

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 October 2016

**BY:** Depute Chief Executive (Partnership and Community Services)

**SUBJECT:** Update on the Introduction of Decriminalised Parking Enforcement and on the Introduction of Parking Charges at Coastal Car Parks

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## **1 PURPOSE**

- 1.1 The purpose of this report is to update the Council on the progress made to introduce Decriminalised Parking Enforcement (DPE) in East Lothian and to provide an update on the introduction of parking charges at coastal car parks.

## **2 RECOMMENDATIONS**

Council is asked:

- 2.1 To note progress made on the introduction of DPE and the measures necessary to implement the service subject to Transport Scotland making the necessary Orders.
- 2.2 To note the engagement of NSL Ltd as the service provider for parking enforcement to undertake duties in respect of: on-street enforcement; car pound services; pay and display services; suspension & dispensation; lines & sign maintenance; cashless parking; permit management; back-office support; notice processing and online services.
- 2.3 To enter into a collaborative working agreement with the City of Edinburgh Council to provide back-office support to process Penalty Charge Notices (PCNs), Notice to Owners (NtOs) and pursue debts through sheriff officers.
- 2.4 To note the update on the introduction of parking charges at coastal car parks.

### **3 BACKGROUND**

#### **Introduction of Decriminalised Parking Enforcement (DPE)**

- 3.1 Following a national review of Police Scotland services in June 2013, the Traffic Warden Service ceased patrols in East Lothian on 28 February 2014. Accordingly, enforcement duties fell to local police officers to resolve; however, experience has shown that with other demands on police officers' time these duties are not highly prioritised unless significant problems are evident.
- 3.2 Following a report approved at Council on 15 December 2015 officials within Road Services progressed an application to Transport Scotland to introduce DPE.
- 3.3 The Road Traffic Act 1991 is the statutory instrument that makes provision for the enforcement of traffic offences. A proviso under the Act allows a local roads authority to apply to the Scottish Government to create a Scottish Statutory Instrument (SSI) to designate East Lothian as a 'Special Parking Area' (SPA) and/or 'Permitted Parking area' (PPA) thereby decriminalising parking offences and their enforcement. The collection of parking fines can then be undertaken by the local authority through a civil court procedure.
- 3.4 A draft application was lodged with Transport Scotland on 18 December 2015 seeking approval to introduce Decriminalised Parking Enforcement within East Lothian. Following discussion with Transport Scotland a final application was lodged on 18 July 2016 and we understand a formal response will be issued confirming that the necessary Parliamentary Orders will be made by 16 December 2016.
- 3.5 The business case presented to Transport Scotland within the East Lothian Council application outlined a cost-neutral approach whereby the overall cost of the service would be offset against income generated through PCNs, tow-away, event management, and top-up funding of £55,000 from income received through coastal car parking charges.
- 3.6 The emerging proposed Parking Management Strategy that is currently being developed sets the context and objective basis for the introduction of parking enforcement; to provide balanced and appropriate parking facilities that support the economic, environmental and accessibility requirements for towns in East Lothian; and to maximise the efficient use of parking provision. The Local Transport Strategy, also under development, will prioritise sustainable transport choices that make best use of limited road space assisting with a Council desire to reduce carbon emissions and improve air quality. The parking strategy will reflect a desire to facilitate improvements in vehicle parking turn-over, an issue which is important to East Lothian's town centres economic vitality and vibrancy.

- 3.7 Through collaborative working a framework contract has been made available nationally by the City of Edinburgh Council which allows other local authorities to enter into negotiations with NSL Ltd to provide parking enforcement services. Currently, NSL Ltd provides parking services for over 60 local authorities throughout the UK including the City of Edinburgh and will shortly be entering into an agreement with Highland Council.
- 3.8 East Lothian Council has taken advantage of this framework contract and entered into a contract with NSL Ltd. The contract will be for a period of 5 years with an option to extend for a further 5 years. The introduction of parking enforcement in a decriminalised environment is a new service within East Lothian and will take time to bed in. Parking attendants (PAs) will be deployed on streets within East Lothian in week commencing 7 November 2016 and will serve warning flyers for evident infringements for a period of 2 weeks. This will be escalated to working Notices without penalty for a minimum period of two weeks until the Orders have been made.
- 3.9 Under the East Lothian contract arrangement NSL Ltd will employ 4 PAs + 1 PA supervisor. These staff will be based in Council facilities at Macmerry. They will operate on a 7-day rota (7-on/7-off). Work on the development of a shift pattern is ongoing but this is likely to represent the deployment of 3 PAs on weekdays and 2 on weekends.
- 3.10 A communication strategy is being developed to alert all local businesses and communities that DPE will be starting shortly. An article will be included in the 'Living' magazine for East Lothian residents, due to be distributed to all households from the end of November. In addition, further updates on DPE progress will be released on social media channels, including Facebook and Twitter.
- 3.11 A major refurbishment of East Lothian Council's parking web page is being undertaken. This is necessary to provide an online payment or challenge facility. The site will also carry details of all the consolidated Orders explaining the areas of restriction. Clear and transparent guidance on the Council's policies, procedures and penalties relating to parking is also being developed.
- 3.12 The Road Service – Asset and Regulatory Team is preparing parking enforcement protocols and business rules to describe the degree of enforcement on-street that will be applied. These will provide clear guidance to PAs where and when PCNs should be issued. The business rules (for example: a PA will give a period of 3 minutes' grace to allow a person to board or alight from a vehicle and to unload their personal luggage on a 'no waiting' restriction; or, a vehicle will not be served a Penalty Charge Notice until the restrictions have been in force for a full 5 minutes, i.e. a PCN should not be issued before 8.35 am in a restricted street on a time-based restriction) will be strictly enforced to ensure the maximum degree of compliance with the law and regulations.

- 3.13 PAs will gather all necessary information relating to a parking infringement by means of a hand-held computer terminal (HHCT) such that a competent Notice can be served. The information will be retained in an encrypted form and electronically archived for a minimum period of 5 years. This data is held in a secure cloud-based system provided by the service provider.
- 3.14 All PAs employed will undergo appropriate training to ensure that they are capable of undertaking their duties and responsibilities. Notwithstanding their enforcement duties in the checking of vehicles in compliance with the law and restrictions, they will monitor the coastal car park ticket issuing machines (TIMs), check and report on abandoned vehicles, assist with event management and act as ambassadors, providing a first point of contact for help and assistance to the public, where possible.
- 3.15 The Council will initially make use of the car pound service operated by NSL Ltd, which is currently located at Tower Street, Leith. It is intended to explore alternative sites central to East Lothian.
- 3.16 To facilitate appropriate traffic management arrangements at events, galas, parades, marches, for public utility operations, and on-road and building works, the Council will introduce a suspensions/dispensations service.
- 3.17 The Council will migrate resident and school street parking records to the service providers' (NSL Ltd) permit management IT system and explore new permit solutions to regulate and control parking demand.
- 3.18 Parking charge payments will only be accepted via the Council's website, by telephone or by post. No front counter facility will be made available. In accordance with Scottish Government guidance, the PCN will be levied as a Class 3 charge set at £60 per PCN, reduced to £30 if paid within 14 days.
- 3.19 The use of the Council's Feedback Policy and complaints handling procedure is included within the scope of the contract specification. The majority of complaints received will be investigated and administered as formal challenges by the contracted back-office support. It is anticipated that 10–12% of the total complaints received will be related to parking policy, which could present a significant resource burden on the feedback process.

### **Update on the Introduction of Car Parking Charges at Coastal Car Parks**

- 3.20 On 18 December 2012 the Council approved the introduction of car parking charges at 10 coastal parks within East Lothian. Charging commenced initially at Gullane Bents and Yellowcraigs (July 2015) with sites at Longniddry Bents 1, 2 and 3; Tynninghame Links; John Muir Country Park – Linkfield; Shore Road; White Sands and Barns Ness starting charging in August 2015.

- 3.21 A charge of £2.00 is levied to park at any of the coastal car parks throughout East Lothian on the same day (8.00 am to 6.30 pm, 1 April to 30 September and 8.00 am to 4.00 pm, 1 October to 31 March) and an annual season pass, allowing parking at any time costs £40.00. As of 11 October 1100 season passes had been issued, including 173 permit renewals. Currently, there are 519 valid season tickets. A breakdown of season tickets issued by month is:

July 2015	126
August 2015	299
September 2015	161
October 2015	52
November 2015	33
December 2015	9
January 2016	31
February 2016	27
March 2016	46
April 2016	47
May 2016	23
June 2016	14
July 2016	11
August 2016	26
September 2016	15
October 2016	7

**Table 1 – Season tickets issued by month**

- 3.22 A breakdown of income collated on a monthly basis via transaction count vouchers (display tickets) and annual season tickets is detailed in Appendix A. A breakdown of income generated at individual sites from the period July 2015 through to September 2016 is contained in Appendix B.
- 3.23 In accordance with the coastal car parks charging business case, investment has been made in the upgrading and improvements of coastal car park facilities which to date has been predominantly on resurfacing works, access improvements, information boards and toilet refurbishments. To date, the investment on coastal car parks is £899,347. A breakdown of spend is contained in Appendix C – coastal car park investment expenditure
- 3.24 Further improvements are planned which will include but are not limited to, toilet upgrades, signage, furniture and improvements to the remote footpath network
- 3.25 A summary of income and costs associated with coastal car parking for the period 1 July 2015 to 1 August 2016 is:

## **Income**

Pay and display parking	£ 96,160.12
Annual pass income	£ 28,128.00
Expenditure	£ 8,063.14
<b>Surplus</b>	<b>£116,224.98</b>

3.26 Following approval by East Lothian Council on 18 December 2012, the Council exercised powers under Section 32 and 35 of the Road Traffic Regulation Act 1984 and promoted a Traffic Regulation Order (TRO) to introduce parking charges, prohibit parking within designated car park spaces without paying and introduced associated waiting, loading and unloading restrictions on the surrounding on-street road network. Under the Act it is currently a criminal offence not to pay the charge in accordance with the TRO. Presently, enforcement is the responsibility of Police Scotland; however, since the introduction of the Order, there have been no Excess Charge Notices (ECN) or Fixed Penalty Notices (FPN) raised by Police Scotland.

3.27 As a result of the removal of the traffic warden service the financial targets in the original business case have not been achieved and subsequent investment in ongoing car park improvements has not been possible at the level anticipated. However, following the initial improvements which were welcomed by users it is anticipated that the expenditure will increase on the basis of additional income generated once DPE and East Lothian Parking attendants are in place. It is anticipated that compliance will reach 90%.

## **4 POLICY IMPLICATIONS**

4.1 The introduction of Decriminalised Parking Management will contribute towards providing a Safer Environment - a key priority for East Lothian Council.

4.2 The introduction of Decriminalised Parking Management will also contribute towards East Lothian's Single Outcome Agreement Outcome 9 – *East Lothian's homes and roads are safer.*

## **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The anticipated cost of operating the Decriminalised Parking Enforcement service is £232,000. Income generated through PCNs and tow-aways is estimated to be £125,000 with £52,000 generated through event management. A balance of £55,000 will be required from coastal parking charges to offset the deficit. Consequently, the service will operate on a cost-neutral basis. Any surplus generated will be re-invested into parking related activities in accordance with the Act. As indicated within the report, coastal car parking charges are not meeting current budgeted levels and it is anticipated that the introduction of enforcement measures will significantly improve the situation.
- 6.2 Personnel – An additional member of staff to manage the operation of the parking Service is identified within the business case approved by Transport Scotland. This cost is contained within the overall cost of £232,000 and Road Services are currently reviewing how this can be provided.
- 6.3 Other – None

## **7 BACKGROUND PAPERS**

- 7.1 Private Report to Council, 15 December 2015 – Proposed Introduction of Decriminalised Parking Enforcement – Parking Attendant Service

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<b>DATE</b>	5/10/16





## Appendix A – Income Collected Monthly (July 2015 – September 2016)

	Transaction Count Vouchers	Revenue Voucher(Gross)	Revenue Voucher(Net)	Season Tickets (Gross)	Season Tickets (Net)	Total (Net)	Expenditure
July 2015 (ELC) collection		£ 1,746.70	£ 1,397.36			£ 1,397.36	
Jul-2015	2151	£ 4,311.10	£ 3,448.88	£ 5,040.00	£ 4,032.00	£ 7,480.88	
Aug-2015	7592	£ 15,220.05	£ 12,176.04	£ 11,960.00	£ 9,568.00	£ 21,744.04	
Sep-2015	5930	£ 11,886.30	£ 9,509.04	£ 6,440.00	£ 5,152.00	£ 14,661.04	
Oct-2015	3486	£ 6,988.75	£ 5,591.00	£ 2,080.00	£ 1,664.00	£ 7,255.00	
Nov-2015	1643	£ 3,292.00	£ 2,633.60	£ 1,320.00	£ 1,056.00	£ 3,689.60	
Dec-2015	2461	£ 4,934.25	£ 3,947.40	£ 360.00	£ 288.00	£ 4,235.40	
<b>CY Total</b>	<b>23328</b>	<b>£ 48,379.15</b>	<b>£ 38,703.32</b>	<b>£ 27,200.00</b>	<b>£21,760.00</b>	<b>£ 60,463.32</b>	
Jan-2016	2802	£ 5,626.20	£ 4,500.96	£ 1,240.00	£ 992.00	£ 5,492.96	
Feb-2016	3144	£ 6,302.80	£ 5,042.24	£ 1,080.00	£ 864.00	£ 5,906.24	
Mar-2016	3823	£ 7,666.85	£ 6,133.48	£ 1,840.00	£ 1,472.00	£ 7,605.48	
<b>FY Total</b>	<b>33032</b>	<b>£ 67,975.00</b>	<b>£ 54,380.00</b>			<b>£ 79,468.00</b>	
Income recorded against ledger						£ 80,920.81	£ 4,977.11
Apr-2016	5257	£ 10,540.20	£ 8,432.16	£ 1,880.00	£ 1,504.00	£ 9,936.16	
May-2016	6790	£ 13,609.70	£ 10,887.76	£ 920.00	£ 736.00	£ 11,623.76	
Jun-2016	4844	£ 9,712.10	£ 7,769.68	£ 560.00	£ 448.00	£ 8,217.68	£ 852.65
Jul-2016	9152	£ 18,363.90	£ 14,691.12	£ 440.00	£ 352.00	£ 15,043.12	£ 2173.38
Aug-2016	8862	£ 17,759.00	£ 14,207.20	£ 1,040.00	£ 832.00	£ 15,039.20	
Sep-2016	5675	£ 11,370.70	£ 9,096.56	£ 600.00	£ 480.00	£ 9,576.56	
Renewals-2016				£ 6,920.00	£ 5,536.00	£ 5,536.00	
<b>Total to date</b>		<b>£ 147,583.90</b>	<b>£ 118,067.12</b>	<b>£ 36,800.00</b>	<b>£29,440.00</b>	<b>£154,440.48</b>	<b>£ 8,003.14</b>

CY – calendar Year, FY – Financial year

### Appendix B – Income Collected Per Site (July 2015 – October 2016)

Tariffs	2015-16			2016-17			Total		
Machines	Tickets	Cash (Gross)	Cash (Net)	Tickets	Cash	Cash ( Net)	Tickets	Cash	Cash (Net)
ELCPD1 - Gullane Bents 1	7933	£15,902.60	£12,722.08	2576	£5,166.55	£4,133.24	10509	£21,069.15	£16,855.32
ELCPD2 - Yellowcraigs 2	15699	£31,484.40	£25,187.52	5782	£11,601.05	£9,280.84	21481	£43,085.45	£34,468.36
ELPD03 - Longniddry Bents no.1 (E)	932	£1,868.40	£1,494.72	274	£548.30	£438.64	1206	£2,416.70	£1,933.36
ELPD04 - Longniddry Bents no.1 (W)	1747	£3,502.00	£2,801.60	518	£1,037.20	£829.76	2265	£4,539.20	£3,631.36
ELPD05 - Longniddry Bents no.2	693	£1,387.70	£1,110.16	265	£532.15	£425.72	958	£1,919.85	£1,535.88
ELPD06 - Longniddry Bents no.3 (S)	1169	£2,348.05	£1,878.44	410	£828.75	£663.00	1579	£3,176.80	£2,541.44
ELPD07 - Longniddry Bents no.3	2645	£5,296.20	£4,236.96	764	£1,530.40	£1,224.32	3409	£6,826.60	£5,461.28
ELPD08 - Longniddry Bents no.3 (N)	7134	£14,304.30	£11,443.44	297	£594.70	£475.76	7431	£14,899.00	£11,919.20
ELPD09 - Tynninghame Links	6280	£12,598.15	£10,078.52	2372	£4,754.10	£3,803.28	8652	£17,352.25	£13,881.80
ELPD10 - John Muir Country Park	7198	£14,419.80	£11,535.84	2861	£5,734.55	£4,587.64	10059	£20,154.35	£16,123.48
ELPD11 - Shore Road	2885	£5,778.85	£4,623.08	735	£1,471.55	£1,177.24	3620	£7,250.40	£5,800.32
ELPD12 - Whitesands	1255	£2,515.45	£2,012.36	224	£449.05	£359.24	1479	£2,964.50	£2,371.60
ELPD13 - Barn Ness	685	£1,371.15	£1,096.92	281	£562.50	£450.00	966	£1,933.65	£1,546.92
<b>Total</b>	<b>56255</b>	<b>£112,777.05</b>	<b>£90,221.64</b>	<b>17359</b>	<b>£34,810.85</b>	<b>£27,848.68</b>	<b>73614</b>	<b>£147,587.90</b>	<b>£118,070.32</b>

## Appendix C – Coastal car park investment Expenditure

<u>Location</u>	
<b><u>Special Schemes</u></b>	
John Muir Country Park	£ 119,804.66
Yellowcraig, Ware Road, Dirleton	£ 87,480.07
Gullane Bents car park	£ 136,389.22
Shore Road, Dunbar	£ 5,973.31
Whitesands Access Road	£ 35,488.02
Barns Ness car park	£ 28,001.68
Longniddry Bents No 1 car park	£ 133,214.01
Tynninghame Car Park, Lime Tree Walk	£ 361.47
Longniddry Bents No 2 car park	£ 60,693.12
Longniddry bents No 3 car park	£ 107,909.13
TIMs and electrical connections	£ 184,032.76
	£ 899,347.45