

AGENDA ITEM NO. Additional Item

Report To: Environment & Regeneration Date: 30 August 2018

Committee

Report By: Corporate Director Environment, Report No: ERC/ENV/MM/17.342

Regeneration & Resources

Contact Officer: Martin Mcnab Contact No: 01475 717171

Subject: Proposed Traffic Regulation Order – The Inverciyde 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 & Public Protection is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

- 1.2 The purpose of the report is to introduce the proposed modified Traffic Regulation Order (TRO) – The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No.4) Order 2018.
- 1.3 The attached modified TRO is proposed which removes the proposed restrictions on Cloch Road.

2.0 **SUMMARY**

- 2.1 The proposed Traffic Regulation Order will:-
 - Introduce a "No waiting at any time, no loading at any time" restriction on parts of Burnside Road, Drumshantie Road, Kirn Drive and Reservoir Road, all in Gourock;
 - Introduce a "No waiting at any time" restriction on parts of Barrhill Road, Binnie Street, Broomberry Drive, Cardwell Road, Drumshantie Road, Faulds Park Road, George Road and Tarbet Street, all in Gourock;
 - Vary the existing "No waiting at any time" restriction to a "No waiting at any time and No loading at any time" restriction on part of Kirn Drive, Gourock;
 - Vary the existing "No waiting Monday to Saturday 8am to 11am" and "Limited Waiting Monday to Saturday 11am to 6pm, 1 hour, No return within 1 hour" restrictions to create a "Loading Bay Monday to Saturday 8am to 11am" and "Limited Waiting Monday to Saturday 11am to 6pm, 1 hour, No return within 1 hour" restriction on Kempock Street, Gourock (outside 2-8 Kempock Street); and
 - Revoke part of the "No waiting at any time" restriction on Victoria Road, Gourock.

3.0 **RECOMMENDATION**

3.1 That the Committee recommend to The Inverclyde Council the making of the modified Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No.4) Order 2018 and remit it to the Head of Environmental & Public Protection and the Head of Legal & Property Services to arrange for its implementation.

Martin McNab
Environmental and Public Protection

4.0 BACKGROUND

- 4.1 The Inverciyde Council introduced Decriminalised Parking Enforcement throughout Inverciyde in 2014. Since that time numerous requests have been received to introduce waiting and loading restrictions at various locations in Gourock. This TRO promotes various restrictions to address these requests.
- 4.2 During the promotion of this TRO two objections were received and maintained. The objections require to be regarded as withdrawn because the proposed restrictions for Cloch Road, Gourock have now been removed from this proposed TRO. The objectors have been informed of the position.
- 4.3 This TRO was due to be the subject of a Special Meeting of this Committee on 17 September 2018. However, in preparation for the Special Meeting officers compiled the relevant documents and noted an inconsistency as between the TRO documents (including the Council's Statement of Reasons) and the maps in relation to the proposed restrictions on Cloch Road, Gourock. This means that the proposed restrictions for Cloch Road could not have been lawfully made.
- 4.4 To address this, the attached modified TRO is proposed which removes the proposed restrictions on Cloch Road. It retains all of the other proposed restrictions advertised and listed in Paragraph 2.1, above.
- 4.5 The Committee is asked to note that, if approved, the modified Order may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

5.0 IMPLICATIONS

Finance

5.1 There will be a cost for introducing the signs and road markings for the new restrictions. These will be contained within the Parking Strategy Revenue budget.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
02506	Parking Strategy Revenue	18/19	£8,000		New signs and lines

Legal

5.2 Legal Services have been consulted in the preparation of this report.

Human Resources

5.3 There are no HR implications arising from this report.

Equalities

5.4 There are no equalities implications arising from this report.

Repopulation

5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 The proposals have been advertised in the Greenock Telegraph and full details of the Appendix 1 proposals have been made available for public inspection during normal office hours at the offices of the Head of Environmental & Commercial Services, the Head of Legal & Property Services and at Central and Gourock Libraries. A copy of the draft Order is appended hereto for Members' information.

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									
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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	########									
TR/TRO/C133-010	06/10/2014	#######										
TR/TRO/C133-011	06/10/2014											
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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