

AGENDA ITEM NO. 12

Report To: POLICY & RESOURCES COMMITTEE Date: 7 AUGUST 2018

Report By: CORPORATE DIRECTOR. Report No: ERC/ENV/WR/17.336

ENVIRONMENT, REGENERATION &

RESOURCES

Contact Officer: MARTIN MCNAB Contact No: 01475 717171

PROPOSED **TRAFFIC** REGULATION Subject: ORDER

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK,

INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS)

(VARIATION NO. 4) ORDER 2018

1.0 PURPOSE

1.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and, under the Council's Scheme of Administration, the Head of Environmental and Public Protection is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

1.2 The purpose of this report is to inform the Committee of the outcome of the Appendix consultation procedure undertaken for the Traffic Regulation Order (TRO) associated 1 with various requests for waiting and loading restrictions in Gourock entitled The Inverciyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 4) Order 2018. The report also seeks a decision on whether the Committee will hear the objection relating to the TRO themselves or appoint an independent Reporter.

1.3 The purpose of bringing the report to the Policy and Resources Committee rather than the Environment and Regeneration Committee is to seek an early decision on how the objections will be heard, either by the Environment and Regeneration Committee or an independent Reporter. The timescales associated with hearing these objections are set out in legislation and in order for the TRO to be heard by the Inverclyde Council on 27 September 2018 and minimise delay to the introduction of the TRO, the Council has to commence this process at the earliest opportunity.

2.0 SUMMARY

- 2.1 Since the implementation of The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016, a number of requests for waiting and loading have been received and collated to ensure that any subsequent variation TRO included as many requests as possible.
- 2.2 The TRO was advertised for public consultation on 2 May 2018 with a closing date for objection of 23 May 2018. During this time 2 maintained objections were received.
- 2.3 As the objections were maintained after Officers corresponded with the objectors, these must now be heard. The objections can be heard at a public hearing considered either before a special meeting of the Environment and Regeneration Committee or by an independent Reporter.

3.0 RECOMMENDATION

3.1 It is recommended that the Committee:

- a. notes the requirement to hold a public hearing to consider the maintained objections, and decides either to hear these before a special meeting of the Environment and Regeneration Committee or by an independent Reporter, remitting it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to make the necessary arrangements for the public hearing.
- b. Notes that, if the Committee decides to appoint an independent Reporter, the cost associated with this is approximately £10,000 which would come from the Decriminalised Parking Enforcement Revenue Budget.

Martin McNab Head of Environmental & Public Protection

4.0 BACKGROUND

- 4.1 Since the promotion of The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016 a number of requests for waiting and loading have been received and collated to ensure that any subsequent variation TRO included as many requests as possible.
- 4.2 The TRO was promoted and was issued for public consultation on 2 May 2018 with responses invited by 23 May 2018.
- 4.3 During the public consultation, 2 objections were received. Officers wrote to the 2 objectors and both objectors maintained their objections.

5.0 IMPLICATIONS

Finance

5.1 One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Decriminalised parking	Traffic signs	18/19	£7,000	N/A	Contained within overall Decriminalised Parking budget
Decriminalised parking	Other admin costs	18/19	£10,000	N/A	If Committee approve appointment of independent reporter, costs will be contained within overall DPE budget

Legal

5.2 There are no legal implications arising from this report.

Human Resources

5.3 There are no HR implications arising from this report.

Equalities

5.4 There are no equality issues arising from this report.

Repopulation

5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 The Head of Legal and Property Services and the Chief Financial Officer have been consulted on this report.

7.0 LIST OF BACKGROUND PAPERS

7.1 None

THE INVERCLYDE COUNCIL

(VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) (VARIATION NO. 4) ORDER 2018

TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) (VARIATION NO. 4) ORDER 2018

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

1.0 Commencement and citation

1.1 This Order shall come into operation on the ** day of **, Two Thousand and ** and may be cited as "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 4) Order 2018".

2.0 Interpretation

- 2.1 In this Order, except where the context otherwise requires, the following expression has the meaning hereby respectively assigned to it:
 - "No Return" in relation to a Limited Waiting Parking Place, where waiting is limited by time and day of the week, means no return within the stated time and day of the week to a Limited Waiting Parking Place in the same road as the Limited Waiting Parking Place vacated.
- 2.2 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.3 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.4 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.5 The On-Street Plans forming Schedule 1 to this Order and titled "The Inverciyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 4) Order 2018 On-Street Plans" are hereby incorporated into "The Inverciyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013" ("the Principal Order") and recorded in "Plan Index" to the Principal Order".

- 2.6 The Plan Index forms Schedule 2.
- 2.7 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 3.0 Revocation and substitution of Article contained within existing Traffic Regulation Order

Article 5.1 of the Principal Order is hereby revoked and the following Article (which is incorporated into the Principal Order) substituted therefor:-

- 5.1 Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'limited waiting' is indicated then, subject to the provisions of Article 5.2, no person shall, except upon the direction of a police constable in uniform, a Parking Attendant or an Authorised Person, cause or permit any Motor Vehicle to wait during that period in that part of the Road:
- (a) for longer than the maximum period of waiting specified for that part of the Road; or
- (b) if a period of less than the No Return interval specified for that part of the Road has elapsed since the termination of the last period of waiting of the Motor Vehicle in that part of the Road.

This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverciyde Council and subscribed for them and on their behalf by ##.

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SCHEDULE 1										
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 4) Order 2018 On-Street Plans										
(13.13.101.1101.) 0.301.2010.01.01.001.										

SCHEDULE 2

SCHEDULE 3

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013 PLAN INDEX

Plan Reference	Effective	Effective date of Plan Revision										
	date of	1	2	3	4	5	6	7	8	9	10	11
	original											
	plan											
TR/TRO/C133-001	06/10/2014	########										
TR/TRO/C133-002	06/10/2014											
TR/TRO/C133-003	06/10/2014	########										
TR/TRO/C133-004	06/10/2014											
TR/TRO/C133-005	06/10/2014	04/04/2016	#########									
TR/TRO/C133-006	06/10/2014	04/04/2016	14/11/2016	#######								
TR/TRO/C133-007	06/10/2014	04/04/2016										
TR/TRO/C133-008	06/10/2014	04/04/2016	########									
TR/TRO/C133-009	06/10/2014	04/04/2016	########									
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TR/TRO/C133-012	04/04/2016											
TR/TRO/C133-013	04/04/2016	14/11/2016	#######									
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TR/TRO/C133-015	04/04/2016											
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