

The Highland Council

Transport, Environmental and Community Services Committee 20 September 2012

Agenda Item	
Report No	

Removal of “No Overnight Parking” Signs Report by the Director of Transport, Environmental & Community Services

Summary

Following representation from a member of the public to both Transport Scotland and the Council, Members are invited to approve that the “No Overnight Parking” signs located in rural laybys are removed, and that the removal of these signs is carried out when the Highland Council have resources working in the area to minimise any additional costs.

1. Introduction

- 1.1 A member of the public, who appears to be campaigning for the right for caravans to park in laybys overnight, has requested that both Transport Scotland and the Council remove “No Overnight Parking” signs from laybys on the basis that they do not comply with the statutory instrument “Traffic Signs Regulations and Directions” and as such are not approved for use on public roads.
- 1.2 Transport Scotland has reviewed the legal position in relation to trunk roads and has come to the conclusion that all “No Overnight Parking” signs should be removed from the trunk road network.
- 1.3 The complainant is now challenging the Council’s position and seeking to have these signs removed from Council roads.
- 1.4 This report invites Members to consider the position for Council roads.

2. Background

- 2.1 The exact origin of these signs is not clear but they are believed to have been introduced in the early 1990’s.
- 2.2 The purpose of the signs is to discourage overnight parking for caravans or motor caravans in rural laybys where there are no facilities for the disposal of waste.
- 2.3 The signs are also intended to support the local economy by encouraging tourists to make use of the commercially operated caravan sites in the region.
- 2.4 The Council has always been aware that the signs are “advisory” and has never made any efforts to enforce the signs.

3. Options

- 3.1 There are a number of options open to the Council as set out below:

1. Retain the signs on an advisory basis.	It is acknowledged that the signs carry no legal standing; however they do give an advisory message to the public and can be retained on that basis. The legal advice for this option is that the possibility of legal challenge against any decision of the Council to retain the signs cannot be ruled out, particularly given the breadth of arguments which can be pursued in the context of Human Rights legislation.”
2. Agree to remove the signs as requested.	This was the position taken by Transport Scotland.
3. Introduce a formal Road Traffic Order to restrict Overnight Parking.	Road Traffic Orders are normally used as a traffic management tool, and are not seen as an effective method of restricting parking in rural laybys. Road Traffic Orders would be costly to implement, including the provision of signs and lining, and would be very difficult to enforce in rural areas.

3.2 On the basis of the decision taken by Transport Scotland to remove the signs on trunk roads, and the legal advice that a decision to retain the signs could be open to legal challenge it is recommend that the “No Overnight Parking Signs” currently erected in rural laybys are removed.

3.3 While formal Road Traffic Orders would be expensive to implement and difficult to enforce this is an option which could be considered in the future if there were problems with overnight parking at specific locations.

4. Implications

4.1 There are resource implications associated with removing the signs, however it is proposed that the removal of these signs is carried out when we have resources working in the area to minimise any additional costs.

4.2 There is a risk that a decision to retain the Overnight Parking Signs could be open to legal challenge.

4.3 There are no equality implications arising from this report.

4.4 There are no climate change implications arising from this report.

4.5 There are no risk implications arising from this report.

5. Recommendation

- 5.1 Members are invited to approve that the “No Overnight Parking” signs located in rural laybys are removed, and that the removal of these signs is carried out when we have resources working in the area to minimise any additional costs.

Designation: Director of Transport, Environmental & Community Services

Date: 7 September 2012

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