

## **Parking in Midlothian**

### **Report by Ricky Moffat, Head of Commercial Operations**

#### **1 Purpose of Report**

At the meeting on 25 March 2014 the Council was informed that the Traffic Warden Service was to be withdrawn by Police Scotland.

Accordingly following the seminar of Cabinet on Tuesday 26 May 2015, this report details the options available to Council in regards to the future enforcement of road traffic regulations. A copy of the note of the seminar is appended to this report (Appendix 1).

#### **2 Background**

##### **2.1 Options for Future Enforcement**

Currently an arrangement is in place with Police Scotland which has allowed for one traffic warden to be retained effectively providing a limited service. Midlothian Council pays Police Scotland £12,000 per annum to provide this service. This agreement was established following direct negotiations between Midlothian Council and Police Scotland.

This agreement initially for a period to 30 April 2015 then subsequently extended until 31 March 2016 to allow the Council to explore the feasibility of introducing decriminalised parking.

The agreement is due to expire at the end of March 2016 and therefore the arrangements for parking management for Midlothian has become more pressing. Police Scotland has reiterated that they do not support the long term provision of a traffic warden service to Scottish Councils. Ideally it would be prudent to endeavour to seek a continuation of this service until decriminalised parking enforcement was introduced across the Council area. Midlothian is only one of a few Scottish authorities in which such an agreement is in place. Accordingly it is considered unlikely that a further extension will be negotiated with Police Scotland.

Similarly, given the problems encountered, particularly in Midlothian's major towns it is considered that the lack of enforcement is not a sustainable position going forward for the Council. Furthermore a regular parking enforcement regime allows visitors, residents and customers easier access to businesses within Midlothian town centre.

Neighbouring local authorities are all at a similar position with the exception of City of Edinburgh Council who has had a mature and expanding decriminalised parking scheme in place for a number of years.

Studies by SEStran and COSLA indicate Midlothian is likely to operate a decriminalised parking scheme at a financial loss even working in partnership with neighbouring Councils. These studies are not fully detailed and in order to make an informed decision a number of actions require to be progressed.

A table highlighting the responses from other Scottish local authorities given to a number of questions in relation to decriminalised parking is attached (Appendix 2).

## **2.2 Stages of Implementation**

There are a number of stages required before a decriminalised scheme could be introduced and these can be summarised as follows;

### Audit of Traffic Regulation Orders

This process is required for the business case and entails checking through all existing Traffic Regulation Orders related to parking enforcement. A detailed check of the Traffic Regulation Orders against on-street signs and markings is also necessary.

### Feasibility Study

A feasibility study will provide the financial scenarios, looking at the existing parking restrictions (including an audit of traffic regulation orders) then by varying parking restrictions, varying the number of wardens, varying charging for parking in car parks and on street. It is proposed that an optimum scenario would be detailed minimising the additional costs that will occur annually to the Council in view of the financial pressures facing the public sector.

### Business Case

This will use information from the feasibility study to identify the financial implications of the preferred scheme. In formulating the business case Council will require to make decisions regarding the levels of enforcement, parking restrictions and any changes to 'charged for' parking on-street and within car parks.

### Changes to On-street Signs and Marking

This will include updating on street parking restrictions and any changes to existing restriction as proposed in the business case. These changes can be implemented whilst the business case is being processed. Costs cannot be estimated until the audit has been carried out and any changes to the existing restrictions have been quantified.

### Running a decriminalised parking scheme

Council officers have held preliminary discussions with the City of Edinburgh Council parking officers who are of the view that if Midlothian Council chooses to decriminalise parking, working in

partnership with City of Edinburgh Council would be both the quickest and most economic way to introduce a scheme. This view is supported by previous independent studies which have confirmed working in partnership between local authorities would offer the greatest level of efficiencies.

City of Edinburgh Council has a contract established which allows other Councils to partner, and are positive to working in partnership with Midlothian Council. This does not negate the requirement to present a business case and undertake an audit of traffic regulation orders to the Scottish Government to obtain approval and establish the necessary legal powers.

### 2.3 Timetable

There are two timetables detailed below, indicating how the length of the process can vary. One from Dumfries and Galloway Council is a typical timetable and the second example is a more detailed model from Transport Scotland highlighting the steps which require to be taken to establish a decriminalised parking scheme.

It is likely that if the feasibility study, Traffic Regulation Order audit and Business Case were advertised as a single tender, this could maximise the efficiency of the work. It is also proposed that the Council progress decriminalised parking in the shortest possible timescale whilst recognising statutory time periods.

#### Dumfries and Galloway Council timetable:-

- Feasibility Study 3 months
- Political Decision 3-6 months
- Traffic Regulation Order Review 12 months
- Application process 12-18 months
- Recruitment and Training 8-12 months

#### **Total 26-33 months (two to three years)**

#### Transport Scotland Suggested Timetable:-

#### **Decriminalised Parking Enforcement Application Process – Part 1**

- Feasibility study to ascertain viability of scheme
- Approval from Council
- Local Authority prepares draft application (refer to Department for Transport circular *Guidance on Decriminalised Parking Enforcement outside London*)
- Establish steering group to oversee *Decriminalised Parking Enforcement* implementation
- Review parking, waiting and loading restrictions (Traffic regulation orders) and draft consolidated orders
- Set up procedures for implementation of *Decriminalised Parking Enforcement* e.g. staffing/ back office

- Local Authority consults on draft proposals (e.g. neighbouring Local Authorities, Scottish Parking Appeals Service, Driver and Vehicle Licensing Agency, local business/public etc)
- Local Authority submits draft application to Transport Scotland

### **Decriminalised Parking Enforcement Application Process – Part 2**

- Local Authority submits draft application to Transport Scotland
- Transport Scotland comment on draft application and prepare necessary Scottish Statutory Instruments
- Local Authority reviews comments and submits final application
- Transport Scotland consider final application and consult on draft Scottish Statutory Instruments (3 months)
- Scottish Statutory Instruments made and laid in Scottish Parliament (28 days)
- Scottish Statutory Instruments come into force

**Part 1 plus Part 2 = 18 months**

## **2.4 Estimated Costs**

Council of 25 March 2014 approved a supplementary estimate for 2014/15 only in respect of the Traffic Warden Service. Continuing to fund this service in the interim period would cost £12,000 per annum

It is estimated that an audit of Traffic Regulation Orders, feasibility and business case preparation would cost £150,000. If this were to be progressed a tender would be issued to ensure that a competent applicant completes the work in the shortest timescales taking cognisance of costs.

Ongoing annual costs including parking wardens, transport, office staff, back office functions, software, hardware (handheld ticket machines etc), legal costs/staff requirement have an estimated cost of between £150,000-£200,000 per year (excluding any income). This is based on preliminary discussions with and assuming a partnership arrangement is negotiated with City of Edinburgh Council to deliver the service.

## **3 Report Implications**

### **3.1 Resource**

The cost of continuing the existing scheme in the interim period and progressing decriminalised parking are as follows:-

	<b>2015/16</b>	<b>2016/17</b>
Traffic Warden Service Costs	£12,000	£ 12,000*
Audit of Traffic Regulation Orders feasibility and business case	£50,000	£ 100,000
<b>Total indicative costs up to implementation</b>	<b>£62,000</b>	<b>£ 112,000</b>

\* Note: Existing Traffic Warden Service Level Agreement operates until 31 March 2016.

The annual running costs of a decriminalised parking scheme are estimated at £150,000 to £200,000 per annum; however income from parking fines levied and charging regimes would reduce this cost. A further report will provide more detail on this and formally request the required funding based on the finalised financial assessment of the business case.

### **3.2 Risk**

If there are no parking controls across Midlothian there is a risk that road safety issues could endanger life and that congestion and lack of appropriate parking places could affect the economic viability of Midlothian town centres.

Furthermore it is desirable that there is a throughput of visitors, residents and customers to make use of town centre businesses.

Vulnerable users such as disabled people, children and the elderly may be affected by access issues arising from indiscriminate parking.

### **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**

- Community Safety – Potential Death and Injury on Midlothian Roads, Protecting Midlothian’s Children
- Sustainable Growth – Support the local economy, Promote and develop active and sustainable travel and transport.

### **3.5 Impact on Performance and Outcomes**

If parking is not managed appropriately Injury accident casualty targets could be adversely affected, government cycling targets, and access issues could impact on the wider economic performance of the Council economy.

### **3.6 Adopting a Preventative Approach**

By managing parking, road safety and access issues can be avoided or significantly reduced.

### **3.7 Involving Communities and Other Stakeholders**

There are two stages at which consultation requires to be carried out. This would be local consultation by the Midlothian Council at the stage of preparing a business case (indicating where there would be changes to parking restrictions) and then by Scottish Government when drafting the required Scottish Statutory Instruments.

This is in addition to the regular ongoing dialogue with partners from Police Scotland on a wide range of operational issues. Police Scotland advise that they remain committed to enforcing dangerous parking and vehicle obstructions where they occur across the Council area.

### **3.8 Ensuring Equalities**

Parking restrictions and enforcement are essential to ensure disabled people have access to disabled parking places and the elderly and infirm can safely access public transport and roads and footways are kept clear for access and safe crossing.

### **3.9 Supporting Sustainable Development**

Parking restrictions and enforcement are conducive to establishing a pedestrian and cycle friendly environment within Midlothian.

### **3.10 IT Issues**

There are no direct IT issues as a consequence of the proposals set out in this report.

## **4 Recommendations**

Council is recommended to;

1. agree to continue the existing Traffic Warden Service in the interim period to 31 March 2016, approve a supplementary estimate of £12,000 in 2015/16.
2. agree, that decriminalised parking offers the most effective parking enforcement regime in the long term,
3. instruct the Director, Resources to write to Police Scotland seeking a continuation of the Traffic Warden Service until decriminalised parking is introduced. If this is agreed by Police Scotland a further £12,000 per annum may be required,
4. agree, that an audit of Traffic Regulation Orders, feasibility study and preparation of an outline business case be progressed and approve a supplementary estimate of £50,000 in 2015/16 and the addition of £100,000 to the 2016/17 budget,
5. request the Director, Resources to provide a further report to Council when the outcome of the feasibility study and outline business case are available.

6. instruct the Director, Resources to look at options to reduce the time scales for introducing decriminalised parking across Midlothian.

### **3 August 2015**

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### **Background Papers:**

Appendix 1: Note of Seminar of Cabinet of 26 May 2015

Appendix 2: Parking Enforcement – Current position of selected Scottish Local Authorities

Midlothian Council  
Tuesday 23 June 2015  
Item No 26

**NOTE of SEMINAR of Cabinet** held in the Council Chambers, Midlothian

House, Buccleuch Street, Dalkeith on Tuesday, 26 May 2015 at 11.20 am.

**Present:-** Councillors Beattie, Bryant, Constable, Johnstone, Imrie, Milligan, Pottinger, Rosie, Russell and Young.

**1 Chair**

In the absence of Councillor Thompson, Councillor Constable was appointed to the Chair.

**2 Declarations of Interest**

No declarations of interest were intimated.

**3 Car Parking in Midlothian**

**Introduction and Background**

The Head of Commercial Operations was heard advising that a report entitled 'Midlothian Council Parking Standards' was presented to Cabinet on 3 March 2015 for consideration. The report set out the standards for parking at all new developments in Midlothian. At the meeting the following was agreed;

- (a) To approve the new Midlothian Council Parking Standards as detailed in the report; and
- (b) To hold a Seminar to which all elected Members be invited on this matter.

The Head of Commercial Operations was heard in amplification of the report and thereafter provided a detailed presentation including:-

Parking Topics such as

- Proposed Parking Standards Residents Parking Survey (Dalkeith)
- Leased car parks (Dalkeith)
- Parking Restrictions / Yellow lines
- Decriminalised Parking / Traffic Warden Service

Options:

- Do Nothing (some local authorities are doing this)
- Consideration should be given to parking issues in Dalkeith and Penicuik currently with the skeleton service in place
- Seek agreement from Police Scotland for a longer term agreement to retain a traffic warden
- This may not be possible
- Commission a feasibility study specific to Midlothian – identifying the most cost effective scheme

This would provide profit / loss scenarios such as

Existing parking restrictions

Extending parking restrictions (more yellow lines)

More / less wardens

Adding off street parking charging

Adding on street parking charging

As a very rough estimate – audit of TROs, feasibility and business case could cost £100k-£200k

It was also highlighted that Edinburgh Council had a mature scheme with a variable contract and that Edinburgh were keen to expand and involve neighbouring authorities although this did not negate the legal requirements of auditing traffic regulation orders and presenting a business case to the Scottish Government.

#### **4 Questions**

Following questions from Members, the following points were particularly noted:-

- (a) That regular meetings were held with Traffic Wardens etc to monitor the situation throughout Midlothian;
- (b) That the issue of appropriate advertising and signage were continually discussed and largely covered by legal statute
- (c) That the possibility of longer free periods for parking could be considered as long as it remained cost neutral;
- (d) That the previous Scottish Government stance on decriminalisation having to be cost neutral had softened and that all options were considered on a case by case basis;

- (e) That the option of arranging a “one day blitz” on illegal parking etc throughout Midlothian by utilising Traffic Warden staff from Edinburgh on a 4 weekly basis for example was worth considering, although it could only be carried out following the introduction of decriminalised parking in Midlothian;
- (f) That in line with most of the views expressed by elected Members, the option of “buying in” to the City of Edinburgh scheme appeared to be the most sensible and cost effective way forward.
- (g) It was confirmed that any income from decriminalised parking would be used to offset the cost of introducing a scheme.

In conclusion, the Chair thanked Mr Moffat for his highly informative presentation and on behalf of the Council requested him to consider any other options and to consider further the option of linking in with the City of Edinburgh Council’s scheme and reporting back to Council in due course.

The meeting terminated at 12.22 pm.

**Parking Enforcement - Current position of Scottish Local Authorities**

<b>Council</b>	<b>Is Police Scotland continuing to provide a service in your area and is this likely to continue?</b>	<b>Are you currently or proposing to take forward decriminalised parking and if so what timescale from start to finish do you envisage?</b>	<b>If you are progressing a scheme can you advise if this is being done in-house or, if by an external provider who is this?</b>	<b>If you currently have no plans to take forward decriminalised parking, on what basis has this decision been taken</b>
East Lothian	Police Scotland are responsible for enforcement and continue to do so, all be it at a reduced level. Specific complaints of danger and obstruction are progressed on a case by case basis.	ELC is currently looking at DPE and various options/models. Officers at this stage would be looking to recommend we introduce DPE within ELC. If there is agreement on taking DPE forward the preferred option we would hope to have something in place by April-June 2016.	No information at this stage.	N/A
Scottish Borders	Police Scotland continues to provide a limited service. There are no Traffic Wardens in Scottish Borders and Police take action mainly by targeting particular areas of concern. We understand this will continue.	Currently considering whether Decriminalised Parking will be taken forward. SBC has a Working Group looking at issues. Recent paper to Admin Policy Working Group and further work being undertaken to return to APWG with updated paper. Should this lead to decision to start DPE procedures, we envisage it will take a further 18 months to introduce. I.e. around 2 years from now.	Currently we think this can be done in-house but with assistance by consultants on tidying up/mapping TROs	N/A
Aberdeen City	Only at the Airport, and within the secure area at the front of the terminal building. The other roads under the authority of the airport are not being enforced.	Obviously we are already decriminalised within the City but are actively pursuing to include the Harbour. The existing Trunk Road areas where we have issues will revert back to ACC on completion of the Aberdeen Western Peripheral Route in 2018.	The additional areas are currently being progressed in-house.	N/A
Orkney	We also had a single traffic warden in Orkney; this service was withdrawn by Police Scotland in April 2014. Since then and following some discussion the Police have accepted that they are still responsible for enforcement of on street parking although they will generally only react to complaints.	As I understand it to decriminalise parking can take up to 2 years, must be self-financing and would require us to review all our TRO's. I do not have the resources to do this and as we do not charge for on street parking could not put together a business case for it. We therefore have no plans, at the present time to go down this route. We obviously don't have the same issues as you have although there has been an increase in illegal parking and the lack of anyone patrolling does cause problems during the summer.		
Renfrewshire	Introduced decriminalised parking in 2010			
Falkirk	Service Level Agreement with Falkirk Council, Police Scotland and Stirling Council where the two councils financially contribute to two traffic wardens on the understanding that decriminalised parking is being pursued by the council.	Committee report to gain approval to formally progress DPE is being prepared.	Mixture of in house and external. External was using our existing external term commission provider, Mouchel who were assisted by RTA Associates Ltd.	Not applicable. However, future committee report regarding progressing DPE may change this position.
Edinburgh	Established decriminalised parking scheme			

Council	Is Police Scotland continuing to provide a service in your area and is this likely to continue?	Are you currently or proposing to take forward decriminalised parking and if so what timescale from start to finish do you envisage?	If you are progressing a scheme can you advise if this is being done in-house or, if by an external provider who is this?	If you currently have no plans to take forward decriminalised parking, on what basis has this decision been taken
Inverclyde	Police Scotland (Strathclyde Police) removed all traffic wardens from Inverclyde about 3 years ago as part of a budget saving exercise.	DPE has been operational in Inverclyde since October 2014. Committee approved development of feasibility study and business case in October 2011.	Consultants (Atkins) were appointed to provide feasibility, options and business case for DPE.	N/A
Fife	No service by Police Scotland.	Introduced DPE in April 2013	Enforcement In-House with back office support from an external provider. Please note that there remains a significant back office resource implication.	N/A
South Lanarkshire	No	Decriminalised parking since 1998	N/A	N/A
Perth and Kinross	No	Perth and Kinross has had decriminalised parking in place for a number of years. This is provided in house across the whole Council area with a manager, superintendent, two senior parking attendants and 16 parking attendants. This is funded through our Car Parking Account.	N/A	N/A
West Lothian	Reactive only service. No traffic wardens employed in West Lothian since June 2014.	No	N/A	Business case not financially viable
North Ayrshire	The former Strathclyde Police withdrew the Traffic Warden Service in January 2012, reducing levels of enforcement to instances of parking that were deemed dangerous or caused a significant obstruction.	A draft business case has identified the resources required for the Council to take up powers to decriminalise parking enforcement. The business case estimates that 9000 Penalty Charge Notices (PCN's) per year would need to be issued to cover the costs of enforcement; this compares with 2620 issued by the Traffic Warden Service in its last full year of operation. Any shortfall in income recovered through PCN's would have to be met by the Council. This would need to be met either from the General Services Revenue Budget or the wider introduction of charges for parking.	N/A	The Council do not seek to take up powers to decriminalise parking but work in partnership with the Police to address the more serious cases of illegal parking and non-compliance with waiting restrictions that have been identified through surveys.
North Lanarkshire	Police Scotland is providing a very limited service at a reduced level compared to the service that previously existed when the traffic wardens were employed by the Police. We understand the Police are still carrying out enforcement but only as other duties permit.	We are currently preparing a business plan to take forward DPE and would expect it to take about a year once the business plan has been agreed.	We are currently preparing a business case with a couple of options; we cannot divulge details until it has been formally agreed.	We intend to take DPE forward.

<b>Council</b>	<b>Is Police Scotland continuing to provide a service in your area and is this likely to continue?</b>	<b>Are you currently or proposing to take forward decriminalised parking and if so what timescale from start to finish do you envisage?</b>	<b>If you are progressing a scheme can you advise if this is being done in-house or, if by an external provider who is this?</b>	<b>If you currently have no plans to take forward decriminalised parking, on what basis has this decision been taken</b>
Aberdeenshire	No, they completely withdrew from 1 April 2014	We have had discussion and a preliminary feasibility study done. No progress on it over last 3months due to other workload	The study showed that we believe a business case can be made that it could be at least cost neutral over time but we have not decided whether to proceed at this stage and part of that decision would be whether it was done in house or externally	Not the case, see above
Angus	The Police withdrew Traffic Wardens (2no) in Angus in Feb 2014. Police do deal with dangerous and obstructive parking when resources and other priorities permit	Yes – another 18 months	We have appointed a consultant for some of the work	N/A