newbattle Road
DALKEITH
EH22 3AX

Dear Jeanette

Traffic Warden Review

Thank you for your letter of 1 October 2013 regarding the proposal to remove the Traffic Warden Service operated by Police Scotland from the community across Midlothian. I also understand that the Chief Executive discussed this issue with you at the meeting held in Dalkeith on 16 October 2013.

Firstly I require to advise you that Midlothian Council have serious concerns regarding this proposal, and these are as outlined in detail below.

Timescales

The Council is fully aware of the financial challenges facing the public sector and recognises the requirement for change and to progress service transformation, whilst concurrently delivering key outcomes for the Midlothian communities in conjunction with our partners.

However the timescale for the proposed removal of the traffic warden service presents a particular challenge for the Council and it may be necessary to explore interim arrangements in liaison with Police Scotland.

I refer to an extract from 'reports to SOLACE Members – Notes of discussion on 21 August and 24 September 2013'

Your Ref:
Our Ref: JB/mw

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'Decriminalised Parking Enforcement is only a viable proposition for areas where there is a significant amount of on-street charged parking. "Significant" would be sufficient to create enough income to cover the costs of management and enforcement of parking, as well as enforcement of all the other Traffic Regulation Orders. Preparation of Decriminalised Parking Enforcement is a lengthy process which requires the approval of the Scottish Ministers and a number of Statutory Instruments, which are then laid before the Scottish Parliament'

Council officers have also been advised that in the recent months the traffic warden based in Penicuik has already been released, and the warden based in Dalkeith has been provided with termination date at the end of December 2013. This reinforces the need to explore interim arrangements from January 2014.

Accordingly it is our concern that any input from the Council at this stage may not be fully considered and is unlikely to impact on the proposal.

The particular concern is that for a significant period of time at least two years there will be no regular and consistent enforcement across Midlothian which is likely to lead to abuse of existing parking restrictions.

Introduction of Decriminalised Parking

In 2007-08 Sustran (South East Scotland Regional Transport Partnership) commissioned W S Atkins Plc to develop a Parking Management Strategy and a business case for a SEStran-wide Decriminalised Parking Enforcement. The Decriminalised Parking Enforcement study was not considered detailed or robust enough by the member councils to allow them to make a definitive decision on their involvement in the scheme. MVA Consultancy were then commissioned to provide a more detailed study. This study completed March 2009 was not published due to concerns by member councils regarding the information pertinent to each council area. The study did confirm that Midlothian would be a loss making authority with or without joining other SEStran local authorities based on the cost of establishing a scheme less revenue generated.

This was approximately valued in the business case as £450,000 annual financial loss in the 2009 report. Whilst this report is now out of date and various information and parameters could be argued, the conclusion would be that without introducing wide spread parking charges (meters and car parks) and a rigorous enforcement regime, Midlothian Council will incur a substantial financial loss. This is at a time when the Council is facing unprecedented financial cuts.

Furthermore only 11 out of 32 Scottish local authorities have Decriminalised Parking Enforcement. This can only be assumed to be due to those authorities who have not applied for Decriminalised Parking Enforcement realising it represents significant cost. In essence, the proposal to withdraw traffic wardens will require local authorities such as Midlothian Council to implement a scheme at additional cost of local residents.

Whilst I acknowledge the purpose of the proposal is to address the budget issues faced by Police Scotland, the net result of introducing decriminalised parking would be at a greater cost to the overall public purse.

Road Safety and Enforcement Concerns

Your letter states: 'This letter is to advise you that Police Scotland is proposing to withdraw the role of traffic warden across the divisions where the role still exists. This is to allow Police Scotland to focus on the core activity of keeping people safe. Where parking is dangerous or causes significant obstruction Police Scotland will task police officers to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports'

Appendix 2

A major concern for the Council is that there are significant issues with parking in Dalkeith both before and after introducing parking charges in two car parks in July 2011. These include issues of obstruction where public bus services could not pass along St Andrews Street on a number of occasions. Residential streets within the town centre are heavily congested with non-resident's cars and the High Street and shopping streets have issues with both illegally and inappropriately parked cars.

I can also advise that Dalkeith High Street and Bonnyrigg High Street have been highlighted in this year's accident cluster analysis as having a pedestrian injury accident problem. One of the causation factors is most likely to be parked vehicles blocking visibility and thus impacting on vehicles exiting side roads.

The Council has also put considerable resources and effort into complying with the Disabled Persons Parking Places Act. If there is no enforcement regime, all the traffic regulation orders, procedures and resources will show a considerable investment for little benefit leading to disabled persons having difficulty in both residential and retail locations. Parking in bus bays will also restrict disabled access onto public transport. These are issues that presently arise and are dealt with by the traffic warden service.

Any illegal parking can be dangerous, obstructing visibility for other road users especially pedestrians, causing obstruction and leading to congestion and delays, difficulty for bus users to get to raised kerbs at stops, dropped kerb access. Congestion and pollution will cause more damage by environment and health impact than direct road danger does.

In conclusion, I trust these comments are viewed as constructive and that the real concerns expressed are considered carefully and that there is an opportunity to perhaps consider a variation across Scotland where the retention of traffic wardens is considered better value for the public purse in specific areas.

To discuss these concerns and to consider the options for interim arrangements from January 2014, I suggest that a meeting be arranged of relevant officials. Accordingly if you advise me of your appropriate colleagues I would be happy to organise and host a meeting.

Yours sincerely

John Blair
Director
john.blair@midlothian.gov.uk

cc: Kenneth Lawrie, Chief Executive
Neil Dougall, Road Services Business Manager
Graeme Brockie, Police Liaison Officer

NOT PROTECTIVELY MARKED

24th December 2013

Your Ref:

Our Ref:



**POLICE
SCOTLAND**

Keeping people safe

Assistant Chief Constable
Wayne Mawson
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Dear Mr Lawrie

REVIEW OF TRAFFIC WARDEN SERVICE PROVISION

As one of our key stakeholders I am writing to advise you of the outcome of the review of traffic wardens which started in May this year.

Following on from previous correspondence you will be aware that a proposal was made to remove the provision of traffic wardens across Scotland. The proposal was communicated to all key stakeholders as well as to staff and to the general public. We have received feedback from our consultation and have considered carefully all of the information provided to us.

During the consultation process, counter proposals were received by the review team who then applied criteria during the assessment of all counter proposals to decide upon their viability. These criteria were closely aligned to the key business Police Scotland change programme principles (Keeping People Safe, Cost Reduction, Best Value, Culture Change) and the end benefits of business change (Better Targeted Local Policing, Improved Access to Policing Services, Improved Quality of Service Across Scotland, More Sustainable Service Proving Value for Money.)

This letter is to advise you that Police Scotland will withdraw the role of traffic warden across the divisions where the role still exists. This is to allow Police Scotland to focus on the core activity of keeping people safe.

On Wednesday 18 December 2013 the project was presented to the Scottish Police Authority Human Resource and Remuneration Committee. At this meeting agreement was reached to implement the proposals to remove the traffic warden service from Monday 3 February 2014. There are a small number of ongoing negotiations in relation to extending this service in particular circumstances.

Current traffic wardens have been consulted with and suitable roles are being identified for them to move into. We will endeavour to transfer all remaining traffic wardens into long-term permanent roles and make the most of the skills that they have developed within the police service.

In the meantime I would like to reiterate that where parking is dangerous or causes significant obstruction Police Scotland will task police officers to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports. However, we will continue to work in partnership with our communities through targeted enforcement activity where our communities or officers identify problems in relation to parking matters. Local tasking processes will have a responsibility to consider requests from partners (councils, community councils and members of the public) should parking become an issue in a town or city.

In relation to our equality duties and the issue of parking in disabled bays Police Scotland will continue to undertake these duties and will support Local Authorities in the execution of their enforcement duties.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Wayne Mawson', followed by the letters 'ACC' in a slightly larger, bolder script.

Wayne Mawson
Assistant Chief Constable
Local Policing West