# POLICY NOTE

# THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (ARGYLL AND BUTE COUNCIL) DESIGNATION ORDER 2014 SSI 2014/84

# THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (ARGYLL AND BUTE COUNCIL PARKING AREA) REGULATIONS 2014 SSI 2014/85

# THE ROAD TRAFFIC (PARKING ADJUDICATORS) (ARGYLL AND BUTE COUNCIL) REGULATIONS 2014 SSI 2014/86

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 Argyll and Bute 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, 12 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 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.

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) (Argyll and Bute Council) Designation Order 2014 (S.S.I. 2014/84)**

7. The SSI defines the area within Argyll and Bute where DPE can be enforced. The area includes all roads in Argyll and Bute other than two sections where, due to either higher speed limits or frequent wide loads which require a police escort, it has been agreed that the Council is not best equipped to enforce on these sections and that powers should therefore be retained by the police.

**The Parking Attendants (Wearing of Uniforms) (Argyll and Bute Council) Regulations 2014 (S.S.I. 2014/85)**

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

**The Road Traffic (Parking Adjudicators) (Argyll and Bute Council) Regulations 2014 (S.S.I. 2014/86)**

9. This SSI provides for the adjudication process to be followed where a motorist believes that a penalty charge notice has been incorrectly issued.

**Consultation**

10. All statutory requirements regarding consultation for these three Scottish Statutory Instruments have been carried out. The Administrative Justice and Tribunals Council was previously a statutory consultee but was formally abolished on 19 August 2013. No consultees expressed a view on the proposals.

**Business and Regulatory Impact Assessment**

11. No Business and Regulatory Impact Assessment has been undertaken since the proposed Regulations transfer existing powers from the police to the local authority, rather than create a new legislative or financial burden upon business. The enforcement costs incurred by the local authority are expected to be absorbed by income from penalty charges.

**Financial Effects**

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

Roads Policy Team
Transport Scotland
March 2014