

**PE1722/G**

Argyll and Bute Council submission of 11 September 2019

## **Mull Traffic Regulation Order**

Thank you for the opportunity to provide a response to the Committee on this issue.

A report was considered at the June 2019 Oban Lorn and the Isles Area Committee concerning a traffic regulation order (TRO) for Mull car parks. The committee decision can be found here <http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=245&MId=8304&Ver=4>

A legal challenge has been received in relation to the compliance of the process in respect of the establishment of and process for determining the TRO. Following an examination of the process against the challenge, the Council now accepts that the TRO process, did not fully comply with the statutory and regulatory requirements and in particular, failed to properly consult with Iona Community Council in accordance with the requirements of the *Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999/614* ("the Regulations").

The Chief Executive issued a letter on Wednesday 4<sup>th</sup> September to both the Mull and Iona Community Councils, as representative of the communities, providing an unreserved apology. The apology was also issued publicly and a copy is attached.

The OLI Area Committee agreed at its meeting on 11<sup>th</sup> September that the disputed TRO be revoked, and agreed that ways are to be identified of improving the council's engagement with communities around TROs. Improved engagement will ensure that the differing needs of Mull and Iona are identified, and that we work better together in addressing them. The report considered by the Committee is available on the Council's website here <http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=245&MId=8388&Ver=4>

The decision to proceed with the TRO was taken prior to the enactment of Part 3 the Islands (Scotland) Act 2018. Part 3 of the Act which relates to island impact assessments and is yet to come into effect. To respect the intent of the Act the Council has carried out an Equalities and Socio-Economic Impact Assessment specifically on this TRO to consider and evidence the impact on the affected island communities of Mull, Iona and Ulva. This picked up a range of additional issues and some of the positive outcomes that the TRO could have provided, including improved facilities for disabled parking. Whilst the Equality and Socio-Economic Impact Assessment highlighted some issues these were mitigated by offering discounted rates for annual parking permits.

Officers from the council held a teleconference with officers from the Scottish Government's Islands Team on 29 April 2019. The teleconference was held to discuss the EQSEIA carried out by the Council in relation to the Mull TRO and the Islands Impact Assessment. Colleagues from Scottish Government commented positively on the EQSEIA process.

In recognition of the feedback received from communities the Area Committee agreed a number of amendments to the proposal which included offering.

- a 12 month parking permit for residents of Iona at the rate of 20% of the Council's standard annual permit charge (equating to £95 per annum or 26p per day) for use at Fionnphort and Craignure off street car parks
- a 12 month 'sail and park' permit to everyone at 20% of the full price when paid annually (equating to £95 per annum or 26p per day) for use at the long stay Craignure car park

The Council's equality and socio economic impact assessment currently includes an assessment of impact on island communities and will take account of any emerging guidance. Island Community Impact Assessments will be carried out in line with the guidance when it becomes available.

Moving to the Petition Committee's second question regarding the financial challenges facing the Council which led it to consider introducing car parking charges. The original decision to explore additional parking charges was taken as part of the Council's budget in February 2018. The proposal was to increase parking charges and introduce additional parking charges, to places currently not charging, to keep traffic moving, manage demand for parking, and additionally it would have provided a contribution to the maintenance of roads infrastructure. Argyll and Bute has the most roads in need of maintenance in Scotland.

Argyll and Bute has seen the third largest reduction in real terms funding allocations since 2013/14. This is in part due to a declining population but the area is also one of the most rural in Scotland with a growing elderly population. This is referenced in "Local Government in Scotland Challenges and Performance 2019", which can be found here <https://www.audit-scotland.gov.uk/report/local-government-in-scotland-challenges-and-performance-2019>

Between 2018-19 and 2019-20 Argyll and Bute saw a 3.3% reduction in non-ringfenced revenue funding, amongst the largest in Scotland. Details can be found in "Local Government Finance: Budget 2019-20 and provisional allocations to local authorities" SPICe briefing, which can be read here <https://sp-bpr-en-prod-cdnep.azureedge.net/published/2018/12/19/Local-Government-Finance--Budget-2019-20-and-provisional-allocations-to-local-authorities/SB%2018-90.pdf>.

Since 2013 funding per head has reduced by £299 in real terms -"Local government finance: facts and figures 2013-14 to 2019-20", found here <https://sp-bpr-en-prod-cdnep.azureedge.net/published/2019/7/2/Local-government-finance--facts-and-figures-2013-14-to-2019-20/SB%2019-45.pdf> .

In the last 10 years the Council has made savings of £57m from a budget of £236m. Going forward the estimated budget gap (mid-range range scenario), over the three year period 2020-21 to 2022-23 is £18.090m with a gap of £5.158m in 2020-21.

I trust that the above information provides the financial context that surrounded the decision to progress parking charges and the efforts made to recognise and address the impacts on island communities.

It is clear that there are traffic issues on Mull and we will work to rebuild local confidence to enable positive and transparent engagement with communities to deliver solutions.

The Council would be happy to provide clarification on any of the points covered in this response or to provide any further information that may be helpful to the Committee.

## **Council's Chief Executive says sorry to Mull and Iona**

Argyll and Bute Council's Chief Executive has apologised to local communities on Mull and Iona for a flawed parking-management exercise.

A report going to next week's Oban, Lorn and the Isles (OLI) Area Committee recommends that a disputed TRO (traffic regulation order) is revoked, and that ways are identified of improving the council's engagement with communities around TROs.

Chief Executive, Cleland Sneddon, said:

"Off street parking management can bring benefits to areas where parking options are limited.

Concerns had been raised with the council, by local people, about the need for better managed and safer parking, issues which had to be addressed. To do so a TRO was required.

We have to apologise unreservedly to the people of Mull and Iona, however, for a flawed exercise – with our biggest regret being the negative impact this has had on relationships between residents of Mull and Iona, and the council.

We want to work with as well as for local people; we had carried out a consultation exercise and *were making some changes in response to feedback*. The exercise though was not as robust as it should have been, it should have covered Iona as well as Mull.

We are putting a report about the TRO to next week's Oban, Lorn and Isles Area Committee.

This states publicly our wish to apologise for the impact of this TRO.

The report also includes a key recommendation that we find ways to improve how we engage with our communities around TROs. Improved engagement will ensure that the differing needs of Mull and Iona are identified, and that we work better together in addressing them.

We can assure residents that we have learned lessons from this, and that we remain committed to working with our communities to deliver parking arrangements that work for the residents and visitors to Mull and Iona."

The report will be published on the council's website overnight tonight (4<sup>th</sup> September), along with other reports for consideration by the OLI Committee on Wednesday 11<sup>th</sup> September.