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**Report To:** Environment & Regeneration  
Committee

**Date:** 14 January 2016

**Report By:** Head of Environmental &  
Commercial Services and Head of  
Safer & Inclusive Communities

**Report No:** ERC/ENV/IM/15.259

**Contact Officer:** Ian Moffat

**Contact No:** 01475 714800

**Subject:** Decriminalised Parking Enforcement – First Year Review

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## 1.0 PURPOSE

- 1.1 To update this Committee on the first 12 months of decriminalised parking enforcement (DPE) in Inverclyde and to bring to the Committee's attention some operational issues affecting the work of the Safer and Inclusive Communities' Enforcement Team.

## 2.0 SUMMARY

- 2.1 Enforcement of the decriminalised parking regime commenced on 6<sup>th</sup> October 2014. DPE was introduced in Inverclyde to address the almost complete lack of enforcement of parking restrictions brought about by the withdrawal of Traffic Wardens by Strathclyde Police (now Police Scotland) in June 2011 and the ensuing chaotic parking across Inverclyde.
- 2.2 Prior to the introduction of DPE, the Roads Service introduced 5 new Traffic Regulation Orders (TROs) which in the most part replicated the existing restrictions present in Inverclyde. This was a very time consuming and resource intensive exercise but it was thought necessary to ensure that the restrictions in place were lawful. These new TROs revoked all historic TROs which related to waiting and loading restrictions. There was no effect on moving traffic restrictions, the enforcement of which remains with Police Scotland.
- 2.3 Although the new TROs did not alter any waiting from those previously existing, albeit temporarily unenforced, there have been a number of implementation issues, such as traders seeking longer waiting times in Greenock and Kilmacolm. These issues have either been addressed by changes already made or which are currently being promoted to vary the new TROs.
- 2.4 The enforcement of the regime is a matter for the Education and Communities Directorate as it is carried out by Parking Attendants employed by Safer and Inclusive Communities. These officers work on a rotational basis enforcing the waiting and loading restrictions and environmental fixed penalty offences such as dog fouling and littering.
- 2.5 This report seeks to update the Committee on the first 12 months of enforcement, highlight the work done by Environmental and Commercial Services and Legal and Property Services to vary the new TROs throughout the year and the Safer and Inclusive Communities team in enforcing the waiting and loading restrictions over the last year. The report also seeks to bring to the Committee's attention some of the operational issues affecting the work of the team on the ground and in dealing with enquiries about penalty charge notices (PCNs).

### **3.0 RECOMMENDATIONS**

- 3.1 That Committee note the changes which have been made or are currently being made to the new TROs over the first 12 months of enforcement.
- 3.2 That Committee note the details of PCNs issued, the appeal process and the incidences of violence and aggression towards staff.
- 3.3 That Committee approves the use of the standard letters at Appendices 3 and 4 as responses to approaches about individual parking issues out with the formal appeals process, for example, people approaching Councillors about PCNs they have received. Appendices 3 and 4
- 3.4 That Committee make clear its support for the enforcement staff, possibly by a publicity campaign making clear that abuse of any of its staff will not be tolerated.
- 3.5 That Committee note that an update on the Financial Performance of Decriminalised Parking Enforcement will be reported to the March 2016 meeting.

**Ian Moffat**

**Head of Service, Environmental and Commercial Services**

**John Arthur**

**Head of Service, Safer and Inclusive Communities**

## **4.0 BACKGROUND**

- 4.1 The decriminalised parking regime was introduced in Inverclyde on 6<sup>th</sup> October 2014 following the withdrawal of traffic wardens by Strathclyde Police (now Police Scotland) in June 2011.
- 4.2 Committee will not require to be reminded of the chaotic parking situation which ensued for over 3 years owing to the unavoidable delay in introducing DPE in Inverclyde. The introduction of DPE has not been without its teething troubles but these either have been or are being addressed. These are mainly the result of representations from traders in Greenock and Kilmacolm who have sought increases to the waiting time limits.
- 4.3 Responsibility for the decriminalised parking regime and all policy related to it rests with Environmental & Commercial Services and is reported to this Committee. Safer and Inclusive Communities enforce the waiting and loading restrictions. The main reason for this is that Safer & Inclusive Communities is responsible for the bulk of the Council's enforcement services, operational efficiencies were therefore possible by using multi-skilled enforcement staff. The division of responsibilities between the services was also implemented in this way to ensure that there could be no suspicion of financial targets driving the issuing of PCNs. For this reason the budget for enforcement including the income from PCNs is held by Environmental and Commercial Services and not by Safer and Inclusive Communities.
- 4.4 Since the 5 new TROs were effective in October 2014 a number of variations have been made or are currently being made to them. This has been challenging for staff as the procedure for varying these TROs is time consuming. Each change also costs the Council money to replace the existing signs, install new road markings, move equipment, etc.
- 4.5 Each time the new TROs are varied there is the risk that they will be subject to objections. Objections to the 5 new TROs resulted in the need for a Public Hearing heard by an Independent Reporter. A further change to one of the new TROs also resulted in the appointment of an Independent Reporter. On this occasion the Public Hearing was cancelled at a very late stage in the process due to the objector withdrawing their objection. Despite this there was a considerable cost to the Council.
- 4.6 In the first year of enforcement there have been a number of challenges facing the DPE regime. Probably the most challenging element has been the level of abusive and aggressive incidents faced by staff. It must be accepted that people will not be happy at receiving a PCN, however, the level of abuse suffered by staff is unacceptable and a number of actions are required to address this.
- 4.7 The other major issue affecting Safer and Inclusive Communities staff is the appeals process which quite rightly requires input and informed decisions to be taken at several stages of the process. It is, however, a significant burden for staff responding to complaints and informal appeals regarding PCNs outwith that process. Monitoring the back office system and responding to appeals and complaints has entailed a significant input of officer time in addition to the funded parking attendants which has had an inevitable effect on other enforcement responsibilities.

## **5.0 TRAFFIC REGULATION ORDERS**

- 5.1 Prior to the introduction of DPE, the Council undertook a review of all of the waiting and loading restrictions in Inverclyde and made the 5 new TROs. These TROs are map based for ease of interpretation. The 5 new TROs revoked the historic TROs, relating to waiting and loading restrictions, of which there were approximately 200.

- 5.2 The 5 new TROs came into effect on 6th October 2014, the same day as the introduction of DPE. These TROs did not change the waiting times in most locations, however, after just 2-3 weeks the Council was under pressure from Greenock Town Centre Traders to increase the on-street waiting time to 2 hours.
- 5.3 At the time of promoting the variation to the Inner Greenock TRO, to increase the on-street waiting time to 2 hours, the Controlled Parking Zone boundary was amended to remove Station Avenue and the 2 unnamed roads adjacent to it, Terrace Road and parts of Jamaica Street and West Stewart Street. These streets became part of the Outer Greenock TRO. As the result of an objection to this variation a further variation was made to add Jamaica Street back into the Inner Greenock TRO. The change in boundary and 2 hour waiting limits took effect on 25 and 26 May 2015.
- 5.4 When promoting the original TRO for Inner Greenock, residents objected on the basis that they wanted Residents' Parking Permits to allow them to park close to their homes. These objections were heard at the Public Hearing in April 2014 and the Reporter advised that the TRO should be implemented without Residents' Parking Permits but that the situation should be monitored. As a result, consultants, Peter Brett Associates, were commissioned to undertake an options appraisal for a Residents' Parking Permit Scheme for Greenock Town Centre.
- 5.5 The findings of the appraisal were reported to this Committee on 5 March 2015. At that meeting, approval was received to introduce a Residents' Parking Permit Scheme in Inner Greenock as well as Sir Michael Street/Tobago Street/King Street areas, Kelly Street, West Stewart Street from Jamaica Street to Kelly Street, Station Avenue and the unnamed side roads by Cathcart Buildings. This resulted in the promotion of 5 variations to the Inner Greenock, Outer Greenock and Off-Street Parking TROs.
- 5.6 The promotion of the 5 variations attracted 8 maintained objections to the introduction of Residents' Parking Permit Scheme in the Sir Michael Street/ Tobago Street/ King Street area. Officers from Environmental and Commercial Services met with the Objectors and were unable to get them to withdraw their objections. This has resulted in the need for a special meeting of this Committee to hear the objections and decide what action should be taken. This special meeting will be held on 21 January 2016. Until this special meeting is heard, all 5 variations to the TROs are 'on hold'.
- 5.7 Changes to the Off-Street Parking TRO have been made over the year with the addition of the Waterfront and Cinema car parks; the removal of restrictions in Inner Greenock car parks on Saturdays; variation of the Bullring from a 3 hour free car park to an all-day £1 per day car park; variation of the Waterfront car park from an all-day £1 per day car park to a free unlimited stay car park and the introduction of electric vehicle charging points. Further variations to the Off-Street Parking TRO are currently being promoted and have no maintained objections. These are for the addition of 2 new £1 per day car parks off Station Road in Gourrock as a result of the redevelopment of Gourrock Town Centre; an all-day free car park named Kempock Street West and a 3 hour maximum stay car park named Kempock Street East. These new car parks will become effective on 18 January 2016.
- 5.8 Until mid-November 2015 all of the variations affected the Inner and Outer Greenock TROs, as well as the Off-Street Parking TRO. However, as part of the introduction of DPE, the Council made the commitment to review the 5 new TROs after 12 months. As a result a Villages Strategy was developed. Officers sought the views of the local communities by writing to each of the Community Councils to find out where they felt action should be taken.
- 5.9 From the feedback received during the public consultation for the original DPE TROs, variations were proposed to the TROs covering Port Glasgow, Gourrock, Kilmacolm, Quarriers Village, Inverkip and Wemyss Bay. These variations are out to public consultation with a closing date of 9<sup>th</sup> December 2015. The timescale for implementing the variations in the Villages Strategy will depend on whether there are any maintained objections.

## **6.0 PENALTY CHARGE NOTICES ISSUED IN FIRST 12 MONTHS**

- 6.1 Appendix 1 gives some detail of the PCNs issued in the first 12 months of enforcement broken down by location, broad category of PCN and status as of 6<sup>th</sup> October 2015. The figures can be broken down in a number of ways however it was felt that these would be of most benefit for Committee. Appendix 1
- 6.2 In terms of location it will come as no surprise that the vast majority (78%) of the total PCNs served were in Greenock. This reflects the number of areas with restrictions and the number of car parks. There is obviously also an element of there being a higher enforcement effort in Greenock largely as a result of the ongoing problems found. It is also worth noting the relatively low numbers of notices served in Port Glasgow, Kilmacolm and Wemyss Bay.
- 6.3 In terms of PCNs served by type, 80% were served for violations on the road and the remaining 20% being for violations in car parks. This reflects the higher priority given to road enforcement as opposed to car parks as enforcement is targeted at reducing congestion rather than being driven by financial targets. Looking at the figures in slightly more detail 271 PCNs were issued for parking in disabled bays without displaying a valid blue badge. There have also been 9 incidences of misuse of blue badges since enforcement of this aspect began on 31 March 2015.
- 6.4 The status of PCNs as of 6 October 2015 is mainly of interest as it very much reflects the fact that this has been the first year of operation. A total of 68% of PCNs served were paid with a further 12% withdrawn or cancelled. Although the latter figure includes PCNs where the issuing process was begun but not completed (mostly drive offs) it also includes those given the benefit of the doubt (a total of 179) which is likely to reduce as the regime settles down. A higher proportion of PCNs will have been cancelled in year one than would be expected in the longer term due to implementation issues over signage and TROs.
- 6.5 Of the number currently in process, the stage these are at in the recovery process (Appendix 2) obviously varies depending on when the notices were served. Of those PCNs still in the system which were served in October 2014 the vast majority are currently with the Sheriff Officer (126/128). Appendix 2

## **7.0 THE APPEAL PROCESS**

- 7.1 Appendix 2 shows the recovery process in detail. Committee will be aware that this is hosted by ICES, a company based in Northampton. Outsourcing this element of the regime is common practice as the costs and administrative burden of running this in house would be entirely disproportionate to any benefits from doing so. Although the process is hosted externally, all key decisions, for example on accepting or rejecting challenges and representations, are taken by Inverclyde Council staff. This involves a significant input of officer time. Appendix 2
- 7.2 As can be seen the process is extremely complex. The key element to note however is that there are three separate stages at which the individual may make representations. These are within 28 days of initial service, within 28 days of receipt of a "Notice to Owner" and within 28 days of receipt of a notice of rejection to the latter representation.
- 7.3 The initial challenge and the response to representations following the "Notice to Owner" are handled by Inverclyde Council staff once they have been properly made via the system. The final adjudication is independent of the Council and is handled by the Scottish Parking Appeals Service. Local circumstances and knowledge play a part in decisions therefore but there is also an entirely separate and independent appeal stage through the Scottish Parking Appeals Service should there be any doubt about the fairness of the process.

7.4 Consideration of the appeals takes up a significantly greater amount of officer time than was envisaged at the outset. Rightly and properly each PCN is judged on its merits. There is however also a burden on officer time from challenges and questions about PCN's entirely outwith the process shown at Appendix 2. Some of these come via phone calls made and/or letters sent directly to the Council, others are made via councillors, MSPs etc. It is entirely proper for councillors to interest themselves in how policy is being implemented, however, it is critical for the success of the regime that members of the public approaching Members regarding the circumstances of individual PCNs are referred back to the process as detailed to recipients of PCNs at every stage.

7.5 In order to reduce the officer time in responding to these secondary challenges it is our intention to introduce standard reply letters to queries. Appendix 3 is an example of the letter intended for use where the complainant still has a right of appeal and Appendix 4 is intended for use where either the right of appeal has been exhausted or, as is frequently the case, where the opportunity to appeal has passed without the complainant making any appeal.

Appendix  
3 & 4

## **8.0 INCIDENTS OF VIOLENCE AND AGGRESSION**

8.1 The role of the Parking Attendants involves dealing with members of the public who are less than happy about the outcome of the interaction. It will therefore come as no great surprise that the rate of violent and abusive incidents recorded for this group is higher than the average for the Council. What is remarkable and extremely concerning is the scale of the abuse directed at officers. Although the majority of this is verbal, it is bound to have an effect on even the most resilient staff.

8.2 The incident rate for Safer and Inclusive Communities is the second highest in the Council at 277.5 incidents per 1000 employees. This is concerning in itself even in a service with a high ratio of staff involved in enforcement work including groups such as the Community Wardens service. What is most concerning is that all the 58 incidents recorded involve the Parking Attendants. As there are only 7 Parking Attendants (with no more than 4 on duty at any time) this gives an incident level of over 8000 per 1000 employees per annum. On average therefore there were 8 incidents per officer in the last year.

8.3 It must of course be recognised that the service has taken an extremely robust approach to reporting of incidents by this group as higher than average incidents were expected from the outset therefore the relative rate probably appears higher, particularly if there is a higher tolerance level in some other groups. It is of course easier to shrug off one incident as the exception than to do so on a regular basis. Even taking this into account there is undoubtedly an unacceptably high incidence of abuse directed at this team.

8.4 The service has put in place a number of measures to attempt address this including conflict management training for staff, meeting with Police Scotland to ensure that complaints from Parking Attendants are dealt with appropriately and we are currently introducing a lone working smartphone app for staff to address occasions where they might be out of sight of each other.

8.5 There is also an issue regarding intimidating behaviour towards staff on social media. There are ongoing police investigations into one particularly intimidating incident of this.

8.6 In spite of these initiatives however the deeper issue would seem to be a widespread perception amongst certain groups that it is somehow "all right" to abuse this particular group of staff. Some of this may be as a result of the widespread criticism of the decriminalised parking regime in the last year. Regardless of the rights or wrongs of this these staff are responsible solely for enforcing the restrictions agreed elsewhere however they are often seen as the public face of the system.

- 8.7 It would be helpful if the Committee could make clear its support for this staff group possibly by a publicity campaign making clear that abuse of any of its staff will not be tolerated. Clearly as the visible face of the decriminalised parking regime any resentment by the public to the agreed Council policy tends to be taken out on them.

## 9.0 IMPLICATIONS

### Finance

- 9.1 Officers were asked as part of the Budget Action Plan to update Committee on the Financial Performance of Decriminalised Parking Enforcement. It is intended to report the financial position to 30th November 2015 to the next Committee meeting in March 2016.

### 9.2 Financial Implications

#### One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A					

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
N/A					

### Human Resources

- 9.4 This report in part addresses some HR concerns, primarily around the Council's Duty of Care to its staff.

### Legal

- 9.5 There are no legal implications.

### Equalities

- 9.6 There are no implications for equalities.

### Repopulation

- 9.7 There are no implications for repopulation.

## 10.0 CONSULTATIONS

- 10.1 In preparing this report the following have been consulted:

Health and Safety Team Leader, OD, HR and Communications  
 Head of Legal and Property Services  
 Corporate Communications Manager, OD, HR and Communications  
 Chief Financial Officer

## 11.0 LIST OF BACKGROUND PAPERS

- 11.1 Greenock Town Centre Parking Strategy and Decriminalised Parking Enforcement – Safe, Sustainable Communities Committee 25 Oct 2011.

## Appendix 1



## PCNs served in first year of the Decriminalised Parking Regime

Figure 1 PCNs served by town (on system 6 October 2015)

Town	Total Number of PCNs Served	Percentage of Total
Greenock	5398	78
Gourock	811	11.7
Port Glasgow	454	6.6
Kilmacolm	198	2.9
Wemyss Bay	59	0.8
<b>Total</b>	<b>6920</b>	<b>100</b>

Figure 2 PCNs served by type

PCN Type	Total number served	Percentage of Total
Car Park Exceeding Time (1)	1796	26
Car Park Incorrectly Parked (2)	281	4
Other	9	
Road Exceeding Time* (3)	2829	41
Road Incorrectly Parked (4)	557	8
Road No Waiting (5)	1448	21
<b>Total</b>	<b>6920</b>	<b>100</b>

(1) Includes no Pay & Display ticket, overstay

(2) Includes Parking in Restricted Area, Causing Obstruction, Out of Bay, Parking in Disabled Bay without valid badge (66)

(3) Includes Parked without valid disc , parking for longer than permitted

(4) Includes Parked in disabled bay without valid badge (205), parked in loading bay during restricted hours, parked in police bay, not correctly parked within bay

(5) Includes No Waiting, parked on restricted bus stop/stand

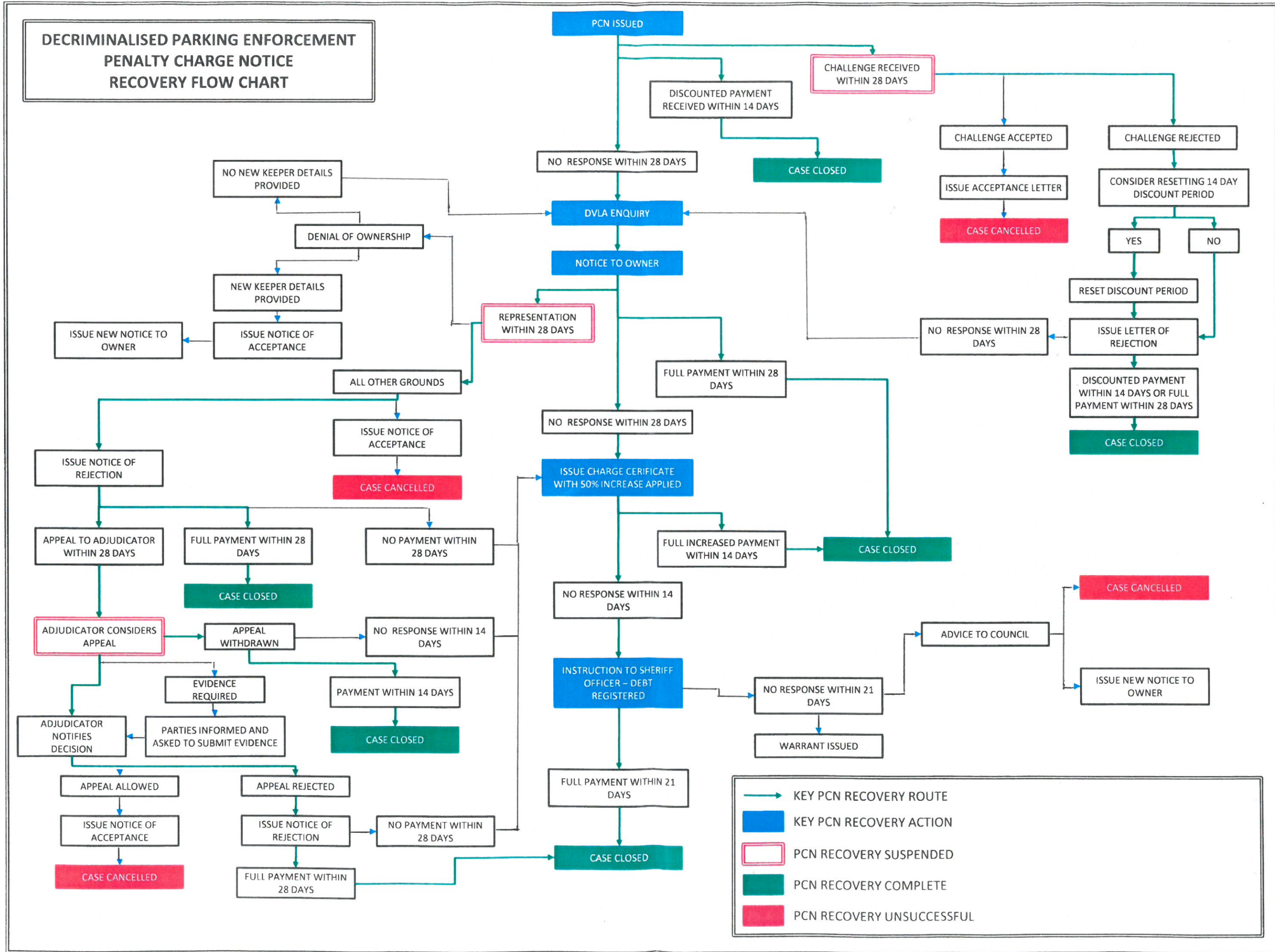
Figure 3 PCN Status (as at 6 October 2015)

PCN Status	Total Number	Percentage of Total
In process	1413	20
Paid	4701	68
Withdrawn (1)	806	12
<b>Total</b>	<b>6920</b>	<b>100</b>

(1) Various reasons including drive off, valid Pay & Display provided, benefit of doubt, valid permit provided, DVLA no trace, successful appeal, not known at address etc.

## Appendix 2

**DECRIMINALISED PARKING ENFORCEMENT  
PENALTY CHARGE NOTICE  
RECOVERY FLOW CHART**



- KEY PCN RECOVERY ROUTE
- KEY PCN RECOVERY ACTION
- PCN RECOVERY SUSPENDED
- PCN RECOVERY COMPLETE
- PCN RECOVERY UNSUCCESSFUL

## Appendix 3

Our Ref:

Your Ref:

Date:

**Education, Communities &  
Organisational Development**

Safer & Inclusive Communities  
40 West Stewart Street  
Greenock  
PA15 1YA

Tel: 01475 714298  
Fax: 01475 714235  
safer.communities@inverclyde.gov.uk

Dear Sir/Madam

**Enquiry Regarding a Penalty Charge Notice**

I refer to your enquiry dated [insert enquiry date] relating to the Penalty Charge Notice which was issued to you on [insert PCN issue date].

A Notice to Owner was issued to you on [insert NtO date]/will be issued to you as part of the decriminalised parking enforcement procedures. This Notice describes/will describe how to make representations which must be received by the Council within 28 days of the date of the Notice to Owner.

If the Council rejects your representations, you will have the right of appeal to the independent Scottish Parking Appeals Service. The Notice of Rejection will describe how to appeal to the independent Scottish Parking Appeals Service.

Yours faithfully

John Arthur  
Head of Safer & Inclusive Communities

## Appendix 4

Our Ref:

Your Ref:

Date:

**Education, Communities &  
Organisational Development**

Safer & Inclusive Communities  
40 West Stewart Street  
Greenock  
PA15 1YA

Tel: 01475 714298  
Fax: 01475 714235  
safer.communities@inverclyde.gov.uk

Dear Sir/Madam

**Enquiry Regarding a Penalty Charge Notice**

I refer to your enquiry dated [insert enquiry date] relating to the Penalty Charge Notice which was issued to you on [insert PCN issue date].

Decriminalised parking enforcement procedures include a Notice to Owner which affords the recipient the opportunity to make representations to the Council. If the Council rejects the representations made to it, the recipient can then appeal to the independent Scottish Parking Appeals Service. In this case a Notice to Owner was issued to you on [insert NtO date] [it is difficult to draft a “one size fits all clause” section of text here as the letter will depend on what individual recipients did/did not do].

It follows that you have no further right to make representations or appeals.

Yours faithfully

John Arthur  
Head of Safer & Inclusive Communities