

# Public Document Pack



## PETITIONS AND DEPUTATIONS COMMITTEE THURSDAY, 6 OCTOBER, 2016

A MEETING of the PETITIONS AND DEPUTATIONS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HQ, on THURSDAY, 6 OCTOBER 2016 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

29 September 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute</b> (Pages 1 - 4)  Minute of Meeting of 31 May 2016 to be noted and signed by the Chairman (copy attached)	2 mins
5.	<b>The Deputations Procedure</b> (Pages 5 - 6)  Copy of extract from the Scottish Borders Council Deputations Procedure attached.	2 mins
6.	<b>Parking Problems on Hawick High Street</b>	30 mins
	(a) <b>Deputation</b> (Pages 7 - 10)  Copy attached of Deputation submission form.	
	(b) <b>Briefing Note by Depute Chief Executive (Place)</b> (Pages 11 - 14)  Copy of Briefing Note attached.	
7.	<b>Any Other Items previously circulated</b>	
8.	<b>Any Other Items which the Chairman decides are urgent</b>	

## **NOTES**

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Committee:-** Councillors A. J. Nicol (Chairman), S. Bell, D. Parker, D. Paterson, J. Torrance and T. Weatherston

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Please direct any enquiries to Fiona Walling 01835 826504  
Email:- [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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**SCOTTISH BORDERS COUNCIL  
PETITIONS AND DEPUTATIONS COMMITTEE**

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 31 May, 2016 at 10.00 am

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Present:- Councillors A. J. Nicol (Chairman), S. Bell, D. Parker, D. Paterson, J. Torrance and T. Weatherston

In Attendance:- Engineering Team Leader - Traffic and Road Safety, Clerk to the Council, Democratic Services Officer (F. Walling).

Petitioner:- Ms Christine Hamilton.

**CHAIRMAN**

The Chairman welcomed Ms Hamilton to the meeting and asked for a round of introductions.

1. **DECLARATIONS OF INTEREST**

Both the Chairman and Councillor Weatherston explained that although they had visited the nursery which was referred to in the petition they felt that this did not prejudice their ability to objectively consider the petition being presented and therefore did not declare an interest in terms of Section 5 of the Councillors Code of Conduct.

**DECISION  
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of 1 March 2016.

**DECISION  
APPROVED and signed by the Chairman.**

3. **THE PETITIONS PROCEDURE**

There had been circulated copies of an extract from the Scottish Borders Council Petitions Procedure which set out the process to be followed at the meeting.

**DECISION  
NOTED.**

4. **ROAD SAFETY ON SPYLAW ROAD.**

4.1 There had been circulated copies of a petition, submitted to the Council on 29 March 2016, entitled 'Road Safety on Spylaw Road'. The form was accompanied by 126 signatures in total. There had also been circulated copies of a briefing note by the Depute Chief Executive (Place) which was in response to the petition. The Principal Petitioner, Seonaid Blackie, was the owner of Castlegate Nursery and out-of-school club on Spylaw Road in Kelso, and Ms Hamilton was in attendance to present the petition on her behalf.

In a statement accompanying the petition it was explained that there was concern about the speed of traffic driving past the nursery premises which were situated approximately half way along Spylaw Road. This was a wide, no-through road with a combination of commercial and private traffic to, for example, a Council depot, Border Concrete, an exercise gym and haulage yard. Parents' absolute best intention was always to keep their children with them at all times, but they had huge concerns that if their child got away from them the possibility of a resulting accident was greatly increased by the speed and sometimes poor driving of those passing. The nursery owner had previously asked for road signage to be considered but on review by the Council and Police Scotland this had been turned down. The owner understood that Castlegate was a private nursery but there was provision for approximately 130 families on a weekly basis. It was suggested that as the Council provided signage for schools and 20 mph limits at peak times it would seem arbitrary for the nursery not to be considered for similar measures. The statement referred to the previous advice from the Council that 'general guidance for school signage did not apply to nurseries where the children were almost exclusively escorted to and from the premises'. In response it was emphasised that parents often had more than one child with them and that very young children did not yet understand the danger of running away from their parent. It was suggested that the number of signatures with the petition clearly emphasised the concern of parents, staff and visitors to the premises.

4.2 In support of the statement Ms Hamilton explained that she had run the nursery business with her mother Seonaid Blackie for the past 23 years and they had been in the premises on Spylaw Road for the last 9-10 years. She gave further information about the key concerns of parents in relation to the speed of passing traffic, much of this being HGV traffic to commercial premises. She added that even when children were taken out wearing high visibility vests drivers failed to reduce their speed. Ms Hamilton asked why, when Council premises such as schools were provided with signage there was no such facility to keep children safe in the case of a nursery. With regard to the traffic monitoring carried out by the Council she believed the average of speeds recorded would not be a true reflection of the speed of traffic passing the nursery as the measurements had been taken outside the nursery premises where many cars would be stopping. In response to a Member's question Ms Hamilton believed that concern about the speed of traffic on Spylaw Road was an issue for the whole of the day but with particular sensitivity being related to the location of the nursery and the times of the day when children were arriving and departing.

4.3 The Council's response to the petition was presented by Philippa Gilhooly, Engineering Team Leader for Traffic and Road Safety. Ms Gilhooly advised that Council officers had visited the site on the afternoon of 18 April, the morning of 19 April and the morning of 10 May 2016 to monitor the volume and speed of traffic and number of pedestrians. Conditions were dry and sunny on all three days. Ms Gilhooly apologised for the fact that there was speed monitoring equipment malfunction on 19 April so there were no recorded speeds for that day. Results showed that the average speed of vehicles using Spylaw Road were 18.5mph and 21.3mph on the two days for which measurements were obtained, which was well below the 30mph speed limit. These were speeds the Council would welcome elsewhere. Pedestrian volumes were low and all children were accompanied. Further details of the volume, type and speed of vehicles and number of pedestrians were provided in an Appendix to the paper. Of most concern to the Council officer was the number of vehicles associated with the nursery that reversed on to the live carriageway. Ms Gilhooly advised that in view of these vehicle volumes and speeds the Council would not propose to make any physical changes to the road or signs. As previously explained to the nursery owner none of the signs regulated by the Traffic Signs Manual were appropriate for use outside a nursery. She explained that while Traffic Signs Regulations for the United Kingdom had recently been reviewed, in this case the situation was unchanged. Where the Council had installed part time 20mph schemes outside schools, as agreed by local Police Scotland representatives, these could only operate at main school run times and not at nursery times as the expectation was that all nursery children would be accompanied by a responsible adult. Any speed reducing measures

that were introduced needed to be justifiable, proportional and balanced, and in this instance officers did not believe any speed reducing measures were required. Ms Gilhooly believed that, as was the case in many other areas, the issue was one of perceived speed from the perspective of pedestrians. Should the occasional vehicle be travelling at excessive speed along Spylaw Road, the recommendation would be for the nursery to contact Police Scotland.

- 4.4 In answer to questions Ms Gilhooly confirmed that the Scottish Government no longer allowed Councils to put in place advisory 'twenty's plenty' schemes; the only option being to set up a mandatory scheme. Such a scheme would not be appropriate, nor considered necessary for Spylaw Road, being reserved for residential areas and needing the support of Police Scotland as well as the Council to enable this to be enforced. In this respect she advised that in terms of traffic speeds there were many other residential areas of the Borders where the need for a mandatory 20 mph scheme was greater than for Spylaw Road. She also highlighted that, from the average speeds revealed in the measurements made in Spylaw Road, a 20 mph limit would not have any effect. A Member suggested that the speed monitoring results would have been more accurate if the monitoring equipment had been placed halfway down the road rather than outside the nursery building. It was also pointed out that, in addition to average speeds, figures giving the spread of results or 85 percentile would have been useful. In response to a point made by Ms Hamilton that 40% of the children attending the nursery were Council funded, Ms Gilhooly advised that the regulations regarding signage applied to all nurseries in the Borders.
- 4.5 In the ensuing discussion Members expressed sympathy with the petitioner and the concern expressed by those associated with the nursery. It was clear that, if it were an option, Members would have supported the introduction of an advisory 20 mph zone for the whole of the industrial area and signs to encourage motorists to reduce their speed. However they accepted that these options were not possible under current regulations. In response to the petition it appeared that the only option that could be further investigated by the Council was the suggestion of painting a warning sign on the road. Members also encouraged Ms Hamilton to explore any private solutions which could be pursued to raise drivers' awareness of the location of the nursery in order to persuade them to reduce their speed. The Chairman thanked Ms Hamilton for her attendance and for presenting the petition.

## **DECISION**

- (a) **NOTED** the petition.
- (b) **AGREED** to refer the petition to the Chief Officer Roads with the recommendation that officers explore:-
- (i) **the feasibility of painting a 'SLOW' road marking on Spylaw Road at the approach to Castlegate Nursery; and**
  - (ii) **any other option that may be available to the Council to persuade drivers along Spylaw Road to reduce their speed.**

*The meeting concluded at 11.20 am*

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**Extract from the Scottish Borders Council Deputations Procedure**

12. The procedure at the meeting, for each deputation considered, shall be as follows:
- (i) the meeting shall be in public unless the subject matter of the deputation would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;
  - (ii) the principal speaker, or named deputy, shall give a statement in explanation of the deputation;
  - (iii) there will be an opportunity for Members of the Committee to ask questions of the speaker;
  - (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the speaker;
  - (v) a response to the deputation may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
  - (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
  - (vii) there will be an opportunity for the speaker to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
  - (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the deputation from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.

13. The Petitions and Deputations Committee shall agree to one of the following:-
- (i) refer the subject of the deputation to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;
  - (ii) refer the subject of the deputation to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;

(iii) that the issue(s) raised do not merit or do not require further action.

14. The decision of the Petitions and Deputations Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal speaker by Democratic Services staff. Where the subject of a deputation is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Petitions and Deputations Committee.
15. There will be no right of appeal in response to a final decision made in response to a deputation.



24 JUN 2016

Democratic Services

APPENDIX B

Reference (official use)



## Deputations – submission form

If you wish to submit a deputation request for consideration by the Petitions and Deputations Committee, please complete the form below. You are advised to refer to the Guidance Questions and Answer sheet provided.

<b>Details of Principal Representative of the Community Organisation or Group</b> Please enter the name and contact details of the person representing the community organisation or group raising the subject matter. <i>This will be the person who will receive correspondence from the Council about the proposed deputation.</i>	
<b>Community Organisation/ Group:</b>	FUTURE HAWICK
<b>Name of Representative:</b>	DERICK TAIT
<b>Position held in Organisation/ Group:</b>	CHAIRMAN
<b>Address:</b>	2 KIRKWYND
	HAWICK
	SCOTTISH BORDERS
<b>Postcode:</b>	TD9 0AL
<b>Telephone no:</b>	
<b>Email:</b>	

<b>Title of Deputation and Deputation Statement</b> Please enter the title of the subject matter of the Deputation and any statement in support of this, including the action your Organisation or Group would like the Council to take.	
<b>Title:</b>	PARKING PROBLEMS ON HAWICK HIGH STREET

**Statement (no more than 250 words):**

THE REMOVAL OF THE WARDEN SERVICE HAS SEEN A MARKED INCREASE IN THE ABUSE OF PARKING RESERVATIONS ON HAWICK HIGH STREET, TO SUCH AN EXTENT THAT IT IS HAVING A DETRIMENTAL EFFECT ON HIGH STREET BUSINESSES. AND A SOLUTION IS REQUIRED.

**Further information.**

Please enter below any measures already taken, or persons/organisations approached to attempt to resolve the issues, or any information you wish the Committee to have at their meeting. Attach additional sheets to this form if required but please note that this information must be limited to no more than 4 sides of A4 paper.

See attached sheet.

**Hearing a deputation at the Committee.**

Please indicate below who you would like to make a statement at the meeting of the Petitions and Deputations Committee when your deputation is being heard.

\*I shall ~~not~~ be the main speaker for the deputation.

\*I would like my deputy(ies) named below to ~~lead the deputation~~ also speak on behalf of the community organisation/group.

Name of deputy .....

Contact details .....

Signature of deputy .....

Name of deputy .....

Contact details .....

Signature of deputy.....

*see attached sheet*

\* please delete as appropriate

**Signature of Principal Representative.**  
 If you are satisfied your deputation meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Community Organisation/Group Representative .....

Date *7* 20/6/16 .....

**Please submit this form and any additional sheets to:-**  
 Clerk to the Council, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 OSA,  
 or email to:  
[committeepapers@scotborders.gov.uk](mailto:committeepapers@scotborders.gov.uk)



Scottish Charity No SC039141

2 Kirkwynd Hawick TD9 0AL

E-mail [admin@hawickonline.com](mailto:admin@hawickonline.com)

## Notes to Parking Submission

Since the removal of traffic wardens from Hawick, there has been a marked increase in the abuse of parking regulations on Hawick High Street, and the matter has become a regular topic for discussion at Area Forums, Community Council meetings, and Future Hawick meetings. Despite all the discussion and requests for action, it would appear that there is no solution in sight.

The issue is exacerbated from correspondence with local Community Policing Inspector, Carol Wood, who advises that present levels of policing do not have the capacity to enable more than random enforcement as day-to-day duties permit.

While acknowledging that there should be no abuse whatsoever, human nature is such that there will always be those who try to escape the Law, and this is very much the problem being experienced. Recent appraisals show instances of congested parking on single and double yellow lines, all-day parking by residents and visitors, over-long loading and unloading procedures, parking in designated loading bays and bus stops, double parking preventing through traffic, and parking at or near road junctions preventing vehicular access. In themselves, these issues may appear to be of a minor nature but combined they pose serious issues (eg for emergency vehicles), and decrease the footfall on Hawick High Street, at a time when a lot of businesses are suffering an economic downturn.

High Street businesses, all of whom pay rates, are trying to deal with the situation through telephone calls to police, and in some cases have placed their own "warning notices" on vehicles, but to little avail. The situation has reached the stage where action is required. We are advised that the Council Parking Working Group has completed its remit and it is therefore essential that Scottish Borders Council acts quickly to implement solutions. We are advised by officials that the introduction of decriminalised parking regulations is a lengthy process, but that should not stop processes being instituted immediately.

In requesting a hearing in response to High Street businesses, Future Hawick would lead a small deputation of no more than four or five traders who would detail their experiences of parking issues. Membership of the deputation would depend on dates set and availability for attendance.

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## **DEPUTATION RE PARKING PROBLEMS ON HAWICK HIGH STREET**

### **Briefing Note by the Depute Chief Executive, PLACE PETITIONS AND DEPUTATIONS COMMITTEE**

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**6 OCTOBER 2016**

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#### **1 SUMMARY**

- 1.1 **This briefing note advises the Petitions and Deputations Committee on the review of on-street parking and traffic management and how it relates to Hawick High Street.**
- 1.2 Scottish Borders Council received, on 24 June 2016, a petition entitled **Parking problems on Hawick High Street**. The statement read:  
*The removal of the warden service has seen a marked increase in the abuse of parking regulations on Hawick High Street, to such an extent that it is having a detrimental effect on High Street businesses and a solution is required.*
- 1.3 In February 2014 Police Scotland withdrew their traffic warden service in Scotland. On-street parking transgressions in the SBC area remain a criminal offence and enforcement responsibility lies solely with Police Scotland regardless of the fact that they no longer have a dedicated Traffic Warden Service
- 1.4 Decriminalised Parking Enforcement (DPE) is a regime which enables a local authority to administer its own parking penalties, including the issuing of Penalty Charge notices (PCNs). In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the police and instead become civil penalties enforced by the local authority.
- 1.5 DPE can only be introduced on an authority wide basis. There is no mechanism for pilot studies or permanent schemes on a reduced area or town by town basis. It is however entirely up to individual local authorities how it applies its resources once DPE is introduced. For clarity the Council will be responsible for parking control over the wider Council area but can choose to concentrate on certain towns or areas within that area.
- 1.6 An alternative to DPE is to use The Police and Fire (Reform) Act 2012 as a mechanism to require the police to address parking enforcement as part of the local policing plan. This would be in addition to any current enforcement that is being undertaken.

- 1.7 The Council is currently considering its position with regard to the future management of on-street parking and it is hoped a decision will be made on this in the near future.
- 1.8 The Council agreed at its meeting of 29 June 2016 to undertake parking surveys at key town centres across the Scottish Borders to establish the scale of the problem prior to recommending a way forward.
- 1.9 In Hawick the surveys were undertaken on 3 consecutive days starting on Thursday 11 August 2016 with the following findings:

**Occupancy Levels:**

In overall terms the town centre was at times close to, but always below capacity. The High Street itself was typically at between 80% and 90% of capacity on weekdays and somewhat less than that on a Saturday.

**Length of Stay:**

Generally, this was very positive with a significant majority (85%) of vehicles only staying for under an hour at a time. Where there were exceptions to this it tended to be for much longer periods, often the whole 8 hour survey period.

**Turnover Levels:**

This was mixed across the area with poor turn over in O'Connell Street, but reasonable to good turn over in most of the High Street and the north side of Bourtree Place.

**Observations on Restricted Parking:**

There were a number of observations of parking on double yellow lines but in the main most restricted sections were actually quite well observed. A marked exception to this was a 26 metre length on High Street where there was much more regular abuse.

Despite the fact that they have the same meaning in law during the time periods of the survey there was a marked difference in the approach to parking on single yellow lines as opposed to double yellow lines. Parking on single yellow lines was more commonplace at 3 of the 5 lengths in the survey area.

With the occasional exception those observed as parking on either a double yellow lines or a single yellow lines were gone by the time of the next recording circuit (i.e. within the half hour).

There was also observance of vehicles parked, or waiting on, zig-zag markings, keep clears and disabled bays when not entitled to do so. Again this tended to be for short periods.

- 1.10 Unfortunately there was no comparable survey in Hawick prior to the removal of traffic wardens. Comparison between before and after on-street parking studies in Peebles High Street and Eastgate however, suggests that the withdrawal of traffic wardens has not had as big an impact as is generally perceived and parking habits have not actually changed significantly over the period.

## **2 CONCLUSION**

- 2.1 **I recommend that the Committee recommends no further action at this stage and allows Council to take a view on the preferred way forward in relation to on-street parking and traffic management when a report comes before it in November.**

**Approved by**

**Martin Joyce**  
**Service Director Assets & Infrastructure**

**Signature .....**

**Author(s)**

Name	Designation and Contact Number
Brian Young	Network Manager, Asset & Infrastructure, PLACE

**Background Papers:** Petitions Procedure

**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk).

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