

Report To: Inverclyde Council **Date:** 29 November 2018

Report By: Corporate Director, Environment, Regeneration & Resources **Report No:** LP/116/18

Contact Officer: Joanna Dalgleish **Contact No:** 01475 712123

Subject: Proposed Traffic Regulation Order – The Inverclyde Council, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Environment & Regeneration Committee.

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 25 October 2018 after consideration of a report by the Corporate Director Environment, Regeneration & Resources on the proposed Traffic Regulation Order – The Inverclyde Council, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018 recommended that the Inverclyde Council be asked to make the Traffic Regulation Order and to remit it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approves the making of the Traffic Regulation Order – The Inverclyde Council, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018 and that the Head of Environmental and Public Protection and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation and Roads (Scotland) Acts 1984 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.
- 4.2 With the consent and concurrence of The Scottish Ministers, the proposed Traffic Regulation Order (TRO) will:-
- revoke the existing Limited Waiting restriction on Shore Road, Wemyss Bay "Monday – Sunday 8am to 10pm, 30 minutes, no return within 30 minutes";
 - introduce a Limited Waiting restriction on Shore Road, Wemyss Bay "Monday – Sunday 8am to 10pm, 1 hour, no return within 30 minutes, except for Zone WB1 Residents' Parking Permit holders";
 - introduce a Residents' Parking Permit Scheme with an exemption for Zone WB1 Residents' Parking Permit holders from on-street Limited Waiting restrictions on a section of Shore Road, Wemyss Bay; and
 - introduce an Electric Vehicle Parking Place on Shore Road, Wemyss Bay for Electric Vehicles which are charging in accordance with the terms of the TRO.
- 4.3 The Council is asked to note that, if approved, the 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.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
02506	Parking Strategy Revenue	Annually	£200		Residents' parking permits
02506	Parking Strategy Revenue	18/19	£1,000		New signs and lines

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 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 proposals have been made available for public inspection during normal office hours at the offices of Head of Environmental and Public Protection, the Customer Service Centre, Central Library and Inverkip & Wemyss Bay Library.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

**THE INVERCLYDE COUNCIL, SHORE ROAD,
WEMYSS BAY (DESIGNATED PARKING
PLACES AND WAITING RESTRICTIONS)
ORDER 2018**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL, SHORE ROAD, WEMYSS BAY
(DESIGNATED PARKING PLACES AND WAITING RESTRICTIONS) ORDER 2018**

We, The Inverclyde Council, with the consent and concurrence of The Scottish Ministers, 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, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018”.
- 1.2 The On-Street Plan forming Schedule 3 and titled “The Inverclyde Council, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018 On-Street Plan” is incorporated into this Order.
- 1.3 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.

2.0 Interpretation

- 2.1 In this Order except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“Authorised Person” means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

“Carriageway” and “Footway” have the same meanings as in Section 151(1) of the Roads (Scotland) Act 1984 (as amended);

“Charging Post” means an installation adjacent to a parking space for the purposes of recharging the battery of an Electric Vehicle by way of a connecting lead;

“Council” means The Inverclyde Council or its successors as Roads Authority;

“Disabled Person’s Badge” means a badge which was:

- (a) issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);
- (b) issued under a provision of the law of Northern Ireland corresponding to that section; or
- (c) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;

and has not ceased to be in force;

“Disabled Person’s Vehicle” means a Motor Vehicle which is displaying a Disabled Person’s Badge in a Relevant Position as prescribed by the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

“Driver” means the person driving or having control or charge of a Motor Vehicle at any given time and, in particular, in relation to a Motor Vehicle waiting in a Parking Place, the person driving when it was left in the Parking Place;

“Electric Vehicle” means a vehicle, including a motorcycle, which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose;

“Electric Vehicle Parking Space” means an area of road defined as such by means of a sign and surface marking, as specified in the On-Street Plan forming Schedule 3 and which is identified in Part 2 of Schedule 2, which is provided solely for the recharging of Electric Vehicles’ batteries by means of a Charging Post;

“Electronic Communications Apparatus” has the same meaning as in Schedule 2 to the Telecommunications Act 1984 (as amended);

“End Date” means the date on which the particulars of a Printed Permit or a Virtual Permit retained on the Telephone Parking System are removed from the Telephone Parking System;

“Goods” includes Relevant Postal Packets of any description; and delivering and collecting in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

“Hand-held Device” means apparatus used by a Parking Attendant, an Authorised Person or a police constable in uniform which is programmed to interface with the Telephone Parking System;

“Identification Code” means a combination of letters and numerals by which the Council identifies the Wemyss Bay Parking Permit Zone;

“Limited Waiting Parking Place” means each part of a Road identified as limited waiting on any of the lengths of road specified in Part 1 of Schedule 2;

“Motor Cycle” and “Invalid Carriage” have the same meanings respectively as in Section 136 of the Act;

“Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on Roads;

“No Return” in relation to a Limited Waiting Parking Place, where waiting is limited by time and day of the week, as specified in Article 10.1, means no return within the stated time, as specified in Article 10.1(b), to a Limited

Waiting Parking Place in the same road as the Limited Waiting Parking Place vacated;

“On-Street Plan” means the plan forming Schedule 3 and titled “The Inverclyde Council, Shore Road, Wemyss Bay (Designated Parking Places and Waiting Restrictions) Order 2018 On-Street Plan”;

“Parking Attendant” means a person employed in accordance with Section 63A of the Act to carry out the functions therein;

“Parking Place” means the type of Parking Place identified in Article 2.4 and identified as such on the On-Street Plan; the limits of each Parking Place shall be indicated by the Council on the Carriageway by appropriate Traffic Signs;

“Parking Space” means a space provided for the leaving of Motor Vehicles in a Parking Place;

“Passenger Vehicle” means a Motor Vehicle (other than a Motor Cycle or Invalid Carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver;

“Penalty Charge Notice” means a notice issued and fixed to a Motor Vehicle by or on behalf of the Council in relation to a contravention of one or more of the provisions of this Order;

“Permit” means a Printed Permit or a Virtual Permit issued by the Council in accordance with the Permit scheme set out in this Order;

“Printed Permit” means a document specified in Article 4.3 which may be issued by the Council and if so issued shall be displayed and used in accordance with the particulars stipulated thereon;

“Relevant Position” means:-

- (a) for the display of a Parking Disc, that the Parking Disc is displayed either on the inside of the front windscreen of the Motor Vehicle, where the Motor Vehicle is fitted with a front windscreen, or in a conspicuous position on the Motor Vehicle so that, in either case, all the information recorded on the front of the Parking Disc is legible and clearly visible to a person standing at the front or nearside of the Motor Vehicle and the Parking Disc shall be displayed for the whole time that the Motor Vehicle remains in the Parking Place;
- (b) for the display of a Disabled Person’s Badge, that the Disabled Person’s Badge is displayed as prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (as amended);

“Registered Keeper” means the person or organisation recorded by the Driver and Vehicle Licensing Authority as being the legal keeper of the Motor Vehicle;

“Resident’s Parking Permit” means a Printed Permit or a Virtual Permit issued by the Council, in accordance with the provisions of Article 3.0, at such a charge and on such terms and conditions as the Council may determine;

“Service Provider” means a person or company providing services to or on behalf of the Council;

“Start Date” means the date on which the particulars of a Printed Permit or a Virtual Permit are entered on the Telephone Parking System;

“Telephone Parking System” means a system to facilitate and monitor any Permit, whether a Virtual Permit or a Printed Permit, using any telephone or internet enabled device via communication with the Service Provider;

“Traffic Sign” means a sign prescribed or authorised under Section 64 of the Act;

“Virtual Permit” means a Permit which is not a Printed Permit, which is specified in Article 4.2 and which may be issued by the Council; and

“Wemyss Bay Parking Permit Zone, also referred to as Zone WB1” means any road or part of a road within the boundary of the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, specified in the On-Street Plan.

- 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 Where the context so permits, references in this Order to a “Parking Place” shall include reference to a Limited Waiting Parking Place.
- 2.5 For the purpose of this Order a Motor Vehicle shall be deemed to wait for a period of more than the time specified on the waiting restriction signs for the length of restriction in the same place in any Road if any point in that Road, which is below the Motor Vehicle when it first stops, remains below the Motor Vehicle or its load (if any) throughout such period, whether or not the Motor Vehicle is moved during that period.
- 2.6 The restrictions of waiting imposed by this Order shall also apply to the footways and verges contiguous to the various parts of Road referred to in this Order.
- 2.7 The 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 restriction which is imposed, varied or revoked by this Order is in conflict with a restriction imposed by a previous Order, then the provision of this Order shall prevail.

- 2.8 The Order listed in Schedule 1 is revoked to the extent specified in that Schedule.

3.0 Resident's Parking Permit

- 3.1 The Council may issue a Resident's Parking Permit, at such a charge and on such terms and conditions as the Council may determine, to a person (i) who ordinarily resides in a dwelling house in any road within the boundary of the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, specified in the On-Street Plan; and (ii) who ordinarily resides in one of the following dwelling houses on Shore Road, Wemyss Bay:- "Kinlayside", "Bay View" and "Sea View".

4.0 Form of Permit

- 4.1 A Permit shall be either a Virtual Permit or a Printed Permit.
- 4.2 The following information shall be retained on the Telephone Parking System as an indication that a Virtual Permit has been granted:-
- (a) the name and address of the applicant;
 - (b) the name of the Wemyss Bay Parking Permit Zone in which the Virtual Permit is valid;
 - (c) the Identification Code of the Wemyss Bay Parking Permit Zone in which the Virtual Permit is valid.
 - (d) the Virtual Permit number;
 - (e) the registration number of the Motor Vehicle, Motor Cycle or Invalid Carriage in respect of which the Virtual Permit has been issued;
 - (f) the Start Date; and
 - (g) the End Date.
- 4.3 Where a Printed Permit is issued by the Council:-
- (a) it shall include the particulars listed in sub-paragraphs (b) to (g) of Article 4.2;
 - (b) it is not transferrable; and
 - (c) it shall remain the property of the Council at all times.

5.0 Use of Permit

- 5.1 A Permit shall be used only in accordance with the Permit scheme set out in this Article.
- 5.2 Subject to Article 5.1 a Permit may be used:-
- (a) within the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1;

- (b) in the case of a Virtual Permit, where the Motor Vehicle, Motor Cycle or Invalid Carriage has been recorded on the Telephone Parking System for that Virtual Permit; and
 - (c) in the case of a Printed Permit, where details of the Motor Vehicle, Motor Cycle or Invalid Carriage are the same as those recorded on the Printed Permit and the Printed Permit is displayed on the Motor Vehicle, Motor Cycle or Invalid Carriage in accordance with Article 6.1 hereof.
- 5.3 If at any time a Motor Vehicle, Motor Cycle or Invalid Carriage is left in a Limited Waiting Parking Place on any road within the boundary of the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, and an inspection is carried out by a Parking Attendant, an Authorised Person or a police constable in uniform, and no indication that a Permit has been granted in respect of that Motor Vehicle, Motor Cycle or Invalid Carriage for the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, appears on the Hand-held Device of a Parking Attendant, an Authorised Person or a police constable in uniform, it shall be presumed, unless the contrary is proved, that a Permit has not been granted for that Motor Vehicle, Motor Cycle or Invalid Carriage at the time of inspection.
- 5.4 A person holding a valid Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, Resident's Parking Permit is permitted to wait in any Limited Waiting Parking Place on a road within the boundary of the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, specified in the On-Street Plan, without limit of time.
- 5.5 A Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, Resident's Parking Permit shall not be valid in any Limited Waiting Parking Place other than on those roads within the boundary of the Wemyss Bay Parking Permit Zone, also referred to as Zone WB1, specified in the On-Street Plan.

6.0 Display of Printed Permit

- 6.1 Where a Printed Permit issued by the Council is used:-
 - (a) in the case of a Motor Vehicle, the driver of any Motor Vehicle parked in any Limited Waiting Parking Place who wishes to make use of a Printed Permit shall attach or display the Printed Permit on the Motor Vehicle on the nearside thereof, behind the glass of the windscreen, in such position as to ensure that the front side of the Printed Permit is clearly visible to any person standing at the front nearside of the Motor Vehicle; and
 - (b) in the case of a Motor Cycle or Invalid Carriage, the driver of any Motor Cycle or Invalid Carriage parked in any Limited Waiting Parking Place who wishes to make use of a Printed Permit shall attach or display the Printed Permit on the Motor Cycle or Invalid Carriage in a conspicuous position in front of the driver's seat.
- 6.2 Where an inspection is carried out by a Parking Attendant, an Authorised Person or a police constable in uniform, and a Printed Permit issued in respect of that Motor Vehicle, Motor Cycle or Invalid Carriage is not displayed in accordance with Article 6.1 or the particulars shown on the Printed Permit

indicate it has not yet commenced, it shall be deemed that a Printed Permit has not been issued in respect of that vehicle at the time of inspection.

7.0 Duration of Permit

- 7.1 A Permit shall be valid from the Start Date retained on the Telephone Parking System for one calendar year or, if earlier, until such time as it is revoked or cancelled by the Council.

8.0 Use of Electric Vehicle Parking Spaces

- 8.1 Each Electric Vehicle Parking Space may be used, subject to the following provisions of this Order, as a parking space solely for the recharging of Electric Vehicles' batteries by means of a Charging Post.
- 8.2 At all times whilst an Electric Vehicle is waiting in an Electric Vehicle Parking Space, the driver shall cause that vehicle to be connected via a recharging lead to the Charging Post installed in respect of the Electric Vehicle Parking Space.
- 8.3 Every Electric Vehicle waiting in an Electric Vehicle Parking Space shall be caused to stand so that every part of the Electric Vehicle is within the marked limits of the Electric Vehicle Parking Space;
- 8.4 Where, within an Electric Vehicle Parking Space, there is a sign or surface marking which indicates that the Electric Vehicle Parking Space is available only for use by Electric Vehicles, for the purpose of recharging of Electric Vehicles' batteries, the driver of a Motor Vehicle shall not permit the Motor Vehicle to wait in that Electric Vehicle Parking Space.
- 8.5 When a Motor Vehicle or Electric Vehicle is left in an Electric Vehicle Parking Space in contravention of any of the provisions of this Order, the owner will become liable for a penalty charge and a police constable in uniform, a Parking Attendant or an Authorised Person may affix a Penalty Charge Notice to such Motor Vehicle or Electric Vehicle and, subsequently, may remove or arrange for the removal of such Motor Vehicle or Electric Vehicle from that Electric Vehicle Parking Space.

9.0 Other Provisions applicable to the Use of Electric Vehicle Parking Spaces

- 9.1 The Driver of an Electric Vehicle using an Electric Vehicle Parking Space shall stop the engine as soon as the Electric Vehicle is in an Electric Vehicle Parking Space, and shall not start the engine except when about to change the position of the Electric Vehicle in the Electric Vehicle Parking Space or depart from the Electric Vehicle Parking Space.
- 9.2 Unless authorised in writing by the Council no person shall use an Electric Vehicle or anything towed by an Electric Vehicle when it is within an Electric Vehicle Parking Space to offer for sale any Goods or other article including an

Electric Vehicle to persons in or near the Electric Vehicle Parking Space or offer for sale or hire his skill or services or for the purpose of any exhibition, or for plying for hire. No notices or advertising material of any description shall be placed by any person on Electric Vehicles parked within the Electric Vehicle Parking Space except as authorised by the Council.

- 9.3 The Driver of an Electric Vehicle using an Electric Vehicle Parking Space shall not sound any horn or other similar instrument except when about to change the position of the Electric Vehicle in the Electric Vehicle Parking Space or depart from the Electric Vehicle Parking Space.
- 9.4 When an Electric Vehicle is left in an Electric Vehicle Parking Space in contravention of any of the provisions contained in this Order, an Authorised Person or Parking Attendant or any person acting on the instructions of such an Authorised Person or Parking Attendant, may remove the Electric Vehicle or arrange for it to be removed from that Electric Vehicle Parking Space.
- 9.5 In an emergency, an Authorised Person or Parking Attendant or a police constable in uniform may alter or cause to be altered the position of an Electric Vehicle in an Electric Vehicle Parking Space or remove or arrange for the removal of an Electric Vehicle from an Electric Vehicle Parking Space.
- 9.6 Any person removing or arranging the removal of an Electric Vehicle by virtue of Article 9.4 or altering or causing the alteration of the position or removing or arranging for the removal of an Electric Vehicle by virtue of Article 9.5 may do so by towing or driving the Electric Vehicle or in such other manner as he may think reasonably necessary to enable the position of the Electric Vehicle to be altered or the Electric Vehicle to be removed.
- 9.7 Any person removing or arranging for the removal of an Electric Vehicle by virtue of Articles 9.4 or 9.5 shall make such arrangements as he considers to be reasonably necessary for the safety of the Electric Vehicle in the place to which it is removed.
- 9.8 The Council may, as respects an Electric Vehicle which has been removed from an Electric Vehicle Parking Space in pursuance of Article 9.4, if it appears to have been abandoned, sell or otherwise dispose of the Electric Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Electric Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978 (as amended).

10.0 Limited waiting

- 10.1 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 between the hours of 08.00 and 22.00 Monday to Sunday inclusive, on the lengths of road specified in Part 1 of Schedule 2 to this Order:-
 - (a) for longer than 1 hour; or

- (b) if a period of less than the No Return interval of 30 minutes specified for that part of the Road has elapsed since the termination of the last period of waiting of the Motor Vehicle on the said lengths of road and during the said hours.

10.2 Nothing in Article 10.1 shall apply to:

- (a) any two wheeled Motor Cycle not having a sidecar attached thereto.
- (b) any Disabled Person's Vehicle which is not causing an obstruction and which displays in the Relevant Position a Disabled Person's Badge.
- (c) any Motor Vehicle from which Goods are being Loaded.
- (d) any Motor Vehicle from which a person is boarding or alighting.
- (e) any Motor Vehicle being used in connection with;
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said parts of the Road; or
 - (iv) the laying, erection, alteration, removal or repair in or adjacent to any Road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any Electronic Communications Apparatus or Traffic Signif it cannot conveniently be used for such purpose in any other Road.
- (f) any Motor Vehicle being used in pursuance of statutory powers and duties if it cannot conveniently be used for such purpose in any other Road.
- (g) any Motor Vehicle which is being used for fire and rescue service, police, ambulance or other emergency service purposes.
- (h) a maximum of three Motor Vehicles involved in a funeral or a wedding ceremony waiting at or near to any premises situated on or adjacent to the said parts of the Road so long as the waiting by these Motor Vehicles is reasonably necessary.

11.0 Parking Places in general

11.1 Power to suspend use of Parking Places

11.1.1 A Parking Attendant may suspend the use of any Parking Place or any part thereof for up to seven days and for longer periods with the permission of an Authorised Person whenever he considers such suspension reasonably

necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any Electronic Communications Apparatus or Traffic Sign;
- (c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
- (e) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals.

11.1.2 A police constable in uniform may suspend for not longer than twenty-four hours the use of any Parking Place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

11.1.3 Any person suspending the use of any Parking Place or any part thereof in accordance with the provisions of Articles 11.1.1 or 11.1.2 shall thereupon place or cause to be placed in or adjacent to the Parking Place or part thereof the use of which is suspended a Traffic Sign indicating that waiting by Motor Vehicles is prohibited.

11.1.4 No person shall cause or permit a Motor Vehicle to be left in any part of any Parking Place during such period as there is in or adjacent to that part of the Parking Place a Traffic Sign placed in pursuance of Article 11.1.3. Provided that nothing in this Article shall render it unlawful to cause or permit any Motor Vehicle being used for fire and rescue service, ambulance or police purposes to be left in any part of the Parking Place during such period as is referred to therein, or to any other Motor Vehicle so left if that Motor Vehicle is left with the direction of a police constable in uniform, a Parking Attendant or an Authorised Person.

11.2 Every Motor Vehicle left in a Parking Place shall so stand such that every part of the Motor Vehicle is within the limits of a Parking Space as bounded by surface markings. Provided that, where the length of any Motor Vehicle precludes it from standing wholly within the limits of a Parking Space, such Motor Vehicle may so stand in that Parking Space, if:

- (a) the extreme front portion or the extreme rear portion, as the case may be, of the Motor Vehicle overhangs by no more than 0.3 metres the limits of that Parking Space; and
- (b) no part of the Motor Vehicle is within the limits of any other Parking

Space.

- 11.3 Where any Motor Vehicle is standing in a Parking Place in contravention of the provisions of the Article 11.2 a police constable in uniform, a Parking Attendant or an Authorised Person may alter or cause to be altered the position of the Motor Vehicle in order that its position shall comply with those provisions.
- 11.4 A police constable in uniform, a Parking Attendant or an Authorised Person may move or cause to be moved, in case of emergency, to any place he thinks fit, Motor Vehicle left in any Parking Place.
- 11.5 The Driver of a Motor Vehicle using any Parking Place shall not permit the carrying out of any work of construction or repair to the Motor Vehicle except such as may be necessary to enable the Motor Vehicle to be removed from the Parking Place.
- 11.6 No person shall use any Motor Vehicle, while it is in any Parking Place, in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity. Provided that nothing in this Article shall prevent the sale of Goods from a Motor Vehicle if the Motor Vehicle is a Passenger Vehicle or a Goods Vehicle not exceeding 5 tonnes maximum gross weight left in any Parking Place and the Goods are immediately delivered at or taken into premises adjacent to the Motor Vehicle from which the sale is effected.
- 11.7 A Driver of a Motor Vehicle shall not use a Parking Place so as unreasonably to prevent access to any premises adjoining the Road, or prevent the use of the Road by other persons, so as to be a nuisance.
- 11.8 The Driver of a Motor Vehicle using a Parking Place shall stop the engine as soon as the Motor Vehicle is in position in the Parking Place, and shall not start the engine except when about to change position of the Motor Vehicle in or depart from the Parking Place.

12.0 General

- 12.1 When a Motor Vehicle is left in a Road in contravention of any of the provisions of this Order, the Registered Keeper will become liable for a penalty charge and a police constable in uniform, a Parking Attendant or an Authorised Person may affix a Penalty Charge Notice to the Motor Vehicle and, subsequently, may remove or arrange for the removal of the Motor Vehicle from that Road.
- 12.2 An Authorised Person removing a Motor Vehicle by virtue of Article 12.1 may do so by towing or driving the Motor Vehicle or in such other manner as he may think necessary and may take such measures in relation to the Motor Vehicle as he may think necessary to enable him to remove it as aforesaid.
- 12.3 When an Authorised Person removes or makes arrangements for the removal of a Motor Vehicle from a Road by virtue of Article 12.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the Motor Vehicle.

- 12.4 Any expenses incurred by the Council in removing a Motor Vehicle from a Road by virtue of Article 12.2 or in making arrangements for the safe custody of the Motor Vehicle by virtue of Article 12.3 shall be recoverable by the Council from the Registered Keeper of the Motor Vehicle.
- 12.5 The Council may, as respects a Motor Vehicle which has been removed from a Road in pursuance of Article 12.1, if it appears to have been abandoned, sell or otherwise dispose of the Motor Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Motor Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978.
- 12.6 Where a Penalty Charge Notice or any other notice has been attached to a Motor Vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the Motor Vehicle, a police constable in uniform, a Parking Attendant or an Authorised Person shall remove the notice from the Motor Vehicle unless authorised to do so by the Driver.
- 12.7 Where a Penalty Charge Notice has been issued, the penalty charge shall be paid to the Council in accordance with the instructions on the Penalty Charge Notice.

13.0 Revocation of existing Order

- 13.1 The Order specified in Schedule 1 shall have effect subject to the revocation specified in the said Schedule.

This Order and the three Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##, Proper Officer and an authorised signatory at Greenock on the ##

SCHEDULE 1 (Article 13.1)

REVOKED ORDER

The A78 Trunk Road (Wemyss Bay) (Prohibition of Waiting) Order 2005 (SSI 2005 No. 385) made by The Scottish Ministers is hereby revoked in relation to the lengths of road specified in Part 1 of Schedule 2 hereto.

SCHEDULE 2

PART 1:

WAITING LIMITED TO 1 HOUR. NO RETURN WITHIN 30 MINUTES BETWEEN THE HOURS OF 08:00 AND 22:00 HOURS MONDAY TO SUNDAY EXCEPT ZONE WB1 PERMIT HOLDERS

1. On the following lengths of the west side of the A78 Greenock – Prestwick Trunk Road in Wemyss Bay:
 - (i) From a point 27 metres or thereby south of the extended south building line of “Station House” northwards for a distance of 14 metres or thereby.
 - (ii) From a point 2 metres or thereby south of the extended south building line of “Station House” northwards for a distance of 49 metres or thereby.

2. On the following length of the east side of the A78 Greenock – Prestwick Trunk Road in Wemyss Bay:
 - (i) From a point 44 metres or thereby north of the extended south building line of “Sherwood” northwards for a distance of 37 metres or thereby.

PART 2:

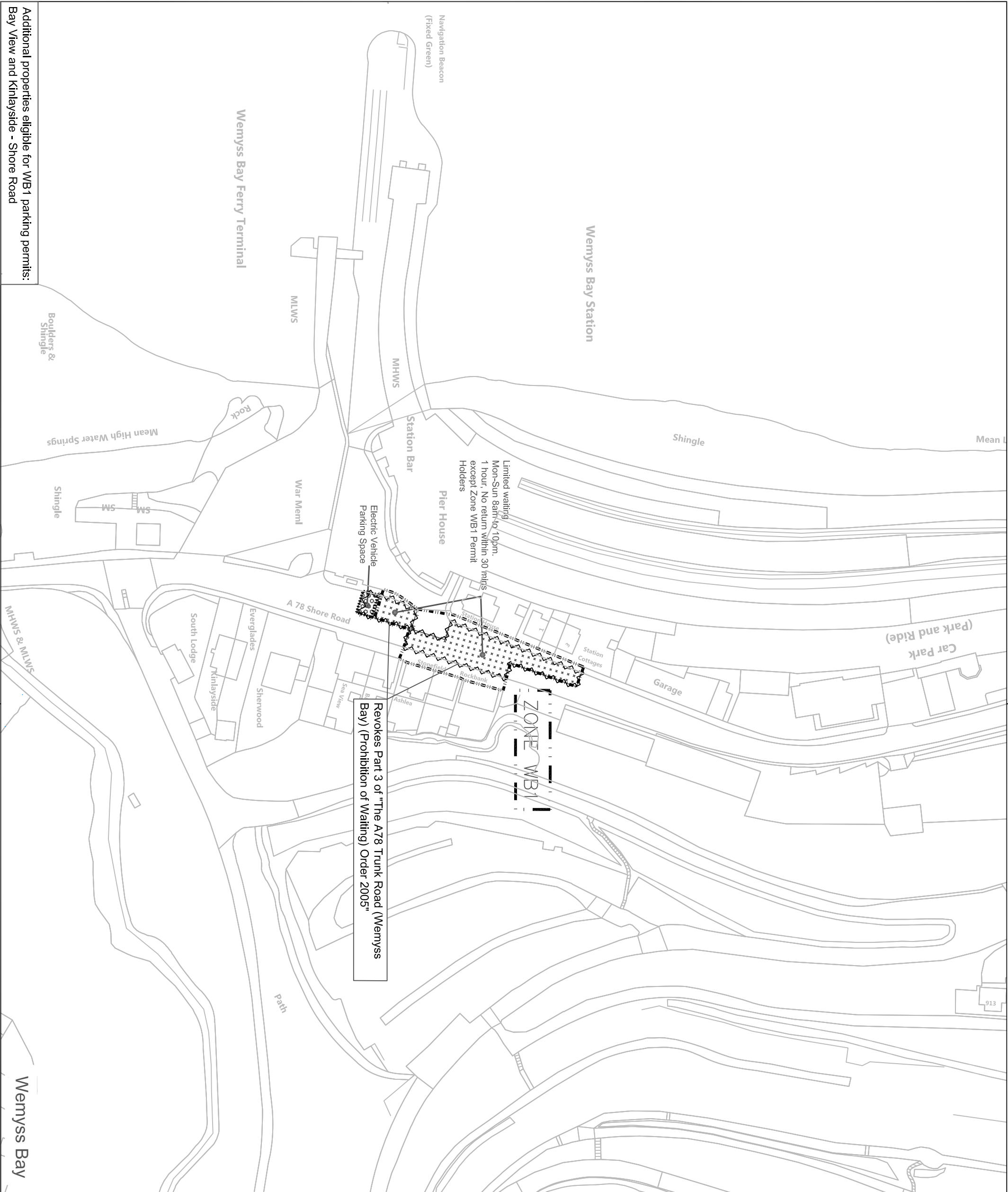
ELECTRIC VEHICLE PARKING SPACE

1. On the following length of the west side of the A78 Greenock – Prestwick Trunk Road in Wemyss Bay:
 - (i) From a point 33 metres or thereby south of the extended south building line of “Station House” northwards for a distance of 6 metres or thereby.

SCHEDULE 3

**The Inverclyde Council, Shore Road, Wemyss Bay
(Designated Parking Places and Waiting Restrictions)
Order 2018 On-Street Plan**

DRAFT



Additional properties eligible for WB1 parking permits:
Bay View and Kinlayside - Shore Road

Key

- Limited waiting Mon-Sun 8am to 10pm, 1 hour, No return within 30 mins except Zone WB1 Permit Holders
- Electric Vehicle Parking Space
- Wemyss Bay Resident Parking Permit Area
- Area of reclamation

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Start	Purpose of Issue	Date	Auth
-	RESIDENTS' PARKING PERMITS & EICP	EP JUL 18	EP GL
-	REVOKE SIGNING AND INTRODUCE 1HR LIMIT	EP JUL 18	EP GL
Rev	Description	By	Date
		Chk'd	Auth

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Vehicle Maintenance Facility
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Greenock
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THE INVERCLYDE COUNCIL, SHORE ROADS,
WEMYSS BAY (DESIGNATED PARKING
PLACES AND WAITING RESTRICTIONS)
ORDER 2018

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Autocreated
A3	1:1250	EP	EP	GB
Status	Drawing Number	Date AUG '17	Date AUG '17	Date AUG '17
P	TR/TRO/C185-001			Rev