

REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
15 NOVEMBER 2004

REPORT ON: CONSULTATION ON ROAD USER CHARGING REGULATIONS –
PENALTY CHARGES – LIABILITY OF CHARGES – KEEPING OF
ACCOUNTS – REPORT 2004

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 757-2004

1 PURPOSE OF REPORT

- 1.1 The purpose of the report is to inform the Committee of Scottish Executive consultation on regulations relating to Road User Charging and seek Committee approval to submit a reply to the Scottish Executive.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a note the Scottish Executive consultation on Road User Charging;
 - b reaffirm the City Council's position that it presently has no intention to pursue the establishment of a Road User Charging Scheme for Dundee; and
 - c approve the responses to the Consultation questions as outlined within this report (at paragraph 6.4).

3 FINANCIAL IMPLICATION

- 3.1 There are no financial implications associated with this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 It is recognised that Road User Charging Schemes will have significant influence on Local Agenda 21 and must be considered when developing such a scheme.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 It is recognised that Road User Charging Schemes will have a significant influence on equal opportunities and must be considered when developing such a Scheme.

6 BACKGROUND

- 6.1 The Transport Act (Scotland) 2001 has enabled local authorities with the powers to introduce road user charging schemes. These powers were introduced because traffic growth has increased significantly over the last 30 years and it is predicted to increase by 27% in the next 20 years. Traffic growth has major economic, environmental and social costs, including longer journey times, reduced air quality, road accidents, impacts on health and contribution to climate change. It is recognised that traffic congestion has huge costs to business and communities; however, Dundee's present situation would not justify the introduction of road user charging.

6.2 Road User Charging imposes a charge on motorists who travel on certain roads at specific times of day and is used to manage traffic demand and reduce congestion. It acknowledges that road space is a scarce resource which needs to be managed efficiently. The main purpose of Road User Charging is to alleviate traffic congestion, raise transport revenue for infrastructure and address environmental impacts.

6.3 The Scottish Executive has asked Local Authorities to reply to Consultation on Draft regulations on 3 items relating to Road User Charging. These items are:

- a The Road User Charging (Liability for Charges) (Scotland) Regulations specify the persons liable for charges under a road user charging scheme.

These draft regulations are to determine who is liable to pay the financial charges when a vehicle enters onto a road that is designated to be within a road user charging scheme by a local authority. The draft regulations specify that the registered keeper of the vehicle should be liable for the road charge unless:

- the vehicle was kept by a person who was a licensed vehicle trader and not the registered keeper - charges would be payable by that person;
- the registered keeper had notified the Secretary of State in writing prior to entering a road user charging scheme that he was no longer the registered keeper of the vehicle; and
- where the registered keeper of a vehicle was a hire firm, the charges would apply to the person who had hired the vehicle as they would have to accept them under the vehicle's hiring agreement.

- b The Road User Charging (Penalty Charges) (Scotland) regulations relate to the procedures involving the imposition and liability for penalty charges; examination of, and entry to, vehicles; powers of immobilisation, removal of vehicles; taking possession of vehicles; recovery of penalty charges in relation to removed vehicles and claims by owners of vehicles after disposal.

These draft regulations provide a local authority with the power to impose penalty charges for driving onto a road within a Road User Charging Scheme. Where the Road User Charge has not been paid within a certain timescale, the local authority can impose additional charges and take measures to recover the debt. These regulations give Road User Charging authorities the power to immobilise and remove vehicles from inside and outside the Road User Charging zone. Vehicle owners will then have to pay all penalties to have their vehicle released or returned to them. Where penalties have not been paid the regulations allow for Road User Charging Authorities to sell vehicles to recover the debt.

- c The Road User Charging (keeping of Accounts and Relevant Expenses) (Scotland) Regulations relate to the form that the accounts of the charging scheme should take and how the net proceeds of the scheme are calculated. They will ensure that there is transparency and additionally.

These draft regulations indicate that any local authority that implements a Road User Charging Scheme has a duty to keep proper accounts. Proper accounting

practices must be used to prepare the accounts and the Road Charging Authority must produce a statement of accounts every financial year.

- 6.4 The Consultation document has asked three specific questions for Dundee City Council to respond to and these are:

The Road User Charging (Liability for Charges) (Scotland) Regulations

Question

Are there any changes/other circumstances in which the registered keeper should not be liable for the charge? What is your reasoning for this?

Dundee City Council Response

Dundee City Council considers that the regulations proposed regarding Road User Charging (Liability of Charges) is appropriate and do not suggest any amendments to the regulations.

The Road User Charging (Penalty Charges) (Scotland) Regulations

Question

Do you agree with the procedures that have been specified to enable road user charging schemes to enforce payment of penalty charges? If not, what procedures would, in your view, be more appropriate and why?

Dundee City Council Response

Dundee City Council considers that the regulations proposed regarding Road User Charging (Penalty Charges) are appropriate and do not suggest any amendments to the Regulation.

The Road User Charging (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations

Question

Do you agree with the duties on charging authorities that we propose in these regulations? If not, what would be a suitable alternative and why?

Dundee City Council Response

Dundee City Council considers that the regulations proposed regarding Road User Charging (Keeping of Accounts and Relevant Expenses) are appropriate and do not suggest any amendments to the regulations.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning) and the Chief Constable have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

Transport Act (Scotland) 2001.

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IFS/EG/KM

5 November 2004

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