

POLICY NOTE

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (EAST DUNBARTONSHIRE COUNCIL) DESIGNATION ORDER 2013 SSI 2013/311

THE ROAD TRAFFIC (PARKING ADJUDICATORS) (EAST DUNBARTONSHIRE COUNCIL) REGULATIONS 2013 SSI 2013/312

THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (EAST DUNBARTONSHIRE COUNCIL PARKING AREA) REGULATIONS 2013 SSI 2013/313

1. The above instruments were made in exercise of powers conferred by Schedule 3 of the Road Traffic Act 1991, sections 73(11) and (12) of the Road Traffic Act 1991, and section 63A of the Road Traffic Regulation Act 1984 respectively. The instruments are subject to negative resolution procedures before the Scottish Parliament.

Policy Objectives and background

2. The purpose of the three Scottish Statutory Instruments is to introduce a decriminalised parking regime within the East Dunbartonshire Council area.

3. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK.

4. To date, eleven Scottish local authorities have introduced Decriminalised Parking Enforcement (DPE). Under these arrangements, local authorities administer their own parking penalty schemes and retain the penalties collected to finance parking enforcement procedures.

5. Previously, and continuing for authorities that have not introduced DPE, income generated from fines arising from parking infringements accrue to the Exchequer as these are non-endorsable criminal offences. Under DPE, enforcement is no longer the responsibility of the Police or Traffic Wardens but is implemented by employees of the local authority, either directly or under contract. As such, a breach of parking rules within an area where DPE is in force requires payment to the local authority of a penalty charge.

6. Revenue generated from parking penalties under DPE will accrue to the local authority and will be used to fund the operation of the scheme. Any surplus is used to improve off-street parking facilities and for general traffic management purposes within the area of the authority. Therefore, the revenue is effectively ring-fenced for traffic management measures and cannot be used by an authority for other purposes.

The Road Traffic (Permitted Parking Area and Special Parking Area) (East Dunbartonshire Council) Designation Order 2013 (SSI 2013/311)

7. This SSI defines the area within East Dunbartonshire where DPE can be enforced.

The Road Traffic (Parking Adjudicators) (East Dunbartonshire Council) Regulations 2013 (SSI 2013/312)

8. This SSI provides for the adjudication process to be followed where an aggrieved motorist feels a penalty charge notice has been incorrectly issued.

The Parking Attendants (Wearing of Uniforms) (East Dunbartonshire Council) Regulations 2013 (SSI 2013/313)

9. This SSI stipulates that a parking attendant must be wearing an identifiable uniform when carrying out the duties associated with a parking attendant.

Consultation

10. All statutory requirements regarding consultation for these three Scottish Statutory Instruments were carried out. All responses received were either no objection or content.

11. Whilst the consultation was launched on 2 August, the Administrative Justice & Tribunals Council (AJTC), the statutory consultee to the parking adjudicators SSI, was abolished on 19 August 2013. A response to the consultation from the AJTC was not received prior to this.

Regulatory Impact Assessment

12. No Regulatory Impact Assessment was carried out as the proposal is for existing powers to enforce parking offences, currently with the police, to become a local authority functions.

Business Regulatory Impact Assessment

13. No Business Regulatory Impact Assessment has been undertaken since the Regulations are concerned with the enforcement of existing traffic restrictions and prohibitions and do not therefore constitute an additional burden on business. The costs incurred by local authorities undertaking enforcement are expected to be absorbed by income from charges.

Financial Effects

14. These SSIs will have no financial effect on the Scottish Government.