
Streetwise Decriminalised Parking Enforcement (DPE)

John Mitchell and Susan Keenlyside, Fife Council

1. Introduction

The need for Scottish local authorities to deliver on-street parking enforcement in a timely, efficient, best value way is now paramount given the rapid change in Scottish Policing.

This paper highlights the approach in modernising the delivery of on and off-street parking enforcement in Fife. It reviews the alternative delivery mechanisms of in-house, outsourcing and shared services with consideration of associated legal, procurement and business case models, based on an appraisal of Scottish local authorities that have Decriminalised Parking Enforcement (DPE) in place. It does not seek to discuss the routine aspects of the DPE process, as detailed within Local Authority Circular 1/95.

The preferred approach of outsourcing back office services, whilst maintaining control of enforcement staff, has proven to be a practical fit for Fife, which maintains local control, promotes an efficient staff structure and makes best use of expertise from key private sector providers. The work examines the strengths of utilising this mixed economy approach in delivering parking services and considers the lessons learnt with a view to sharing best practice to other Scottish local authorities and suggests changes to current procedures to help delivery across Scotland.

2. Background

From June 1997, local authorities in Scotland have had the powers to implement DPE under the Road Traffic Act 1991. In terms of the guidance for implementing DPE, there is the aim that it should be "...self-financing as soon as practicable". The main additional income for local authorities is raised through penalty charge notices for illegal parking.

Initially, only the larger cities and authorities with the potential for a positive business case implemented DPE in Scotland. However, on 23 December 2013, the new police force for Scotland issued a consultation, with a view to withdrawing the Traffic Warden service across Scotland from 3 February 2014. In light of the lack of suitable advance warning, the remaining eighteen local authorities within Scotland that do not have DPE powers are in a state of flux to take forward DPE within a short timescale. Consequently, there is a need for a major sharing of knowledge and best practice across Scotland to help inform this process.

3. Fife's starting position

While Fife's parking policy was well developed for taking DPE forward, the operational side was particularly under-developed. Prior to April 2013, the management of Fife Council's off-street parking was undertaken through a paper based system, which was time consuming to manage, difficult to track and without sufficient incentives to encourage prompt payment and efficient management. It is possible that these same conditions may be prevalent within the local authorities still to implement DPE.

Table 1: Fife Council's Background Parking Data

Area of Fife = 1325 km²
 Length of local authority roads = 2400 km
 Length of Parking and Waiting Restrictions >131 km

CAR PARKING

Total Public Car Parks = 174
 Total Charged Car Parks = 30
 Total Car Parking Spaces = 12000
 Off-Street Charged Parking Spaces = 3200
 On-Street Charged Parking Spaces = 618
 Disabled Person Parking Places (on-street) ~2000
 Number of Primary Schools = 142
 Number of Secondary Schools = 20
 Major Events = St Andrews Golf Events, Football, Festivals

Pre-DPE, Fife Council processed payments for parking tickets via PayPoint and cheque payments. Monitoring of payments and instigation of debt collection agencies were managed using a simplistic Access database, where the time for customers to pay could take up to 72 days. This system of management could not be maintained within a DPE system, where strict timescales for processing of Penalty Charge Notices (PCNs) are necessary to meet the requirements of the Road Traffic Act 1991, the key stages of which are:

Table 2 : Timescale requirements of the Road Traffic Act

Stage	Number of Days Since Ticket Issued	Level of Penalty Charge	Standard Process
1	0-14	£30	50% Discount if paid within 14 days
2	14-28	£60	Full Price
3	>28	£60	Notice to Owner (28 days to pay)
4	>56	£90	Charge Certificate (Penalty Increases by 50%)
5	>70	£90 + Standard Sheriff Officer	Debt Transferred to Sheriff Officer

		Charge	
Note: <ul style="list-style-type: none"> • Notice to Owner is a statutory notice served by the council on the person appearing to be the owner of a vehicle issued with a penalty that remains unpaid after 28 days. • Subsequent to Notice to Owner but PCN has not paid within the statutory time limits, a Charge Certificate increases the full penalty charge by 50% and requires payment within 14 days of service if registration of the debt is to be avoided. • An Appeal against Council decisions on PCNs can be made to the Scottish Parking Appeals Service, the independent adjudication service which has a judicial standing. 			

Fife Council had developed a comprehensive parking strategy in 2003 through extensive consultation with key stakeholders. The strategy was reviewed in 2010 with the conclusion that it was appropriate and generally being successfully delivered. The review was presented to the seven local area committees in Fife as part of the preparation for DPE. This political support was a key policy foundation to establish DPE in Fife.

One of the few elements of the strategy that has not been delivered, relates to on-street parking initiatives. The lack of on-street enforcement by Fife Police was contributing to poor traffic congestion and associated road safety, and, critically, it contributed to a high level of non-payment of parking charges. This led to significant lost income in certain key towns and, whilst leverage was placed on the Police to improve enforcement, they did not view it as core to their strategic priorities and, therefore, did not afford an effective level of enforcement. In these times of significantly reduced budgets, this issue required to be addressed and was a significant factor within the business case for bringing DPE forward.

4. Benchmarking

To determine which business model to utilise, Fife first assessed experiences from:

- DPE authorities across Scotland
- Fife Constabulary
- Scottish Parking Appeals Service (SPAS - the adjudication service for Scotland)
- DPE specialist service providers
- English Authorities with outsourced PCN processing services

The resultant summary position of the benchmarking exercise is in Appendix 1.

In terms of Scottish DPE authorities, all delivered services in-house, except the City of Edinburgh Council, who contracted out their on-street enforcement. It was apparent from visiting the local authorities that there were substantial staff resources required to deliver the back office processing function in house, even where only a moderate level of PCNs are issued.

It was notable that no DPE authority had outsourced the back office processing. Consulting with English local authorities that had outsourced the back office processing provided valuable information on its suitability, quality of service providers and the resources required to manage the contract.

All councils agreed that the review and determination of quality Traffic Regulation Orders (TROs) and on-street signing and lining were key issues in ensuring the successful operation of DPE.

Several councils noted the importance of involving legal teams early on in the DPE process. This helped ensure smooth implementation of the scheme, particularly regarding TROs.

Most local authorities noted that the financial benefits of DPE have not been as significant as initially estimated, particularly where the cost estimates were undertaken by external consultants or if enforcement regimes were not carefully established and rigorously followed. Many looked to raise additional monies, whereas the real benefits of DPE come from improved road safety, more consistent public transport travel times and improved traffic flow.

Fife had early discussions with the leading service providers. Information helped establish key items within the business case and informed decisions on enforcement and back office staffing levels, overheads and estimated income.

In general, benchmarking with other local authorities allowed Fife Council to obtain examples of PCNs, formal correspondence, appeals, operational guidelines and tendering documentation. This information was only gained through a great deal of fact finding which was time intensive, involving meetings with senior staff and travel across Scotland. This proved invaluable in establishing background information which helped compare and contrast Fife's position to other organisations.

5. Potential Delivery Mechanisms

Fife considered four potential delivery mechanisms for managing DPE:

- In House
- Outsourcing
- Shared Service/Partnership
- Mixed Economy

The estimate of cost for Fife Council to deliver DPE services for most of the options were above the threshold which requires advertising within the Official Journal of the European Community (OJEC) and, in turn, the associated stringent procurement procedures to be met.

Prior to deciding on the form of delivery, it is essential that authorities realise that there are key DPE legal decisions that can only be taken by the local authority and **cannot** be delegated, irrespective of the delivery model adopted.

The local authority must make decisions on the key stages of the penalty charge process relating to:

- Notice to Owner
- Charge Certificate
- Formal Appeal

With this in mind, local authorities, irrespective of type of delivery mechanism, will require a management resource to make decisions on behalf of the council and this key issue should be borne in mind when considering the appropriate delivery mechanism for the set of circumstances the authority has to accommodate. As a minimum, it is likely that 2-3 staff be required to administer 20-25,000 PCNs.

5.1 Mixed Economy

Fife Council chose to implement a mixed economy approach to deliver DPE. That is, the back office processing of penalty charge notices was outsourced to the private sector whilst the enforcement operation was maintained in house. This decision was based on consideration of a number of factors, including expertise, risk, existing operations, cost effectiveness and efficiencies.

5.1.1 External Service Provision

Whilst the back office processing is delivered via an external provider, there is no obvious evidence of this to the motorist. All correspondence and website information are embedded into the Council's website with identical design and payments are routed direct to Fife Council's relevant merchant bank account. All surface mail is posted to a local PO Box address which is automatically re-routed to the back office provider. The main contact phone number is generic, which does not reveal the geographical source of the service provider. So, in terms of the customers' perception of the service, it is delivered entirely by Fife Council. Fife Council developed back office operating procedures which were incorporated with the service providers system and all staff answer telephone enquiries as Fife Council employees and undertake duties to agreed operational policies.

The back office provider has the expertise and staff resource and already processes some four hundred thousand penalty charge notices from other customers throughout the UK. They have extensive knowledge of legal issues and well developed procedures in terms of legal requirements. They have extensive integrated IT systems whereby the client has complete access to progression of all parking tickets. The Council only require a very small team of specialist staff, who can potentially cover other areas of work as well as purely parking management duties. In terms of risk, outsourcing the back office processing of penalty charge notices avoids the need for local authorities to increase staff resources, particularly if the level of penalty notices is likely to be low or unsure at the outset of the operation. The cost of processing penalty charge notices by the private provider is extremely competitive and considerably less than the level of charge offered by other Scottish local authorities when enquiries were made into the potential of a partnering approach. The service provider has been procured through a transparent, competitive OJEC tendering process with UK specialist providers.

5.1.2 In-House Enforcement

In terms of enforcement, Fife already had existing staff resources to manage off-street car parks. From consultation with Fife Police, there had been twenty one Traffic Wardens to enforce on-street parking restrictions. From a detailed analysis of Traffic Warden duties, it was estimated that thirteen full time equivalents were involved in parking enforcement.

In moving to DPE, numbers of enforcement staff were increased from 11 to 21 staff. Staff numbers were kept to a moderate level until the full extent of the parking enforcement demand, post-implementation, could be more accurately determined.

5.1.3 Fife's Business Case – Key Points

Fife already had off-street parking enforcement and historical information on how the operation was undertaken, which was on a steady state condition of approximately six thousand penalty notices per annum. Fife Police were contacted and details of ticket information for the previous five years revealed that enforcement levels had dropped considerably as the force refocused its priorities and perhaps because they were aware that DPE powers were being sought by the Council.

From liaising with the private sector there is anecdotal information that the levels of on-street PCNs, post DPE, can triple from the levels achieved by Traffic Wardens. However, it is worth considering the potential slow start up of the new service, including training for parking attendants, the need to become fully conversant with new procedures, hand held computers and more extensive work regimes, as well as the potential increase in levels of harassment of parking attendants which can all contribute to lower PCN rates than expected.

A key factor in determining the level of income from DPE is in estimating the income expected from the issuing of penalty charge notices. As detailed, the level of income per PCN can range between £30, £60 and £90, depending on the level of compliance. The level of compliance is subject to the efficient operation of the entire parking management service.

In determining a suitable level of predicted income per PCN, Fife considered the financial operation of mature DPE operations of a similar scale and size to the authority, in this case it was assumed that an average income of £27 per PCN issued would be achieved. This level of income allows for successful representations and appeals etc.

5.1.4 Efficient Procurement

In the absence of a DPE delivery framework for Scotland, Fife Council issued a tender for DPE services through the Eastern Shires Procurement Organisation (ESPO) framework which is set up in the north of England and is accessible to all UK authorities. The framework is set up in compliance with the OJEC. The ESPO framework enables delivery of parking infrastructure, IT solutions or full back office services to be competitively tendered through a short list of specialist suppliers. It enables a short tender period to be achieved from a select list of industry leading providers via a clear procurement process. This delivery vehicle proved invaluable, however, in the long term, it is dependent on the ESPO framework being continued and administered by others. Scotland requires a similar framework which it can use to ensure that all local authorities can procure the necessary infrastructure and services in a cost effective, time efficient way.

5.2 In-House Notice Processing

In terms of in-house processing provision, the lack of staff skills and the reluctance to increase staff numbers was considered too high a risk in these economically challenging times. The focus of public sector services is very much on delivering more with less. Hence this option was discounted.

5.3 Outsourcing of Enforcement

Benchmarking with private sector providers established that the cost per member of staff was similar when the element of private sector profit was included within the overall business case. So, in real terms, there was no incentive to outsource enforcement and, given the uncertainty of workload and the potential 'reactionary' demands during initial deployment, it was assessed as beneficial to maintain greater control of the enforcement operation in-house, particularly until data on demand and local issues was fully established.

5.4 Partnership/ Shared Services

An investigation into the potential of a partnership/shared service approach was undertaken as part of the procurement assessment. There are several local authorities within Scotland that have expertise in PCN processing and sufficient resources to accommodate additional demand for processing services. However, from investigating procurement requirements, there are several key factors which must be considered if a joint approach is to be taken. Local authorities who already have DPE in place have contracts of differing timescales and different extents of works. In considering the potential of a partnership approach, it is essential to investigate whether the contract of the existing provider has been designed to allow for the provision of other local authorities to 'tap' into the contract. If this is not the case, it is unlikely to meet procurement regulations. From a review of Scottish local authorities, it does not appear that any have such provision incorporated within their contract and, therefore, the potential to partner is unlikely to meet legal procurement requirements.

A shared service approach could be created if authorities were minded to take a cooperative approach and the levels of costs could be shared on a pro-rata basis with all financial processes being open and transparent to all. Ideally, any shared contract, for simplicity, should be with a single supplier and the extent of the services similar. Being able to coordinate a range of authorities under a single contract/framework is possible but would require a desire and concerted effort from all wishing to participate.

6 Key Points To Deliver DPE Quickly

6.1 Management

A key issue in delivering DPE is ensuring that a streamlined decision making structure is in place, with a single point of ownership. Different specialisms (including, IT, traffic management, finance, parking management, HR, procurement, legal and leading service providers) were able to be used as and when required. To effectively manage these issues, a range of meetings, weekly conference calls and working groups, were operated throughout the project. This has been invaluable, providing an audit trail for all decisions, including key legal aspects and operational issues. Already some of this recorded information has been helpful when issues have been challenged within the DPE scheme.

6.2 Legal Approval

The Scottish Government suggest that the introduction of DPE may take around 12-18 months to complete. This may be valid if TROs are all in order and everything is well maintained and managed before DPE powers are sought. In Fife, it took 2.5 years, when the policy review work is included. This was due to the practicalities of the project as outlined in Appendix 2. Some local authorities have introduced DPE in a shorter timescale, but have found that this has involved a significant amount of on-going remedial work post implementation.

In terms of applications, a concern is many local authorities simply copy previous authorities' submissions and this has, in the past, led to fundamental mistakes in the legalities of particular powers. This should be carefully considered and 1/95 guidance referenced by legal teams.

While Fife agreed a draft DPE submission with the Scottish Government, on formal submission of the application they still requested a 3 month consultation period. However, Fife successfully requested that this period be shortened in light of the need to conclude financial matters with Fife Constabulary prior to the new single Scottish Police Force. The Scottish Government agreed to a pilot 1 month consultation period with a view to testing its suitability in order to speed up future DPE submissions.

The increase in Scottish Local Authorities applying for DPE powers in the coming months is a key consideration when authorities are determining a competent delivery programme.

6.3 Traffic Regulation Orders (TROs)

For many local authorities, especially those currently operating a paper-based parking management system, the biggest risk to timescale is likely to be the audit of TROs and their possible consolidation. TROs are developed over many years and span re-organisations of regional and local authorities, changes in council and departmental structures and relocation of council services. To audit the TROs they first need to be located and collated, which is a lengthy process in itself.

From assessing the condition of Fife's TROs, it was decided to consolidate them into on-street and off-street orders. This proved the simplest way of reviewing the orders in relation to the new powers and avoided the likelihood of potential challenges, should new orders be drafted. Prior to determining the format of the schedules for the consolidated/new orders, it is worth establishing the format of the data required within the IT management system to be used in managing DPE. This will prove of great benefit in avoiding the need to redesign schedule information at a later date. If the schedules are suitably designed with all specific information segregated, the data will be able to be simply transferred straight into the IT system, which will save considerable time and associated costs.

In terms of undertaking this work, subject to internal resources, Fife decided to undertake the TRO audit and consolidation in-house. The work is specialist in nature and local knowledge and understanding of the relationships of detail traffic management issues is essential. To scope this work into a potential tender for a Consultant would be extremely difficult given the extensive, detailed nature of the work.

For Fife Council, the extensive dialogue with specialist service providers helped understand how best to form the elements of the TRO spreadsheet and how they would be required to be included within the electronic parking management system.

The time and resources required to produce the consolidation orders, which include more than 4800 entries, was approximately 6-9 months for 2 full time members of the Traffic Management team, with a

high level of input from the legal, DPE and Parking Management teams. The wording of the regulations were standardised within the spreadsheet and this allowed the consolidation order to be more clearly drafted by the Legal team.

In parallel with the assessment of the existing TROs, an on-site audit of the signing and lining was carried out by Fife Council casual survey staff. This was set into a GIS layer together with the TRO legal layer which allowed direct comparison to identify compatibility issues with data which enabled 'problem' areas to be quickly resolved.

The TROs are now held and updated electronically, the detail of which is available to all staff via the Council's corporate GIS system, which has huge time saving benefits and consistent data for all.

6.4 Staff Resources

Many of Fife's parking attendants were new recruits and training was required for them, as well as existing staff. The training covered the use of the handheld computer terminals, back-office software and legislation. This specialist training was given to both enforcement and back office staff as their previous experience was limited to off-street enforcement and the legalities of on-street enforcement are far more complex.

Early discussions with existing enforcement staff are essential. The ability and willingness of all staff to take on new skills, knowledge and work procedures has the potential to be problematic. The parking attendants in Fife were re-graded as part of the preparation for DPE, due to the increased skill requirements of the job. The grading needs to be appropriate to help attract quality staff.

6.5 Penalty Charge Notice

There is not a standard PCN for Scotland. Consequently, Fife's PCNs were designed and printed after examples were sought from other local authorities and advice received from our Legal team. The design and printing of tickets could be more effective if standardised and co-ordinated nationally.

6.6 Tow-away powers

The majority of councils recommended applying for tow-away powers when applying for DPE powers. However, most do not operate the tow-away scheme initially. This is understandable as it could generate adverse publicity at the outset of the project and requires the establishment of car pounds and procurement of a towing service, prior to an estimate of the volume of work and without any guarantee of income. Each council will need to establish a policy to implement uplifts, for example after how many outstanding PCNs will persistent evaders be clamped? This may become a politically sensitive issue which brings increased attention to the enforcement operation in general.

7 Summary

In summary, while the Scottish Government suggests a 12-18 months to deliver DPE, Fife found that with extensive historical, legal records to review and coming from a paper based parking management system, the timescale was approximately 2.5 years.

In terms of strategic issues identified, the following are designed to help focus development of DPE in Scotland:

DPE enforcement within the main charged areas of Scotland has developed in a bespoke way subject to individual circumstances.

There has been no Government lead on how best to deliver DPE services throughout Scotland since the initiation of the regulations for Scotland in 1997.

There has been no formal coordinated, collaborative approach to deliver DPE services across Scotland.

In terms of efficiencies for local authorities in Scotland, it seems uneconomic for all 32 authorities to enter into long, costly procurement exercises at a time when budgets are severely restricted, time is limited and the need for best value is paramount.

There is scope for investigation of a national delivery contract for Scotland whereby economies of scale would allow authorities to access infrastructure/ IT/ back office services and achieve significant procurement/ cost savings. Such a contract could be developed and implemented through liaison with SCOTS/Transport Scotland/Local Authorities and will be an on-going requirement as authorities continue to re-tender for infrastructure and services etc.

There needs to be a forum for information and expertise sharing of DPE issues to reduce costs for all and ensure a consistent, quality parking management approach across Scotland.

Ultimately there needs to be a consistent service delivery for the customer which is understandable throughout the country. There should be common work practices, protocols and procedures across Scotland so the public are reassured that wherever they park they will be met with the same conditions.

There should be greater coordination by Police Scotland, ensuring that the management of traffic and safety within the cities and towns are suitably integrated with DPE authorities.

8 References

Part II and Schedule 3 of the Road Traffic Act 1991

Department for Transport and Welsh Office; Circular 1/95 Guidance on Decriminalised Parking Enforcement outside London; 1/95

Operational Guidance to Local Authorities: Parking Policy and Enforcement; Traffic Management Act 2004

Transport Scotland: Parking Workshop; Nov 2013
(<http://www.transportscotland.gov.uk/files/documents/Parking-Workshop-22-November-2013-Application-Timeline.pdf>)

Disclaimer

The views shared in this paper are our own and do not necessarily reflect those of Fife Council.

Appendix 1 – Summary of Benchmarking Exercise

Local Authority	DPE introduced	Enforcement	Notice Processing	TROs	Business case	Comments
City of Edinburgh Council	1998	Outsourced	In- house	Did not consolidate TROs before DPE	Profitable through private sector approach	Multiple contracts administered from an extensive in-house team. Compact historical, global tourist centre. No public off-street parking pre-DPE.
Glasgow City Council	1999	In- house	In- house	Amended existing TROs	Enforcement covers its own costs	Limited Liability Partnership LLP.
Perth & Kinross	2002	In- house	In- house	TROs consolidated when DPE introduced	Enforcement covers its own costs	
Aberdeen City Council	2003	In- house	In- house	Amended existing TROs	Enforcement covers its own costs	
Dundee City Council	2004	In- house	In- house	Amended existing TROs.	Initial issues now resolved	
South Lanarkshire Council	2005	In- house	In- house	TROs consolidated when DPE introduced.	4 years to become profitable	
Renfrewshire	2010	In- house	In- house	TROs consolidated after DPE introduced	Small profit	
South Ayrshire Council	2012	In- house	Outsourced		Annual info not yet available	

Appendix 2 - Steps taken by Fife Council to introduce DPE

Strategy:

- Reviewing, assessing, updating and consulting on Fife's Parking Strategy;
- Fife Council Integrated Impact Assessment for DPE;

Best practice review:

- Investigating best practice across Scotland for enforcement and penalty charge notice (pcn) processing;
- Consultation with other Local Authorities;
- Discussions and negotiations with key stakeholders, including the Police;
- Informal discussions with IT / hardware and back office service providers;

Traffic Regulation Orders (TROs):

- An audit of all existing Traffic Regulation Orders in Fife (some 500+ TROs with amendments) to prepare them for consolidation;
- Completing a site audit of signing and lining in Fife's major towns;
- Putting all TROs onto Fife Council's GIS system for all Council staff and public to view;
- Consolidating Traffic Regulation Orders for on and off- street parking into an IT compatible format which could integrate with the DPE management system;

Application to the Scottish Government for the relevant Scottish Statutory Instruments (SSIs)

Developing a robust business case

Tendering and procurement of an appropriate IT Parking Management System, back office service and IT hardware

Co-ordination of implementation:

- Co-ordination of the tender implementation and liaising with the project team;
- Configuration of the IT system and hardware;
- Developing a communications strategy including public meetings, design of web pages, press releases and pre-start publicity leaflet;
- Developing operational solutions for both in-house back office team and out sourcing processing of PCNs;
- Setting up ADMAIL address and phone lines;

- Setting up of Merchant Bank Accounts for the various methods of payment;
- Project programming to tight deadlines;
- Design, procurement and printing of pcns;
- Development of enforcement and operational protocols for Parking Attendants;
- Recruitment and training of Parking Attendants for RTA 91 and on-street enforcement requirements;
- Sourcing and procurement of Parking Attendant uniforms;
- Sourcing and procurement of personal body cameras for PAs;