



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 6 FEBRUARY 2024**

SUBJECT: PARKING ENFORCEMENT

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT, AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To discuss parking concerns in Elgin Town Centre and inform the Committee of options for short term parking enforcement in Elgin Town Centre.
- 1.2 This report is submitted to Committee in terms of Section III (F) (16) of the Council's Scheme of Administration relating to exercise the functions of the Council under the Road (Scotland) Act 1984 and other relevant legislation and to deal with traffic and transport management functions, including the preparation and implementation of traffic management schemes.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) note the contents of the report and consider the interim options outlined in Section 4;**
- (ii) agree a preferred interim option for progression – including further reporting and financial approvals if required; and**
- (iii) agree the long term solution is traffic control through the Levelling Up Fund Elgin Town Centre Masterplan project.**

3. BACKGROUND

- 3.1 Council Officers are aware of continued concerns around non-compliant parking behaviour in Elgin town centre. At the car parking stakeholder consultation held in April 2023, it was clearly acknowledged by all parties that the pedestrianised areas of the Plainstones and Batchen Street are being misused for access and parking by drivers on an increasing basis. This situation appears to be continuing into 2024.

- 3.2 The ability to put in any specific controls is limited by the current closure of North Street for the rebuilding of the “Poundland” building which necessitates the use of Batchen Street for through traffic. This is an exceptional situation exacerbated by current works which have taken longer to complete than originally anticipated.
- 3.3 The long term solution for this area has been put forward as traffic control (rise/fall bollards) as part of the wider Elgin Town Centre Masterplan project as part of the Levelling Up Fund. Further information on locations of these and the wider project can be found here.
<https://storymaps.arcgis.com/stories/46a13bef59ed4293921e40d274963e5b>. This solution was also welcomed by the stakeholder group for the 2023 Elgin Parking Review.
- 3.4 This report is to consider whether interim short term solutions to alleviate concerns may be suitable and achievable until the long term solution which is focussed on changing driving behaviour and controlling traffic, rather than enforcement, can be implemented.
- 3.5 The responsibility for enforcement of on street parking offences remains with Police Scotland, in line with the Council’s Parking Strategy (meeting of this Committee 31 October 2017, paragraph 7 of the minute refers) and the review of the strategy in 2023 as approved by this Committee on 5 September 2023 (para 4 of the minute refers). Ten local authorities, including Moray, do not currently have decriminalised parking in Scotland. As such, Decriminalised Parking Enforcement, which would be a permanent change in position is not considered as part of this report.
- 3.6 Council Officers meet regularly with colleagues in Police Scotland to discuss priorities and issues relating to enforcement. This partnership working is positive and acknowledges relative priorities and resourcing pressures.

4. OPTIONS

Do nothing / status quo

- 4.1 Continue with the current situation. To do so would leave the current level of illegal parking unaddressed, and has consequent reputational risks. As with any non-compliant parking, this raises road safety risks. The introduction of the new pavement parking legislation through the Transport (Scotland) Act 2019 has raised awareness of wider parking compliance issues and expectations of solutions to these issues.

Communication campaign

- 4.2 Work with partners to produce and implement a campaign about safe and considerate parking. This could be done via social media and paid for advertising. Costs would vary depending on the scale of the campaign and the media used for any advertising. Whilst small scale activity could potentially be carried out unfunded, this would need managing in the context of existing work priorities and pressures. Around £10k could be an appropriate amount to do an Elgin focussed campaign. The benefits of this are encouraging

compliance and increasing understanding of why parking restrictions are in place and promoting the location of the current car parks, to ensure the town centre is accessible for all users. This would help to demonstrate that the Council is listening and responding to concerns raised. If this option was preferred, this committee would have to refer the resulting funding recommendation to Full Council for consideration and constitutes a budget pressure as there is no existing funding stream.

Special Constables

- 4.3 Council Officers have been asked to consider whether Special Constables could carry out parking enforcement. Special Constables are volunteer Police Officers, with the same powers as regular officers. These volunteers must undergo a similar application, security vetting and training process to regular Police Officers. This process includes, application, security vetting, initial Police exam, interview, medical and extensive training, prior to becoming a Special Constable.
- 4.4 Dialogue with Police Scotland has been clear that, as such, Special Constables are not recruited to undertake one task (such as parking enforcement) but any task that would be required as part of being a Police Officer. Most notably, Special Constables by their volunteer nature are also often in employment and generally available in evenings, weekends and holidays, when the parking issues in Elgin are reduced. Further information on becoming a Special Constable and their role is available here. <https://www.scotland.police.uk/recruitment/special-constables/>

Funded Police Officer time

- 4.5 Moray Council could provide funding to Police Scotland to fund additional (overtime) hours as part of a memorandum of understanding or service level agreement to undertake parking enforcement. This would be undertaken on the understanding that it would be required to be done along with other Policing priorities ie not limiting the requirement to respond to an emergency situation, however, the tasking would be on a dedicated basis with an agreed programme of activity. In that vein the Council would not pay for any hours of enforcement activity not carried out if there had been the need for officers to be redeployed to an emergency situation.
- 4.6 At a headline level, an indicative proposal has been discussed with Police Scotland, which would provide for an 18 month agreement, broken into three 6-month periods to allow for mutual review. The proposal sets out an average of 25 hours of enforcement per month, which would be weighted towards the beginning of the agreement to encourage compliant behaviour as soon as possible. There would be an agreed programme of activity, with monthly reviews on practical delivery, output measures (number of tickets issued) and perceived behaviour change in terms of observations of vehicles parked illegally in the core town centre area – particularly focussed on Batchen Street and the Plainstones area of the High Street. This is likely to cost £20k. If this option was preferred, this committee would have to refer the resulting funding recommendation to Full Council for consideration and constitutes a budget pressure as there is no existing funding stream.

Contract with council to undertake Police Scotland traffic warden duties

- 4.7 Police Scotland are permitted to sub contract certain functions to third party providers, and this includes the traffic warden duties. Although Police Scotland withdrew the provision of a Traffic Warden Service in 2014, the statutory powers of traffic wardens still exist for utilisation by the Police. As with the option to fund police officer time, Moray Council as a public sector body could enter into an agreement with the Police to fund specific activities – in this instance the employment of temporary staff to carry out traffic warden duties. Combining these factors could see an option whereby the Police contract with the Council to provide specific traffic warden functionality on a short term basis in the town centre of Elgin with Police Scotland still administering the process centrally. Initial work on this option would indicate a higher base cost to the council than the funding of officer time set out in 4.5 above, but would have provided a greater number of hours of enforcement cover.
- 4.8 Dialogue with partners in Police Scotland have established that this option is not aligned to the Divisional or National position of Police Scotland in relation to parking offences, which is that these should be pursued by local authorities taking on enforcement powers through DPE.
- 4.9 Given the position of Police Scotland on this matter this option is not recommended for further exploration, however, should Committee be minded to have further discussions on this the matter could be referred to Police & Fire & Rescue Services Committee.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The report encompasses the main aims of the Economic Development programme by maintaining suitable transport facilities and infrastructure designed for their intended use.

(b) Policy and Legal

There are legal implications depending on which option members would like Council officers to progress with. The relevant legislation is:-

Road (Scotland) Act 1984

The Transport (Scotland) Act 2019

The Functions of Traffic Wardens (Scotland) Order 1999

(c) Financial implications

There would be additional costs to the Council from the options for additional action outlined in this report, which would require budget approval from Full Council.

Funding Police Scotland officers to do additional hours would depend on the number of hours members wish to fund. The option set out above has a likely cost of £20k. If this option is preferred it would require referral to Full Council as there is no existing budget provision.

Communication Campaign could cost £10,000 depending on the media chosen and amount of paid advertising used. This would need to be approved by Full Council as there is no existing budget provision.

When the Council approved the budget for 2023/24 on 1 March 2023 (paragraph 5 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved

(d) Risk Implications

There are reputational risks to the Council by doing nothing. These risks will be reduced once the current street works are completed and when the traffic control measures are implemented. The Levelling Up Fund project should be completed by March 2026.

(e) Staffing Implications

There would be staffing implications should there be any progression of the option relating to taking on traffic warden duties, however, this option is not supported by Police Scotland.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

There may be some impacts on the grounds of disability. Enforcing the restrictions which are already in place may affect people with a disability as they may not be able to get directly to the location they wish, but this is deemed justified as a proportionate way of ensuring safety and accessibility for pedestrians.

(h) Climate Change and Biodiversity Impacts

There are no Climate Change or Biodiversity Impacts.

(i) Consultations

The Depute Chief Executive (Economy, Environment & Finance), head of Environmental and Commercial Services; Chief Financial Officer, Legal Services Manager, Equal Opportunities Officer, Climate Change Strategy Officer, Police Scotland and Committee Services Officer (L Rowan) have been consulted and any comments taken into consideration.

6. CONCLUSION

- 6.1 This is a short term problem due to current street works and there will be a delay before implementation of the Levelling Up Fund Elgin Town Centre Masterplan project, which once completed should greatly improve the traffic movement and parking situation in Elgin.**
- 6.2 There are a number of potential short term options for parking enforcement. These options will require additional revenue expenditure, communication of the changes and working collaboratively with partners and stakeholders.**
- 6.3 The long term solution is focussed on changing driving behaviour and controlling traffic, to encourage compliance, rather than enforcement.**

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Background Papers: [Elgin Parking Review September 2023](#)
[Elgin Parking Strategy 2017](#)

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