EXECUTIVE NOTE TO

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (RENFREWSHIRE COUNCIL) DESIGNATION ORDER 2010

(SSI 2010/96)

THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (RENFREWSHIRE COUNCIL PARKING AREA) REGULATIONS 2010

(SSI 2010/97)

THE ROAD TRAFFIC (PARKING ADJUDICATORS) (RENFREWSHIRE COUNCIL) REGULATIONS 2010

(SSI 2010/98)

1. The above instruments were made in exercise of powers conferred by Section 73(11) & (12) and Schedule 3 of the Road Traffic Act 1991 and Section 63A of The Road Traffic Regulation Act 1984. The instruments are subject to negative resolution procedure 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 Renfrewshire 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 throughout the UK.

4. To date, six Scottish local authorities have introduced Decriminalised Parking Endorsement (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 they 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) (Renfrewshire Council) Designation Order 2010

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

The Parking Attendants (Wearing of Uniforms) (Renfrewshire Council Parking Area) Regulations 2010

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) (Renfrewshire Council) Regulations 2010

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

Consultation

10. All statutory requirements regarding consultation for these three Scottish Statutory Instruments were carried out. All responses were in favour.

Regulatory Impact Assessment

11. 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 function.

Financial Effects

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

Scottish Government Transport Directorate
March 2010