Justice Sub-Committee on Policing
Impact of police reform on local policing

Supplementary written submission from COSLA

Following meetings of the COSLA Development, Economy and Sustainability Executive Group and COSLA Convention at which the matter was discussed, please see attached a submission to the Justice Sub-Committee on Policing’s call for written views on the impact of police reform on local policing. Specifically, this submission expresses our significant concerns about the removal of the Police Scotland Traffic Warden Service and is additional to COSLA’s more general submission.

Police Scotland confirmed to local authorities on 24 December that they will be removing their Traffic Warden Service across Scotland. As a result, it is my understanding that from January of 2014 Police Scotland Officers will only attend to incidences of dangerous or significantly obstructive parking (as clarified in Chief Constable Sir Stephen House’s letter of 13 December 2013) and potentially neglect incidents where parking is inconveniencing others, e.g. parking in loading bays, parking in bus lanes, etc. This will have severe implications for the regulation of traffic in rural and urban areas and the enforcement of on-street parking, including disabled persons parking enforcement, in all local authority areas, especially where Decriminalised Parking Enforcement has yet to be introduced or will simply never be best value.

Legally, the enforcement of on-street parking is the responsibility of the police, except in those Local Authority areas where Decriminalised Parking Enforcement (DPE) has been introduced. Therefore, until a Local Authority applies for and achieves DPE, the responsibility will remain with the police.

If the conclusion of the current review leads to the removal of Traffic Wardens prior to DPE being introduced, this may lead to a ‘vacuum’ of two years (longer in areas where DPE is not best value and may never be introduced) across two thirds of councils where parking enforcement would fall to Police Scotland officers and there is a very real danger that it would be a low priority for them, resulting in an intolerable level of service. It would also raise clear issues about the need to transfer the relevant budget from Police Scotland to Local Authorities to provide a replacement service.

Elected Members have expressed extreme concerns over this radical change in policing provision, particularly given the short timescales involved and the fact that the proposal has been put forward with minimal consultation with Local Authorities. In addition the change will impact town centres, with a potentially damaging effect on the implementation of key Government initiatives such as the Town Centre Action Plan and Regeneration Strategy and threatens the equality of access to parking for disabled persons.

I recently wrote to the Chief Constable Sir Stephen House QPM to express the concern of Scottish councils (copied to the Cabinet Secretary for Justice, the Minister for Transport and Veterans, Dennis Robertson MSP as the proposing member for
the Disabled Persons Parking Badges Bill and to you in your capacity of Convenor of the Scottish Parliament Justice Sub-Committee on Policing). The response I received did not offer sufficient assurances to allay our concerns.

The Executive Group has mandated me to make a written submission to your call for evidence and to seek an early meeting with you in your capacity as convenor of the Justice Sub-Committee on Local Policing to discuss the local implications of this decision. I would therefore be grateful for the opportunity to meet with you or to provide further evidence at any future Sub-Committee meetings.

COSLA are also happy to share with the clerk a fuller copy of a recent SCOTS survey referred to in the written evidence if required.

Cllr Stephen Hagan
COSLA Spokesperson
Development, Economy & Sustainability
10 January 2014
Justice Sub-Committee on Policing

Impact of police reform on local policing

Written submission from COSLA (Development, Economy and Sustainability Executive Group) on the specific issue of Decriminalised Parking Enforcement

Introduction

1. COSLA is grateful for the opportunity to feed into the Justice Sub-Committee on Policing’s call for written views on the impact of police reform on local policing. Specifically, this response outlines our significant concerns articulated by the Development, Economy and Sustainability Executive Group\(^1\) and echoed at COSLA Convention about the impact of the removal of the Police Scotland Traffic Warden Service.

Background

2. Police Scotland have recently confirmed that their Traffic Warden Service will cease to be provided as of January 2014 as part of their refocus on criminality and in order to contribute to their £60m savings target. This change in service provision will have consequences for Local Authorities and the communities they serve, particularly those authorities which do not currently operate a Decriminalised Parking Scheme.

3. As a result, it is COSLA’s understanding that, from January of 2014, Police Scotland Officers will only attend to incidences of dangerous and significantly obstructive parking and potentially neglect incidents where parking is inconveniencing others, e.g. parking in loading bays, parking in bus lanes, etc. This will have severe implications for the regulation of traffic in rural and urban areas and the enforcement of on-street parking, including disabled persons’ parking enforcement, in all local authority areas, especially where Decriminalised Parking Enforcement (DPE) has yet to be introduced or will simply never be best value.

4. Legally, the enforcement of on-street parking is the responsibility of the police, except in those Local Authority areas where Decriminalised Parking Enforcement has been introduced. Until a Local Authority applies for and achieves DPE, the responsibility will remain with the police.

5. Elected Members have expressed extreme concerns over this radical change in policing provision, particularly given the short timescales involved and the fact that the proposal has been put forward with minimal consultation with Local Authorities. In addition there will be an impact on town centres, which could affect regeneration initiatives and the implementation of key Government initiatives such as the Town Centre Action Plan and Regeneration Strategy alongside the impacts on traffic movement and congestion across Scotland.

\(^1\) http://www.cosla.gov.uk/sites/default/files/private/ds131128item13.pdf
Councils’ experience of Decriminalised Parking Enforcement (DPE)

6. Parking duties have already been removed from the police in those local authority areas where DPE has been introduced (currently 11 areas, with 2 others going through the process) which has created a lack of uniformity across the new single police force. The review is therefore likely to seek a consistent approach from the police perspective and to achieve this would mean all the remaining Local Authorities having to go through the decriminalised parking process.

7. However, DPE is only a viable proposition for areas where there is a significant amount of on-street charged parking sufficient to generate revenue to cover the costs of management and enforcement of parking, as well as enforcement of all other Traffic Regulation Orders. In anticipation of having to consider a move to DPE, councils have been unable to obtain the relevant information from Police Scotland on ticketing numbers, revenue, etc. to be able to cost this accurately and make the business case.

8. Even if proposals were to pass this viability test, the preparation of DPE is a lengthy process which requires the approval of Scottish Ministers and a number of statutory instruments to be laid before the Scottish Parliament. Taking into account existing processes, this could be achieved at the very best in 18 months but more likely it would take longer.

9. A recent survey of Local Authorities obtained via SCOTS (which can be shared more fully with the Committee clerk if required), suggested that the process of decriminalised parking normally takes approximately two years from inception to implementation. Therefore, if the review leads to the removal of Traffic Wardens where DPE has not been introduced, there could be a two year ‘vacuum’ in some Local Authorities during which no parking enforcement was in place. Of course, the gap in enforcement could be indefinite if the business case does not represent best value or if DPE is not an option for other local reasons.

10. Where DPE has taken place, police have either retained no functions with regard to parking enforcement in some council areas or have retained responsibility to act upon offences on Trunk Road, Airports and Harbours only. Anecdotally, the experience of Local Authorities has been that such enforcement is a low priority for police.

Disabled Parking

11. Perhaps of most concern will be the impact on the equality of access to parking for disabled persons. In a letter to the Chief Constable in November 2013, COSLA sought reassurance from Police Scotland that a full Equality Impact Assessment had been undertaken on this change to policing provision. This reassurance was not contained within the Police Scotland response to COSLA’s correspondence.

12. This issue is particularly relevant given the proposal for a Members’ Bill – which COSLA believe will be the subject of Parliamentary scrutiny and a wider consultation process early in 2014 – proposed by Dennis Robertson MSP, covering issues concerning Disabled Persons’ Parking Badges to strengthen enforcement powers.
amongst other amendments to Section 21 of the Chronically Sick and Disabled Persons Act 1970.

13. Elected Members previously agreed to support the draft bill proposals to enable enforcement of the use of Blue Badges across all local authority areas and have the power to confiscate badges which they suspect are fraudulent or being misused. This decision was predicated on the continuing provision of a Police Scotland Traffic Warden Service to enable equality of enforcement across council areas where DPE was not in place.

**Transfer of budget and services**

14. The removal of Police Scotland Traffic Warden Services would also raise clear issues about the need to transfer the relevant budget and services from Police Scotland to Local Authorities to provide a consistent level of service across Scotland where DPE is not possible immediately or sustainable in the longer-term.

15. While officials are anticipating the potential need to prepare a business case for moving to DPE in many councils, there remains a high degree of uncertainty.

16. COSLA’s understanding was that by moving to a single police force in Scotland, savings would be made by creating efficiencies. There was never any indication that services would be removed with the expectation that Local Authorities would take on responsibility for the provision – and funding – of these services.

**Issues specific to rural areas**

17. The removal of Police Scotland Traffic Warden Service will have a particular impact in rural areas where Traffic Wardens perform invaluable services to traffic management over and above the enforcement of parking regulations. For example, the Traffic Wardens who patrol the two main towns in Orkney not only enforce on-street parking but carry out a vital role in traffic management around the towns, in particular during the tourist season when they direct traffic and the large number of pedestrian visitors.

**Avoiding a “free-for-all” in towns**

18. Local Authorities are wary of the need to prevent a situation similar to the debacle in Aberystwyth where Dyfed-Powys Police gave up the responsibility for parking enforcement, leading to a situation described by the BBC as a “free-for-all”. Before the local council agreed to step in, reports suggested that drivers taking advantage of the lack of enforcement had harmed local businesses with delivery drivers being forced to double-park and had led to ill-tempered disputes between motorists in the local high street.

19. COSLA has already heard evidence of similar occurrences in Scotland, with motorists in Elgin reportedly showing disregard for yellow lines, parking bays and loading only zones. Furthermore, the level of disruption caused by the lack of parking enforcement in Oban recently appeared on the front page of the *Oban Times*. Where
disruption becomes extreme, the situation threatens to unnecessarily use up valuable police time.

**Conclusion**

20. The COSLA Spokesperson for Development, Economy and Sustainability wrote to the Chief Constable Sir Stephen House QPM on 29 November 2013 to outline the issues raised above. The response received by COSLA dated 18 December 2013 did not allay these concerns but prior to submission of this evidence officials are working to arrange a meeting as soon as possible with Police Scotland.

21. COSLA has recently learned that Police Scotland’s review closed on 24 December. The concerns of Elected Members resulting from the removal of the Police Scotland Traffic Warden Service must be fully addressed so that the level of service does not become intolerable.