

**SECTION XXVII
AREA FORUMS**

Item No. 6

Constitution

Berwickshire Area Forum –

- (a) The six elected Scottish Borders Councillors representing the Wards of East Berwickshire and Mid-Berwickshire;
- (b) The Chairman or a representative from each of the Community Councils in the Berwickshire area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from the Fire and Rescue Service;
- (c) A representative from any other local body as agreed by the Scottish Borders Councillors.

Chairman/Vice Chairman

The Chairman and Vice Chairman of each Area Forum shall be Members of the Scottish Borders Council and shall be elected by the Members of the Council who are members of the relevant Area Forum.

Quorum

Three of the Scottish Borders Council Members of each Area Forum, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Forum where five shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to each Area Forum, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. Scrutinise the local impact and performance of Council and other services in the area.
2. Scrutinise the local impact and performance of the Community Planning Partnership in the area.
- *3. Make recommendations on the objectives and priorities for the area.
4. Provide direction for decision-making on those issues that involve competing interests or are controversial or contentious, other than planning applications.
5. Gain a shared understanding of need in the area.
6. Act as a consultation body requiring local input, where appropriate.
7. Determine local holiday dates.

- *8. Consider and make recommendations for Local Byelaws and Management Rules.
- *9. Consider and make recommendations if required to the relevant Committee on local community matters.
- *10. Identify impediments and barriers which inhibit integrated approaches in local service provision, and make recommendations on how these could be overcome.
- *11. Identify impediments and barriers which inhibit integrated approaches in local service provision, and make recommendations on how these could be overcome.
- 12. Approve Small Schemes and Roads Funding Members Priorities, including the use of Pay Parking income (restricted to specific towns only).
- 13. Approve all matters relating to street naming and numbering, where not delegated to officers.
- 14. Approve local traffic management schemes.
- 15. Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Forums, the Council or other Organisations may from time to time seek the views of Area Forums on specific matters or applications outwith their normal remit.

SB LOCAL SMALL SCHEMES

Report by Director of Environment & Infrastructure

BERWICKSHIRE AREA FORUM

6 DECEMBER 2012

1 PURPOSE AND SUMMARY

1.1 **This report seeks approval for the proposed new SB Local small schemes from the Area Forum.**

1.2 The following schemes have been requested for consideration by the Berwickshire members:-

Install a wheelchair crossing at Bridgend, Duns, to allow disabled people to access the footway. Repaint the lines in Market Square, Duns, to allow the police to enforce parking restrictions. Install steps from The Orchard to Back Lane, Paxton to allow access.

2 RECOMMENDATIONS

I recommend that the Area Forum approves the following new SB Local small schemes for implementation:-

(a) Install wheelchair crossing, Bridgend, Duns	£1050
(b) Repaint lines in Market Square, Duns	£2962
(c) Install steps at The Orchard/Back Lane, Paxton	£4127

3 BACKGROUND

- 3.1 Elected Members, Community Councils and the public can request potential small schemes or work to be undertaken by the SB Local squads by contacting the SB Local Area Manager direct. SB Local is contactable via the new Scottish Borders Council telephone number 0300 100 1800, e-mail address – sblocal@scotborders.gov.uk or by writing to Environment and Infrastructure, Council HQ, Newtown St. Boswells, Melrose TD6 0SA.

The following schemes have been requested for consideration by the Berwickshire members to enhance the Berwickshire area:-

Install a wheelchair crossing at Bridgend, Duns, to allow disabled people to access the footway. Repaint the lines in Market Square, Duns, to allow the police to enforce parking restrictions. Install steps from The Orchard to Back Lane, Paxton to allow access to footpath.

- 3.2 Works will be scheduled to meet specific area needs, local timetables and to maximise the overall efficiency of the works programme.

4 IMPLICATIONS

4.1 Financial

A budget of £49,482 (which includes £1,285 ear-mark balance from 2011/12) is available through SB Local for small schemes in the Berwickshire area in 2012/13. The above recommended schemes in para 2.1 are for members approval this financial year 2012/13. If the above schemes are approved, then there will be a budget of £ 7,114 remaining for future schemes.

4.2 Risk and Mitigations

If the SB Local small schemes budget is not spent, the local area will not benefit from improvement works being carried out.

4.3 Equalities

The provision of a wheelchair crossing will have a positive impact on the disability equality group. None of the other equality groups will be adversely impacted as a result of the proposals.

4.4 Acting Sustainably

It is anticipated that there will be a variety of economic, social or environmental benefits arising from the proposed schemes in para 2.1.

4.5 Carbon Management

There are no significant effects anticipated on carbon emissions to the Council by doing or not doing what is proposed.

4.6 Changes to Scheme of Administration or Scheme of Delegation

There are no changes which are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

5 CONSULTATION

The Chief Financial Officer, Head of Legal and Democratic Services, the Clerk to the Council and Head of Audit & Risk have been consulted and their comments have been incorporated into the report.

Approved by

Director of Environment and Infrastructure **Signature**

Author(s)

Name	Designation and Contact Number
Daren Silcock	SB Local Area Manager 01361 886131 Ext 6131

Background Papers: None

Previous Minute Reference: None

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INTRODUCTION OF PERMANENT TRAFFIC REGULATION ORDER, EYEMOUTH HARBOUR PARKING CHARGES

Report by Director of Environment and Infrastructure

BERWICKSHIRE AREA FORUM

6 December 2012

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes to make permanent the existing Experimental Traffic Regulation Order operating in areas adjacent to Eyemouth Harbour.**
- 1.2 Since 26th June 2011, Eyemouth Harbour Trust (EHT) has operated Pay and Display Parking Controls in areas adjacent to the harbour under an Experimental Traffic Regulation Order facilitated by Scottish Borders Council. Following the experimental period of 18 months, EHT now wish to proceed to make the arrangement permanent.
- 1.3 It is proposed that Scottish Borders Council now introduces a permanent Traffic Regulation Order in these same areas shown coloured yellow in the plan in Appendix A. These areas are under the control of EHT and the introduction of a permanent Traffic Regulation Order would allow EHT to continue to manage parking for the foreseeable future.

2 RECOMMENDATIONS

I recommend that the Berwickshire Area Forum approves the continuation of parking controls in the Eyemouth Harbour area by introducing a permanent Traffic Regulation Order as detailed in the plan in Appendix A and the Draft Traffic Regulation Order in Appendix B.

3 BACKGROUND

- 3.1 In 2010 Eyemouth Harbour Trust (EHT) examined ways to raise income from alternative revenue streams to contribute towards the upkeep of the Harbour. Evidence from a cost/benefit analysis carried out by the Trust suggested that, if the Trust could enter into a similar arrangement with Scottish Borders Council as St Abbs Harbour Trust had, and introduced pay and display parking controls in some of the Trust's land in Eyemouth and managed these areas in conjunction with their other areas, the Trust could generate enough income to make up the deficit (or at least in part) in revenue as a result of the decline in fishing activity over recent years.
- 3.2 In 2010 a series of meetings, discussions and consultations took place between the Harbour Trust, Local Ward Members and Council Officers. As a result of these consultations, the Trust was advised by Council officers that there was no parallel opportunity in Eyemouth to the arrangement that SBC and St Abbs Harbour Trust had put in place to deal with parking issues in St Abbs. However, the Council recognised the need for the Trust to manage its own land in such a way as to optimise its business interests.
- 3.3 Subsequently, Scottish Borders Council agreed that an Experimental Traffic Regulation Order would allow EHT to undertake a trial of parking charges for a period of up to 18 months to assess the feasibility of a permanent charging scheme.
- 3.4 As such, it was agreed that there were areas of EHT ground, which could be used to allow a trial of a Pay and Display Parking Scheme and the Trust decided to undertake a pilot approach on these parking areas. The information from the pilot to be used to refine the cost/benefit analysis already prepared, and to confirm whether implementation of Pay & Display on EHT land will be justified.
- 3.5 The Experimental Traffic Regulation Order which was agreed by the Council's Executive on 15th March 2011, came into effect on 26th June 2011 and will end at midnight on 25th December 2012.

4 PARKING STRATEGY

- 4.1 The proposals meet Objectives 1 & 3 (Environmental) in Scottish Borders Council's Parking Strategy – *Ensure that the impact of parking on the local environment and streetscape is minimal and Ensure that parking provision does not impede general traffic flow.*
- 4.2 The proposals meet Objective 5 (Safety) in Scottish Borders Council's Parking Strategy - *Ensure that parking / loading provision is designed / located to minimise safety conflicts with other traffic and pedestrians.*
- 4.3 The proposals meet Objective 9 (Economy) in Scottish Borders Council's Parking Strategy - *Support economic activity and vitality by ensuring that there is an adequate supply of parking space for all users.*
- 4.4 Identification and addressing of parking issues have followed the framework in Scottish Borders Council's Parking Strategy – *Issues identified by complaints, problems categorised, likely strategy measures identified through to implementation of relevant strategy measures.*

- 4.5 The relevant Strategy Measures to be implemented are:-
SM7 - manage demand using length of stay restrictions; and
SM28 - Design parking / loading bays so as to minimise conflict with other road users.

5 RESULTS OF TRIAL PERIOD

- 5.1 The operation period during the Experimental Traffic Regulation Order is 8:30 am to 5:30 pm 7 days a week and charges are as follows:-

Initial Charge

50p for first half-hour

£1.00 per hour thereafter up to a maximum £9.00

Penalty Charges

£50 payable within 28 days reduced to £25 if paid within 14 days

- 5.2 While EHT recognise that some local residents and businesses are not in support of the scheme, the benefits of the scheme that have been demonstrated over the past 12 months are as follows:-

- The introduction of the scheme has allowed EHT to manage limited quayside space more effectively. Harbour Road, Eyemouth is a busy working area for on and off shore businesses. The scheme has successfully reduced traffic congestion and has enabled others to go about their business safely to the benefit of all who work and those visitors and residents who use the quayside area.
- There is now a designated loading/unloading area where no charges apply. This allows commercial vehicles to load and unload goods to nearby shops and hotels as well as customers of nearby shops to utilise the area without having to pay for parking. Previously, this area was heavily utilised by vehicles parking there all day also making it difficult for boats to tie up and for pedestrians to walk past.
- The scheme has created parking availability in an area that was previously over utilised. This should benefit local traders as there are now parking spaces for visitors where there were restricted parking opportunities during the summer months before the scheme was introduced.
- In addition, the scheme has provided a much needed alternative source of revenue to EHT. Eyemouth Harbour Trustees have a duty to ensure the survival and prosperity of the harbour for the benefit of all harbour-users as well as the wider community. All surplus income derived from the parking scheme goes directly to the maintenance, preservation and improvement of Eyemouth's historical working harbour. If the Trustees fail in this duty and the harbour falls into a state of disrepair, this would be to the detriment of the whole town, residents and businesses alike.

In summary, the scheme has eased traffic congestion in the area and improved parking availability while facilitating the activities of all who depend on the harbour for business and pleasure. The creation and maintenance of a safe working environment is of paramount importance to EHT. Eyemouth is frequented by many tourists as well as local residents, who walk along the quay, all of whom wish to watch what is going on in the harbour and provision of a safe environment for them is essential.

For full details, see EHT's report of first year operation of scheme in Appendix D.

- 5.3 Details of representations received by SBC and EHT can be found in EHT's report in Appendix D.

The two letters of objection received within the first 6 months (the consultation phase) were as follows and are attached in Appendix E:-

- Letter from Mr Andrew Spratt dated 15/12/2102 together with petition containing 49 signatures supporting the statement below:-

'We, the undersigned residents, businesses and visitors to Eyemouth are concerned by the parking charging fees on Harbour Road, Marine Parade and Old Quay causing financial implications. Therefore, we call upon Scottish Borders Council and Eyemouth Harbour Trust as soon as practically possible to remove the parking charges.'

- Letter from Mr Peter Giacobazzi dated 22nd November 2011 with suggestions as follows:-

Free parking for Eyemouth residents, with or without time restrictions, e.g. 30 minutes free parking then charges thereafter
Annual charge to use harbour parking bays (£5/£10 per year) but free to boat owners
A minimum all day parking charge for visitors (no overnight parking)
A reduction in the hourly parking charge rate (£1 for every 2 hours)
Free parking on Sundays
Displayed information about alternative free parking sites.

- 5.4 In addressing these comments and to mitigate any negative effects of the scheme on local residents and businesses, EHT have taken the following action;

- Issued free of charge parking permits to residents of Harbour Road and Marine Parade
- Made available free of charge visitor parking permits for businesses on Harbour Road (restricted to 2 per business). These passes can then be issued to customers at the businesses discretion.
- Propose to introduce a capped daily rate of £4 per day as per schedule in Section 6 of this report.
- While the proposed TRO is year round, EHT propose to allow free parking for part of the year, for example through December to encourage Christmas shoppers to the town. This can easily be introduced without changes to the TRO.

Furthermore, EHT support suggestion that signage about alternative free parking sites would be helpful to visitors.

- 5.5 Outwith the 6 month consultation period, correspondence was received by EHT from Eyemouth Town Community Council and is attached in Appendix F.

- 5.6 Views similar to those expressed in this letter were given by Eyemouth and District Chamber of Trade to EHT Business Manager, Christine Bell at a Chamber meeting when she gave update on parking scheme.

- 5.7 Anecdotal evidence of the effects of the scheme received by both SBC and EHT is minimal; two businesses located on High Street commented directly to EHT staff that, since the scheme started, they had noticed people parking for longer periods on the High Street. However, since Lothian and Borders Police had been enforcing parking regulations in this area, those businesses added it was now less of a problem.
- 5.8 Scottish Borders Council undertook a survey of Eyemouth town centre car parks on Thursday 17th May 2012 between 08:30 and 17:00 and found ample spare capacity throughout the town. The nearest car parks to the scheme at the Seafront (Co-op) and Harbour Road (FMA) were at times close to capacity. The Seafront car park at 10:30 was at 90% capacity and Harbour Road car park at 13:30 was at 95% capacity. The survey was undertaken by making spot-checks on available spaces each half hour during the survey period.
- 5.9 The survey was repeated on Thursday 23rd August between 09:30 and 17:00 and found the main town centre car parks to be much busier with The Seafront car park at 100% capacity at 11:30 and 13:00 and Harbour Road car park at or near 100% capacity on the majority of visits. There was though ample capacity in the High Street car park adjacent to Seafront and in Victoria Road car park near to Harbour Road car park.
- 5.10 In summary, the scheme has eased traffic congestion in the area and improved parking availability while facilitating the activities of all who depend on the harbour for business and pleasure. The creation and maintenance of a safe working environment is of paramount importance to EHT. Eyemouth is frequented by many tourists as well as local residents, who walk along the quay, all of whom wish to watch what is going on in the harbour and provision of a safe environment for them is essential.
- 5.11 In addition, the scheme has provided a much needed alternative source of revenue. All surplus income derived from the parking meters goes directly to the maintenance, preservation and improvement of Eyemouth's historical working harbour

6 PROPOSALS

- 6.1 The areas affected by the Traffic Regulation Order are shown in the plan at Appendix A. The plan also indicates the proposed days and hours of operation.
- 6.2 The Draft Traffic Regulation Order is attached at Appendix B. EHT have considered views expressed by businesses that had approached EHT directly about the scheme. As a result of this consultation, EHT request to introduce a capped daily rate for cars parking for more than 3 hours. As such, EHT propose a permanent TRO on same terms as the Experimental TRO with the exception of the Parking Charges detailed in Schedule 2 the ETRO with reduced charges as follows;

Schedule 2

<u>Current Charges under ETRO</u>			<u>Proposed Charges under TRO</u>		
0-30 mins	£	0.50	0-30 mins	£	0.50
30 mins - 1 hour	£	1.00	30 mins - 1 hour	£	1.00
1-2 hours	£	2.00	1-2 hours	£	2.00
2-3 hours	£	3.00	2-3 hours	£	3.00

3-4 hours	£	4.00	3-9 hours	£	4.00
4-5 hours	£	5.00			
5-6 hours	£	6.00			
6-7 hours	£	7.00			
7-8 hours	£	8.00			
8-9 hours	£	9.00			

Furthermore, in considering suggestions of seasonal charges, while EHT seek a permanent TRO to stipulate charges all year round but with the flexibility that will allow periods of free parking at EHT's discretion. For example, free parking for December and January.

7 IMPLICATIONS

7.1 Financial Implications

All costs to introduce the Traffic Regulation Order, amendment of charging structure and administration of the scheme will be borne by Eyemouth Harbour Trust.

7.2 Risk and Mitigations

There are no significant risks arising from the proposals contained in this report.

7.3 Equalities

It is anticipated that there are no adverse impacts due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

7.4 Acting Sustainably

There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

7.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

7.6 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

8 CONSULTATION

The Chief Financial Officer, Head of Legal and Democratic Services, the Head of Audit and Risk and the Clerk to the Council have been consulted and any comments received have been incorporated into the report.

Approved by

Director of Environment and Infrastructure

Signature

Author(s)

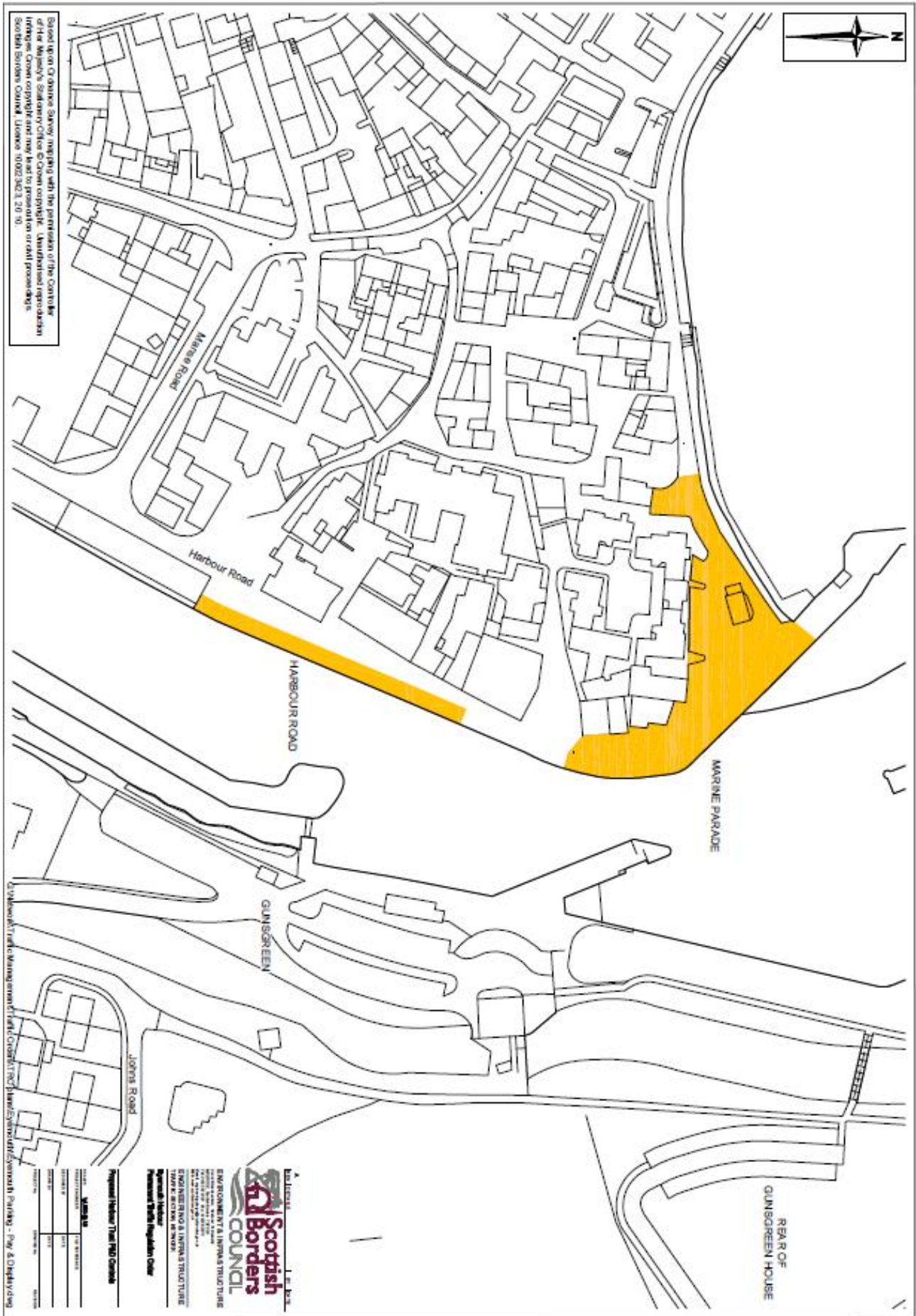
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Previous Minute Reference: Executive, 15th March 2011

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Appendix A – Plan of Proposed Parking Areas



Appendix B - Draft Traffic Regulation Order

SCOTTISH BORDERS COUNCIL **(ON-STREET PARKING PLACES) (EYEMOUTH)** **(TRAFFIC REGULATION) ORDER 201**

Scottish Borders Council (hereinafter referred to as "the Council") in exercise of the powers conferred on them by Sections 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act hereby make the following Order:-

PART 1 – GENERAL

CITATION, COMMENCEMENT AND EXTENT

1. (1) This Order may be cited as "Scottish Borders Council (On-Street Parking Places) (Eyemouth) (Traffic Regulation) Order 201_.
- (2) This Order shall come into operation on _.
- (3) This Order applies to the lengths of road in Eyemouth shown coloured yellow on the map annexed and signed as relative hereto.
- (4) The Scottish Borders Council (The Borders Regional Council (Various Streets, Eyemouth) (Regulation of Traffic) Order 1978, as amended is hereby revoked in so far as its provisions relate to any part of this Order.

INTERPRETATION

2. (1) In this Order, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:-

"charging hours" means the period between 8.30 am and 5.30 pm on any day.

"disabled person's badge" has the same meaning as in The Disabled Persons (Badge for Motor Vehicles) (Scotland) Regulations 2000.

"driver" in relation to a vehicle left in any parking place means the person driving the vehicle at the time it was left in the parking place;

"EHT" means Eyemouth Harbour Trust who own/manage the land for the parking places;

"goods vehicle" means a motor vehicle with an unladen weight of not more than 1.5 tonnes which is constructed or adapted for the use of the carriage of goods or burdens of any description and not drawing a trailer as defined in Section 138 of the 1984 Act.

"Owner", in relation to a vehicle is the person by whom such a vehicle is kept and used.

"Parking Supervisor" means a person authorised to supervise parking places.

"Parking Permit" means a permit issued by EHT and which will remain in force for the duration of this experimental Order.

"Parking Place" means an area on a road designated as a parking place by Article 3(1) of this Order the limits of which are indicated by means of markings in accordance with diagrams 1032 or 1033 of Schedule 6 to The Traffic Signs Regulations and General Directions.

"Parking Meter" means an apparatus of a type in accordance with Section 46 of the 1984 Act being apparatus designed to indicate the time by a clock to issue tickets indicating the day and time of expiry of the validity of the tickets.

"Passenger Vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 12 passengers exclusive of the driver and not drawing a trailer as defined in Section 138 of the 1984 Act and includes a motor cycle and side car combination and an invalid carriage as defined by Section 136 of the 1984 Act but excludes a caravan.

"relevant position" in relation to a disabled person's badge means (a) in the case of a vehicle fitted with a front windscreen the disabled person's badge is exhibited thereon with the obverse side facing forwards on the nearside and immediately behind the windscreen; and (b) in the case of any vehicle not fitted with a front windscreen the disabled person's badge is exhibited in a conspicuous position on the front and nearside of the vehicle.

"stall" means a space in a parking place which is provided for the leaving of one vehicle.

"ticket" means a ticket issued by a parking meter relating to any parking place.

"traffic sign" means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the 1984 Act.

"traffic warden" means a Traffic Warden employed by a police authority in pursuance of Section 9 of the Police (Scotland) Act 1967 and Section 95 of the 1984 Act.

"vehicle" means a goods vehicle or a passenger vehicle as these expressions are defined in this Article of this Order.

"vehicle licence" has the same meaning as in Section 1 of the Vehicle Excise and Registration Act 1994.

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART 2 – CONDITIONS OF USE OF PARKING PLACES

3. (1) Each length of road specified in Schedule 1 to this Order is designated and may be used, subject to the provisions of this Order, as a parking place for such classes of vehicles, in such manner as are specified in this Order.

- (2) In so far as a vehicle is left in a parking place the use of which is subject to the payment of a fee, during the charging hours, the driver thereof shall pay a charge in accordance with the following provisions of this Order.
- (3) In so far as a vehicle is left in a parking place at any time, the Council and EHT do not accept any liability for loss or damage to any motor vehicle or its accessories and equipment or any article or articles contained therein or on the vehicle howsoever caused including without in any way limiting the generality of the foregoing any loss or damage by flood water.

VEHICLES FOR WHICH PARKING PLACES ARE DESIGNED

4. Each parking place may be used, subject to the provisions of this Order, for the leaving of such vehicles as are passenger vehicles and goods vehicles as defined in Article 2(1) of this Order.

AMOUNT AND METHOD OF PAYMENT OF CHARGES AT PARKING PLACES

5. (1) The driver of any vehicle left in a parking place during the charging hours shall pay a charge as specified in Schedule 2 to this Order.
- (2) On leaving a vehicle in a parking place during the charging hours the driver of the vehicle shall insert in a parking meter relating to the parking place a coin or coins of the denominations of 5p, 10p, 20p, 50p, £1.00 or £2.00 to the value required to meet the appropriate charge. Upon payment of the charge the driver shall display on the vehicle in the manner provided in Article 6 hereof the ticket issued by the parking meter.
- (3) In respect of a vehicle for which payment of a charge has been made under the immediately preceding paragraph, no coin or coins shall be inserted in a parking meter relating to the parking place additional to the coin or coins inserted by way of such payment.

DISPLAY OF TICKETS LEFT IN PARKING PLACES

6. Tickets shall be displayed on vehicles left in parking places as follows:
 - (a) in the case of a vehicle fitted with a front windscreen the ticket shall be displayed thereon facing forwards on the glass of such windscreen or on the side windows of the

vehicle behind the glass so that the time shown on the front of said ticket is clearly visible to a person standing at the nearside of the vehicle.

- (b) In the case of a vehicle not fitted with a front windscreen the ticket shall be displayed on the nearside of the vehicle and not less than 850 millimetres and not more than two metres above the surface of the ground in the immediate vicinity so that the time shown on the front of said ticket is clearly visible to a person standing at the nearside of the vehicle.

EXCESS CHARGES AT PARKING PLACES

7. (1) If a vehicle is left in a parking place during the charging hours for any longer than the period for which an initial charge has been paid, a penalty known as “the excess charge” in the amount specified in Schedule 2 to this Order shall be payable.
- (2) The expiry of the period for which the charge has been paid shall be presumed when there is displayed on the vehicle a ticket issued by a parking meter relating to the parking place showing the time of expiry of the validity of the ticket and the time indicated on the clock on the said parking meter is later than the time of expiry of the validity of the ticket.
- (3) When a parking supervisor notices that an excess charge appears to have been incurred, the parking supervisor shall fix to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) The time at which the parking supervisor first noticed that the ticket displayed on the vehicle in the manner specified in Article 6 of this Order indicated that the period for which a charge was paid had expired;
 - (c) A statement that the excess charge specified in the notice is required to be paid;
 - (d) The manner in which and the time within which the excess charge should be paid; and
 - (e) A statement that it is an offence under Section 47 of 1984 Act for the driver of the vehicle to fail duly to pay the excess charge.

SURCHARGES AT PARKING PLACES

8. (1) A Fixed Penalty Charge known as the “surcharge” in the amount specified in Schedule 2 to this Order shall be payable by the driver of a vehicle left in a parking place during the charging hours in any of the following circumstances:-
- (a) where no ticket is displayed on the vehicle in the manner specified in Article 6 of this Order; or

- (b) where the vehicle has been left for more than 2 hours after the excess charge has been incurred; or
 - (c) where any ticket displayed on the vehicle has been displayed in contravention of Article 5(3) of this Order.
- (2) If a vehicle on which no ticket is displayed in the manner specified in Article 6 of this Order is left in a parking place during the charging hours, it shall be presumed that no charge has been paid in respect of that vehicle.
- (3) The expiry of the said period of 2 hours after the excess charge has been incurred shall be presumed when there is displayed on the vehicle a ticket issued by a parking meter relating to the parking place showing the time of expiry of the validity of the ticket and time indicated on the clock on the said parking meter is more than 2 hours later than the time of expiry of the validity of the ticket.
- (4) It shall be the duty of the Traffic Warden to attach in a conspicuous position to a vehicle in respect of which the surcharge has been incurred a notice which shall include the following particulars:-
- (a) The registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) The time at which the Traffic Warden first noticed that no ticket was displayed on the vehicle in the manner specified in Article 6 of this Order or that the vehicle had been left in the parking place during the charging hours for more than 2 hours after the excess charge had been incurred or that any ticket displayed on the vehicle had been displayed in contravention of Article 5(3) of this Order;
 - (c) A statement that the surcharge specified in this notice is required to be paid;
 - (d) The manner in which and the time within which the surcharge should be paid; and
 - (e) A statement that it is an offence under Section 47 of the 1984 Act for the driver of the vehicle to fail duly to pay the surcharge.
- (5) A notice issued in terms of this Article of this Order shall supersede any notice previously issued in terms of Article 7 of this Order on the same day in respect of the same vehicle.

RESTRICTION ON REMOVAL OF TICKETS AND NOTICES

9. (1) Where a ticket has been displayed on a vehicle in accordance with the provision of Article 6 of this Order, no person not being the driver of the vehicle shall remove the ticket unless authorised to do so by the driver.

- (2) Where a notice has been attached to a vehicle in accordance with the provisions of Articles 7 or 8 of this Order no person, not being the driver of the vehicle or a parking supervisor or a Traffic Warden, shall remove the notice from the vehicle unless authorised to do so by the driver.

MANNER OF STANDING IN PARKING PLACES

10. (1) Every vehicle which is left in a parking place shall stand so that every part of the vehicle is within the limits of a marked stall.
- (2) In the event of a vehicle being left in a parking place outwith the limits of a marked stall the driver of that vehicle shall be liable to a penalty in the amount specified in Schedule 2 to this Order.
- (3) It shall be the duty of the Traffic Warden to attach in a conspicuous position to a vehicle in respect of which said penalty has been incurred a notice which shall include the following particulars:-
 - (a) The registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
 - (b) The time at which the Traffic Warden first noticed the vehicle had been left outwith the limits of a marked stall;
 - (c) A statement that the penalty specified in the notice is required to be paid;
 - (d) The manner in which and the time within which the penalty should be paid; and
 - (e) A statement that it is an offence under Section 47 of the 1984 Act for the driver of the vehicle to fail duly to pay the penalty.

PARKING IN DISABLED VEHICLE STALLS

11. (1) No person shall leave in a disabled vehicle stall any vehicle other than a disabled person's vehicle which displays in the relevant position a disabled person's badge.
- (2) If any vehicle other than a disabled person's vehicle which displays in the relevant position a disabled person's badge is left in a disabled vehicle stall, the driver of that vehicle will be liable to a penalty in the amount specified in Schedule 2 to this Order.
- (3) In the event described in the immediately preceding paragraph, it shall be the duty of the Traffic Warden to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - (a) The registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

- (b) The time at which the Traffic Warden first noticed the vehicle had been left in a disabled stall;
- (c) A statement that the penalty specified is required to be paid;
- (d) The manner in which and the time within which the penalty should be paid; and
- (e) A statement that it is an offence under Section 47 of the 1984 Act for the driver of the vehicle to fail duly to pay the penalty.

FURTHER RESTRICTIONS ON USE OF PARKING PLACES

12. No person shall use any vehicle in a parking place or permit any vehicle to stand in a parking place:-
- (a) In connection with the sale of the vehicle;
 - (b) In connection with the sale of any article;
 - (c) In connection with the selling or offering for hire or reward of any skill or service;
 - (d) For the purpose of being cleaned or washed;
 - (e) For the carrying out of repairs thereto, except to secure its immediate removal;
 - (f) When the vehicle is in a state of disrepair unless arrangements have been made to secure its immediate removal; or
 - (g) When a vehicle licence is not in force in respect of the vehicle.

EXEMPTIONS FROM CHARGES ETC. IN PARKING PLACES

13. (1) If at any time when a vehicle is left during the charging hours in a parking place there are on all of the parking meters relating to that parking place notices placed by any person duly authorised by the Council indicating that the parking meters are out of order, that vehicle shall be exempt from the charge.
- (2) The provisions of Article 5 of this Order shall not apply in respect of the following vehicles left in parking places during the charging hours:-
- (a) An invalid carriage as defined in Section 136 of the 1984 Act;
 - (b) A vehicle issued to a disabled person by the Department for Work and Pensions in lieu of an invalid carriage;
 - (c) A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by a Local Authority for motor vehicles driven by or used for the carriage of disabled persons in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970;
 - (d) A vehicle by the driver thereof who is a general medical practitioner on which is displayed in the relevant position the appropriate badge approved by the General Medical Council and while visiting patients on professional calls or a vehicle left by a health visitor or community nurse visiting clients on professional calls, on which is displayed instead of a ticket and in the same position the appropriate

badge approved by the Community Practitioners' and Health Visitors' Association or the Community Psychiatric Nurses Association; and

- (e) A motorcycle as defined in Section 136 of the 1984 Act provided that the motorcycle is left in a stall which has been designated by the letting "M/C" as intended for the exclusive use of motorcycles.
- (f) A vehicle which displays in the relevant position a parking permit issued by EHT.

(3) The provision of Articles 3, 4 5, 10 and 11 of this Order shall not apply in respect of the following vehicles:-

- (a) A vehicle used for Fire Brigade purposes or an Ambulance or a vehicle (other than a passenger vehicle) in the service of a Local Authority or a vehicle in the service of a Police Force in any such case being used in pursuance of statutory powers and duties.
- (b) A vehicle not being a passenger vehicle waiting for so long as may be reasonably necessary to enable it to be used for the purpose of carrying out on behalf of the Council any works of maintenance, improvement or reconstruction of the parking place.

REMOVAL OF VEHICLES FROM PARKING PLACES

14. (1) Where a surcharge has been incurred in respect of a vehicle left in a parking place or where the provision of Articles 3, 10, 11 or 12 of this Order have been contravened in respect of a vehicle left in a parking place, the Council or a person duly authorised by them may in such case remove the vehicle from the parking place or cause it to be removed and where it is so removed shall provide for the safe custody of the vehicle.

(2) Where a vehicle has been removed in terms of this Article of this Order the following provision shall apply:-

- (a) The driver of the vehicle is still liable to pay the surcharge or the penalty provided for in Articles 10 or 11 of this Order, as the case may be; and
- (b) There shall be payable to the Council by the owner of the vehicle such charges as the Council may have incurred in respect of the removal and storage of the vehicle.

MOVEMENT OF VEHICLES IN PARKING PLACES IN EMERGENCIES

15. A Police Constable in uniform, Traffic Warden or any person duly authorised by the Council may move or cause to be moved, in case of emergency, to any place he or she thinks fit, any vehicle left in a parking place.

POWER TO SUSPEND USE OF PARKING PLACES

16. (1) Any person duly authorised in that behalf by the Council may suspend the use of a parking place or any part thereof whenever and for such period as he or she may consider necessary:-
- (a) For the purpose of any works of maintenance, improvement or reconstruction of the parking place, any building operations, demolition or excavation or any construction, maintenance, repair or removal of any sewer, main, pipe or other apparatus within or near the parking place.
 - (b) For the provision of special parking facilities at times of exhibitions, conference or other special occasions.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of the immediately preceding paragraph shall place or cause to be placed in or adjacent to that parking place or the relevant part thereof a traffic sign or traffic signs indicating that such use is prohibited.
- (3) No person shall cause or permit a vehicle to be left in any parking place or part thereof the use of which is suspended, provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for Fire Brigade, Ambulance or Police purposes to be so left, or any other vehicle to be so left with the permission of:-
- (a) The person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article; or
 - (b) A Police Constable in uniform.

Dated this day of Two Thousand and .

Ian Wilkie
Head of Legal & Democratic Services

SCHEDULE 1

PARKING PLACES

1. Harbour Road
East Side - from a point 40 metres north of a point opposite Manse Road to a point 125 metres north of said point

2. Marine Parade
Both Sides - the whole of the road called Marine Parade from its junction with Harbour Road in a northerly and Westerly direction to its termination

SCHEDULE 2

PARKING CHARGES

Initial Charge

0-30 mins	£	0.50
30 mins - 1 hour	£	1.00
1-2 hours	£	2.00
2-3 hours	£	3.00
3-9 hours	£	4.00

Excess Charge - payable within 28 days £50.00

Reduced amount of Excess Charge if paid within 14 days £25.00

Surcharge £30.00

Parking outwith marked stall £30.00

Parking in disabled vehicle stalls £30.00

ROAD TRAFFIC REGULATION ACT 1984

THE SCOTTISH BORDERS COUNCIL (ON
STREET PARKING PLACES) (EYEMOUTH)
(TRAFFIC REGULATION) ORDER 201_

2012
TS752/3K/JW

Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Appendix C – EHT Letter to Director of Environment and Infrastructure

2nd August 2012

Mr Rob Dixon
Director of Environment and Infrastructure
Scottish Borders Council
Council HQ
Newtown St Boswells
Melrose

Dear Sir

SCOTTISH BORDERS COUNCIL (ON-STREET PARKING PLACES) (EYEMOUTH)
EXPERIMENTAL ORDER 2011

I refer to the above Experimental Traffic Regulation Order (ETRO) which came into effect on 26th June 2011 for a period of 18 months.

The ETRO is due to expire on 26th December 2012. Eyemouth Harbour Trust (EHT) has been monitoring the pay and display scheme closely over the past 12 months. At a meeting held on Tuesday 24th July 2012, where Mr Jim McQuillin from SBC was in attendance to assist with any technical or legal queries relating to the TRO, the Trustees, having carried out regular reviews of the scheme, voted in favour of continuing with pay & display charges in the area referred to in Schedule 1 the aforementioned Order.

As such, EHT wish to apply to the Council for a permanent TRO effective 27th December 2012 and I write to enquire how we should go about applying to SBC for a permanent TRO.

In making this decision, the Trust considered views expressed by some businesses that had approached EHT directly. As such, the Trust wishes to introduce a capped daily rate for cars parking for more than 3 hours. Therefore, we would request a permanent TRO on same terms as the Experimental TRO with the exception of the Parking Charges detailed in Schedule 2 the ETRO with amended (reduced) charges as follows;

<u>Current Charges under ETRO</u>		<u>Schedule 2</u>		<u>Proposed Charges under TRO</u>	
0-30 mins	£ 0.50	0-30 mins	£	0.50	
30 mins - 1 hour	£ 1.00	30 mins - 1 hour	£	1.00	
1-2 hours	£ 2.00	1-2 hours	£	2.00	
2-3 hours	£ 3.00	2-3 hours	£	3.00	
3-4 hours	£ 4.00	3-9 hours	£	4.00	
4-5 hours	£ 5.00				
5-6 hours	£ 6.00				
6-7 hours	£ 7.00				
7-8 hours	£ 8.00				
8-9 hours	£ 9.00				

While we recognise that some local residents and businesses are not in support of the scheme, the benefits of the scheme that have been demonstrated over the past 12 months are as follows;

- The introduction of the scheme has allowed EHT to manage its very limited quayside space much more effectively. Harbour Road, Eyemouth is a busy working area for on and off shore businesses. We have found that the scheme has successfully reduced traffic congestion and has enabled others to go about their business safely to the benefit of all who work and those visitors and residents who use the quayside area. For example, vehicles park in a more orderly way with over a metre being left clear of quayside. This has allowed better access for boats to tie up and load/unload their vessels. Previously, vehicles were parked in a haphazard way up to and over the brander which made it difficult and dangerous for vessels to tie up and disembark and also forcing pedestrians out onto the road to walk past.
- There is now a designated loading/unloading area where no charges apply. This allows commercial vehicles to load and unload goods to nearby shops and hotels as well as customers of nearby shops to pop in to the shop to purchase goods without having to pay for parking. Previously, this area was heavily utilised by vehicles parking there all day right up to the brander, also making it difficult for boats to tie up and for pedestrians to walk past.
- The scheme has created parking availability in an area that was previously over utilised. This should benefit local traders as there are now spaces for visitors where they were restricted during the summer months before the scheme was introduced.
- In addition, the scheme has provided a much needed alternative source of revenue. EHT are a not for profit organisation run by a board of volunteers, who live in and are part of the local community. Trustees very much have the interests of the harbour and the town of Eyemouth at heart. Trustees have a duty to ensure the survival and prosperity of the harbour for the benefit of all harbour-users as well as the wider community. All surplus income derived from the parking meters goes directly to the maintenance, preservation and improvement of Eyemouth's historical working harbour. If the Trustees fail in this duty and the harbour falls into a state of disrepair, this would be to the detriment of the whole town, residents and businesses alike.

In summary, the scheme has eased traffic congestion in the area and improved parking availability while facilitating the activities of all who depend on the harbour for business and pleasure. The creation and maintenance of a safe working environment is of paramount importance to EHT. Eyemouth is frequented by many tourists as well as local residents, who walk along the quay, all of whom wish to watch what is going on in the harbour and provision of a safe environment for them is essential.

We recognise that businesses in the town may be concerned that the scheme is putting excessive pressure on other (free) parking areas in the town, such as the seafront car park at the Co-op and the Harbour Road car park (beside FMA). However, our own observations do not support this view. For example, I am a frequent visitor to the seafront and Harbour Road car parks and I have found a parking space on every occasion. Conversely, prior to the introduction of the ETRO scheme, I often failed to find a parking space in area where charges now apply. Furthermore, I understand SBC carried out /...

.../ a survey recently and this demonstrated that there remained availability in other car parks in the town. EHT plan to carry out similar surveys in the near future.

Any negative effects, perceived or otherwise, the scheme may have had on parking in other areas of Eyemouth town centre will be minimised further by our request to modify the parking charges and we are confident that this will not be to the detriment of the much-improved environment enjoyed by all since the introduction of the ETRO scheme.

Please advise what next steps EHT should take in applying to SBC to make a permanent TRO. I look forward to hearing from you.

Yours faithfully

Christine Bell
Business Manager

Cc: Mr J McQuillin, Department of Traffic, SBC, HQ, Newtown St Boswells, Melrose

Appendix D - EHT Report

EYEMOUTH HARBOUR TRUST (EHT) PARKING UPDATE REPORT FOR PERIOD 27th June 2011 to 30th June 2012 (Year 1)

Introduction

Eyemouth Harbour Trust obtained Experimental Traffic Regulation Order (TRO), from Scottish Borders Council effective 27th June 2011 for a period of 18 months (to 27th December 2012). EHT introduced a pay & display parking scheme on land owned by EHT as a trial to ascertain the benefits of introducing a scheme on a permanent basis. The aims of the scheme are to allow EHT to manage its land assets in such a way as to facilitate a safer and less congested working environment for benefit of harbour users and members of the public while deriving an alternative source of income at a time when fishing income continues to decline.

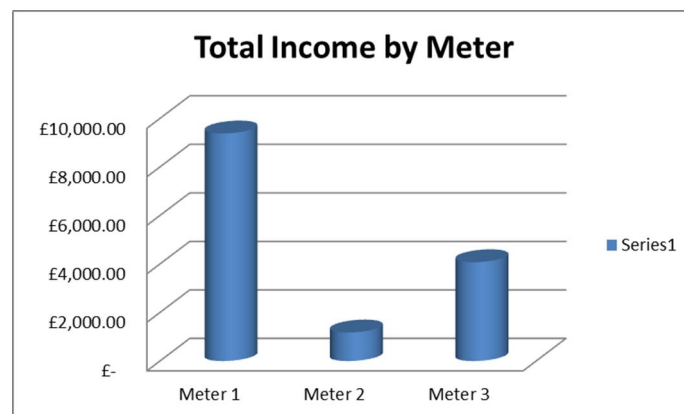
This report will give an account of the results of the scheme in its initial 12 month period of an 18 month trial as well as month by month results so far.

Survey Results

A total of 11,154 tickets were purchased with the split being as follows showing that Meter 1 opposite the Mission was the most used. Meter 2 is used much less, with only 10% of total tickets purchased from this meter. This is most likely due to its location, nearest the loading area where no parking bays are marked. However, it is being used and to remove it may result in losing almost 10% income if drivers are unwilling to walk further to another meter.

- Meter 1 @ 65% located opposite Mission (7236 tickets)
- Meter 2 @ 8% located opposite Whale Hotel (924 tickets)
- Meter 3 @ 27% located on Marine Parade (2994 tickets)

Graph 1 below shows total income by meter.



Graph 1

Average length of stay for vehicles is 1 hour and 27 minutes. This does not vary much between months. The total range being 1 hour 17 mins to 1 hour 43 mins.

Enforcement

LBP have issued total 8 fixed penalty notices, and advice given to 7 drivers. LBP have been unable to give regular attendance due to non-availability of police vehicles.

Harbour staff issued total of 149 warning notices. Of these, only 2 vehicles have appeared more than once.

Resident/Visitor Passes

A total of 8 residents passes have been issued to residents of Harbour Road and Marine Parade.

A total of 15 visitors' passes have been issued to businesses on Harbour Road as well as NHS Borders for GPs, community nurses and health visitors.

Blue Badge Holders

Blue badge holders are exempt from paying charges under current scheme. During this period, approximately 18% of cars parked at any one time have blue badges displayed.

Jim McQuillin will offer clarification on parking charges for blue badge holders.

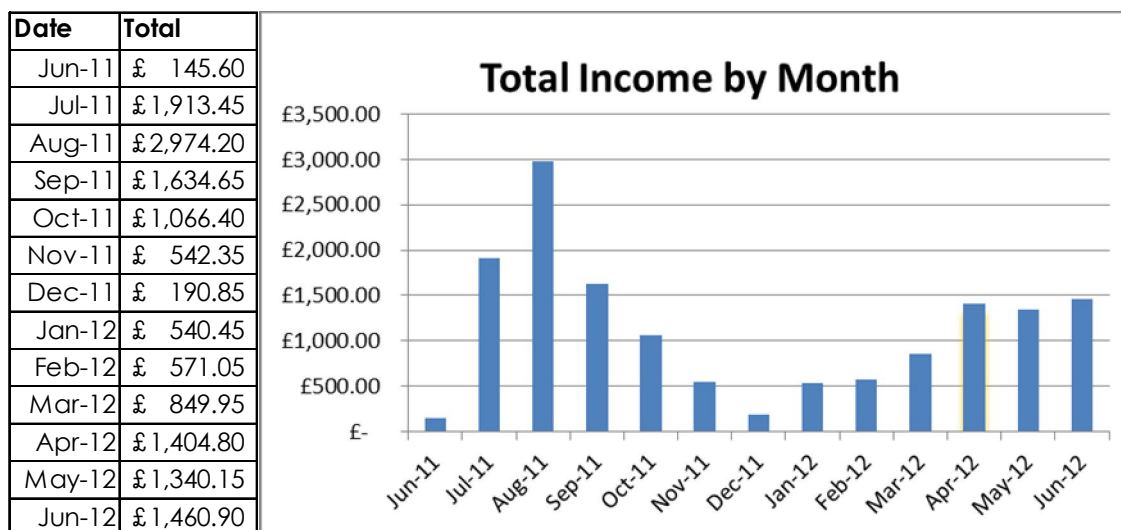
Income Results

Total gross income = £14,634.80

Less VAT @ 20% = £2,439.13

Total net income = £12,195.67

Graph 2 below shows gross income by month;



Graph 2

Table 1 below shows the monthly breakdown of income derived with number of transaction from each meter from 27th June 2011 – 30th June 2012.

Date	Number of days	Meter 1	Meter 2	Meter 3	Total	Meter 1 Transactions	Meter 2 Transactions	Meter 3 Transactions	Average /Day	Cumulative Total	Average Length of Stay	VAT @ 20%	Cumulative Income Net of VAT
Jun-11	4	£ 83.50	£ 7.60	£ 54.50	£ 145.60	70	7	38	£ 36.40	£ 145.60	1.27	£ 24.27	£ 121.33
Jul-11	29	£ 1,134.60	£ 240.40	£ 538.45	£ 1,913.45	845	182	371	£ 65.98	£ 2,059.05	1.37	£ 343.18	£ 1,715.88
Aug-11	33	£ 1,621.15	£ 251.00	£ 1,102.05	£ 2,974.20	1158	185	737	£ 90.13	£ 5,033.25	1.43	£ 838.88	£ 4,194.38
Sep-11	30	£ 1,023.20	£ 127.10	£ 484.35	£ 1,634.65	779	92	354	£ 54.49	£ 6,667.90	1.33	£ 1,111.32	£ 5,556.58
Oct-11	28	£ 693.40	£ 92.30	£ 280.70	£ 1,066.40	544	76	220	£ 38.09	£ 7,734.30	1.27	£ 1,289.05	£ 6,445.25
Nov-11	32	£ 396.25	£ 29.00	£ 117.10	£ 542.35	332	29	97	£ 16.95	£ 8,276.65	1.18	£ 1,379.44	£ 6,897.21
Dec-11	21	£ 158.65	£ 10.00	£ 22.20	£ 190.85	132	8	23	£ 9.09	£ 8,467.50	1.17	£ 1,411.25	£ 7,056.25
Jan-12	42	£ 383.80	£ 23.50	£ 133.15	£ 540.45	321	21	104	£ 12.87	£ 9,007.95	1.21	£ 1,501.33	£ 7,506.63
Feb-12	29	£ 430.10	£ 16.50	£ 124.45	£ 571.05	360	13	93	£ 19.69	£ 9,579.00	1.23	£ 1,596.50	£ 7,982.50
Mar-12	30	£ 561.55	£ 84.00	£ 204.40	£ 849.95	477	66	163	£ 28.33	£ 10,428.95	1.20	£ 1,738.16	£ 8,690.79
Apr-12	31	£ 969.80	£ 107.30	£ 327.70	£ 1,404.80	756	86	296	£ 45.32	£ 11,833.75	1.23	£ 1,972.29	£ 9,861.46
May-12	31	£ 936.45	£ 99.10	£ 304.60	£ 1,340.15	725	84	218	£ 43.23	£ 13,173.90	1.30	£ 2,195.65	£ 10,978.25
Jun-12	29	£ 989.30	£ 90.20	£ 381.40	£ 1,460.90	737	75	280	£ 50.38	£ 14,634.80	1.34	£ 2,439.13	£ 12,195.67

Table 1

Summary

The area is being used more by vehicles during the summer months, with July, August and September being the busiest months. We see increased usage from April as would be expected at start of 'summer' season with Easter holidays, etc. We see decline in usage from October through to March over the winter months. This indicates that the area is mainly being used by visitors to Eyemouth, rather than by local residents.

The total net income of over £12k is significant. This would make up 1/5 of PWLB interest charges and repayments. This is income that EHT would otherwise not have had has been received, with operating costs being kept to a minimum.

The area is better managed with vehicles parking in a more orderly way with over 1 metre being left clear of quayside contributing to a safer working environment for harbour users. Previously vehicles were usually parked up to and over the brander.

There are less vehicles parking in the loading/unloading area, which was previously full of vehicles parked all day right up to the brander, making it difficult for boats to tie up in that area and for pedestrians to walk past.

A parking survey was carried out by SBC on Thursday 17th May 2012. EHT staff shadowed this survey in order to enable EHT to use same methodology in carrying out further surveys over the coming months. If same methodology is used, then it will be possible to directly compare results over time. To date, no further surveys have been carried out by EHT, however, EHT will carry out a further survey in August 2012.

The ETRO expires on 26th December 2012. If EHT wish to obtain a permanent order, they must advise SBC no later than August of the terms of any permanent order. EHT should also consider any objections that have been so far raised when deciding on longer term future of the scheme, if it is to continue.

Items for discussion:

Does EHT wish to continue with pay & display parking charges from December 2012? If so, EHT must apply for a permanent Traffic Regulation Order (TRO) no later than August 2012.

In considering the terms of the TRO, consideration should be given to the following;

Representations against the charges were received as follows;

Letter received from Mr Andrew Spratt dated 13th December 2011 enclosing a petition containing 49 signatures supporting the statement below;

'We, the undersigned residents, businesses and visitors to Eyemouth are concerned by the parking charging fees on Harbour Road, Marine Parade and Old Quay causing financial implications. Therefore, we call upon Scottish Borders Council and Eyemouth Harbour Trust as soon as practically possible to remove the parking charges.'

Mr Spratt's letter states his lunchtime trade has fallen by 65% and evening by 30% (as opposed to 60% and 15% respectively in letter to John Lamont dated 12th December 2011).

EHT note; there are no parking charges after 5.30pm therefore parking charges should not affect evening trade.

Letter dated 22nd November 2011 from Mr Peter Giacomazzi with suggestions as follows;

- Free parking for Eyemouth residents, with or without time restrictions, e.g. 30 minutes free parking then charges thereafter
- Annual charge to use harbour parking bays (£5/£10 per year) but free to boat owners
- A minimum all day parking charge for visitors (no overnight parking)
- A reduction in the hourly parking charge rate (£1 for every 2 hours)
- Free parking on Sundays
- Displayed information about alternative free parking sites.

Seasonal charges/all year round charges?

When considering this, study monthly income breakdown. All months except December derived over £500 income. Consider seasonal charges or alternatively offering free parking for month of December – or any number of months. A permanent order would allow for flexibility for free months should EHT decide to implement.

Introduction of a fixed daily rate or half-day rate?

Currently, tickets are £1/hour for up to 9 hours (8.30pm – 5.30pm). EHT could consider encouraging people to stay longer if the charge was capped at say £4 or £5 per day or £3 for 4 hours and £5 for full day.

Appendix E - Letters of Objection

CORPORATE RESOURCES

19 DEC 2011

Contented Sole
Harbour Road
Eyemouth.
Berwickshire
TD14 5HS

ADMIN & LEGAL

Tel No:- 018907 50268

Date 15/12/2012

Dear Mr. I. Wilkie,

**Road Traffic Regulation Act 1984
The Scottish Borders Council
(On Street Parking Places) (Eyemouth)
Experimental Traffic Regulation
Order 2011**

Each of the attached enclosed documents are to be treated as an individual formal objection to the above regulation.

This means there are **3 in number** enclosed, each to be treated as an individual objection.

These should be added to the formal objections sent in March and April 2011, so increasing the number of formal objections

I would be obliged if you will acknowledge receipt and request that each document is an individual formal objection

Yours sincerely

Andrew C. Spratt

CORPORATE RESOURCES

19 DEC 2011

Contented Sole
Harbour Road
Eyemouth
Berwickshire
TD14 5HS

ADMIN & LEGAL

Tel No:- 018907 50268

Date 15/12/2012

R/E Scottish Borders Council
On Street Parking Places Eyemouth
Experimental Order 2011

Dear Mr. I. Wilkie,

This letter is a formal objection to the above regulation.

With regards the above order it has come to our notice that Scottish Borders Council are guarantors for Eyemouth Harbour Trust.

1. As such this must be a conflict of interest and therefore S.B.C. should not be allowed to make a decision with regards the parking meters.
2. The enclosed petition (to be treated as a separate objection) signed by 90% of business in the town have noticed a drop in trade even taking into account the recession. Those that have not signed have involvement with the H.T but still support us.
3. Parking on the harbour has drastically declined, but other parking areas have become congested and the local community can now have a problem parking to do shopping. Will this mean the introduction of meters in the rest of the town resulting in a further loss of trade to the town? As we have on the harbour with cars turning around and going out of the town as they will NOT pay to park, and some visitors have told us this and that they will not be back having come to Eyemouth for years. Are the meters on the harbour the thin edge of a thick wedge for Eyemouth?
4. In schedule 2 of the order parking charges they state a £30.00 charge for parking in a disabled bay, there is none and there should be at both ends of the parking area. There is also a £30.00 fine for parking over 2 bays. As there are no disabled parking, those with Blue Badges have to park over 2 bays to stop other cars being too close to enable them to get out and in of the car as I personally know, and in particular those with wheelchairs. What else can they do?
5. Charges are 7 days a week, even Edinburgh do not charge on a Sunday, nor anywhere else.
6. Parking charges not lifted for Eyemouth Herring Queen, or the search for a missing person as they said they would by covering the meters. Nor will the H.T. lift charges if and when the Sole has a funeral tea. This means that the Sole is now unable to do funeral teas. Not very good P.R. for the H.T. as they are not considering the feelings of those concerned, also the residents or the business of Eyemouth.
7. Families coming to see residents of Saltgreens or Swan Court are also expected to pay for the right to see family.
8. Who owns Harbour Road, both S.B.C and H.T. say it belongs to the other. Who does the road belong to in plain English? Until then the meters should not be in operation.
9. Since the introduction of the meters summer lunch trade at the Sole has fallen by 60% and evenings by 15% even taking into account the recession. Others on the harbour front have similar problems. Christmas lunch trade is also down approximately 75%.
10. Also enclosed is a letter from Mr. Peter Giacobazzi (to be treated as a separate objection).
11. The Sole like others were given 2 passes for parking, the H.T. also put the Sole on the back of the tickets from the machines. These are of no use as they are not parking on the harbour and so do not find out about them.

If this problem is not resolved there will be little tourist trade left in Eyemouth and more derelict property on the harbour front than just the Whale Hotel. Is this what the H.T. and S.B.C. want?

I look forward to hearing from you in the near future.

Yours sincerely

A.C. Spratt.

22nd November 2011

Dear *Mr. J. Wilkie*

Many thanks for your letter dated 21st October enclosing 4 free of charge parking permits for customers of Oblò and Giacobazzi's to use, as discussed.

There are a number of concerns I have regarding The Experimental Traffic Regulation Order (TRO), which took effect on the harbour side in Eyemouth on 27th June this year, which I will discuss below.

The Managers of both my businesses, which as you know are located directly on the harbour side, have noticed an increase in the number of negative customer comments they are receiving regarding the charged parking bays.

In Giacobazzi's, individual customers - both locals and visitors, have started to inform staff that they will no longer be coming to us for their fish & chips as they don't agree with having to pay to park outside. Other customers have also been put off by the time restrictions; having already paid £1 for an hour, although this does not allow them sufficient time to enjoy a meal, they do not wish to have to pay a further charge to stay longer.

In Oblò customers have also started advising staff that they are now put off from coming in for lunch as they are either bound by a time limit or have to incur additional charges for enjoying a more relaxed lunch. Some are also not spending as long a time in Oblò and so we are losing out on additional drinks and coffees. Just the other day a family of 6 left before ordering dessert as they said their parking was up. I'm sure you can appreciate we cannot afford to lose trade in this way.

Clearly, all these issues are having a negative impact on my businesses and unless addressed, are in danger of having a seriously detrimental effect on trade. Therefore I feel it necessary to bring them to your attention, as I have no doubt other local businesses affected in similar ways already have through various means. Although the 2 free of charge parking permits for each business are appreciated and will prove beneficial to some customers, they will not service all customers.

In fact, staff have already raised the following queries regarding these permits:

- how do customers know we have them before parking/coming to our premises?
- what if customers do not return them? (will this not incur a cost to you to keep producing them?)
- who do they 'choose' to give them to if there are more than 2 customers at one time in charge parking bays?

Furthermore, through the involvement of my businesses in the newly reforming Eyemouth & District Chamber of Commerce, I am aware of other businesses that have already highlighted downturns in their trade as a result of the charged parking on the harbour, which, in the current financial downturn, is all the more detrimental. I am also aware of the attitudes of many of the locals in the town, who are flatly refusing to use the parking bays as they completely disagree with the charged parking.

All that said however, I do appreciate that the Harbour Trust is a business and needs to maximise its income potential as much as possible. Therefore, rather than flatly object to the parking charges at this stage, I thought it perhaps more constructive to try to suggest alternative options the Eyemouth Harbour Trust may wish to consider in reviewing the pay and display parking scheme as a starting point:

- Free parking for Eyemouth residents (issue stickers for cars?) - with or without restrictions i.e. 1/2 hours at a time
- Free parking to anyone for 30 minutes then charges thereafter
- Annual charge to use harbour parking bays (£5/£10 per year?), but free to boat owners
- A minimum all day parking charge for visitors (no overnight parking)
- A reduction in the hourly parking charge rate (£1 for every 2 hours?)
- Free Parking on Sundays
- Displayed information about alternative, Free Parking sites

I hope this is helpful. I would be happy to meet with you, should you wish to discuss the content of my letter any further.

I look forward to hearing from you.

Sincerely yours,


Peter Giacopazzi
Proprietor

Appendix F – Eyemouth Town Council Letter to EHT

To Mrs C Bell
Eyemouth Harbour Trust,
Harbour Office
Gunsgreen Quay
Eyemouth
TD14 5SD

24/09/2012

Post & Email

Dear Christine

Re: Harbour Parking

Following our recent telephone conversation before your holiday, I would confirm that the issue of the parking charges on the Harbour was discussed at the August Community Council meeting.

Many of the Community Councillors felt that there should be no parking charges on the Harbour and are opposed to it in principle and I am asked to present their views to you and the Trustees.

The alternative view was that the need to raise income for the Harbour Trust is accepted however the following suggestions were made:

1. Consideration of a "season ticket" be given to those who work near to the Harbour. Such a ticket would generate income immediately.
2. Remove the charge for the first 30 minutes and have this as a free period, which would assist locals popping into businesses.
3. Free parking in November, December, January and February would help to boost income for the town.
4. The daily rate of £4.00 for anyone wanting to stay over 3 hours is a much better idea. A reduced rate would encourage visitors to stay.

We would be grateful if you would consider the points raised above and also raise this with the Trustees.

Yours sincerely

Jo Pawley
Chair Eyemouth Town Community Council

Item No. 10

Berwickshire Area Forum

6 December 2012

Briefing on Scottish Court Service (SCS) Proposals for Court Reform

**Ian Wilkie
David Cressey**

PROPOSED CLOSURE OF DUNS SHERIFF AND JP COURTS

Background to the Proposals:-

- Best use of Government money
- New and imaginative ways to deliver service
- Opportunities for sharing facilities
- Access to Justice Principles
- Consultation closes on 21 December 2012

The SCS Proposals

- Closure of the Sheriff and Justice of the Peace courts in Duns
- Business transferred to Jedburgh
- Haddington also set for closure
- Achieved during 2013/14
- Potential removal of Sheriff and Jury business from Border Courts
- 16 Sheriff Courts will routinely deal with such (none in the Borders)
- Creation of Summary Sheriffs
- Centres of Shrieval specialism
- Progressive introduction over ten years
- Low volume of business at Duns
- Duns:- There are no cells or interview facilities

SBC Key Concerns

- Greater travel distances for all concerned:
 - Witnesses, Accused, Pursuers, Defenders, Solicitors, vulnerable persons, other agencies+
- Fair access to justice denied
- Access to justice more difficult
- Economic impact on affected towns
- SCS savings v. impact on the Borders
- SCS misrepresent true picture at Duns
- Exploration of alternatives
- Minimal SCS savings – Disproportionate impact

Sheriff Court Boundary Issues – suggested by SCS

- East coast residents to Edinburgh instead of Jedburgh?