# POLICY NOTE

# THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (WEST DUNBARTONSHIRE COUNCIL) DESIGNATION ORDER 2024

## SSI 2024/270

# THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (WEST DUNBARTONSHIRE COUNCIL) REGULATIONS 2024

## SSI 2024/271

The above instruments were made in exercise of the powers conferred by Schedule 3 of the Road Traffic Act 1991, and section 63A(4) of the Road Traffic Regulation Act 1984 respectively. The instruments are subject to negative resolution procedures before the Scottish Parliament.

**Summary Box**

The purpose of the two Scottish Statutory Instruments is to introduce a decriminalised parking regime within the West Dunbartonshire Council area.

**Policy Objectives**

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. Decriminalised Parking Enforcement (DPE) is a regime which enables a local authority to administer its own parking penalty schemes, including the issuing of Penalty Charge Notices (PCNs) to motorists breaching parking controls in specific areas. DPE seeks to ensure compliance with parking controls through transparent, effective enforcement aimed at dissuading motorists from breaching parking controls and achieving 100% compliance with such controls.

To date, 22 Scottish local authorities have introduced DPE within their areas. Under these arrangements, local authorities are allowed to retain the penalties collected. However, section 55 of the Road Traffic Regulations Act 1984 requires that any surplus accrued by local authorities from their DPE regimes should be ring-fenced and may only be used for certain transport-related provisions, including the provision and maintenance of off-street parking, the provision or operation of (or facilities for) public passenger transport services or for road improvement projects in the local authority area.

Under DPE, enforcement powers no longer rest with the Police but are implemented by parking attendants employed either directly by, or under contract to, the local authority. 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.

**UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Road Traffic (Permitted Parking Area and Special Parking Area) (West Dunbartonshire Council) Designation Order 2024 and the associated instrument the Parking Attendants (Wearing of Uniforms) (West Dunbartonshire Council) Regulations 2024 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

**EU Alignment Consideration**
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

**Consultation**
To comply with the requirements of the Road Traffic Regulation Act 1984, we consulted with neighbouring local authorities, Police Scotland, the Scottish Courts and Tribunals Service and the Traffic Commissioner for Scotland.

As a result of that consultation there were no changes made to the SSIs.

**Impact Assessments**
As the draft regulations relate to the enforcement of existing parking restrictions and do not therefore constitute an additional burden on business a Business and Regulatory Impact Assessment is not required. The enforcement costs incurred by West Dunbartonshire Council are expected to be absorbed by income from parking penalties.

**Financial Effects**
The Cabinet Secretary for Transport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Transport Scotland
Roads Directorate

20 September 2024