

REPORT TO: Cabinet

MEETING DATE: 11 March 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Update on Parking – Removal of Traffic Warden Service

1 PURPOSE

- 1.1 To update Cabinet on the current situation with regard to parking and future options available within East Lothian.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the content of this report and that officers will bring a detailed report forward on the options available and implications of the introduction of decriminalised parking in due course.

3 BACKGROUND

- 3.1 Prior to the creation of the new national police service, Police Scotland, Lothian and Borders Police employed five traffic wardens in East Lothian. These wardens worked on a rotational basis, covering the six main towns, Musselburgh, Tranent, Prestonpans, Haddington, North Berwick and Dunbar. Over time, this resource was reduced to two wardens.
- 3.2 In June 2013, Police Scotland announced a review of the traffic warden service throughout Scotland, with a view to removing the service. In the absence of traffic wardens, enforcement of parking legislation remains however the responsibility of Police Scotland.
- 3.3 The situation across Scotland differs with 11 local authorities having already introduced Decriminalised Parking. This is achieved through an application to the Scottish Government and the creation of a Scottish Statutory Instrument to designate the local authority area as a “Special Parking Area” thereby decriminalising parking enforcement and allowing the issuing and collection of parking fines to be undertaken by the local authority through a civil procedure. Approval from the Scottish

Government to proceed is dependent on a business case within which it must be demonstrated that income generated will balance the cost of operating the service.

- 3.4 In view of the fact that only 11 local authorities have currently introduced decriminalised parking and that many of those remaining would have difficulty in producing a sound business case to do so, a joint group of senior officers from Solace, COSLA, SCOTS, Police Scotland and Transport Scotland has been meeting since August 2013 to try and ensure that a measured response and realistic timescale be introduced for any changes Police Scotland were making.
- 3.5 In the course of these discussions:
- i) Police Scotland agreed to circulate an offer to all local authorities without decriminalised parking enforcement (DPE) offering to continue to provide parking enforcement for another year, subject to the local authority picking up the costs of doing so.
 - ii) Police Scotland agreed to provide historical data on parking enforcement across legacy forces in order to inform local authority DPE bids.
 - iii) Police Scotland reiterated that their focus would be on dangerous, obstructive and blue badge parking violations.
 - iv) The Scottish Government agreed to explore legal issues surrounding any authority who wished to enter into a shared service arrangement for the introduction of DPE.
 - v) Transport Scotland agreed to look at ways to shorten the introduction of DPE timescales.
- 3.6 In effect, for local authorities that have not already introduced DPE, the only means of maintaining the full service previously provided by traffic wardens is by paying Police Scotland to retain traffic wardens or providing a dedicated police resource. The introduction of DPE can take up to two years even if a satisfactory business case can be put forward and there are therefore considerable costs involved.
- 3.7 The situation across Scotland is now fragmented with some local authorities having purchased ongoing traffic warden or dedicated police officer provision and others accepting that the responsibility still lies with Police Scotland.
- 3.8 In East Lothian, following discussion with senior officers, Police Scotland will engage locally through the joint Tasking and Co-ordinating process and initiate responses to any problems about abuse of timed parking, dangerous parking, causing an obstruction and abuse of double lines and disabled parking arrangements.

- 3.9 A number of other local authorities have considered a legal challenge through a Judicial Review of the decision taken by the Chief Constable of the Police Service of Scotland to withdraw traffic warden service provision.
- 3.10 Much of the discussion around the removal of the existing traffic warden service which occurred on 28th February 2014 in East Lothian is premised on the introduction of DPE within East Lothian. This is not however a straightforward process and future consideration will need to be given to the extent (On/Off Street, Off Street only, Shared Services) of the DPE proposal and how this would affect the business case required to proceed.
- 3.11 A detailed options report on the introduction of DPE within East Lothian will be brought forward in due course.

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

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