

## ABERDEEN CITY COUNCIL

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COMMITTEE Enterprise, Planning and Infrastructure DATE 31 May 2010

DIRECTOR Gordon McIntosh

TITLE OF REPORT Parking Enforcement

REPORT NUMBER: EPI/10/164

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### 1. PURPOSE OF REPORT

The Scottish Government is presently consulting on proposals to issue revised guidance to local authorities in Scotland on a variation to the level of parking penalty charges. The report seeks support from committee for these proposals. The report also seeks authorisation from committee to implement existing powers in relation to the removal and impounding of illegally parked vehicles and to appoint a contractor to deliver the service.

### 2. RECOMMENDATION(S)

It is recommended that the committee:

- a. supports the Scottish Government proposals to issue revised guidance to local authorities in Scotland on a variation to the level of parking penalty charges and instructs the Head of Asset Management and Operations to respond to the relevant Scottish Government consultation expressing such support for the reasons detailed in the report.
- b. authorises the setting of the £80 level of penalty charge should the Scottish Government implement its proposals following the conclusion of their consultation provided that this level can be set without the requirement for a traffic order consultative process.
- c. authorises the Head of Asset Management and Operations to arrange for implementation of existing powers in relation to the (i) removal, storage and disposal of illegally-parked vehicles where such vehicles are obstructively or dangerously parked or are apparently being used by persons whose parking has persistently resulted in the issue of penalty charge notices, and (ii) immobilisation of illegally-parked vehicles where such vehicles are apparently being used by persons whose parking has persistently resulted in the issue of penalty charge notices.
- d. authorises the Head of Asset Management and Operations to arrange for the taking of all other action which may be necessary or desirable in implementation of recommendation c above.

e. instructs the Head of Asset Management and Operations to commission a service for the immobilisation of vehicles, and for the removal, storage and disposal of vehicles, as mentioned in recommendation c. above.

### 3. FINANCIAL IMPLICATIONS

The budgeted income in 2010/11 for parking penalty charges is £1.6M. If the level of penalty charge is increased from £60 to £80, and this improves parking compliance thereby resulting in 10% fewer penalty charge notices being issued, then the budgeted income for a full year would rise to £1.9M. If 5% fewer penalty charge notices are issued at the increased level, then the budgeted income for penalty charges for a full year would rise to £2M. The number of penalty charge notices issued at the increased level would have to drop by 25% before the effect of the level increase became income-neutral.

The immobilisation, removal, storage and disposal service would be delivered by a contractor. There should be little additional cost to the Council in contracting for this service with most of the immobilisation, removal, storage and disposal costs being met by vehicle owners. All additional costs will be contained within the car parking budget in the trading account. The relevant statutory prescribed sums or charges are as follows; removal (£150), storage (£20 for each period of 24 hours (or a part thereof)) and disposal (£150).

There is currently £2M of outstanding penalty charges and use of these powers should enhance our ability to recover such debt.

### 4. SERVICE & COMMUNITY IMPACT

This proposal accords with National Outcomes 12 and 14 and especially the local outcome to minimise the global impact of transport within the Single Outcome Agreement 2009/10.

The pertinent policies within the Local Transport Strategy are as follows:

MAN CP1 ACC is committed to implementing a more comprehensive parking policy and charging regimes aimed at discouraging parking for non-priority users and providing an adequate supply of short stay parking to satisfy the needs of business, shoppers and visitors.

MAN CP2 ACC will undertake a review of parking policy, charges and systems. This will include reviewing charges with respect to both inflation and comparison with bus fares. On-street parking which reduces network capacity along major corridors will also be reviewed.

MAN CP5 ACC will continue to support and promote the national Blue Badge Scheme and will ensure an adequate supply of blue badge spaces is provided at the most convenient locations.

MAN CP6 ACC will continue to support and promote the local Green Badge Aberdeen Close Proximity Parking Scheme.

## 5. OTHER IMPLICATIONS

Fewer parking contraventions will contribute to safer roads, improved traffic flow and greater availability of spaces for legitimate parking, such as by resident permit holders.

Increased compliance with parking restrictions should free up city warden time to deal with additional relevant traffic, safety and environmental work. There is a risk that the numbers of representations and appeals may increase due to an increased penalty charge level. However, with an anticipated overall reduction in the number of penalty charge notices being issued, the net result should be additional time for debt recovery work by relevant staff.

## 6. REPORT

The current levels of penalty charges were set in accordance with guidance issued by Scottish Ministers in 2001, the objectives being to secure a high level of compliance and a self-financing parking enforcement system. Current charge levels applying in Aberdeen and the two new levels proposed by the Scottish Ministers are as follows:

	Paid within statutory 14 day period (50% discounted rate)	Paid thereafter but prior to service of notice to owner	Paid between service of notice to owner and service of charge certificate	Paid after service of charge certificate
Current	£30	£60	£60	£90
Proposed	£40	£80	£80	£120
Proposed	£50	£100	£100	£150

Scottish Ministers expect local authorities to introduce the lower of these two proposed levels. It is anticipated that traffic orders will not be required in order to increase the level of charges. In our consultation response we shall seek confirmation that the level may be increased by notification by means of a statutory notice and that there is no need to advertise for objections through a traffic order process.

### **Non-compliance**

The current penalty charge level does not present a sufficient deterrent to non-compliance with parking restrictions.

Scottish Ministers last issued guidance on the level of charges in 2001. The levels of charges have not been amended in line with inflation and, had the £60 charge tracked inflation, it would now amount to approximately £75. The value of the charge as a deterrent is therefore diminishing.

Around 46,000 penalty charge notices were issued during 2009/10. This represents the number of contraventions dealt with by city wardens and not the actual number of contraventions committed which cannot be quantified.

The current cost of a resident's permit is up to £120. Most penalty charges are paid at the discounted rate of £30. Residents would need to be issued with a penalty charge notice 5 times in a year to make purchase of a permit a more financially attractive option. There has been a substantial reduction in residents' permits issued in 2009.

### **Increased Expenditure**

The cost of delivering a parking enforcement service has increased each year since decriminalised parking was introduced in Aberdeen in 2003. The cost of employing each parking attendant has risen by 30% since then. To meet increased public demands for parking enforcement over wider geographic areas and during more extensive hours, we have had to increase the number of officers undertaking parking attendant duties through our city warden service. This involved an increase in 2009 from 40 to 74 officers enforcing parking restrictions. The cost of delivering our parking enforcement service in 2010/11 will be £2.9M.

### **Vehicle Removal etc**

Powers to remove, store and dispose of vehicles illegally, obstructively or dangerously parked, or to immobilise vehicles illegally parked, are contained within legislation including the Road Traffic Act 1991 and the Road Traffic Regulation Act 1984 (both as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003), the Removal and Disposal of Vehicles Regulations 1986 and traffic orders. However these powers have not been used in Aberdeen in delivering our parking enforcement service. Use of the powers is desirable to reduce safety risks caused by dangerously-parked vehicles and to improve traffic flows affected by obstructive parking. It would also serve to deter persistent contraveners of parking restrictions. Use of the powers should also assist debt recovery by enabling officers to engage with vehicle owners with outstanding debts. The powers may also be used to deal with misuse of disabled badges where sufficient evidence of this misuse is available. Vehicles displaying a valid disabled badge parked obstructively or dangerously would be removed from the location to the nearest suitable location. In the present context (and leaving aside the cases of abandoned or broken down vehicles where removal powers do apply) only illegally, obstructively or dangerously parked vehicles can be removed.

The Council does not have suitable recovery vehicles to remove vehicles or readily available premises in which to store removed vehicles. It is proposed that these services are delivered by an external service provider selected through the appropriate procurement process. Removal services in Glasgow, Edinburgh, Dundee and Perth are contracted to external service providers. Their experience is that as the level of demand drops as the power to tow away starts to be used so it would be more appropriate to have an external provider to share risk.

Following committee approval officers will develop operating procedures in liaison with Grampian Police.

#### REPORT AUTHOR DETAILS

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#### 7. BACKGROUND PAPERS

Decriminalised Parking Enforcement – Variation of level of penalty charge notices Consultation Paper available at [www.scotland.gov.uk/consultations](http://www.scotland.gov.uk/consultations)

Guidance on Decriminalised Parking Enforcement Outside London, Local Authority Circular 1/95, The Department of Transport