

REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 15 JUNE 2010

SUBJECT: LOSSIE GREEN & LOSSIE WYND CAR PARKS – PROPOSED PAY AND DISPLAY

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 To update members on the statutory consultation responses to the proposal to introduce pay and display waiting restrictions at Lossie Green car park and Lossie Wynd car park.
- 1.2 This report is submitted to Committee in terms of the Council's Administration Scheme relating to Orders for the regulation of traffic.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee notes the levels of objections/comments received from the statutory consultation on charging at Lossie Green Car Park and Lossie Wynd Car Park to the Grampian Regional council (Off Street Car Parks) Order 1989, and approves-
 - a) introduction of pay and display waiting restrictions at Lossie Green and Lossie Wynd Car Parks and proceed with the statutory process.
 - b) the proposal to charge a fee of £1 per day per car (or part day).
 - c) the proposal to fund set up costs from the Capital scheme "Elgin traffic Management and Car Parking" during 2010/2011.
 - d) the proposal to split subsequent income between the Council and Public Trust administered as part of Common Good Fund.
 - e) that the terms of this report be submitted to the Council's P&R Committee for its interest in the Public Trust / Common Good Land.

3. BACKGROUND

- 3.1 Reference is made to the Meeting of the Economic Development and Infrastructure Committee on 23 February 2010 (Para 11 of the Minute refers) which instructed the Director to proceed with the statutory process with regard to introduction of pay and display waiting restrictions at Lossie Green and Lossie Wynd Car parks, charge of £1 per day per car (or part day), to fund set up costs from the Capital Scheme "Elgin Traffic Management and Car Parking" during 2010/2011, and split subsequent income between the Council and Common Good Fund.

- 3.2 The proposal was advertised in the Northern Scot newspaper on 2 April 2010 and the period for objections expired on Friday 30 April 2010. 7 written objections were received and 6 written observations for information. Of the outstanding objections 3 were from individuals and 4 were from businesses and organisations.

The main grounds for each objections are summerised as follows:

1. extra cost to existing car park users and in particular this will affect users of the Community Centre, Town Hall, Cooper Park, Holy Trinity Church, Driving Test Centre and shops (6 number).
2. will encourage on street parking leading to congestion or possible further parking restrictions in streets at a later date (4 number).
3. will discourage use of town centre shops, will deter town centre regeneration, and encourage use of retail parks instead (1 number).
4. may lead to closure of the driving test centre (1 number).
5. will have the largest effect on low wage earners, those on low incomes, the elderly, and those who have no public transport alternative (2 number).

In addition, exemptions to charges have been requested for V.I.P child care at the Community Centre, Tourists / Caravaners / Camper Van Owners using the library Tourist Office, driving test cars, and users of the Holy Trinity church (4 number). It was also proposed that parking be free at weekends to encourage town centre shopping (1 number).

- 3.3 Responses related to the Public Trust have been received as follows:

1. challenge the legality of imposing charges on “common ground” (2 number).
2. request for the allocation of funds to the gifted area to be publicised (1 number).
3. request for open accounting detailing what monies have been gathered from fees and what has been spent on the upkeep of the gifted area (1 number).

- 3.4 The land which is part of the public trust has defined purposes which the Council must adhere to. The trust is accounted for as part of Elgin Common Good. Any revenue from the Trust ground will be spent on the Trust ground itself after deduction of maintenance, supervision and administration. Common good accounts are open to the public for inspection.

- 3.5 3 responses were received which did not object to the proposal. 1 response proposed implementing charges in other towns and villages on environmental grounds.

- 3.6 Copies of the actual responses received are available to members on the Elected Members Information Site (portal).
- 3.7 On occasion a varying number of bays in these car parks have been used by organisations such as 63 Car Club, NHS and Moray Council Arts Development Group for events. Should the proposal be approved the Council would charge such organisations £1 per day per space.

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/Service Improvement Plan

The report encompasses the main aims of the Single Outcome Agreement and Service Improvement Plan by reducing costs and increasing efficiency.

(b) Policy and Legal

The provision of car parking facilities is not a statutory responsibility of Councils. Car Parks have been inherited from previous Councils as local facilities. This proposal amends the existing Grampian Regional Council (Off-Street Car Parks) Order 1989 to enable the introduction of pay and display at Lossie Green and Lossie Wynd Car Parks.

The public trust land has been dissected by the public road from Elgin to Lossiemouth and car parking has been established on a large area of this ground. Public recreational use of this part of the trust property has been lost. Provided revenue from car parking charges is applied towards the benefit of the trust areas, it is considered that the terms of the trust are met. Accordingly there would be a defensible position to any challenge.

(c) Resources (Financial, Risks, Staffing and Property)

Financial

Both car parks are mostly used by workers who park all day. If they were charged £1 per day under current usage, overall income from both car parks to the Council would be £68,000 per year and the Public Trust / Common Good £34,000 per year. Maintenance and supervision, which might be in excess of 30% of the projected income, would be deducted from these sums in the case of the Common Good Fund element. The Council already incurs maintenance charges on car parks and therefore only additional supervision/enforcement would be required from that income stream.

It is proposed to split the set up costs between the Council and Public Trust administered as part of the Common Good Fund at a ration of 50:50 for Lossie Wynd and 70:30 for Lossie Green.

Risks

Experience from past increases in car parking dues has shown that initially drivers will park elsewhere to avoid pay and display. This effect will last for longer where regular users are affected and so the prospected income will be less than the maximum figures given above. However, it is impossible to quantify this effect in advance.

It is probable that some cars will park on the hardcore area between Borough Briggs Road and the River Lossie to avoid paying charges. This use will be monitored in case it develops into a long term problem. This land is Council owned and in addition there remains unresolved issues resulting from its use by travelling people as a camp site.

Staffing

Enforcement of parking restrictions is currently carried out by 3 car parking attendants. Employment of a fourth attendant on Saturdays will be required to ensure adequate provision.

(d) Consultations

Lorraine Paisey, Principal Accountant has been consulted and has no comments to make on the report and is in agreement with the financial implications.

Alasdair McEachan, Principal Solicitor (Commercial & Conveyancing) has been consulted and his comments have been incorporated.

Ian Bruce, Environmental Protection Manager has been consulted and his comments have been included.

Mike McClafferty, Senior Area Housing Officer has been consulted and his comments have been included.

5. CONCLUSION

5.1 It is recommended that the Committee notes the levels of objections received from the statutory consultation on charging at Lossie Green Car Park and Lossie Wynd Car Park to the Grampian Regional Council (Off Street Car Parks) Order 1989 and approves-

- a) introduction of pay and display waiting restrictions at Lossie Green and Lossie Wynd Car Parks and proceed with the statutory process.
- b) the proposal to charge a fee of £1 per day per car (or part day).

- c) the proposal to fund set up costs from the Capital scheme “Elgin traffic Management and Car Parking” during 2010/2011.**
- d) the proposal to split subsequent income between the Council and the Common good Fund.**

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Background Papers:

Ref: