

Item: 16

General Meeting of the Council: 6 July 2021.

Notice of Motion.

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider the implications of the suggested course of action contained in the Notice of Motion, lodged by Councillor John A R Scott, as detailed on the agenda for this meeting.

2. Recommendations

The Council is invited to note:

2.1.

That the Chief Executive has received a Notice of Motion regarding the removal of the two parking permits at Spence's Corner, Broad Street, Kirkwall, as set out in The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021.

2.2.

That the Notice of Motion requests that the decision to remove the two permit holder bays at Spence's Corner, Broad Street, Kirkwall, be reappraised.

2.3.

That, on 10 November 2020, when considering proposed amendments to on-street parking on various streets in Kirkwall town centre, the Development and Infrastructure Committee recommended:

- That the existing prohibition of waiting orders covering on-street parking on the undernoted streets be consolidated into a single on-street parking order:
 - Bridge Street.
 - Albert Street.
 - St Olaf's Wynd.
 - Laing Street.
 - Castle Street.
 - Broad Street.
 - Palace Road.
 - Tankerness Lane.

- Watergate.
- Victoria Street.
- Victoria Road.
- Main Street.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

2.4.

That the proposed amendments, referred to at paragraph 2.3 above, also included removal of the permit bays on Broad Street, Kirkwall, at Spence's Corner.

2.5.

That, following the statutory consultation process during which no adverse comments were received, The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021 came into effect on 1 July 2021, which removes the exclusive right of permit holders to park within two of the bays at Spence's Corner, Broad Street, Kirkwall.

2.6.

That permit bays for other businesses in the surrounding area were removed in 1999.

2.7.

That the Council does not provide on-street parking permits anywhere else in Orkney and has gradually been phasing these out over the last few years in order to maximise the availability of public parking spaces within the town centre areas.

It is recommended:

2.8.

That the Council considers whether to support the Notice of Motion, noting the options outlined in section 7 of this report.

2.9.

That, should the Council support the Notice of Motion, Elected Members should determine whether the Executive Director of Development and Infrastructure should submit a report, to the Development and Infrastructure Committee, regarding a policy on the provision, or otherwise, of on-street parking permits.

3. Notice of Motion

3.1.

The Notice of Motion, detailed on the agenda for this meeting, lodged on 9 June 2021 in accordance with Standing Order 17.1, requests that the Development and Infrastructure Committee reappraise its decision to remove the two Permit Holder parking spaces outside the Daily Scoop premises on Broad Street, Kirkwall, one of which has been used by a resident for over 30 years and the other has been a loading bay for various premises, including Spences Newsagents, for almost as long.

3.2.

Standing Order 17.2 provides that a Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.

3.3.

Standing Order 17.3 states that a Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.

3.4.

As the Notice of Motion is contradictory of a previous Decision of the Council that was made within the last 12 months, Standing Order 23.1 requires to be suspended in order for any of the recommendations in this report to be considered and/or approved. Standing Order 23.1 may only be suspended if two-thirds of the Members present, rounded up to the nearest whole number, so agree.

4. Background

4.1.

On 10 November 2020, the Development and Infrastructure Committee considered proposed amendments to existing on-street parking on various streets in Kirkwall town centre, as a result of various factors, including:

- Changes made to the on-street parking layout on Broad Street, Kirkwall, following completion of the Kirkwall Places and Spaces project.
- A review of current signage and lining associated with on-street parking in Kirkwall carried out in 2016 to establish where these were not representative of the current orders.

4.2.

The Development and Infrastructure Committee subsequently recommended:

- That the existing prohibition of waiting orders covering on-street parking on the undernoted streets be consolidated into a single on-street parking order:

- Bridge Street.
 - Albert Street.
 - St Olaf's Wynd.
 - Laing Street.
 - Castle Street.
 - Broad Street.
 - Palace Road.
 - Tankerness Lane.
 - Watergate.
 - Victoria Street.
 - Victoria Road.
 - Main Street.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

4.3.

Following ratification of the recommendations of the Development and Infrastructure Committee detailed above by Council on 8 December 2020, the statutory and public consultation process was carried out from January through to March 2021. This process requires a notice to be published in The Orcadian and notices erected at various locations along the streets and adjacent routes affected by the Order. No objections were received following the consultation process.

4.4.

The removal of the permit bays at Spence's Corner was included in the proposals to consolidate the existing prohibition of waiting and on-street parking traffic regulation orders in Kirkwall. Permit bays for other businesses in the area were removed in 1999. The Council does not provide on-street parking permits anywhere else in Orkney and has gradually been phasing these out over the last few years in order to maximise the availability of public parking spaces within the town centre areas.

4.5.

A public engagement was held in Kirkwall Town Hall from 21 to 23 January 2020. The event was advertised through the Communications Team and the usual media outlets. The drawings displayed at the event highlighted the proposals. 29 responses were received following the event, three of which showed support for removal of the permit bays, none requesting the bays be retained.

4.6.

The bays were not included on the final drawing drafted in September 2020 for inclusion with the report submitted to the Development and Infrastructure Committee on 10 November 2020. The report outlined the various proposals to be incorporated into the consolidated order, as follows:

- The provision of three parking bays, maximum stay 20 minutes, on Bridge Street.
- Relocation of the taxi rank from Broad Street to Castle Street. This has been in place for some time now as a temporary measure.
- Provision of a disabled parking bay on Broad Street.
- Removal of the permit bays on Broad Street at Spence's Corner.
- Provision of a disabled parking bay on Broad Street at Spence's Corner.
- Removal of disabled parking bay on Watergate. Access to Kirkwall Sheriff Court for disabled people is no longer available at this location.
- Allowance for exemption to time limit for two bays on Watergate for vehicles being used in relation to Sheriff Court business.
- Removal of two parking spaces on Victoria Street outside the Orkney Hotel, to ensure free flow for larger vehicles, including refuse and recycling lorries.

5. Assessment of Implications of Notice of Motion

5.1.

As no adverse comments were received during the statutory consultation process, in terms of delegated powers, the Executive Director of Development and Infrastructure made The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021, which came into force on 1 July 2021.

5.2.

It is therefore not possible to simply amend the schedules in the Order. As the permit bays are not included in the Order, any signs or markings to indicate permit holders' bays would be unenforceable, undermining the effectiveness of the remaining markings. Officers have discussed the matter with Police Scotland and, until such time as the matter is resolved, vehicles displaying the parking permit will not be penalised.

5.3.

Reinstating the permit bays would require an amendment Order to be made. This will require the statutory and public consultation process to be carried out. This process could take between six and 12 months to complete depending on whether valid objections are received to the proposals. If any objections are received, then these will have to be considered by the Development and Infrastructure Committee before deciding how to proceed.

5.4.

If a decision is taken to reinstate the permit bays, officers have concerns that the Council will receive requests for on-street parking bays and permits from other businesses and residents in the area. Members are therefore requested to determine if further applications for on-street parking permits should be considered. At present the Council does not have a policy for granting such permits. Further permits in this area would impact on the availability of short-term bays for visitors and customers. If Members wish for a new policy on parking permits to be considered, this should be referred to the Development and Infrastructure Committee.

6. Disabled Persons' Parking Places

6.1.

The Council has received an application from a blue badge holder who has recently moved into the area, for an on-street disabled parking bay at Spence's Corner, Broad Street, Kirkwall. The application meets the criteria and therefore, as required by the Disabled Persons' Parking Places (Scotland) Act 2009, a temporary bay will be provided whilst the process to introduce an order is carried out. This includes consideration by the Development and Infrastructure Committee in due course.

6.2.

There are currently nine parking bays at Spence's Corner, one of which is marked as a disabled bay. Reintroduction of two permit bays, along with the request for a further disabled bay, will mean that there are only five short term bays available to the general visiting public.

7. Options

There are two options available to the Council:

- Option 1 – do nothing.
 - The new Order has been made and came into force on 1 July 2021. The location plan entitled “Option 1 Broad Street Parking”, attached as Appendix 1 to this report, sets out the on-street parking arrangements.
 - No further action is required.
- Option 2 – commence the statutory process to reinstate the two permit bays.
 - This will require an amendment Order as outlined in section 5.3 above, noting that any objections raised during the consultation would require to be considered by the Development and Infrastructure Committee.
 - The location plan entitled “Option 2 Broad Street Parking”, attached as Appendix 1 to this report, indicates where “permit holder” parking spaces are located.

8. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

9. Financial Implications

There are not anticipated to be any significant financial implications associated with this report. There is no charge made for the provision of parking permits and there is no charge levied on the public for parking at Spence's Square.

10. Legal Aspects

10.1.

The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021 came into force on 1 July 2021. The Order was made in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

10.2.

As indicated at section 5.3 above, reinstatement of permit bays would require a new Order to be made in accordance with the 1999 Regulations.

10.3.

The Notice of Motion states that "neither of the permit holders were consulted". This is not strictly the case in legal terms as public consultation was carried out in terms of the 1999 Regulations. There is no provision within the 1999 Regulations for individuals to be personally notified in writing.

10.4.

As indicated in section 5.2 above, Police Scotland has indicated that vehicles displaying the parking permit will not be penalised, pending resolution of the matter. This is an informal arrangement.

10.5.

Section 5 of the Disabled Persons' Parking Places (Scotland) Act 2009 provides that a qualifying person may request a local authority to make a disabled street parking order in respect of a street parking place which is in the authority's area, and from which there is convenient access to the person's address.

11. Contact Officers

Gavin Barr, Executive Director of Development and Infrastructure, Email gavin.barr@orkney.gov.uk

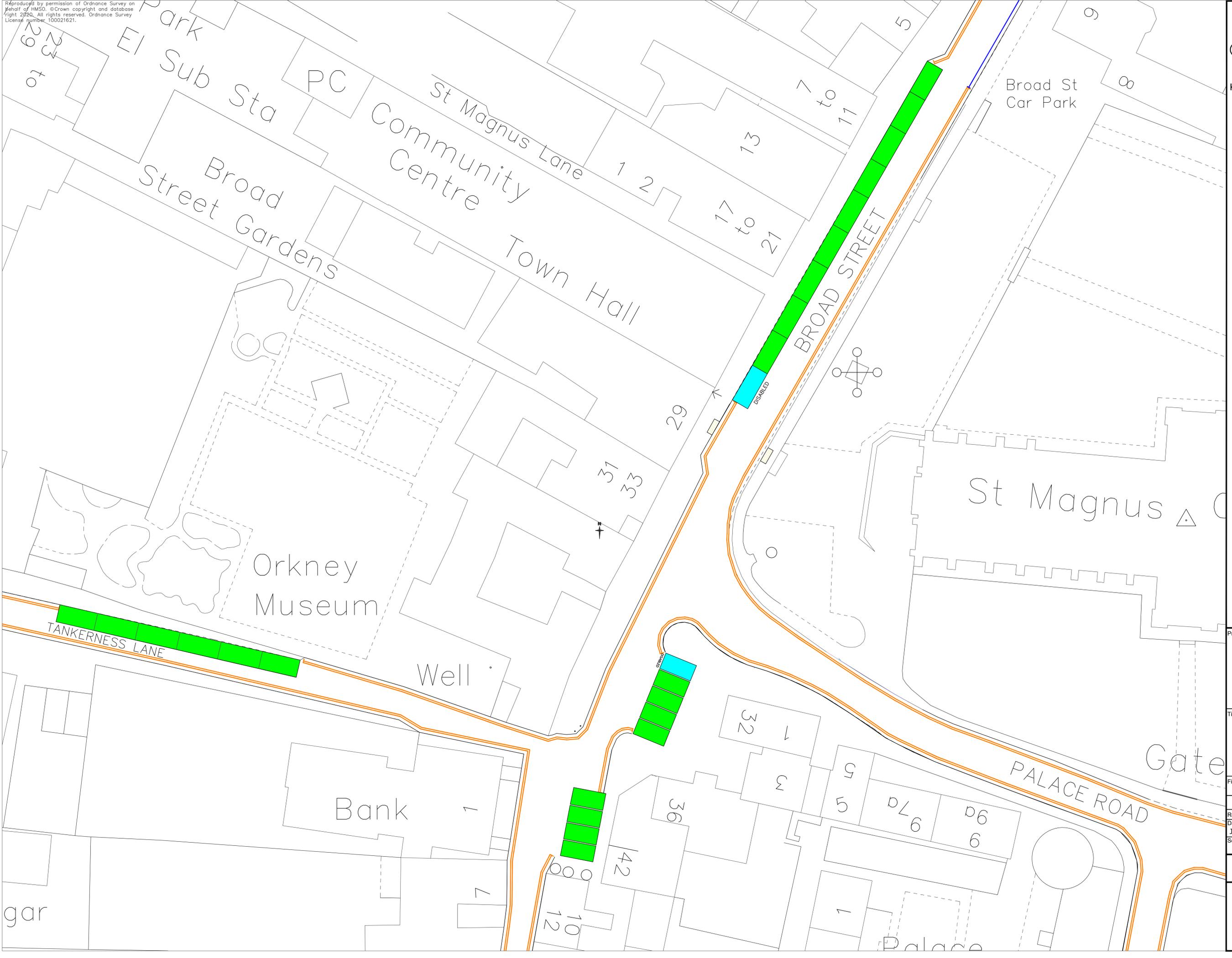
David Thomson, Interim Head of Infrastructure and Strategic Projects, Email david.thomson@orkney.gov.uk

John Wrigley, Roads and Environmental Services Manager, Email john.wrigley@orkney.gov.uk

Kenneth Roy, Roads Support Manager, Email kenny.roy@orkney.gov.uk

12. Appendix

Appendix 1: Option Location Plans.



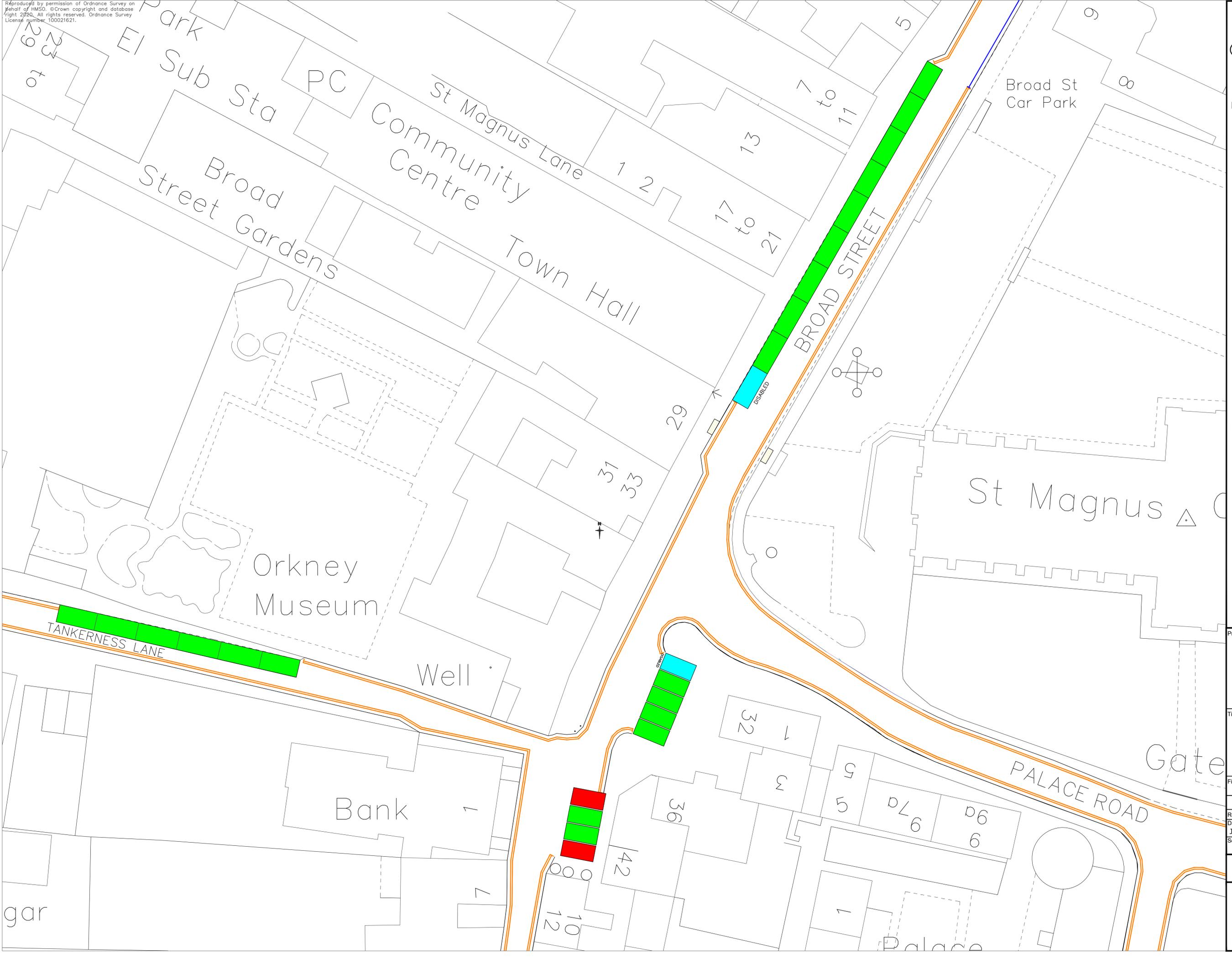
The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021

Key:

- No waiting at any time.
- No waiting 8am – 6pm Mon – Sat
- Time limited parking space. 20 minutes max stay 8am – 6pm Mon – Sat.
- Disabled badge holders only.

Project	
On Street Parking Kirkwall	
Title	
Option 1 Broad Street Parking	
File Ref. R3.25.04	Drawing No. Option 1
Revision	
Date June 2021	Drawn J.Coyle
Scale	Checked K.D.Roy
Roads Services	
DEVELOPMENT AND INFRASTRUCTURE	
Council Offices, Kirkwall Orkney, KW15 1NY tel (01850) 873535 fax (01850) 876094	
Executive Director :- Gavin Barr BSc Hons MSc URP MRTPI	

Original drawing size B41mm x 594mm (A1)



The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021

Key:

- No waiting at any time.
- No waiting 8am – 6pm Mon – Sat
- Time limited parking space. 20 minutes max stay 8am – 6pm Mon – Sat.
- Disabled badge holders only.
- Permit holders only.

Project	
On Street Parking Kirkwall	
Title	
Option 2 Broad Street Parking	
File Ref. R3.25.04	Drawing No. Option 2
Revision	Drawn
Date June 2021	J.Coyle
Scale	Checked K.D.Roy
Roads Services	
DEVELOPMENT AND INFRASTRUCTURE	
Council Offices, Kirkwall Orkney, KW15 1NY tel (01850) 873535 fax (01850) 876094	
Executive Director :- Gavin Barr BSc Hons MSc URP MRTPI	

Original drawing size 841mm x 594mm (A1)