

Agenda Item	4.a
Report No	NC/13/22

HIGHLAND COUNCIL

Committee: Nairnshire

Date: 15 November 2022

Report Title: Common Good – Parking on Common Good Land

Report By: Executive Chief Officer Infrastructure, Environment & Economy
Executive Chief Officer Communities & Place

1 Purpose/Executive Summary

- 1.1 Nairnshire Area Committee agreed on 20 April 2021 to introduce an invitation to pay car parking scheme at three sites during 2021 and to carry out a consultation later in 2021 to determine the approach going forward.

The invitation to pay scheme has been extremely successful and this report provides an update on the success to date, including the income received to the Nairn Common Good Fund and the proposed approach going forward.

2 Recommendations

- 2.1 Members are asked to consider the following recommendations:-

- i. **Note** the success of the Invitation to Pay Parking Scheme in terms of income generation for the Nairn Common Good Fund; and
- ii. **Agree** that the Invitation of Pay Parking Scheme continues in its current form at each of the 3 sites detailed for a further period of 4 years, subject to a review on an annual basis.

3 Implications

- 3.1 **Resource** – The report provides an update on the income received as part of the invitation to pay scheme. The Invitation to Pay scheme has resulted in assets that previously produced no income, now being income generating which is to the benefit of Nairn Common Good fund.

- 3.2 **Legal** – Should there be any proposed change to parking arrangements in the future, e.g. introduction of mandatory charging, then a public consultation under section 104 Community Empowerment (Scotland) Act 2015 would be required.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – The scheme as introduced, and proposed to continue, is an invitation to pay and therefore there are no socio-economic nor equality implications.
- 3.4 **Climate Change / Carbon Clever** – No implications.
- 3.5 **Risk** – No implications.
- 3.6 **Gaelic** – None

4 Background

4.1 Nairnshire Area Committee agreed on 20 April 2021 to implement a trial of a donation-based parking scheme titled “Invitation to Pay Scheme” at three Nairn Car Parks situated on Common Good Land:-

- The Links, Cumming Street
- The Harbour
- The Maggot

In addition, an update to the wider invitation to pay scheme also permitted Motorhomes to stay at the Harbour car park site for a period of 24 hours, with no return within 72 hours, for a donation of £10.

- 4.2 The Links and The Maggot are currently operated without an Off-Street Traffic Regulation Order in place, this will be addressed in a forthcoming amendment to the master Off Street Order that will not involve parking charges but relates to general car park usage. The Harbour is currently regulated under the 2016 Off Street Traffic Regulation Order.
- 4.3 None of the 3 sites have Mandatory Parking charges in place.

5 Outcomes of the Trial

- 5.1 The invitation to pay scheme began on 24 May 2021. The Scheme is delivered via signage and parking meters inviting users to volunteer to pay and that this donation will contribute to supporting local amenities via the Common Good Fund.

5.2 To date the three sites have generated £55,253 over 33,717 individual transactions.

	2021/2022	Totals
Cumming St	Gross Income	£17,929
Harbour	Gross Income	£6,503
Maggot	Gross Income	£9,329
No. of Transactions	23,525	
	Gross Income	£33,761

	2022/23 TD	Totals
Cumming St	Gross Income	£10,026
Harbour	Gross Income	£6,627
Maggot	Gross Income	£4,838
No. of Transactions	10,192	
	Gross Income	£21,492

The average donation per user is £1.65.

5.3 Initially 50% of the gross income from the Scheme was deposited to the Nairn Common Good Fund in line with available Council policy at the time. However, after representation from local residents and a subsequent review by officers of the information provided it was accepted that this charging method did not comply with statutory provisions for receipt of Common Good income. Section 93 of the Local Government (Scotland) Act 1973 requires that all such funds should be received into a separate Common Good Fund account.

5.4 Thereafter, it was agreed that 100% of all income from the Scheme would be deposited in the Nairn Common Good Fund account and any agreed costs will be drawn down by the Service on an annual basis subject to future reports to this Committee.

5.5 This will ensure the maximum transparency in compliance with Common Good Fund legislation.

6 Car Park Operation Going Forward

6.1 In light of the success of the Scheme and its capacity to generate income for the Nairn Common Good Fund, it is proposed that the Invitation to Pay Scheme is continued in its current form at each of the 3 sites detailed for a further period of 4 years subject to a 12 monthly review which will be reported to this Committee. The income generated from the scheme enables development of the Common Good fund and investment in projects and assets therefore is in the wider interest of the Common Good for this to continue.

6.2 Feedback from the local community suggests that there is no local appetite to consider the introduction of mandatory charging at any of the three sites. Maintaining the current Invitation to Pay Scheme and not moving to mandatory parking charges at these sites will mean that there is no change of use in terms of the use of those Common Good sites and therefore no requirement to carry out a statutory Common Good change of use consultation.

6.3 When the original decision to implement an Invitation to Pay Scheme was taken in April 2021, it had been agreed that a consultation would be undertaken at the end of the 2021 season to consider whether a voluntary scheme continued or whether charging with enforcement was considered. Due to a combination of covid impacts and service pressures a consultation has not been undertaken to date. However, in light of the success of the scheme and local feedback on the appetite for mandatory charging, it is proposed to continue with the scheme in its current form. Given that the status quo is to remain, there is no requirement to undertake a consultation at this time.

Designation: Executive Chief Officer Infrastructure, Environment & Economy
Executive Chief Officer Communities & Place

Date: 15 November 2022

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Background Papers: Nairn Visitor Management Car Parking Supplementary Agenda
20 April 2021