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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>22 April 2021</b>
<b>Report By:</b>	<b>Interim Service Director Environment &amp; Economic Recovery</b>	<b>Report No:</b>	<b>LP/041/21</b>
<b>Contact Officer:</b>	<b>Emma Peacock</b>	<b>Contact No:</b>	<b>01475 712115</b>
<b>Subject:</b>	<b>Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020</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 & Regeneration Committee.

## 2.0 SUMMARY

- 2.1 The Environment and Regeneration Committee held a special meeting on 16 March 2021 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 representations of the objectors; and
  - (b) Considered a report by the Interim Director Environment & Economic Recovery:
    - (i) advising of the outcome of the statutory public consultation, including the objections not withdrawn, and discussions with the objectors undertaken by officers; and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 Interim Head of Legal Services and the Head of Shared Services Roads to take all necessary action in accordance with the statutory procedure.

### **3.0 RECOMMENDATION**

- 3.1 That the Inverclyde Council approve the making of the TRO – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 and that the Interim Head of Legal Services and the Head of Shared Services Roads be authorised to take all necessary action in connection therewith.

**Anne Sinclair**  
**Interim Head of Legal Services**

#### 4.0 BACKGROUND

- 4.1 The Committee, at its meeting of 14 January 2021, 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 14 January 2021 and 16 March 2021 (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 Committee is asked to note that, if approved, the TRO may not be implemented until the making of the TRO has been advertised to allow any persons who so wish a period of six weeks to question the validity of the TRO in terms of the Road Traffic Regulation Act 1984.

#### 5.0 IMPLICATIONS

##### Finance

##### 5.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Capital	RAMP	21/22	£5,000		New signs and lines

##### Legal

- 5.2 There are no legal implications arising from this report.

##### Human Resources

- 5.3 There are no Human Resources implications associated with the Proposal.

##### Equalities

##### 5.4 Equalities

Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

##### Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

**Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

**Repopulation**

5.5 There are no Repopulation implications associated with the Proposal.

**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 on the Council's website . A copy of the draft TRO forms Appendix 1.

**7.0 LIST OF BACKGROUND PAPERS**

7.1 None.

**THE INVERCLYDE COUNCIL**  
**(VARIOUS ROADS) (GOUROCK, INVERKIP &**  
**WEMYSS BAY) (WAITING RESTRICTIONS)**  
**(VARIATION NO. 7) ORDER 2020**

**TRAFFIC REGULATION ORDER**

**THE INVERCLYDE COUNCIL  
(VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY)  
(WAITING RESTRICTIONS) (VARIATION NO. 7) ORDER 2020**

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, 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. 7) Order 2020”.

**2.0 Interpretation**

2.1 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.

2.2 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.

2.3 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.

2.4 The On-Street Plans forming Schedule 1 to this Order and titled “The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 On-Street Plans” are hereby incorporated into “The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013” and recorded in “The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013 Plan Index”.

2.5 The Plan Index forms Schedule 2.

2.6 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.

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

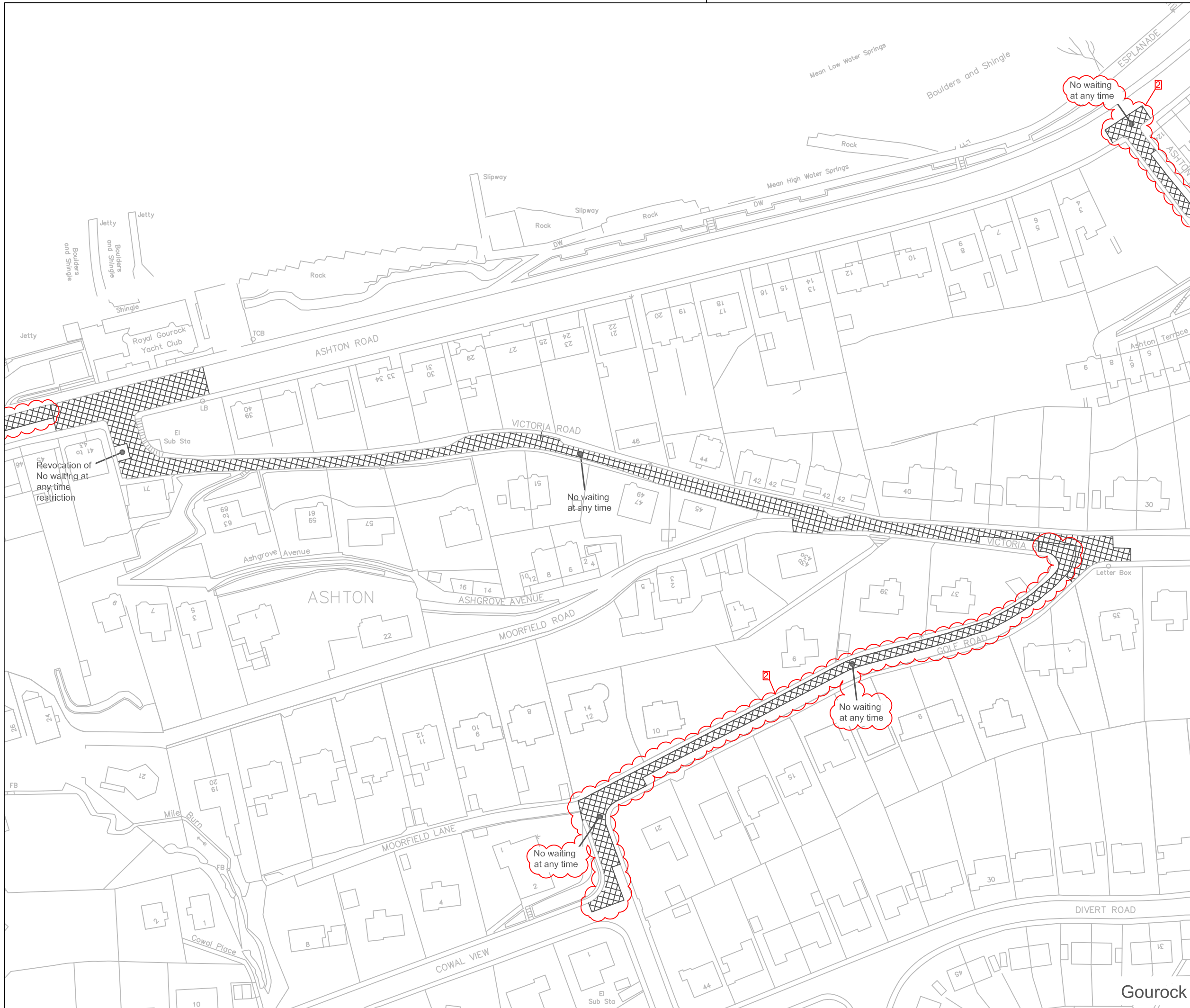
**SCHEDULE 1**

**The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions)  
(Variation No. 7) Order 2020 On-Street Plans**

DRAFT



DO NOT SCALE



**Key**

- No waiting at any time
- No waiting at any time
- No loading at any time
- No waiting at times shown
- No loading at times shown
- No waiting except taxis
- Limited waiting (see below for types of limited waiting referred to on these drawings)
- Disabled person's parking place (subject to restrictions shown)
- No waiting at times shown and Limited waiting (see below for types of limited waiting referred to on these drawings)
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- Parking Disc Area

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Seal

Stat	Purpose of Issue	Date	Auth
2	NWAAT ASHTON PL & ASHTON RD	EP JAN '20	EP GL
2	NWAAT GOLF RD, VICTORIA RD & COWAL VW	EP JAN '20	EP GL
1	PART REVOCATION YELLOW LINE VICTORIA RD	EP JAN '18	EP GL

Rev	Description	By	Date	Chk'd	Auth

**INVERCLYDE COUNCIL**  
 Vehicle Maintenance Facility  
 8 Pottery Street  
 Greenock  
 PA15 2UH  
 Tel: 01475 717171  
 Email: roads@inverclyde.gov.uk  
 www.inverclyde.gov.uk

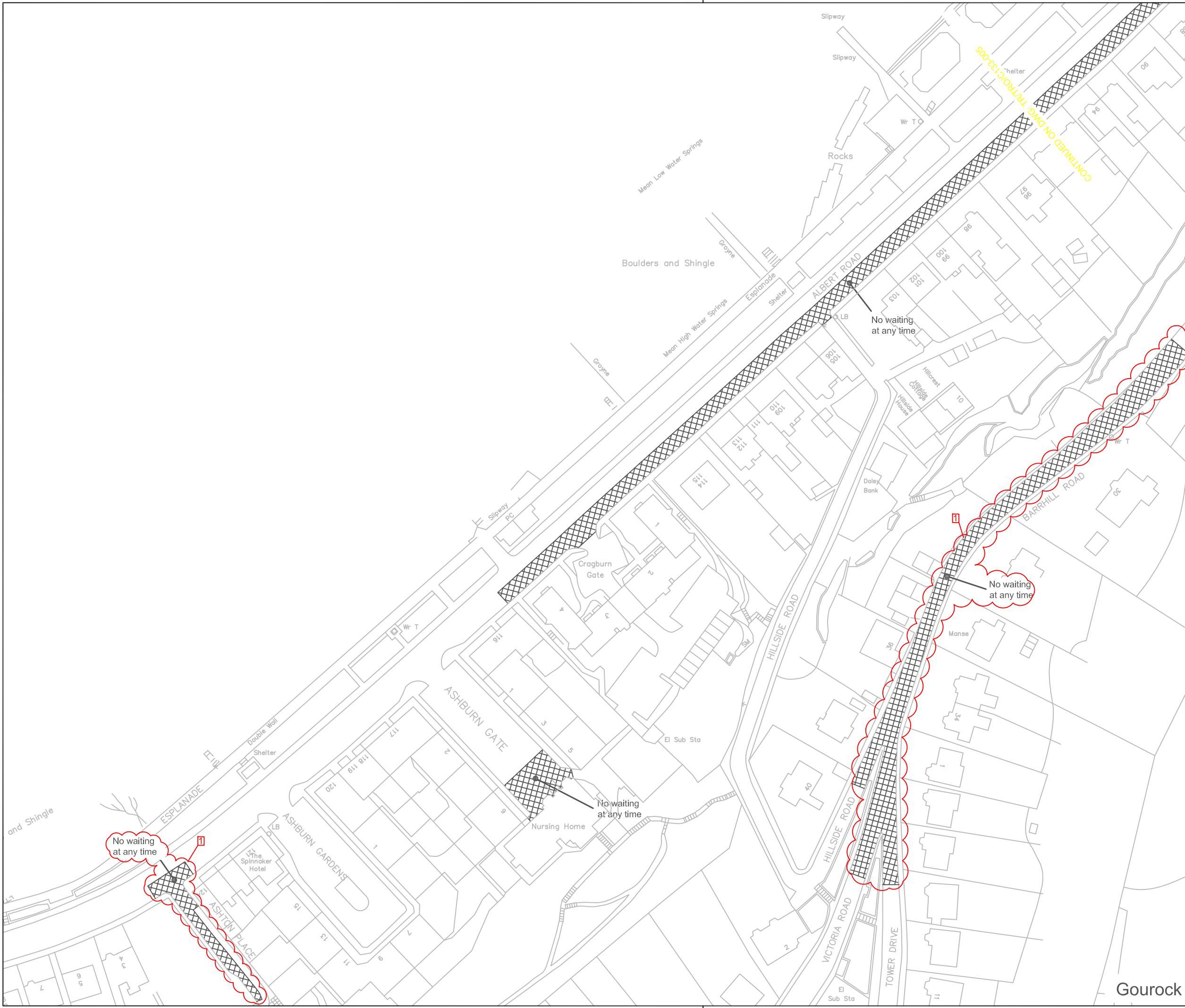


THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION 7)  
 ORDER 2020

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	MJH	MJH	MR
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-003	FEB '13	FEB '13	FEB '13
Rev				

DO NOT SCALE



**Key**

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Seal

Stat	Purpose of Issue	Date	Auth		
1	NWAAT TOWER DR & HILLSIDE RD	EP JAN '20	EP GL		
1	NWAAT VICTORIA RD & BARRHILL RD	EP JAN '20	EP GL		
1	NWAAT ASHTON RD & ASHTON PL	EP JAN '20	EP GL		
Rev	Description	By	Date	Chk'd	Auth

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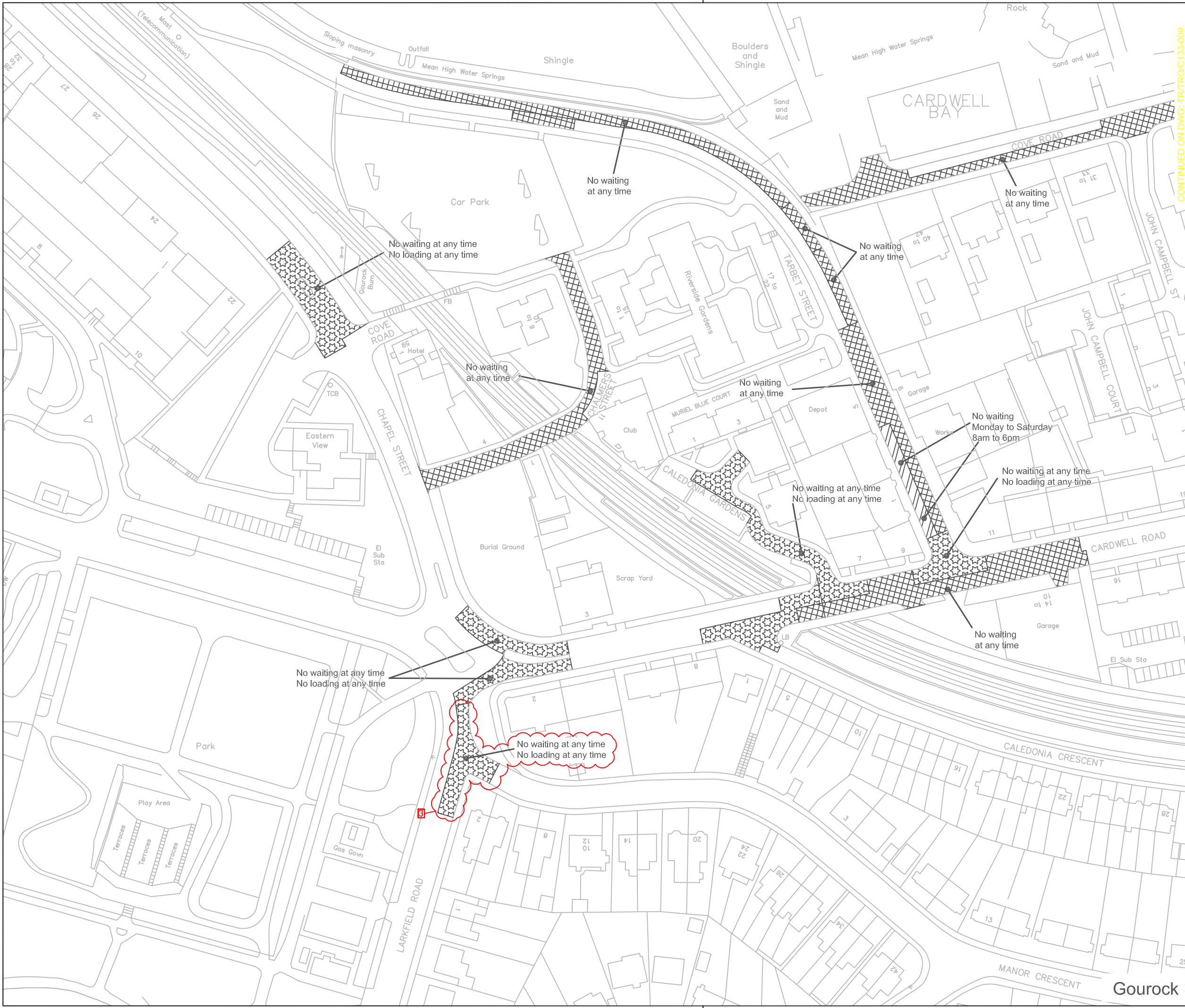
THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION 7)  
 ORDER 2020

EFFECTIVE DATE:

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Status	Drawing Number	Date	Date	Date
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				Rev
				1

Gourock

DO NOT SCALE



**Key**

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CONTINUED ON DWG: TR/TRO/C133-009

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Stat

Stat	Purpose of Issue	Date	Auth
3	NWAAT LARKFIELD RD & MANOR CRESCENT	EP JAN '20	EP GL
2	NWAAT ADDED TARGET ST	EP JAN '18	EP GL
1	CHANGE NLAAT TO NW SPECIFIED TIMES	EP JUL '15	EP MH

Rev Description By Date Chk'd Auth

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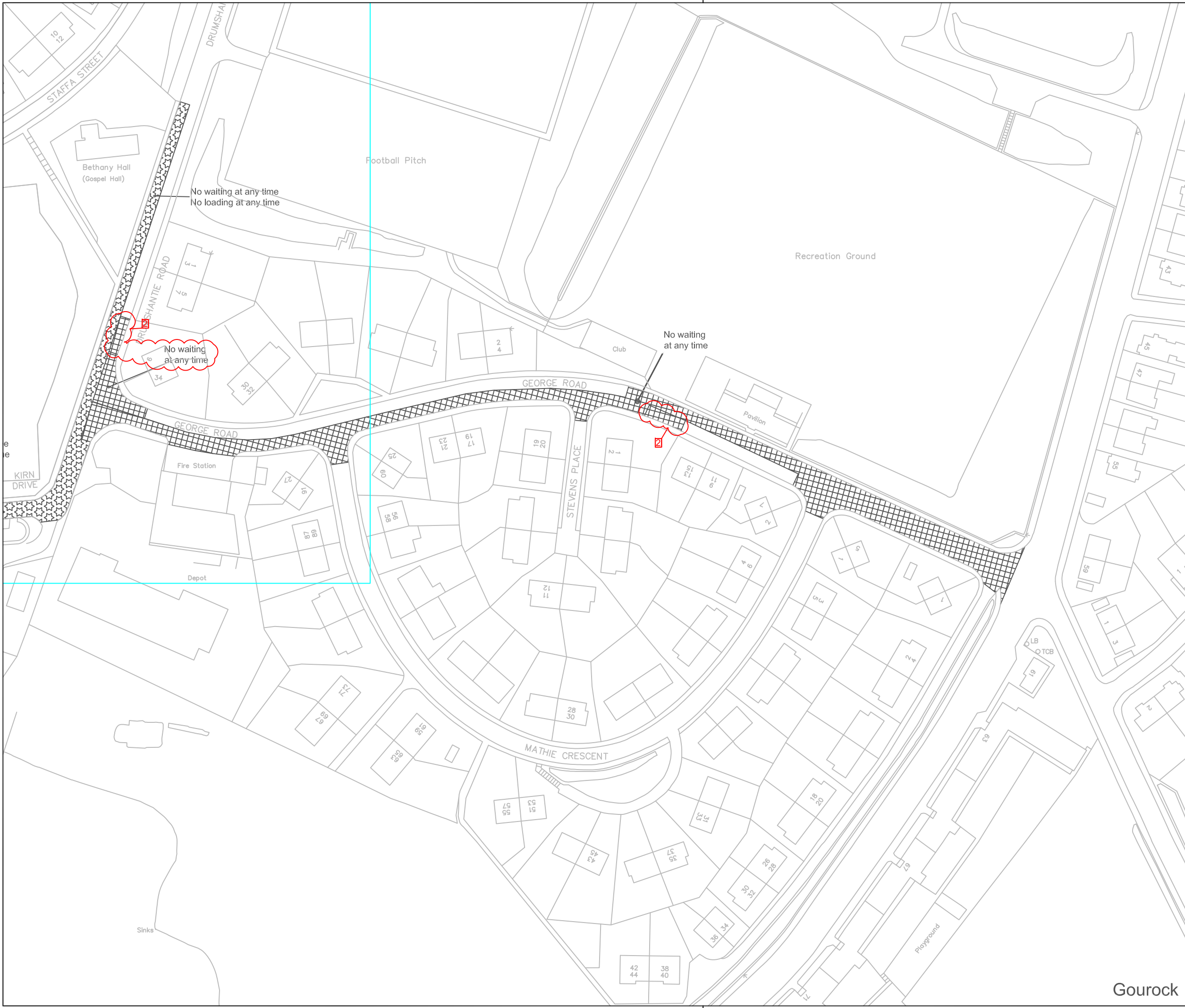


THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION No. 7)  
 ORDER 2020

EFFECTIVE DATE:

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Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-008	FEB '13	FEB '13	FEB '13
Rev				
				3

DO NOT SCALE



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Seal

Stat	Purpose of Issue	Date	Auth
2	EXTEND NWAAT GEORGE RD	EP JAN '20	EP GL
2	EXTEND NWAAT DRUMSHANTIE RD	EP JAN '20	EP GL
1	NWAAT/NLAAT DRUMSHANTIE RD/ KIRN DR	EP JAN '18	EP GL
1	NWAAT DRUMSHANTIE RD/ GEORGE RD	EP JAN '18	EP GL

Rev	Description	By	Date	Chk'd	Auth

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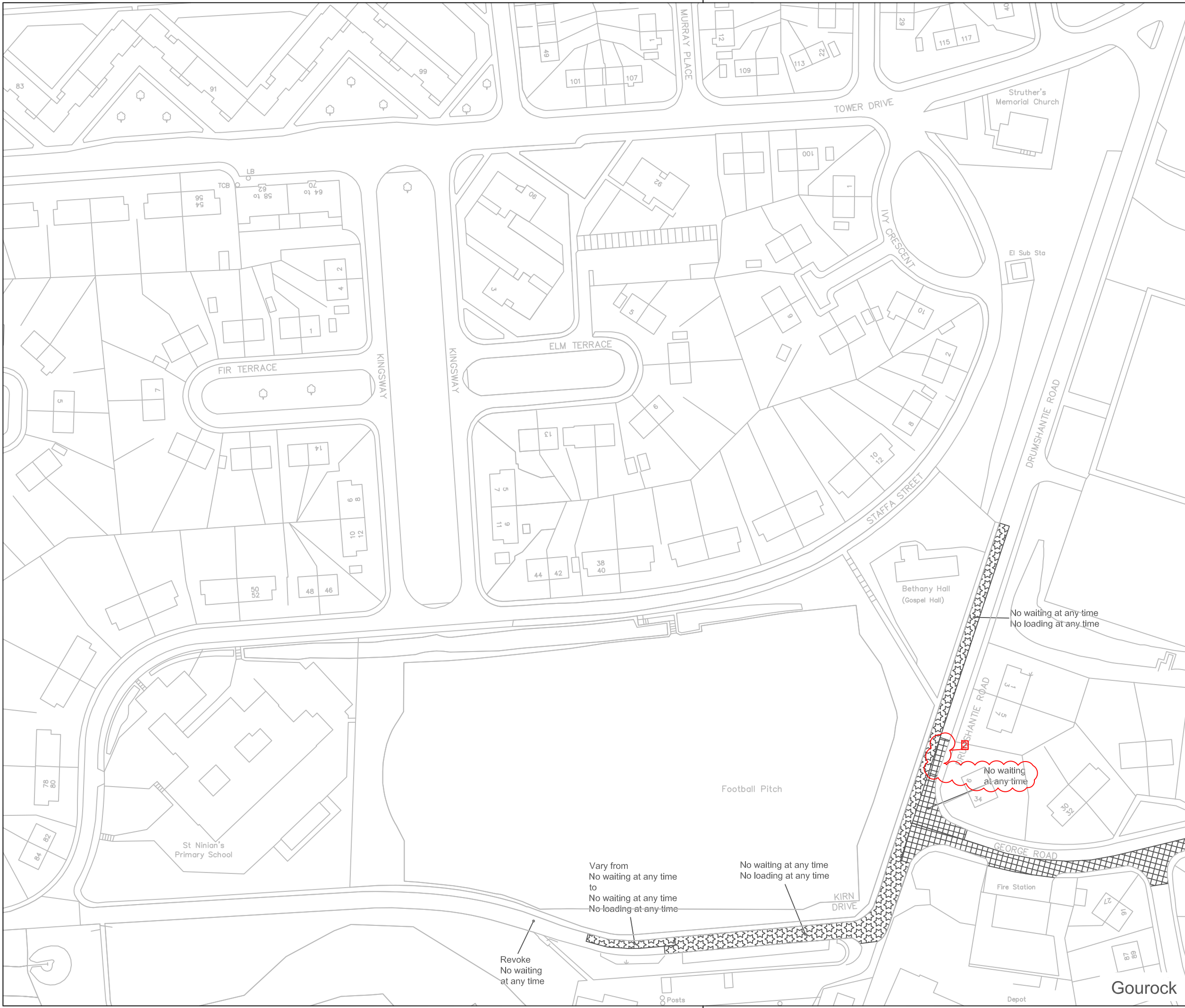
THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION 7)  
 ORDER 2020

EFFECTIVE DATE:

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A3	1:1250	MJH	MJH	MR
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-010	FEB '13	FEB '13	FEB '13
Rev				

Gourock

DO NOT SCALE



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Seal

Stat	Purpose of Issue	Date	Auth
2	EXTEND NWAAT DRUMSHANTIE RD	EP JAN '20	EP GL
1	NWAAT DRUMSHANTIE RD/ GEORGE RD	EP JAN '18	EP GL
1	NWNLAAT DRUMSHANTIE RD/ KIRN DR	EP JAN '18	EP GL
1	VARY PART NWAAT TO NWNLAAT KIRN DR	EP JAN '18	EP GL

Rev	Description	By	Date	Chk'd	Auth

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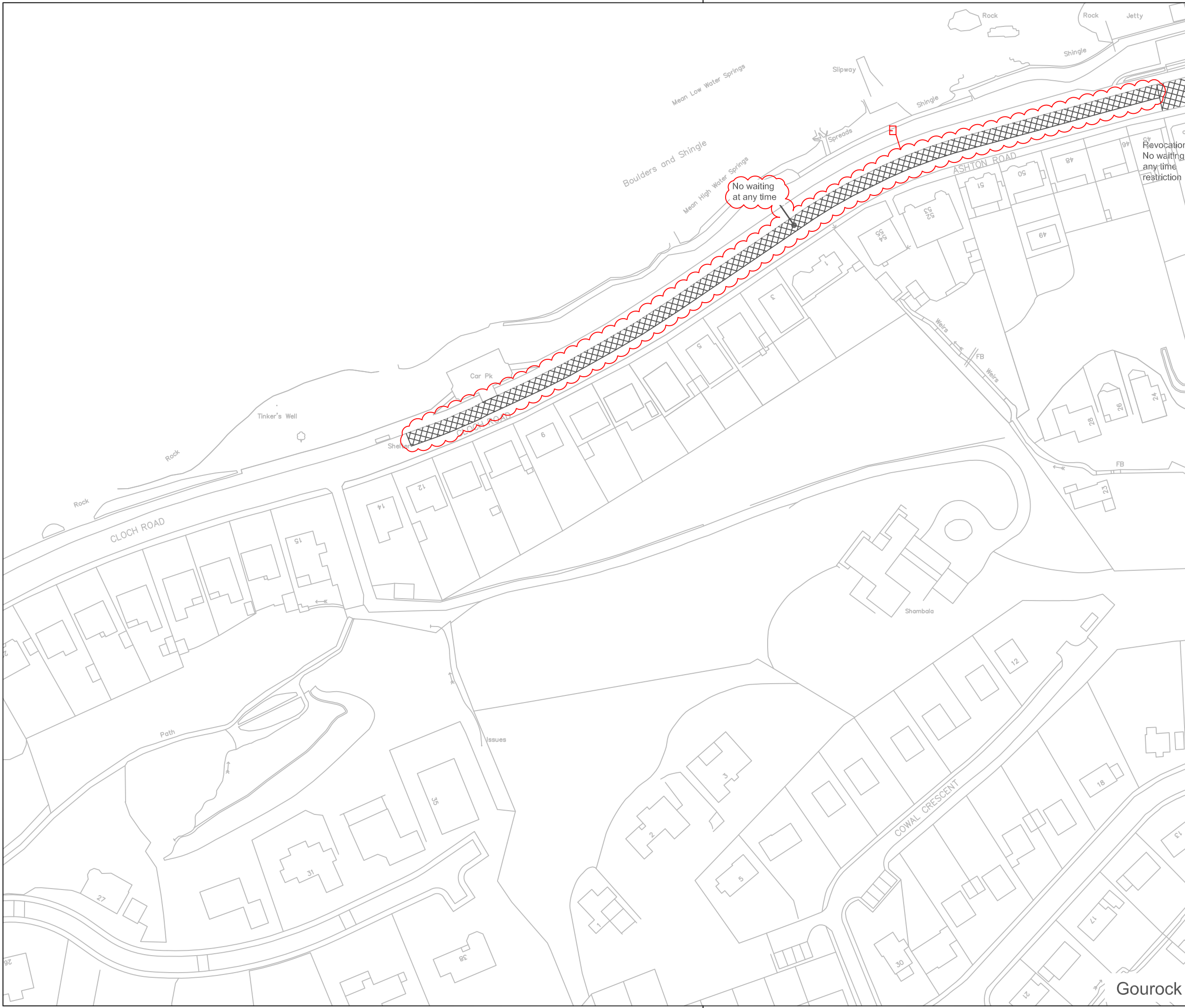
THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
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 (WAITING RESTRICTIONS) (VARIATION No. 7)  
 ORDER 2020

EFFECTIVE DATE:

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Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-016	JUN '15	JUN '15	JUN '15



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Stat	Purpose of Issue	Date	Auth

Rev	Description	By	Date	Chk'd	Auth
-	EXTEND NWAAT ASHTON RD & CLOCH RD	EP	JAN '20	EP	GL

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THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
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 ORDER 2020

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Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-019	FEB '13	FEB '13	FEB '13
Rev				

**SCHEDULE 2**

**SCHEDULE 3**

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

Plan Reference	Effective date of original plan	Effective date of Plan Revision										
		1	2	3	4	5	6	7	8	9	10	11
TR/TRO/C133-001	06/10/2014	10/06/2019										
TR/TRO/C133-002	06/10/2014											
TR/TRO/C133-003	06/10/2014	12/11/2018	#####									
TR/TRO/C133-004	06/10/2014	#####										
TR/TRO/C133-005	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-006	06/10/2014	04/04/2016	14/11/2016	12/11/2018								
TR/TRO/C133-007	06/10/2014	04/04/2016										
TR/TRO/C133-008	06/10/2014	04/04/2016	12/11/2018	#####								
TR/TRO/C133-009	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-010	06/10/2014	12/11/2018	#####									
TR/TRO/C133-011	06/10/2014											
TR/TRO/C133-012	04/04/2016	12/11/2018										
TR/TRO/C133-013	04/04/2016	14/11/2016	12/11/2018									
TR/TRO/C133-014	04/04/2016	12/11/2018										
TR/TRO/C133-015	04/04/2016											
TR/TRO/C133-016	04/04/2016	12/11/2018	#####									
TR/TRO/C133-017	12/11/2018											
TR/TRO/C133-018	10/06/2019											
TR/TRO/C133-019	#####											

DRAFT



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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>14 January 2021</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b>	<b>LP/004/21</b>
<b>Contact Officer:</b>	<b>Emma Peacock</b>	<b>Contact No:</b>	<b>01475 712115</b>
<b>Subject:</b>	<b>Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020</b>		

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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 Delegation the Head of Roads & Environmental Services 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) entitled The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 where 7 objections have been received. The report also seeks a decision whether Committee will hear the objections relating to the TRO themselves or appoint an independent Reporter.

## 2.0 SUMMARY

- 2.1 The Inverclyde Council introduced Decriminalised Parking Enforcement throughout Inverclyde in 2014. Since that time numerous requests have been received to introduce waiting and loading restrictions at various locations in Gourock. The proposed TRO promotes various restrictions to address these requests.
- 2.2 The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) Order 2013, as amended, is in force in Gourock, Inverkip and Wemyss Bay.
- 2.3 The proposed TRO will:-
- (i) Introduce a "No waiting at any time" restriction on parts of Ashton Road, Cloch Road, Golf Road, Victoria Road, Cowal View, Ashton Place, Barrhill Road, Tower Drive, Hillside Road, Drumshantie Road and George Road, all in Gourock; and
  - (ii) Introduce a "No waiting at any time, no loading at any time" restriction on parts of Larkfield Road and Manor Crescent, both in Gourock.
- 2.4 As a result of the two consultations there are 5 maintained objections, and 2 further objections, to the TRO.

### **3.0 RECOMMENDATIONS**

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 this Committee or by an independent Reporter and remits it to the Head of Roads & Environmental Services and the Head of Legal and Property Services to make the necessary arrangements for the public hearing.

b. Notes, 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 and Property Services**

## 4.0 BACKGROUND

- 4.1 The proposed TRO was issued for public consultation on 08 September 2020 with responses invited by 07 October 2020. At the end of this consultation period, 5 objections were received. Officers amended the proposed TRO, in light of the objections received, and a second public consultation was carried out for this proposed TRO with amended documents. The proposed TRO was issued for a second public consultation on 27 October 2020 with responses invited by 17 November 2020.
- 4.2 Officers wrote to the 5 objectors following the first public consultation of this proposed TRO. The objectors did not respond therefore their objections are considered to be maintained. Two further objections have been received following the second public consultation.

## 5.0 IMPLICATIONS

### Finance

#### 5.1 Financial Implications:

One off Costs all contained within the Ramp capital budget

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Capital	RAMP	21/22	£5,000		New signs and lines

### Legal

- 5.2 There are no legal implications arising from this report.

### Human Resources

- 5.3 There are no Human Resources implications associated with the proposal.

### Equalities

#### 5.4 Equalities

Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>
X

YES

NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

### Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>
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YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.

NO

### Data Protection

Has a Data Protection Impact Assessment been carried out?

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

### **Repopulation**

5.5 There are no Repopulation implications associated with the proposal.

### **6.0 CONSULTATIONS**

6.1 The proposal has been advertised in the Greenock Telegraph and full details of the proposal have been made available for public inspection on the Council's website. A copy of the draft Order forms Appendix 1.

### **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>16 March 2021</b>
<b>Report By:</b>	<b>Interim Director Environment &amp; Economic Recovery</b>	<b>Report No:</b>	<b>LP/034/21</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 – The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 The 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 Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 7) Order 2020 (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 discussions 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 Delegation the Head of Roads & Environmental Services 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. The Proposed TRO was issued for public consultation on 08 September 2020 with responses invited by 07 October 2020. At the end of this consultation period, 5 objections were received. Officers amended the proposed TRO, in light of the objections received, and a second public consultation was carried out for this proposed TRO with amended documents. The proposed TRO was issued for a second public consultation on 27 October 2020 with responses invited by 17 November 2020, following which two objections were received. A total of seven objections have been received and maintained following the public consultation process in relation to the Proposed TRO.

- 2.3 It is necessary that the Objectors be given an opportunity to be heard before the Committee before it reaches a decision on 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 Roads & Environmental Services 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 Roads & Environmental Services 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.

**Anne Sinclair**  
**Interim Head of Legal Services**

## **4.0 BACKGROUND**

- 4.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and under the Council's Scheme of Delegation the Head of Roads & Environmental Services 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 14 January 2021 this 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 Roads & Environmental Services as regards the Proposed TRO; the statement of case is in Appendix 4. The written representations/documents submitted by the Objector are in Appendix 5.
- 4.4 Appendix 2 provides the full text of 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 TROs, 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
Capital	RAMP	21/22	£5,000		New signs and lines

### 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 seven 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 Equalities

Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

#### Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

#### Data Protection



Has a Data Protection Impact Assessment been carried out?

X

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

NO

### **Repopulation**

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

### **7.0 CONSULTATIONS**

7.1 The Head of Roads & Environmental Services has been consulted on the terms of this report.

### **8.0 LIST OF BACKGROUND PAPERS**

8.1 None.