

# Transport and Environment Committee

10.00am, Thursday, 6 December 2018

## Decriminalised Traffic and Parking Enforcement (Update)

Item number	7.4
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	<a href="#">18</a> , <a href="#">19</a>

### Executive Summary

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Two previous reports have been submitted to the Committee, on [17 May 2018](#) and [17 March 2015](#), regarding Decriminalised Parking Enforcement (DPE) in Edinburgh.

A motion from Councillor Booth at the Committee on [17 May 2018](#) requested a further report examining the issue of parking enforcement in more detail and focusing on a number of specific issues. These are described in the background section of this report.

This report outlines the Council's current approach to issues raised as well as details of some proposals to improve DPE in Edinburgh.

## Decriminalised Traffic and Parking Enforcement (Update)

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 notes that Parking Operations are constantly reviewing the service being delivered by the Council's enforcement contractor, NSL, and are implementing service improvements where appropriate;
  - 1.1.2 notes that NSL have been tasked with monitoring social media and to liaise with the Council's social media team as a means of improving response times to any requests for enforcement;
  - 1.1.3 notes that there are no plans to change the current observation periods for loading and unloading contraventions;
  - 1.1.4 notes the improvements made in the maintenance of parking lines and signs by the Parking Operations team; and
  - 1.1.5 notes that a new removal priority will be created for vehicles classed as Persistent Offenders.

### 2. Background

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- 2.1 In response to a motion by Councillor Booth, Committee agreed to receive a further report within two cycles examining the issue of parking enforcement in more detail, specifically in relation to the following issues:
  - 2.1.1 That members of the public would like a quick, real time method to report parking violations that can swiftly be passed to Parking Attendants for possible enforcement action, should they be in the area;
  - 2.1.2 That while Council policy is currently to give those parking in contravention of the rules a 'grace period' of five minutes for cars and 10 minutes for commercial vehicles, nonetheless to examine whether this grace period is appropriate in all circumstances and specifically to examine whether the grace period could be shortened in areas of persistent parking violations;
  - 2.1.3 That, where there are no valid lines and signs, the parking enforcement contractor cannot operate, and therefore reviewing the timetable for installing new lines and signs where they are required; and

2.1.4 That while some drivers regard the cost of a parking ticket as a reasonable price to pay for the ability to park in the city centre, the majority do not want their vehicle to be towed, and therefore agrees to consider the capacity to tow vehicles to the pound and tightening the rules which allow this to be done.

### 3. Main report

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3.1 This report will consider each of the issues raised by Councillor Booth in turn.

#### **Reporting parking violations**

3.2 The deployment of enforcement resources by NSL is currently managed in accordance with the street visit requirements that are set by the Council, whereby many streets require a minimum number of enforcement visits each day.

3.3 The visit requirements that have been adopted are changeable and based on historical contravention levels, parking demand levels and the volume and type of restrictions that are present in each street. These requirements are also flexible, in that they may be varied as required in response to, for example, changing street conditions and levels of customer complaints.

3.4 These street visits form a contractual KPI, and are one of the main measures for the contract performance, helping to ensure that we offer a fair and equitable enforcement service across all streets and parking zones and for all customers and permit holders.

3.5 In addition to the street visit requirements outlined above, we also utilise NSL's mobile team to respond to any requests for enforcement that are received.

3.6 Parking Operations receive around 80 requests for parking enforcement each month. These come through the following channels: Twitter and Facebook (from the Social Media team), e-mail, telephone calls and complaint letters.

3.7 All requests for enforcement are then passed to NSL, who then allocate a nearby Parking Attendant (PA) or one of the mobile team to attend the incident.

3.8 Unfortunately, of the 80 or so requests that are received each month, 90% result in no action being taken due to the vehicle having moved away before we can attend the scene. This is because many of the requests we receive are for short term parking contraventions, where somebody has stopped their vehicle in an area they know they should not whilst they visit a nearby shop/premises. Approximately 94% of the requests we receive each month are related to short term parking, such as parking on yellow lines outside a shop, or delivery vehicles.

3.9 NSL endeavour to act straight away on all enforcement requests they receive, however, the nature of the incident and its location will determine the actual response time.

- 3.10 Delays to response times can often be down to the time it takes between the request being received by the Council and it being passed on to NSL. We have therefore tasked NSL to take steps to monitor all social media channels themselves in order that they can identify issues relating to parking earlier and respond accordingly.
- 3.11 NSL will liaise closely with the Council's communications and social media teams to improve our overall service delivery and customer communications. The Council's internal teams will provide guidance to NSL and determine the levels and types of interaction that they can have with members of the public on behalf of the Council.
- 3.12 In order to improve our ability to react to this type of incident, we are also investigating the following areas:
- 3.12.1 The potential to increase the number of mobile Parking Attendants to provide a greater ability to respond to ad hoc enforcement requests.
  - 3.12.2 Reviewing existing shift patterns and beat distributions to ensure that there are adequate numbers of PAs on-street at the busiest times of the day.
  - 3.12.3 Reviewing the scheduled street visits for mobile Parking Attendants with a view to reducing the frequency of non-productive visits, thereby creating the capacity for increasing the number of ad hoc enforcement visits.
  - 3.12.4 Continuing discussions with the Scottish Government regarding how CCTV enforcement might be used for DPE in Scotland.
- 3.13 Unfortunately, PAs cannot be in attendance at all locations where parking restrictions are in place, during all the hours of operation. There are over 33,000 parking places in Edinburgh and over 530km of yellow and red line restrictions to patrol.
- 3.14 The resource limitations and the scale of the area we are covering means that there will always be occasions when vehicles are parked in contravention of the regulations because there are no Parking Attendants in the area to take enforcement action.
- 3.15 It is therefore important that we ensure we have the correct deployment of enforcement staff and provide better methods for our customers to report issues to us and monitor these channels appropriately so that we can mobilise enforcement resources quickly and improve our response times for reported issues.

#### **Reviewing 'grace periods'**

- 3.16 Grace periods, or observation periods as they are commonly known, are used by Councils operating DPE across the UK to determine if loading or unloading activity is taking place at a vehicle. In 2006, Committee approved a change to loading and unloading observation periods for goods vehicles from 5 to 10 minutes.
- 3.17 This change was deemed necessary because it was considered that the Council had to strike a balance when providing for the needs of different road users when they were parking or loading.

- 3.18 During consultation carried out prior to the Committee approval in 2006, many businesses made representations stating that, for large loads and for the paperwork associated with them, a five minute observation period was not enough time and often resulted in a parking ticket being issued when legitimate loading and unloading was continuing. It should be noted that all vehicles are entitled to up to 30 minutes of loading and unloading time on a yellow line restriction.
- 3.19 The issue of parking tickets to goods vehicles was also creating additional work for the Council's Parking Services team, who were having to consider a large volume of challenges against these parking tickets and who were ultimately cancelling many of them due to evidence of loading and unloading activity being provided. In 2017/18, even with a 10 minute observation period in place, 665 parking tickets were cancelled because evidence of loading/unloading activity was provided. This was our eighth highest cancellation reason.
- 3.20 The experience of parking operations and NSL is that the majority of goods vehicles that are stopped on yellow line restrictions are lawfully engaged in genuine loading and unloading activities, which they are fully entitled to do in accordance with national legislation and our Traffic Regulation Order.
- 3.21 It should also be noted that:
- 3.21.1 large areas of Edinburgh are comprised of tenements, which can have a significant impact on loading/unloading and delivery times; and
  - 3.21.2 the Council has removed significant amounts of yellow lines over the years to keep up with the increased demand for parking bays, thereby significantly reducing the availability of loading areas across the city. This can have a considerable impact on the time it takes to walk to and from premises with goods and deliveries.
- 3.22 Benchmarking with other Councils across Scotland confirms that they follow a similar approach to the one we use in Edinburgh for goods vehicles. Glasgow City Council allows a 10 minute observation period for both commercial and private vehicles undertaking loading activities from yellow lines. In London, Westminster Council allows a 20 minute observation period for all commercial vehicles loading/unloading from yellow lines during the controlled hours.
- 3.23 Parking Operations are satisfied that the observation periods we have in place at present are appropriate and allow loading and unloading to be undertaken to businesses and private residences across the city without having a disproportionately negative impact on other road users.
- 3.24 To prevent confusion and allegations of unfairness or bias, it is therefore recommended that we retain this consistency of approach on a citywide basis.

## **Lines and Signs**

- 3.25 There are two elements to lining and signing works, the maintenance of existing lines and signs and the introduction of new lines and signs. Each element has been considered in turn below:
- 3.26 Lines and signs maintenance is a significant part of the service provided by NSL, as enforcement action should only take place if the restrictions are correct. The Council first asked NSL to provide lining and signing services in 2007 so that we could respond to issues affecting parking enforcement more quickly and focus on priority areas where required.
- 3.27 Faults are reported in a number of ways: by Parking Attendants on-street, through calls/e-mails from members of the public to our Parking Services team and also from the Parking Services team themselves during the course of investigating parking ticket disputes. NSL have a maintenance schedule which all faults are fed into and then prioritised in accordance with Council priorities. Higher priority is given to anything that causes a safety hazard, such as damaged poles or loose signs, and NSL aim to make these safe within 24 hours.
- 3.28 Utilities Contractors are responsible for their own line/sign reinstatements when work is done on the carriageway. It is often the case that instances of perceived inaction by the Council are caused by delays to the provision of permanent reinstatement by the Utility company responsible.
- 3.29 In 2017/18 parking operations spent £520,000 on lines and signs maintenance, which is almost treble the budget spent ten years ago.
- 3.30 The steadily increasing provision for lines and signs maintenance in the contract budget reflects the importance of clear and correct parking restrictions when trying to encourage compliance with the parking restrictions and take enforcement action.
- 3.31 The number of parking tickets that are cancelled due to lines and signs issues has reduced significantly over the past ten years. In 2007/8 we cancelled 2,569 parking tickets due to missing lines and signs, however, in 2017/18 we only cancelled 556 parking tickets for this reason.
- 3.32 Reduced cancellation rates are clear evidence that an increased recognition of the need for effective signs and lines maintenance, coupled with an increased maintenance budget and improved reporting can have a significant and positive impact on the enforceability of on-street restrictions.
- 3.33 In addition to the Council lining and signing teams, NSL are also sometimes asked to undertake the installation of new road markings and signage in relation to new parking restrictions and TROs. The scheduling of these works is often the responsibility of the Council client team who are requesting the works and NSL provide different lining and signing squads for these jobs, separate from those working on maintenance, in order to ensure that they are delivered in line with the works schedule.

- 3.34 As things currently stand, Parking Operations are responsible for the provision of parking restrictions within the Controlled Parking Zones (CPZs) and Priority Parking Areas. Outside of these areas, the Localities are responsible for all aspects of community engagement and the development and design of any new parking restrictions, such as new Double Yellow Lines for road safety reasons.
- 3.35 Parking Operations are aware that there is currently a large backlog of outstanding jobs across all Locality teams which is a cause of concern for some Councillors. The responsibility for these jobs will transfer to Parking Operations as part of the transport realignment, however budget allocation and staff resourcing have yet to be finalised.
- 3.36 For approved works, both in the case of maintenance and new works, the perceived delay to lining and signing work can often be due to the need for works to be registered, which can immediately add one month to the work schedule. Certain types of work are legally required to be registered with the road works commissioner, particularly if underground services may be present. There is also a waiting period before works can be undertaken on certain routes which are deemed to be traffic sensitive. Weather can also have a significant impact on when lining works can be carried out.

### **Vehicle Removals**

- 3.37 The main functions of the Car Pound are to carry out vehicle removals to the Car Pound and also to undertake vehicle relocations; ensuring that events, Temporary Traffic Regulation Orders (TTROs) and parking suspensions are cleared on time.
- 3.38 The Pound also assists greatly in helping us manage persistent evaders, those motorists who incur large numbers of parking tickets and do not pay them, by providing us with a mechanism by which we can target removal of these vehicles in order to obtain address details for the owner.
- 3.39 Currently demand for removals and relocations is greater than the resources that are available. The Council has a duty to clear all TTROs so that the associated works or events can proceed on time, meaning that vehicle relocations for these TTROs generally have to be prioritised over vehicle removals.
- 3.40 There is no charge to the vehicle owner when their vehicle is relocated. This is because the vehicle was considered to have been parked before the temporary restrictions came into effect, and potentially before the temporary restrictions were even advertised. Only vehicles which park in the affected area after it has been cleared of vehicles are issued with a parking ticket and removed to the Car Pound.
- 3.41 Any vehicle parked in contravention of the parking restrictions may be removed to the Car Pound. However, vehicle removals are an emotive issue and to ensure that as many of our removals as possible are proportionate to the parking restriction contravened, we use Key Performance Indicators and a removal priorities list to ensure that we are targeting the correct contraventions.

- 3.42 Unfortunately, the cost of a parking ticket does not always act as a sufficient deterrent to some drivers, who regularly park in contravention of the parking restrictions and accept a parking ticket in order to park close to their desired location. As these parking tickets are paid quickly, no further action is currently being taken against these drivers or their vehicles.
- 3.43 Vehicles which are seen regularly parking in contravention of the regulations can be upsetting to members of the public and generate a high number of complaints to the Council. In order to address this problem, Parking Operations are proposing to introduce a new removal priority for Persistent Offenders - ie vehicles which regularly receive parking tickets.
- 3.44 Should a Persistent Offender receive a parking ticket for any reason, the vehicle would be classed as a high priority removal by NSL.

#### **4. Measures of success**

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- 4.1 The enforcement contract will continue to be managed using a set of dynamic, quality based KPIs. Achievement of these increasingly challenging KPIs will result in quality performance payments being made to the contractor.
- 4.2 The KPIs are reviewed regularly and made more challenging on at least an annual basis, meaning that the contractor's performance will have to improve throughout the contract's lifespan.

#### **5. Financial impact**

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- 5.1 There is anticipated to be no financial impact as a result of the recommendations contained within this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 It is considered that there are no known risk, policy, compliance or governance impacts arising from this report.

#### **7. Equalities impact**

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- 7.1 Consideration has been given to the Council's Public Sector Duty in respect of the Equalities Act 2010.
- 7.2 Enforcement of the parking restrictions and improved communication between the Council and our enforcement contractor will improve accessibility for residents, businesses and visitors to the city, providing enhancements in terms of Individual, Family and Social Life, Age and Disability by helping people to park closer to their destinations or their homes.



- 7.3 Enforcement of the parking restrictions and continued communication of how enforcement is carried out will assist residents to participate in public life. Enforcement and communication improves access for all residents and visitors, helping to minimise the disadvantage for people with mobility difficulties or those with children. Enforcement of the parking restrictions and continued communication ensures that there is an equality of opportunity for all road users.
- 7.4 Protection measures for vulnerable groups have been included, ensuring that all personnel involved in the delivery of the contract have basic disclosure certification and suppliers will have appropriate procedures in place for dealing effectively with children and vulnerable adults.

## 8. Sustainability impact

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- 8.1 The proposals in this report are not expected to impact negatively on carbon emissions. The continued enforcement of parking restrictions will encourage people not to park incorrectly and to consider their parking options. It is considered that without proper enforcement carbon emissions would increase greatly and to a level above those produced from enforcement activities.
- 8.1.1 The proposals in this report are not expected to impact negatively on the city's resilience to climate change impacts. Without effective parking controls and enforcement, incorrectly parked vehicles would slow down public transport and this could encourage more people to use their private vehicles; and
- 8.1.2 It is possible that future improvements to the provision of parking enforcement could have beneficial impacts on carbon emissions.
- 8.2 The impacts of this report in relation to the duty on sustainability have been considered and the outcomes are summarised below.
- 8.2.1 The proposals in this report are not expected to impact negatively on social justice. The enforcement of parking restrictions ensures that; disabled persons' parking places are used correctly, ensures clear access to public transport stops, improves road safety by removing dangerously parked vehicles from junctions and encourages walking and cycling in the city. Good access to transport helps reduce the negative effects of social exclusion;
- 8.2.2 The proposals in this report are not expected to impact negatively on economic wellbeing. Parking enforcement ensures that there are good parking opportunities outside local businesses for their customers and for their deliveries. Parking permits are also available for local businesses to help them operate efficiently and enforcement keeps places free for their use and not occupied all day by vehicles which do not contribute to the local economy. Enforcement also ensures that trams can run effectively such as removing incorrectly parked vehicles. The Tram is a significant economic link between the Airport, Edinburgh Park, Haymarket and the city centre; and

8.2.3 The proposals in this report are not expected to impact negatively on the city's environmental good stewardship.

## 9. Consultation and engagement

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- 9.1 This report is an update on of Decriminalised Traffic and Parking Enforcement in Edinburgh and was written as a result of an intervention by Councillor Booth.
- 9.2 Parking Operations have met with the Transport Spokesperson's from each political party to discuss the concerns that are addressed in this report.
- 9.3 There was no need for any further consultation with any other stakeholder.

## 10. Background reading/external references

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- 10.1 Item 7.5 [Decriminalised Traffic and Parking Enforcement in Edinburgh](#) heard by the Transport and Environment Committee on 17 March 2015.
- 10.2 Item 7.6 [Decriminalised Traffic and Parking Enforcement in Edinburgh](#) heard by the Transport and Environment Committee on 17 May 2018.
- 10.3 Motions, amendments and addendums; [Motion by Councillor Booth](#), at the Transport and Environment Committee on 17 May 2018

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## 11. Appendices

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None