
TRAFFIC REGULATION ORDERS FOR CAR PARKS IN PEEBLES

Report by Chief Legal Officer

PEEBLES COMMON GOOD FUND SUB-COMMITTEE

14 June 2017

1 PURPOSE AND SUMMARY

- 1.1 This report informs the Peebles Common Good Fund Sub-Committee of current Traffic Regulations Orders in relation to car parks in Peebles.**
- 1.2 This report also informs on legal provisions in relation to overnight stay of camper vans in Kingsmeadows Road car park, Peebles

2 RECOMMENDATIONS

- 2.1 I recommend that the Peebles Common Good Fund Sub-Committee notes the Traffic Regulations provisions for the car parks in Peebles.**
- 2.2 I recommend that if there are further requests for Legal Services to provide information about Traffic Regulation orders, where the request is only for information about what is currently in place, that this is done by way of a briefing note.**

3 BACKGROUND

- 3.1 At their meeting on 23 November 2016 the Peebles Common Good Fund Sub-Committee discussed public concerns about people staying overnight in caravans or camper vans at Kingsmeadows Road car park, Peebles.
- 3.2 Members made a request to Legal Services for a report on the current Scottish Borders Council's Traffic Regulation Orders for car parks in Peebles.

4 SUBJECT MATTER

- 4.1 This report focuses on provisions on classes of vehicles and restrictions of use in relation to parking. It does not detail charges applicable and the maximum stay hours.

4.2 General information

- 4.2.1 Traffic Regulation Orders ('TROs') set out the general conditions for use of the car parks, classes of vehicles allowed to stay, restrictions of use and penalties for non-compliance.
- 4.2.2 Notices or Orders amending the TROs usually establish new restrictions for parking or introduce and amend charges applicable for parking and define the maximum stay hours.

4.3 The Traffic Regulations Orders in force car parks in Peebles are:

- 4.3.1 For Edinburgh Road, Greenside and Swimming Pool car parks TRO dated 14 March 2002 ('2002 TRO') amended by Notice dated 1 August 2015 ('2015 Notice'). Greenside Swimming Pool is also mentioned in the 1987 TRO.
- 4.3.2 For Neidpath Road, School Brae, Tweedgreen and Biggiesknowes car parks, TRO dated 23 April 1987, amended by Amendment Order 16 February 2010 ('2010 Order').
- 4.3.3 For East Station and Kingsmeadows car parks, TRO dated 1976 amended by the 2010 Order.

4.4 Traffic Regulation Provisions

- 4.4.1 A list of provisions applicable to each car park in Peebles is shown in Table 1 annexed to this Report.
- 4.4.2 The report contains further details and clarification in the next section.

4.5 Edinburgh Road, Greenside and Swimming Pool Car Parks 2002 TRO

- 4.5.1 Edinburgh Road car park may be used for the leaving of passenger vehicles, buses, coaches and goods vehicles in such spaces as marked for their use.

- 4.5.2 Greenside Car Park and Swimming Pool car park may also be used for the leaving of passenger vehicles and goods vehicles in such spaces as marked for their use.
- 4.5.3 Maximum stay in Greenside Car Park is 48 hours (1987 Order). The 2002 Order do not appear to have any maximum stay specified for Edinburgh Road Car Park, Greenside Car Park or Swimming Pool Car Park.
- 4.5.4 No vehicle left in Edinburgh Road, Greenside and Swimming Pool Car Parks may have a trailer.
- 4.5.5 No vehicle may be left in the car park in connection with its sale, or for the purpose of the vehicle being cleaned, washed or repaired. No person is allowed to park a vehicle in these car parks if the vehicle is in a state of disrepair.
- 4.5.6 No vehicle may be left in the car park in connection with the selling or offering for hire or reward of any skill or service. Other road traffic restrictions also apply, such as that the car should display a current vehicle licence.

4.6 Maximum Stay for Buses in the Edinburgh Road Car Park

- 4.6.1 The results of a consultation on proposed amendment to parking charges in Peebles Pay and Display car parks was reported to the Meeting of 11 September 2013 and incorporated at paragraph 8 of the Minute of the Meeting.
- 4.6.2 Parking of buses seemed to have been an issue in the Edinburgh Road car park. The proposal was that buses using the Edinburgh Road Car Park would not be charged for a stay up to 3 hours, but incur a penalty of £40 for a stay exceeding the 3 hour limit.
- 4.6.3 This proposal was under review to ensure that the issue of extended parking by buses is resolved. It was not incorporated in the 2015 Notice.

4.7 Neidpath Road Car Park, School Brae Car Park, Tweed Green Car Park, Greenside Car Park and Biggiesknowes Car Park 1987 TRO

- 4.7.1 All classes of vehicles are allowed to park in the car park. Vehicles of a certain class may only be parked in the parking spaces described as available for vehicles of that specified class. Vehicles parked in contravention of this provision may be removed.
- 4.7.2 Other road traffic restrictions also apply, such as that the car should display a current vehicle licence and that the driver should hold a policy of insurance complying with the Road Traffic Act.
- 4.7.3 No vehicle may be left in the car park in connection with the selling or offering for hire or reward of any skill or service, or for trans-shipment of goods from one vehicle to another.

- 4.7.4 No vehicle may be left in the car park for sleeping, camping or cooking, or for servicing the vehicle other than it is reasonably necessary to enable to vehicle to depart.
- 4.7.5 No caravan, caravanette or like vehicle, horse box or trailer should wait in a parking space unless it is attached to a self-propelled vehicle and the driver is in the immediate vicinity carrying out their affairs. A caravan, caravanette, like vehicle, horse box or trailer cannot be parked permanently or garaged in the car parks.
- 4.7.6 For all classes of vehicles in School Brae and Greenside there is a maximum waiting period of 48 hours. For all classes of vehicles other than Passenger Service Vehicles in Tweed Green, Biggiesknowes and Neidpath car parks, the maximum waiting time is 48 hours. For Passenger Service Vehicles in Tweed Green, Biggiesknowes and Neidpath car parks, there is a maximum stay 3 hours: Monday to Friday 8:30 to 17:30 with return prohibited within one hour.

4.8 Kingsmeadows Car Park and East Station Car Park (1976 TRO)

- 4.8.1 For vehicles other than Passenger Service Vehicles, there is a maximum stay of 48 hours. For Passenger Service Vehicles, there is a maximum stay 3 hours: Monday to Friday 8:30 to 17:30 with return prohibited within one hour.
- 4.8.2 Classes of vehicles allowed to park in both car parks are passenger service vehicle, motorcycle, motor car and invalid carriage vehicles. In addition, light goods vehicles can park in Kingsmeadows car park and goods vehicles in East Station Car Park.
- 4.8.3 The light good vehicles are to be constructed solely for the purpose of carrying of goods should not exceed 30cwts unladen weight (1524kgs), which is an old measurement, much lower than the current 3.5 tonnes limit for the light good vehicles.
- 4.8.4 No caravan, caravanette or like vehicle, horse box or trailer should wait in a parking space unless it is attached to a self-propelled vehicle and the driver is in the vicinity carrying out their affairs. No caravan, horse box or trailer to be kept permanently or garaged in a parking place. No sale or business to be carried out in the car park.
- 4.8.5 The Oxford English Dictionary definition of vicinity is "the area near or surrounding a place."
- 4.8.6 Loading of goods is prohibited and so are any repairs to vehicles, servicing or washing vehicles.
- 4.8.7 No vehicle can be left in the Kingsmeadows car park for sleeping or camping purposes.

4.9 Further notes on overnight parking of camper vans at Kingsmeadows car park

- 4.9.1 The 1976 Traffic Regulation Order prohibits parking of a vehicle for 'sleeping and camping purposes'. It prohibits a vehicle from being in the parking space for over 48 hours, or if it is a bus, for over 3 hours.
- 4.9.2 Furthermore, the Order prohibits caravans from being garaged in a parking place or from being in a parking place unless the driver is carrying out their affairs in the vicinity of the car park. The DVLA category of "motor caravan" includes all campervans, motor caravans and motorhomes.
- 4.9.3 The provisions of the Order relating to parking for longer than 48 hours, permanently parking a caravan or caravanette, parking a caravan or caravanette for any reason other than the driver conducting their affairs in the vicinity of the car park, where the vehicle is being used for business or loading and where there is no licence for the vehicles all entitle the Council to remove any camper van illegally parked overnight in this car park.
- 4.9.4 Camping or sleeping in the car parks would not fall within the normal definition of carrying out affairs within the vicinity of the car park.
- 4.9.5 Breach of the prohibition against sleeping and camping is not mentioned as one of the breaches which allows the Council to remove the vehicle.

5 IMPLICATIONS

5.1 Financial

There are no financial implications to the Peebles Common Good Fund.

Any costs attached to any of the recommendations contained in this report are to be confirmed once a decision was taken.

5.2 Risk and Mitigations

There are no risks posed by the proposals.

5.3 Equalities

There are no adverse equality implications.

5.4 Acting Sustainably

There are no effects on the economic, social or environmental aspects contained in this report.

5.5 Carbon Management

There are no effects on carbon emissions as a result of the proposal in this report.

5.6 Rural Proofing

This report does not affect the Council's rural proofing policy.

5.7 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Nuala McKinlay
Chief Legal Officer

Signature

Author(s)

Name	Designation and Contact Number
Iulia Toch	Solicitor, Legal Services, Council HQ. Tel: 01835 82400 Ext: 8823

Background Papers:

TRO dated 14 March 2002 ('2002 TRO') amended by Notice dated 1 August 2015 ('2015 Notice')

TRO dated 23 April 1987, amended by Amendment Order 16 February 2010 ('2010 Order').

TRO dated 1976 amended by the 2010 Order.

Previous Minute Reference: 23 November 2016

APPENDIX 1

Traffic regulations for car parks in Peebles

	Car Park and applicable TRO/ amending Order or Notice	Classes of vehicles allowed to park	Restrictions of use
1	EDINBURGH ROAD CAR PARK (2002 TRO, 2015 Notice)	-passenger vehicles Leaving of -buses -coaches -light goods vehicles (maximum weight 3.5 tonnes)	(a) charges and surcharges apply for passenger and goods vehicles only; (b) No trailers (c) No vehicle allowed to park in connection with its sale (d) No sale of any article, (e) No selling or offering for hire or reward of any skill (f) No cleaning or washing of cars (g) No repairing of vehicles (h) No vehicle allowed to park if in a state of disrepair or not licensed
2	GREENSIDE CAR PARK (1987 TRO, 2002 TRO, 2015 Notice)	-passenger vehicles -light goods vehicles (maximum weight 3.5 tonnes) -vehicles to park in the parking spaces designated for their specific class of vehicles	(a) charges and surcharges apply (b) maximum stay 48 hours (c) No buses allowed to park (d) No vehicles allowed to park for being sold (e) No sale of any article (f) No cleaning or washing of cars (g) No repairing of vehicles (h) No vehicle in a state of disrepair or not licensed
3	SWIMMING POOL CAR PARK (2002 TRO, 2015 Notice)	-passenger vehicles -light goods vehicles (maximum weight 3.5 tonnes)	(a) charges and surcharges apply for passenger and goods vehicles only; (b) No trailers (c) No vehicle allowed to be parked in connection with its sale (d) No sale of any article,

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			<ul style="list-style-type: none"> (e) No selling or offering for hire or reward of any skill (f) No cleaning or washing of cars (g) No repairing of vehicles (h) No vehicle allowed to park if in a state of disrepair or not licensed
4	NEIDPATH ROAD CAR PARK (TRO 1987, 2010 Order)	All classes of motor vehicles allowed to park, but only in the parking spaces designated for their specific class of vehicles	<ul style="list-style-type: none"> (a) Maximum stay 48 hours for vehicles except passenger service. For Passenger Service Vehicles within Monday to Friday- 8:30 to 17:30 (with return prohibited within one hour), 3 hours. (b) It is prohibited to use the car park for sleeping, camping or cooking (c) or for servicing the vehicle (d) no sale or business to be carried out from the vehicle parked in the car park (e) No caravan, horse box or trailer to be kept permanently or garaged in a parking place, or to be parked other than where the driver is carrying on their affairs within the vicinity of the car park.
5	SCHOOL BRAE CAR PARK (TRO 1987, 2010 Order)	All classes of motor vehicles allowed to park, but only in the parking spaces designated for their specific class of vehicles	<ul style="list-style-type: none"> (a) Maximum stay 48 hours. (b) It is prohibited to use the car park for sleeping, camping or cooking (c) or for servicing the vehicle (d) no sale or business to

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			<p>be carried out from the vehicle parked in the car park</p> <p>(e) No caravan, horse box or trailer to be kept permanently or garaged in a parking place or to be parked other than where the driver is carrying on their affairs within the vicinity of the car park.</p>
6	TWEEDGREEN CAR PARK (TRO 1987, 2010 Order)	All classes of motor vehicles allowed to park, but only in the parking spaces designated for their specific class of vehicles	<p>(a) Maximum stay 48 hours for vehicles except passenger service. For Passenger Service Vehicles within Monday to Friday- 8:30 to 17:30 (with return prohibited within one hour), 3 hours.</p> <p>(b) It is prohibited to use the car park for sleeping, camping or cooking</p> <p>(c) or for servicing the vehicle</p> <p>(d) no sale or business to be carried out from the vehicle parked in the car park</p> <p>(e) No caravan, horse box or trailer to be kept permanently or garaged in a parking place or to be parked other than where the driver is carrying on their affairs within the vicinity of the car park.</p>
7	BIGGIESKNOWES	All classes of motor	(a) Maximum stay 48

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	CAR PARK (TRO 1987, 2010 Order)	vehicles allowed to park, but only in the parking spaces designated for their specific class of vehicles	<p>hours for vehicles except passenger service. For Passenger Service Vehicles within Monday to Friday- 8:30 to 17:30 (with return prohibited within one hour), 3 hours.</p> <p>(b) It is prohibited to use the car park for sleeping, camping or cooking</p> <p>(c) or for servicing the vehicle</p> <p>(d) no sale or business to be carried out from the vehicle parked in the car park</p> <p>(e) No caravan, horse box or trailer to be kept permanently or garaged in a parking place or to be parked other than where the driver is carrying on their affairs within the vicinity of the car park.</p>
8	EAST STATION CAR PARK (TRO 1976, 2010 Order)	<p>-passenger service vehicle</p> <p>-motorcycle</p> <p>-motor car</p> <p>-invalid carriage</p> <p>-light goods vehicles only</p>	<p>(a) Maximum stay 48 hours for vehicles except passenger service. For Passenger Service Vehicles within Monday to Friday- 8:30 to 17:30 (with return prohibited within one hour), 3 hours.</p> <p>(b) No caravan, horse box or trailer to be kept permanently or garaged in a parking place</p>

	Car Park and applicable TRO/ amending Order or Notice	Classes of vehicles allowed to park	Restrictions of use
			<p>(c) No sale or business to be carried out in the car park</p> <p>(d) No loading of goods</p> <p>(e) no repairs to vehicles, no servicing or washing vehicles</p> <p>(f) no vehicle can be left in the car park for sleeping or camping purposes</p>
9	KINGSMEADOWS CAR PARK (TRO 1976, 2010 Order)	<p>-passenger service vehicle</p> <p>-motorcycle</p> <p>-motor car</p> <p>-invalid carriage</p> <p>-light goods vehicles only</p>	<p>(a) Maximum stay 48 hours for vehicles except passenger service. For Passenger Service Vehicles within Monday to Friday- 8:30 to 17:30 (with return prohibited within one hour), 3 hours.</p> <p>(b) No caravan, horse box or trailer to be kept permanently or garaged in a parking place</p> <p>(c) No sale or business to be carried out in the car park</p> <p>(d) No loading of goods</p> <p>(e) No repairs to vehicles, no servicing or washing vehicles</p> <p>(f) No vehicle can be left in the car park for sleeping or camping purposes</p>