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<b>Report To:</b>	<b>INVERCLYDE COUNCIL</b>	<b>Date:</b>	<b>21 FEBRUARY 2019</b>
<b>Report By:</b>	<b>CORPORATE DIRECTOR, ENVIRONMENT, REGENERATION AND RESOURCES</b>	<b>Report No:</b>	<b>LP/025/19</b>
<b>Contact Officer:</b>	<b>JOANNA DALGLEISH</b>	<b>Contact No:</b>	<b>01475 712123</b>
<b>Subject:</b>	<b>PROPOSED TRAFFIC REGULATION ORDER – THE INVERCLYDE COUNCIL DISABLED PERSONS’ PARKING PLACE (ON-STREET) ORDER 2A 2018 - THE LOCAL AUTHORITIES’ TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS 1999</b>		

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## 1.0 PURPOSE

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

## 2.0 SUMMARY

- 2.1 The Environment and Regeneration Committee held a special meeting on 10 January 2019 at which it:-

- (a) Conducted a Hearing, in accordance with the Rules of Procedure recommended by Officers for the same, to allow the objectors who maintained their objections to be heard, and considered the representation of the objectors; and
- (b) Considered a report by the Corporate Director, Environment, Regeneration and Resources:
  - (i) advising of the outcome of the statutory public consultation, including the objections not withdrawn, and discussions with the objectors undertaken by officers; and
  - (ii) asking the Committee, having considered the objections received and the representations made at the special meeting, to decide either to dismiss the maintained objections and recommend approval of the proposed Traffic Regulation Order (“TRO”) or uphold the outstanding objections and seek modifications to the proposed TRO.

- 2.2 At the Special Meeting, following the conduct of the Hearing in consideration of the report in terms of 2.1 above, the Committee decided that the maintained objections be dismissed and that the proposed TRO as detailed in said report be approved and referred to the next meeting of the Inverclyde Council with a recommendation that it approve formally the proposed TRO and authorise the Head of Legal and Property Services and the Head of Service – Roads and Transportation to take all necessary action in accordance with the statutory procedure.

## 3.0 RECOMMENDATION

- 3.1 That the Council approves the making of the TRO – The Inverclyde Council Disabled Persons’ Parking Place (On-Street) Order No. 2A 2018 and that the Head of Legal and Property Services and the Head of Service – Roads and Transportation be authorised to take all necessary action in connection therewith. Appendix 1

## 4.0 BACKGROUND

- 4.1 The Committee, at its meeting of 25 October 2018, considered the terms of the report by the Corporate Director Environment, Regeneration and Resources advising the Committee of the progress of the statutory consultation process on the proposed TRO and authorised officers to make arrangements for the holding of a public hearing in the form of a Special Meeting into the maintained objections as part of that process.
- 4.2 The reports to the Committee of 25 October 2018 and 10 January 2019 (which together form Appendix 2) provided background information on and details of the implications of the recommendations, and details of the consultations undertaken.
- 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
Disabled Persons' Parking Place	Traffic Sign	2018/19	£500	N/a	Contained within overall DPPP 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 equalities implications arising from this report.

### Repopulation

- 5.5 There are no repopulation implications arising from this report.

## 6.0 CONSULTATIONS

- 6.1 The proposed TRO has been advertised in the Greenock Telegraph and full details of the proposals have been made available for public consultation during normal office hours at the offices of the Head of Service – Roads and Transportation, Inverclyde Council Customer Service Centre, Central Library and Port Glasgow Library.

## 7.0 LIST OF BACKGROUND PAPERS

- 7.1 See paragraph 4.2 above and Appendix 2 attached.

**APPENDIX 1**

**THE INVERCLYDE COUNCIL**  
**DISABLED PERSONS' PARKING PLACE**  
**(ON-STREET) ORDER NO. 2A 2018**  
**TRAFFIC REGULATION ORDER**

**THE INVERCLYDE COUNCIL  
DISABLED PERSONS' PARKING PLACE (ON-STREET)  
ORDER NO. 2A 2018**

The Inverclyde Council in exercise of the powers conferred on them by Section 32(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order.

1. This Order may be cited as "The Inverclyde Council Disabled Persons' Parking Place (On-Street) Order No. 2A 2018" and shall come into operation on ??????????????, 2018.
2. In this Order the following expressions have the meanings hereby assigned to them:-
  - "Council" means The Inverclyde Council or its successors as Roads Authority;
  - "disabled person's badge" means:
    - (a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);
    - (b) a badge issued under a provision of the law of Northern Ireland corresponding to that section; or
    - (c) a badge 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 which has not ceased to be in force;
  - "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;
  - "parking attendant" means a person employed in accordance with Section 63A of the Act to carry out the functions therein;
  - "parking place" means the area of land specified by number and name in Columns 1 and 2 in the Schedule to this Order;
  - "traffic sign" means a sign prescribed or authorised under Section 64 of the Act; and
  - "vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power.
3. The Schedule titled "Disabled Persons' Parking Place (On Street) Order No. 2A 2018" forms the Schedule to this Order.
4. The area of road which is described in the Schedule to this Order and the plan relative to this Order is hereby designated as a parking place.
5. The parking place shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

6. The limits of the parking place shall be indicated on the carriageway as prescribed by The Traffic Signs Regulations and General Directions 2016, as amended.
7. Every vehicle left in the parking place shall stand such that the parking place is not occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking place provided that, where the length of a vehicle precludes compliance with this paragraph, such vehicle shall be deemed to be within the limits of the parking place if:-
  - the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under this Order in relation to the parking place; and
  - the vehicle, or any part thereof, is not within the limits of any adjoining parking place.
8. Any person duly authorised by the Council or a police officer in uniform or a traffic warden or parking attendant may move or cause to be moved in case of any emergency, to any place they think fit, vehicles left in the parking place.
9. Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever such suspension is considered reasonably necessary:-
  - for the purpose of facilitating the movement of traffic or promoting its safety;
  - for the purpose of any building operation, demolition, or excavation in or adjacent to 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, apparatus for the supply of gas, water electricity or of any telecommunications apparatus, traffic sign or parking meter;
  - for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
10. A police officer in uniform may suspend for not longer than twenty four hours the use of the parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by #####, Proper Officer, on the ##### day of #####, Two Thousand and Eighteen.

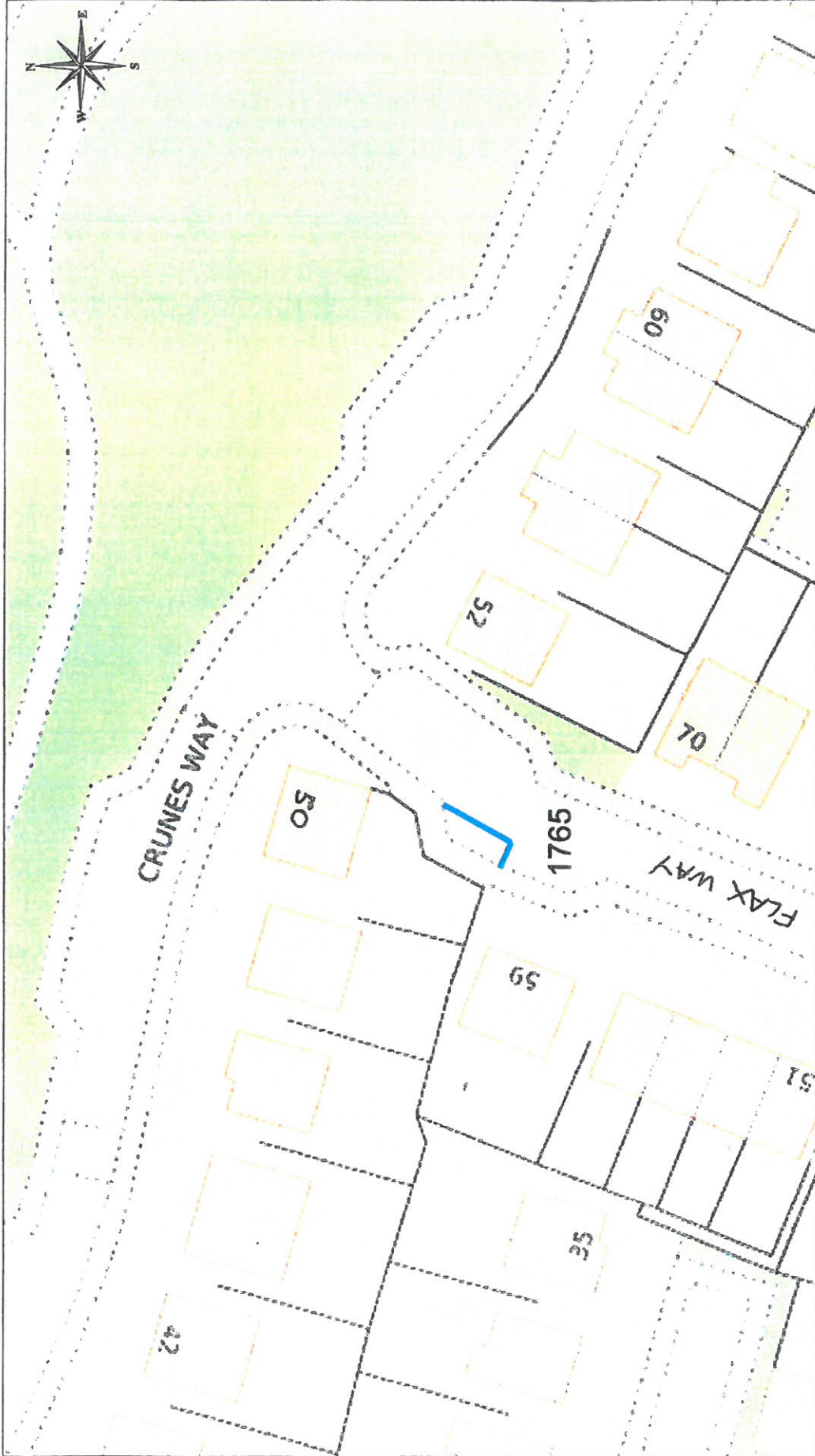
**INVERCLYDE COUNCIL**

**DISABLED PERSONS' PARKING PLACE (ON-STREET)  
ORDER No. 2A 2018**

**SCHEDULE**

All and whole that area of ground as described in Column 2 in the table below:

Column 1	Column 2
<b><u>Ref No.</u></b>	<b><u>Address of Disabled Persons' Parking Place to be created "ex-adverso"</u></b>
1765	59 Flax Way, Greenock



**DISABLED PERSONS' PARKING PLACE**  
**59 FLAX WAY, GREENOCK**  
**PLACE No. 1765**

**Inverclyde**  
 council  
 Environmental Services

Regeneration & Environment  
 Corporate Director: Aubrey Favest  
 Municipal Buildings  
 Clyde Square  
 Greenock  
 Argyll and Bute  
 Tel: 01475 712712  
 Fax: 01475 712731  
 aubrey.favest@inverclyde.gov.uk

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**Report To:** ENVIRONMENT & REGENERATION COMMITTEE      **Date:** 25 October 2018

**Report By:** CORPORATE DIRECTOR, ENVIRONMENT, REGENERATION & RESOURCES      **Report No:** LP/0108/18

**Contact Officer:** CAROLINE ROSS      **Contact No:** 01475 712115

**Subject:** PROPOSED TRAFFIC REGULATION ORDER – DISABLED PERSONS' PARKING PLACE (ON STREET) ORDER NO. 2A 2018

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## **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 consultation procedure undertaken for the Traffic Regulation Order (TRO) associated with a disabled person's parking space entitled The Inverclyde Council Disabled Person's Parking Place (On Street) Order No. 2A 2018. The report also seeks a decision on whether the Committee will hear the objections relating to the TRO themselves or appoint an independent Reporter.
- 1.3 The timescales and process associated with hearing these objections are set out in legislation and in order for the TRO to be heard by the Inverclyde Council on 29 November, 2018 and minimise delay to the introduction of the TRO, the Council has to commence this process at the earliest opportunity.

Appendix 1

## **2.0 SUMMARY**

- 2.1 The Inverclyde Council Disabled Person's Parking Place (On Street) Order No. 2A 2018 was advertised for public consultation on 10 August, 2018 with a closing date for objections of 31 August, 2018. During this time 3 objections were received.
- 2.2 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 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; and
- 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.

**Gerard Malone**  
**Head of Legal & Property Services**

### **4.0 BACKGROUND**

- 4.1 The Inverclyde Council Disabled Person's Parking Place (On Street) Order No. 2A 2018 was promoted and was issued for public consultation on 10 August, 2018 with responses invited by 31 August, 2018.
- 4.2 During the public consultation, 3 objections were received. Officers wrote to the 3 objectors and the 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
02506	Parking Strategy Revenue	18/19	£10,000		Independent Hearing

### 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

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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>10 January 2019</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b>	
<b>Contact Officer:</b>	<b>Peter MacDonald</b>	<b>Contact No:</b>	<b>01475 712618</b>
<b>Subject:</b>	<b>Proposed Traffic Regulation Order – Disabled Persons’ Parking Place (On Street) Order No. 2A 2018The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999</b>		

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## 1.0 PURPOSE

1.1 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 and the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 on the Disabled Persons’ Parking Place (On Street) Order No. 2A (the Proposed TRO), the purpose of this report is to:-

- Request that the Committee adopt the Rules of Procedure for the purposes of the special meeting;
- Advise the Committee in relation to the Proposed TRO of the discussion between Council Officers and the persons who have, as part of the public consultation, objected to the Proposed TRO (the Objectors); and
- Facilitate the effective fair and proper hearing by the Committee of the Objectors who have not withdrawn their objections in order that the Committee can consider their objections (the Objections) and come to a formal recommendation on the Proposed TRO.

## 2.0 SUMMARY

2.1 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.

2.2 Officers have undertaken a public consultation process in relation to the Proposed TRO as a result of which three Objections were received and maintained.

2.3 It is necessary that the Objectors be given an opportunity to be heard before the Committee before it reaches a decision and whether or not to recommend the Proposed TRO for formal approval of The Inverclyde Council. The special meeting has been convened to provide such an opportunity.

2.4 Because of the requirements of the statutory process and the formal nature of the special meeting, it is vital that the Objectors have a fair and impartial hearing and the Rules of Procedure provide for this.

## 3.0 RECOMMENDATIONS

It is recommended that the Committee:

3.1 Approve the Rules of Procedure as detailed in Appendix 1.

3.2 Consider the terms of Appendix 2 in relation to the Objections.

- 3.3 Allow the Objectors an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 3.4 Consider the Objections and such oral representations on it made by the Objectors and officers at the special meeting and thereafter **either**:
- 3.4.1 Dismiss the Objections, approve the Proposed TRO as detailed in Appendix 3 and refer it to the next meeting of The Inverclyde Council recommending that The Inverclyde Council formally approve the Proposed TRO and remit it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to arrange for its implementation in accordance with the statutory procedure;
- or**
- 3.4.2 Uphold in whole or in part the Objections and remit it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to amend the terms of the Proposed TRO to deal with the part or parts of the Objections so upheld in accordance with the decision of the Committee and to report to a future meeting of the Committee with the Proposed TRO as further amended for approval.

all in accordance with the Rules of Procedure.

**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 Act 1984 and the Roads (Scotland) Act 1984. 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 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 25 October 2018 the Policy and Resources Committee was updated as to the consultation process and it authorised officers to make arrangements for the holding of a public hearing in the form of this special meeting.
- 4.3 Officers have continued to engage with the Objectors since that date to advise them of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objectors with a statement of case which sets out the position of the Head of Environmental and Public Protection as regards the Proposed TRO; the statement of case is in Appendix 4.
- 4.4 Appendix 2 provides the full text of both the Objections and the correspondence with officers.
- 4.5 Before making a proposed TRO, the Council is, in terms of the Act and the Regulations, required to take into consideration any Objections timeously received by them and to give any Objectors an opportunity to be heard by them. This special meeting is therefore necessary to permit the Objectors to be heard by the Committee in terms of the recommendations above.
- 4.6 As the hearing of Objections is a statutory entitlement for Objectors, the Committee will be discharging legal responsibilities at the special meeting effectively as if it were a formal tribunal or board with the obligations which are already familiar to Elected Members as regards hearing and continuity of attendance.

## **5.0 PROPOSALS**

- 5.1 The form of the Proposed TRO which officers are recommending for approval is included at Appendix 3 of this report.
- 5.2 The special meeting will proceed effectively as if a formal tribunal or board. In the interests of fairness, openness and transparency it is therefore necessary that the basis on which the hearing element of the meeting will proceed be formalised. Officers have therefore prepared draft Rules of Procedure of this meeting per Appendix 1. These have been circulated to the Objectors prior to this meeting and are recommended for approval by the Committee.
- 5.3 Because of the formality of the hearing process and the statutory process for making Management Rules, only certain decisions of the Committee in this matter are competent. Further it is vital that the Objectors have a fair and impartial hearing and the Rules of Procedure provide for this. The decisions which the Committee can competently make are: to dismiss the Objections; to uphold the Objections; or to uphold part of the Objections and dismiss other parts of the Objections. If the Objections are upheld in part, it will be necessary for officers to report back to the Committee at a future date with detailed wording. These eventualities are addressed in the possible Committee outcomes specified in paragraph 3.4.
- 5.4 The Committee is asked to note that, if approved, the Proposed TRO 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.

## 6.0 IMPLICATIONS

### Finance

#### 6.1 Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

### Legal

- 6.2 As a local authority, The Inverclyde Council has power in terms of the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders Procedure (Scotland) Regulations 1999 to make Traffic Regulation Orders. In accordance with the statutory procedure, the Proposed TRO has been publicised and three Objections have been received and maintained. Before making the TRO, the Council must take into consideration any Objections timeously received and give the Objectors who maintain their Objections an opportunity to be heard by them.

### Human Resources

- 6.3 There are no Human Resources implications associated with the making of the Proposed TRO.

### Equalities

- 6.4 There are no Equalities implications associated with the making of the Proposed TRO.

### Repopulation

- 6.5 There are no Repopulation implications associated with the making of the Proposed TRO.

## 7.0 CONSULTATIONS

- 7.1 The Head of Environmental and Public Protection has been consulted on the terms of this report.

## 8.0 LIST OF BACKGROUND PAPERS

- 8.1 None.