

POLICY NOTE

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (HIGHLAND COUNCIL) DESIGNATION ORDER 2016

SSI 2016/245

THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (HIGHLAND COUNCIL PARKING AREA) REGULATIONS 2016

SSI 2016/246

THE ROAD TRAFFIC (PARKING ADJUDICATORS) (HIGHLAND COUNCIL) REGULATIONS 2016

SSI 2016/247

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 Highland 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, 14 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) (Highland Council) Designation Order 2014 (S.S.I. 2016/245)

7. The SSI defines the area within Highland where DPE can be enforced. The area includes all local roads in Highland and some limited sections of trunk roads as set out in schedule 1 of the Order. The remaining sections of the trunk road network that are excluded from the DPE area will continue to be the responsibility of Police Scotland, as it has been agreed that the Council is not best equipped to enforce on these sections.

The Parking Attendants (Wearing of Uniforms) (Highland Council) Regulations 2014 (S.S.I. 2016/246)

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) (Highland Council) Regulations 2014 (S.S.I. 2016/247)

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 bulk of the consultation responses had no objections to the proposals. While the Parking and Bus Lane Tribunal for Scotland sought changes to the Road Traffic (Parking Adjudicators) (Highland Council) Regulations 2016 to reflect the changes that the Tribunal's is taking forward to modernise its appeals process.

11. However, any changes to the regulations would require detailed work and consultation with other local authorities and would delay the commencement of DPE in the Highland area for several months. While the Traffic Commissioner for Scotland supports the Tribunal's request for changes to the regulations, she has agreed that the draft regulations for Highland Council remain unchanged so that DPE can commence on Monday, 3 October 2016. Meanwhile, Transport Scotland will review the Tribunal's proposals for the regulations. If any changes are required, then an amended SSI should be made to cover all local authorities who have DPE at the same time.

Business and Regulatory Impact Assessment

12. 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 Highland Council are expected to be absorbed by income from parking penalties.

Financial Effects

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

Roads Policy Team
Transport Scotland
August 2016