
Report To:	The Inverclyde Council	Date:	22 April 2021
Report By:	Interim Service Director Environment & Economic Recovery	Report No:	LP/040/21
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020		

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 objector who maintained their objection to be heard, and considered the representation of the objector; and
 - (b) Considered a report by the Interim Director Environment & Economic Recovery:
 - (i) advising of the outcome of the statutory public consultation, including the objection not withdrawn, and discussions with the objector undertaken by officers; and
 - (ii) asking the Committee, having considered the objection received and the representations made at the special meeting, to decide either to dismiss the maintained objection and recommend approval of the proposed Traffic Regulation Order (“TRO”) or uphold the outstanding objection 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 objection 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) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) 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 objection 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	£10,000		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"/>
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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?

	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) (OUTER GREENOCK)
(WAITING RESTRICTIONS)
(VARIATION NO. 11) ORDER 2020**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
(VARIOUS ROADS) (OUTER GREENOCK)
(WAITING RESTRICTIONS) (VARIATION NO. 11) 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) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) 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) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020 On-Street Plans” are hereby incorporated into “The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013” and recorded in “The Inverclyde Council (Various Roads) (Outer Greenock) (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

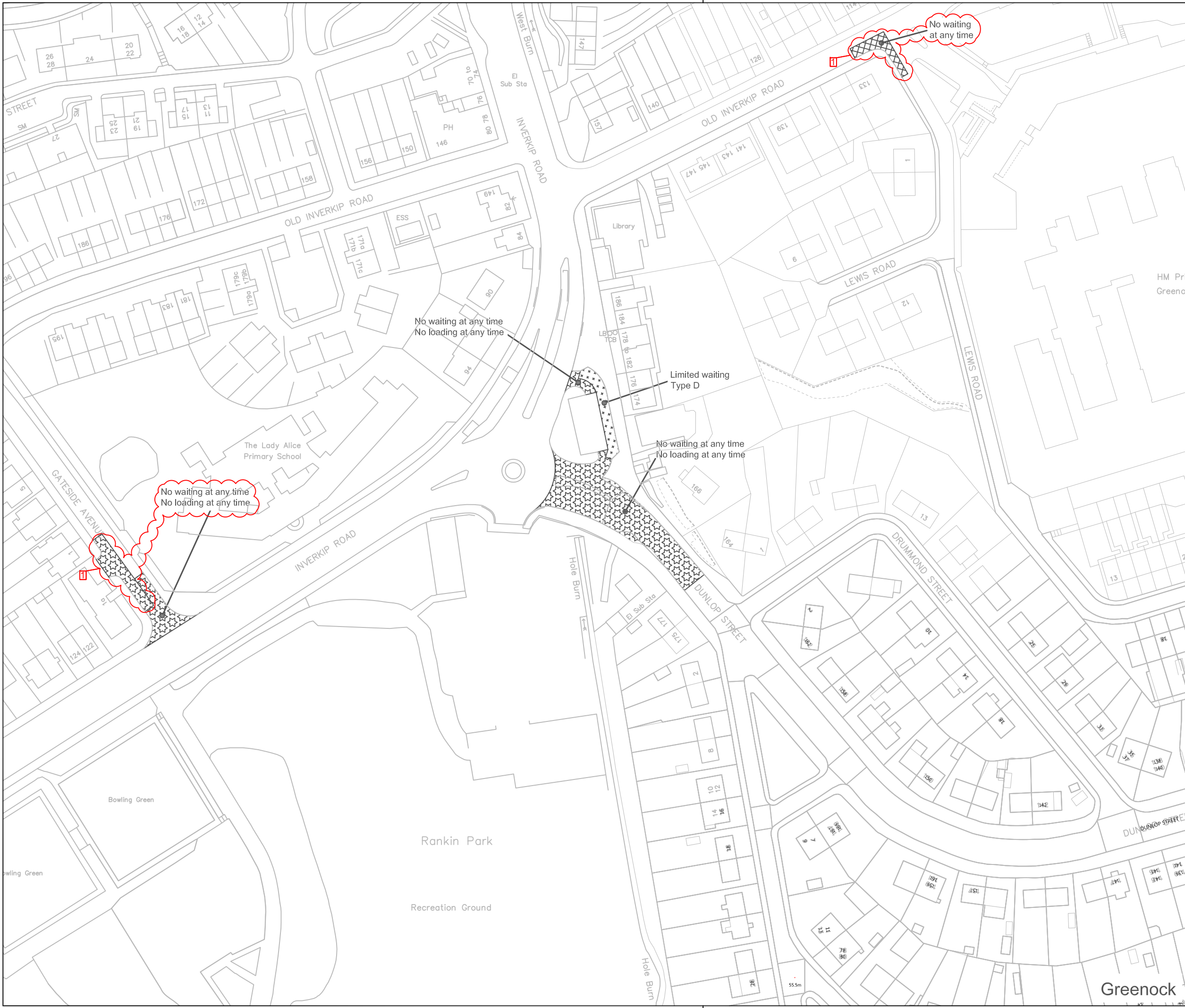
This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##.

SCHEDULE 1

**The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions)
(Variation No. 11) Order 2020 On-Street Plans**

DRAFT

DO NOT SCALE



Key

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- No loading at any time
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- Loading bay

Outer Greenock Resident Parking Permit Area
 Parking Disc Area

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Stat

Stat	Purpose of Issue	Date	Auth
1	NWAAT & NLAAT GATESIDE AVE	EP JAN '20	EP GL
1	NWAAT OLD INVERKIP RD/ LEWIS RD	EP JAN '20	EP GL

Rev

Rev	Description	By	Date	Chk'd	Auth
1	NWAAT & NLAAT GATESIDE AVE	EP	JAN '20	EP	GL
1	NWAAT OLD INVERKIP RD/ LEWIS RD	EP	JAN '20	EP	GL

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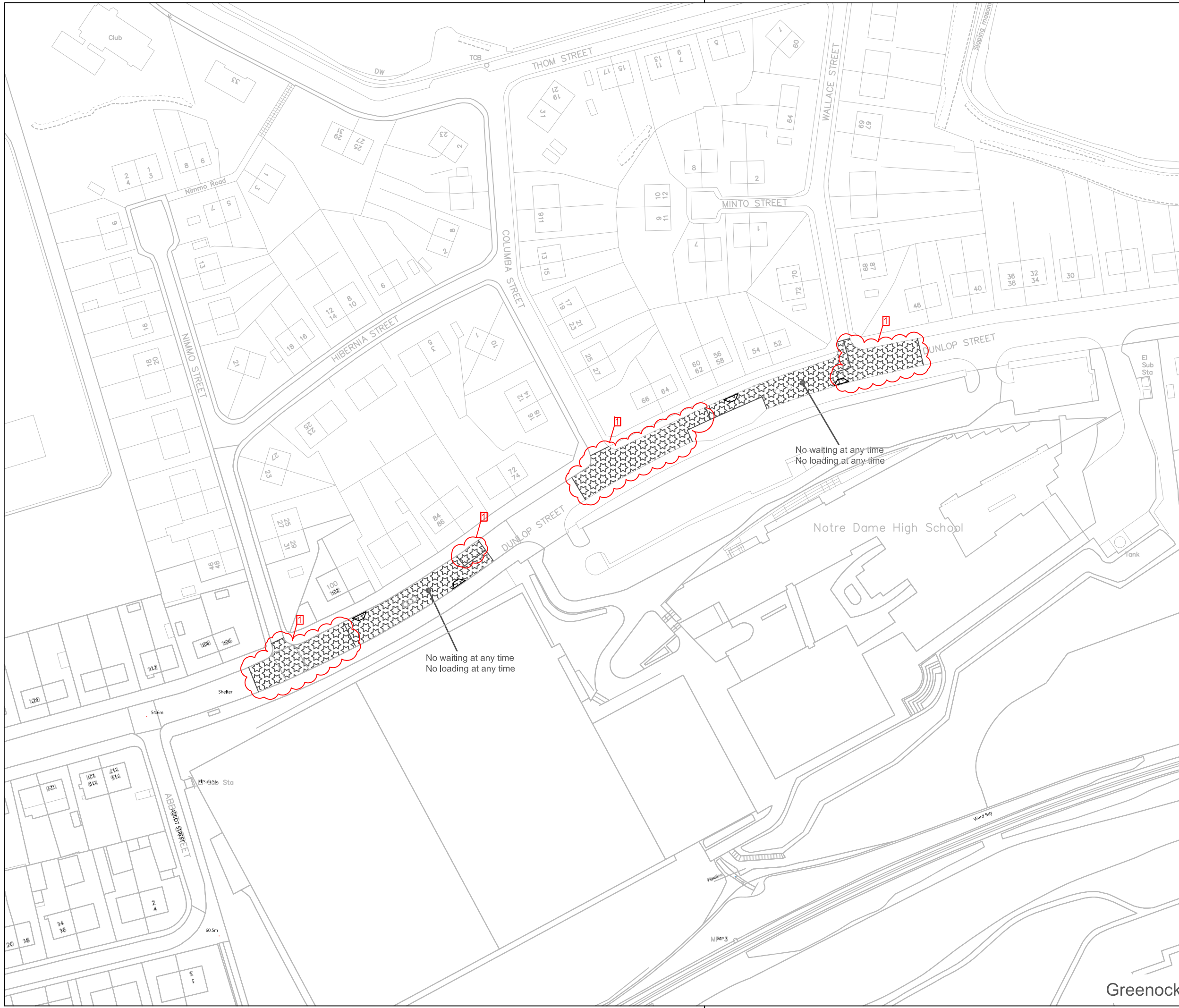


THE INVERCLYDE COUNCIL (VARIOUS ROADS)
 (OUTER GREENOCK)
 (WAITING RESTRICTIONS) (VARIATION 11)
 ORDER 2020

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DO NOT SCALE



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Stat	Purpose of Issue	Date	Auth

Rev	Description	By	Date	Chk'd	Auth
1	NWAAT & NLAAT DUNLOP ST	EP	JAN '20	EP	GL

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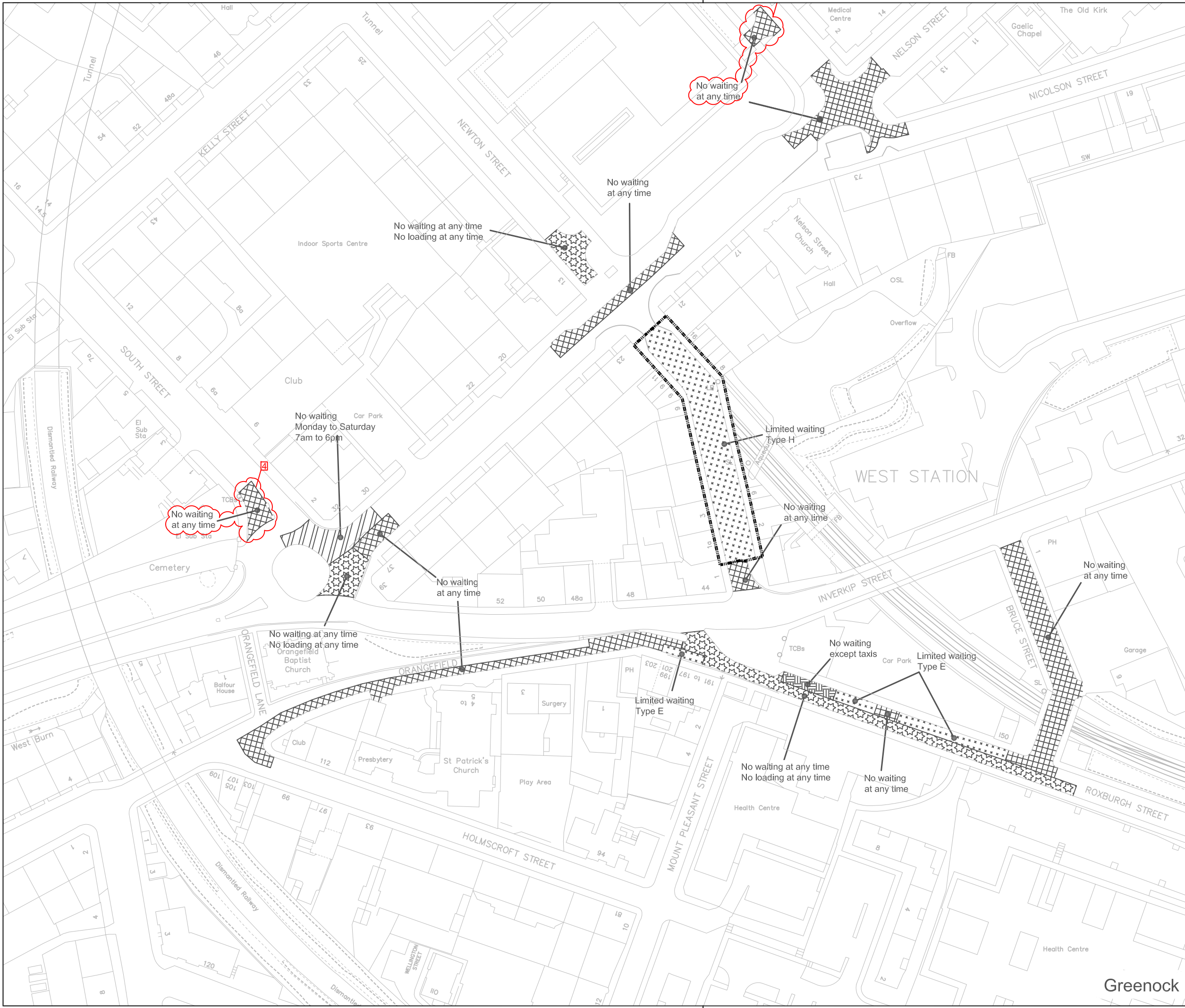
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 ORDER 2020

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Greenock

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Stat	Purpose of Issue	Date	Auth		
4	NWAAT SOUTH ST	EP JAN '20	EP GL		
3	2 HR ON NEWTON ST	EP AUG '18	EP GB		
2	NELSON ST/NICOLSON ST AMENDED	EP JUN '15	EP MH		
1	NEWTON ST NWAAT REVISED	MJH NOV '13	MJH MR		
Rev	Description	By	Date	Chk'd	Auth

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 (WAITING RESTRICTIONS) (VARIATION No. 11)
 ORDER 2020

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Greenock

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Seal

Stat	Purpose of Issue	Date	Auth
1	NWAAT & NLAAT REGENT ST & BAKER ST	EP JAN '20	EP GL
1	NWAAT KNOWE RD	EP JAN '20	EP GL

Rev	Description	By	Date	Chk'd	Auth
1	NWAAT & NLAAT REGENT ST & BAKER ST	EP	JAN '20	EP	GL
1	NWAAT KNOWE RD	EP	JAN '20	EP	GL

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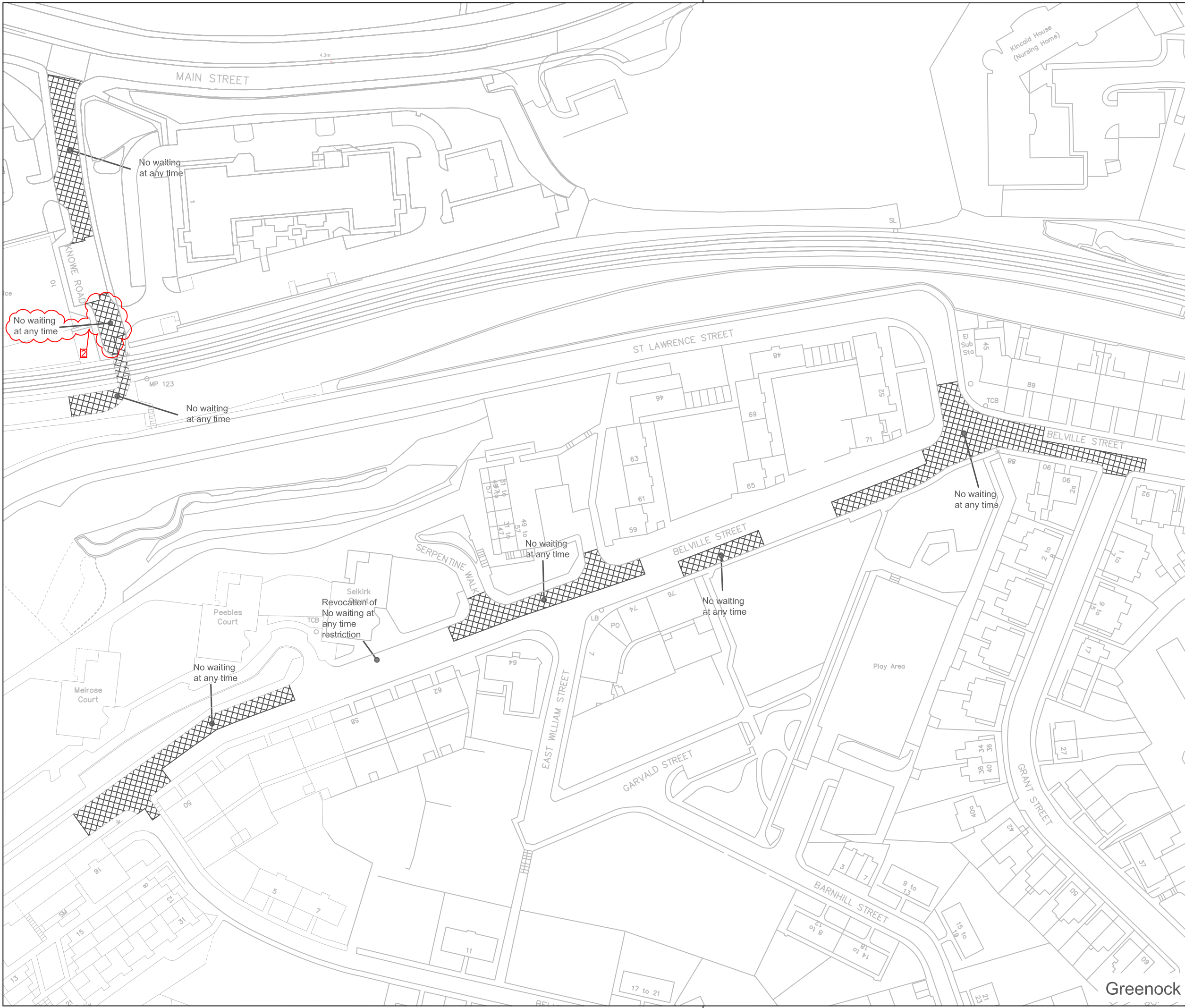
THE INVERCLYDE COUNCIL (VARIOUS ROADS)
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Greenock

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Seal

Stat	Purpose of Issue	Date	Auth
2	NWAAT KNOWE RD	EP JAN '20	EP GL
1	REVOCAION OF NWAAT BELVILLE ST	EP AUG '18	EP GL

Rev	Description	By	Date	Chk'd	Auth
1	REVOCAION OF NWAAT BELVILLE ST		AUG '18	EP	GL

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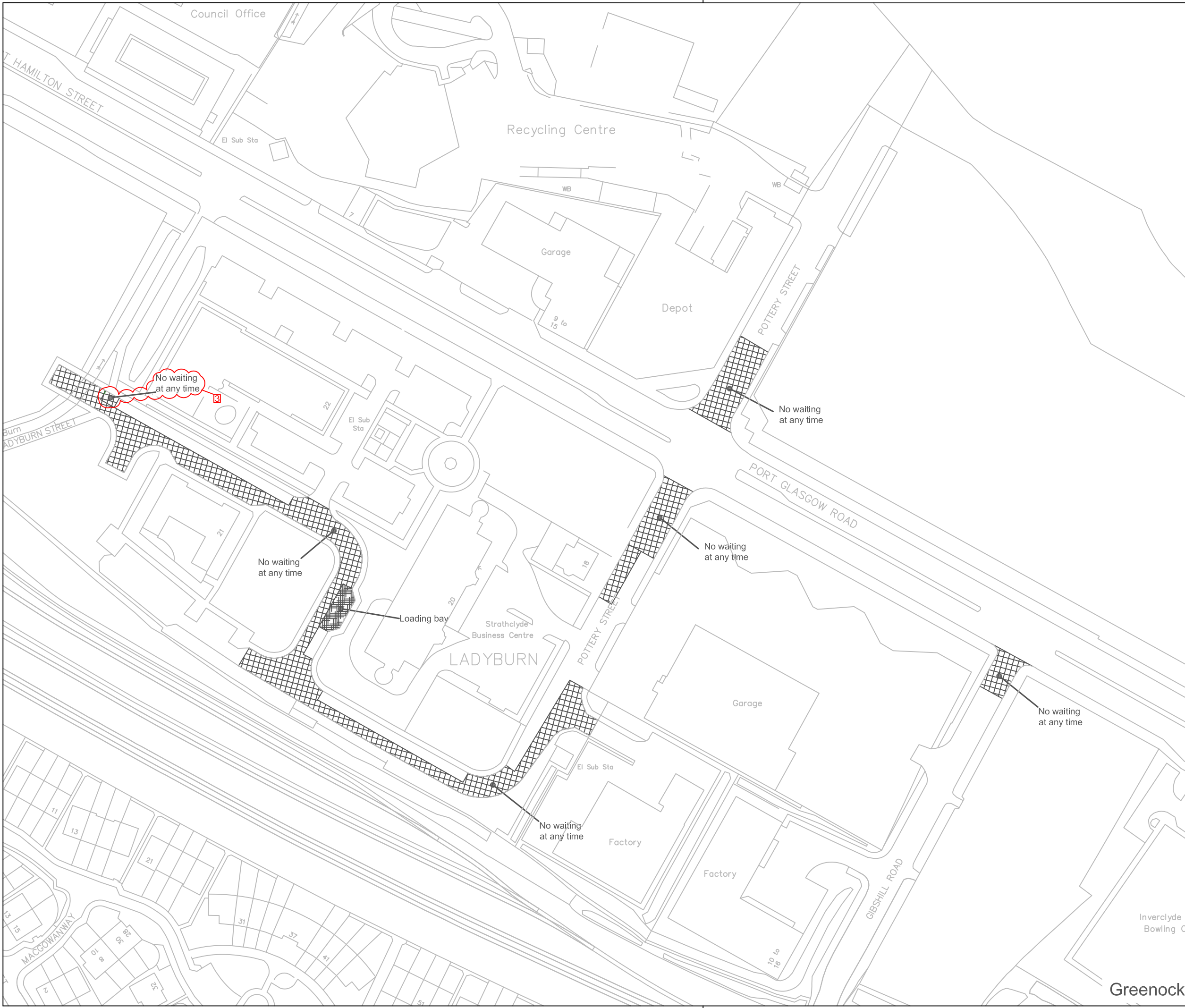


THE INVERCLYDE COUNCIL (VARIOUS ROADS)
 (OUTER GREENOCK)
 (WAITING RESTRICTIONS) (VARIATION No. 11)
 ORDER 2020

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Stat

Stat	Purpose of Issue	Date	Auth
3	NWAAT EXTENSION POTTERY ST	EP JAN '20	EP GL
2	GIBSHILL RD RESTRICTION ADDED AT A8	EP AUG '15	EP MH
1	POTTERY ST RESTRICTIONS ADDED	RH SEPT '14	MH MH
A	POTTERY ST (SOUTH OF A8) CORRECTED	MJH JUNE '13	MJH MR

Rev

Rev	Description	By	Date	Chk'd	Auth
3	NWAAT EXTENSION POTTERY ST	EP	JAN '20	EP	GL
2	GIBSHILL RD RESTRICTION ADDED AT A8	EP	AUG '15	EP	MH
1	POTTERY ST RESTRICTIONS ADDED	RH	SEPT '14	MH	MH
A	POTTERY ST (SOUTH OF A8) CORRECTED	MJH	JUNE '13	MJH	MR

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 ORDER 2020

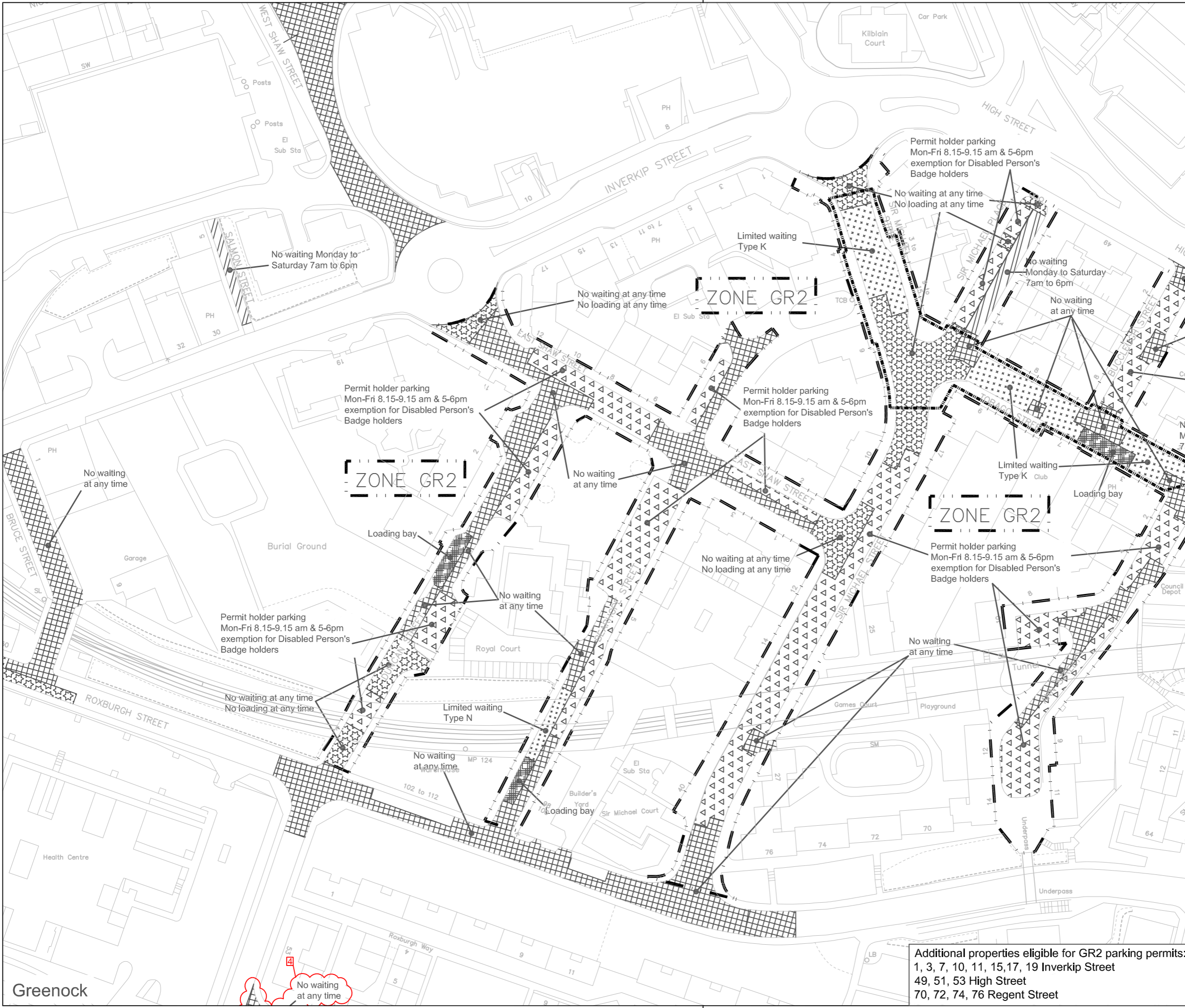
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Rev				
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Greenock

DO NOT SCALE

A3



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Stat	Purpose of Issue	Date	Auth
4	NWAAT ROXBURGH AVE	EP JAN '20	EP GL
3	DISABLED BADGE HOLDER EXEMPTION	EP OCT '18	EP GL
2	LOADING BAYS TOBAGO ST & BEARHOPE ST	EP APR '18	EP GL
1	30 MIN WAITING BEARHOPE ST	EP MAY '17	EP GB

Rev	Description	By	Date	Chk'd	Auth

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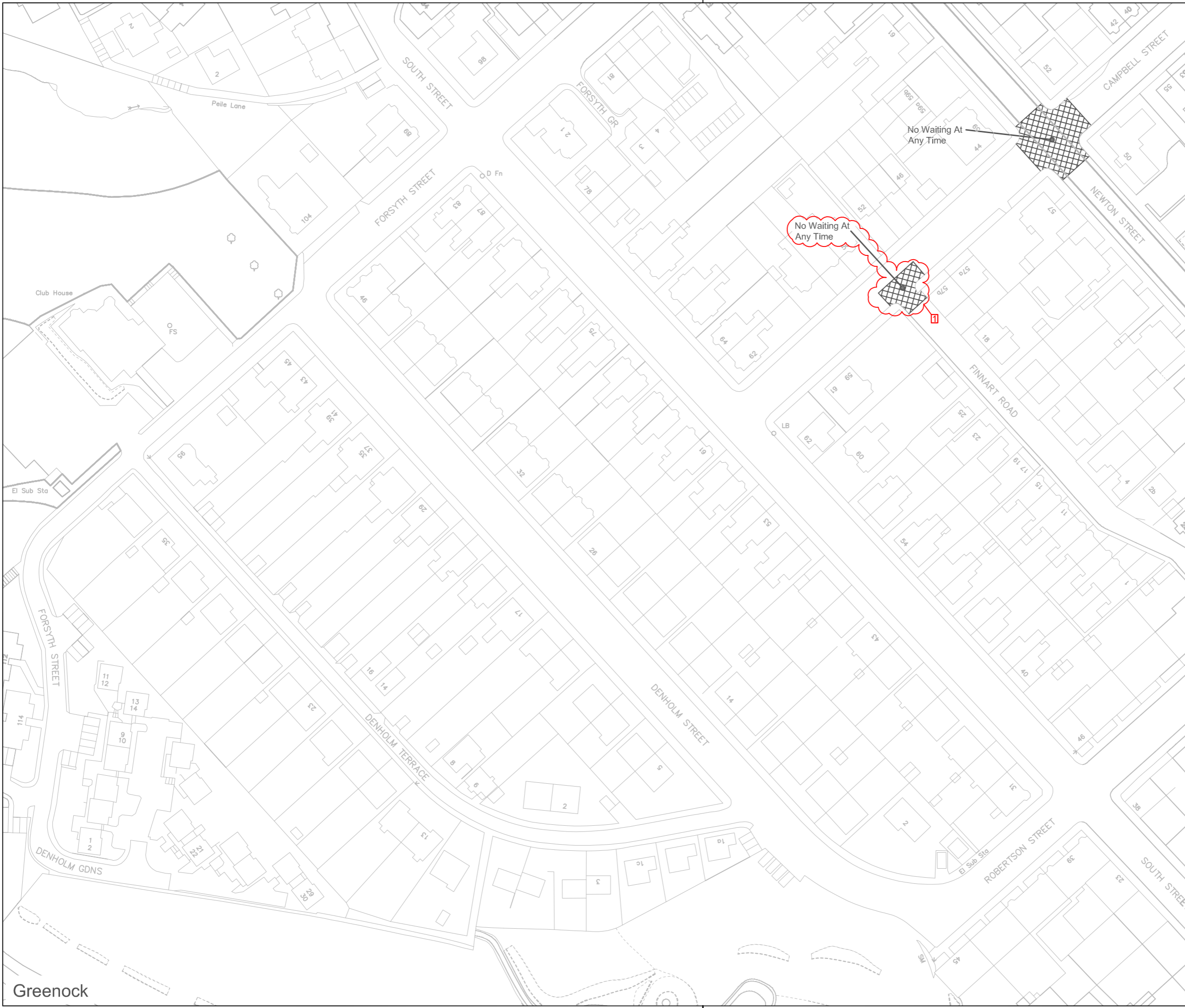
THE INVERCLYDE COUNCIL (VARIOUS ROADS)
 (OUTER GREENOCK)
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 ORDER 2020

EFFECTIVE DATE:

Additional properties eligible for GR2 parking permits:
 1, 3, 7, 10, 11, 15, 17, 19 Inverkip Street
 49, 51, 53 High Street
 70, 72, 74, 76 Regent Street

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
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Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-025	JUN '15	JUN '15	JUN '15

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1	NWAAT CAMPBELL ST & FINHART RD	EP JAN '20	EP GL
-	NWAAT NEWTON ST & CAMPBELL ST	EP AUG '18	EP GL

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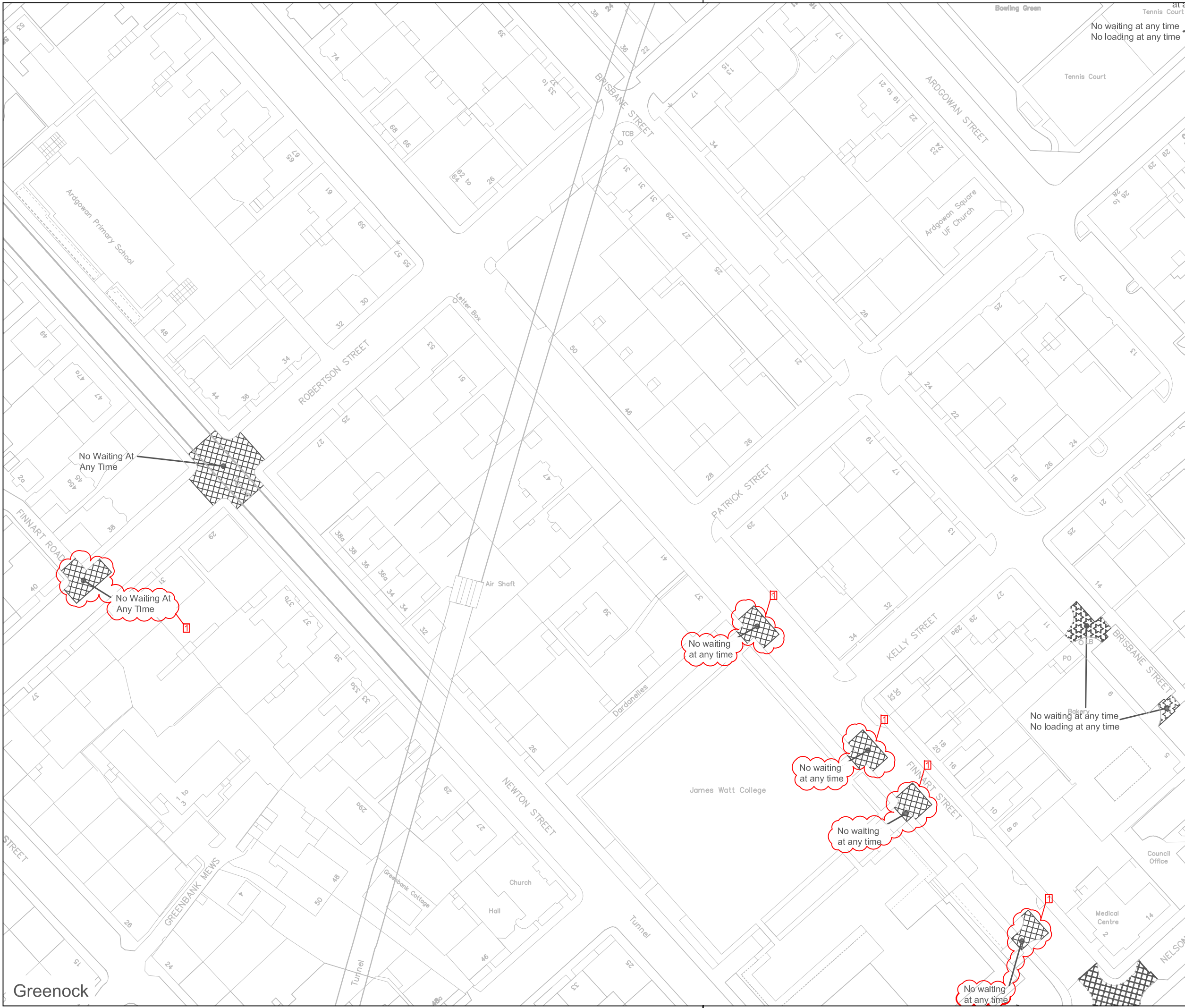


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Seal

Stat	Purpose of Issue	Date	Auth
1	NWAAT ROBERTSON ST & FINNART RD	EP JAN '20	EP GL
1	NWAAT FINNART ST	EP JAN '20	EP GL
-	NWAAT NEWTON ST & ROBERTSON ST	EP AUG '18	EP GL
-	NWAAT & NLAAT BRISBANE ST	EP AUG '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



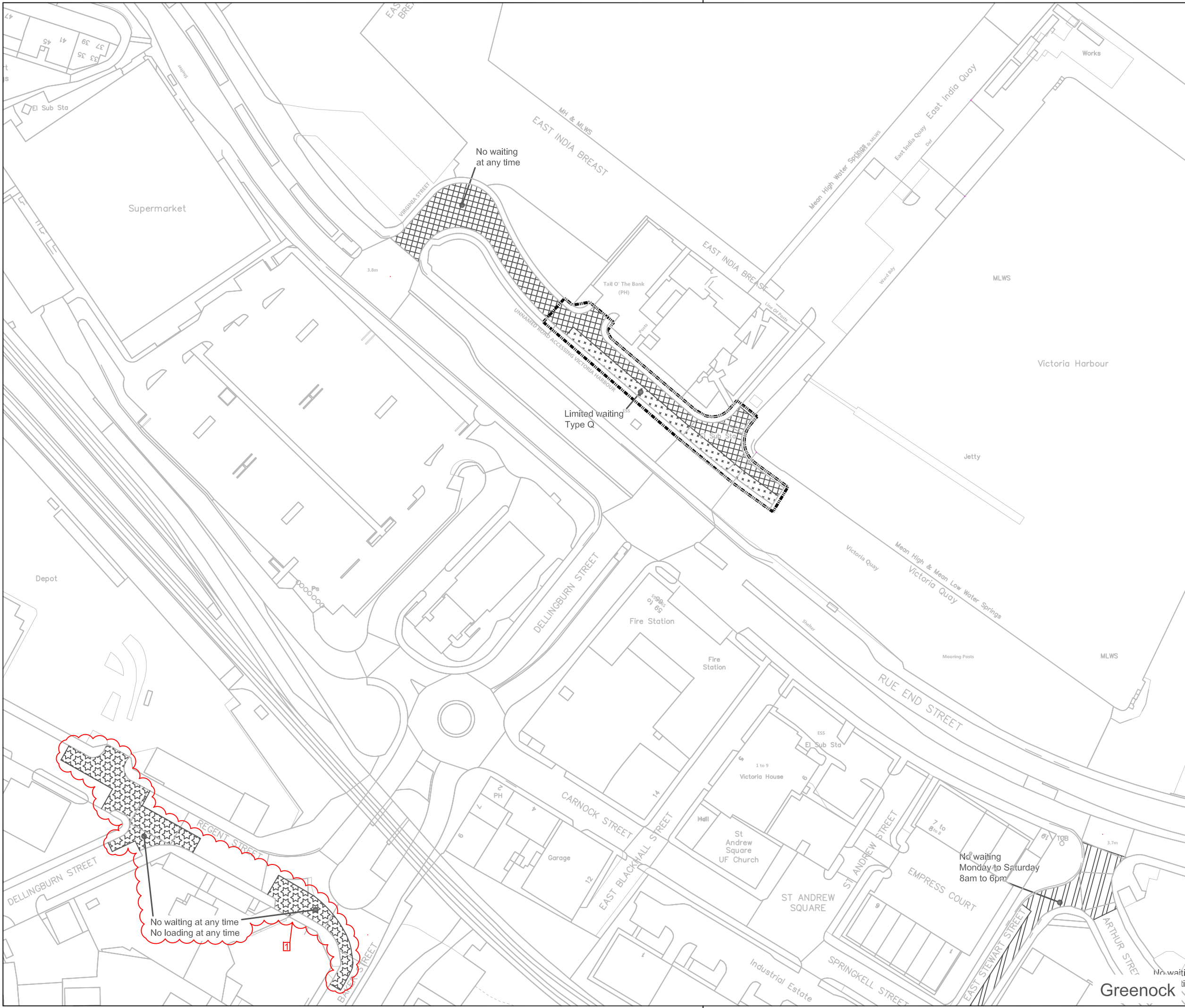
THE INVERCLYDE COUNCIL (VARIOUS ROADS)
 (OUTER GREENOCK)
 (WAITING RESTRICTIONS) (VARIATION No. 11)
 ORDER 2020

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	GL	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-029	AUG '18	AUG '18	AUG '18
Rev				
				1

Greenock

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)
- Parking place for permit holders at specified times
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- Outer Greenock Resident Parking Permit Area
- Parking Disc Area

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- Type Q: Mon-Sun 8am to 10pm, 2 hours, No return within 30 mins

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Seal

Stat	Purpose of Issue	Date	Auth		
1	NWAAT & NLAAT DELLINGBURN ST	EP JAN '20	EP GL		
1	NWAAT & NLAAT REGENT ST & BAKER ST	EP JAN '20	EP GL		
-	NWAAT & LIMITED WAITING RUE END ST	EP SEP '18	EP GL		
Rev	Description	By	Date	Chk'd	Auth

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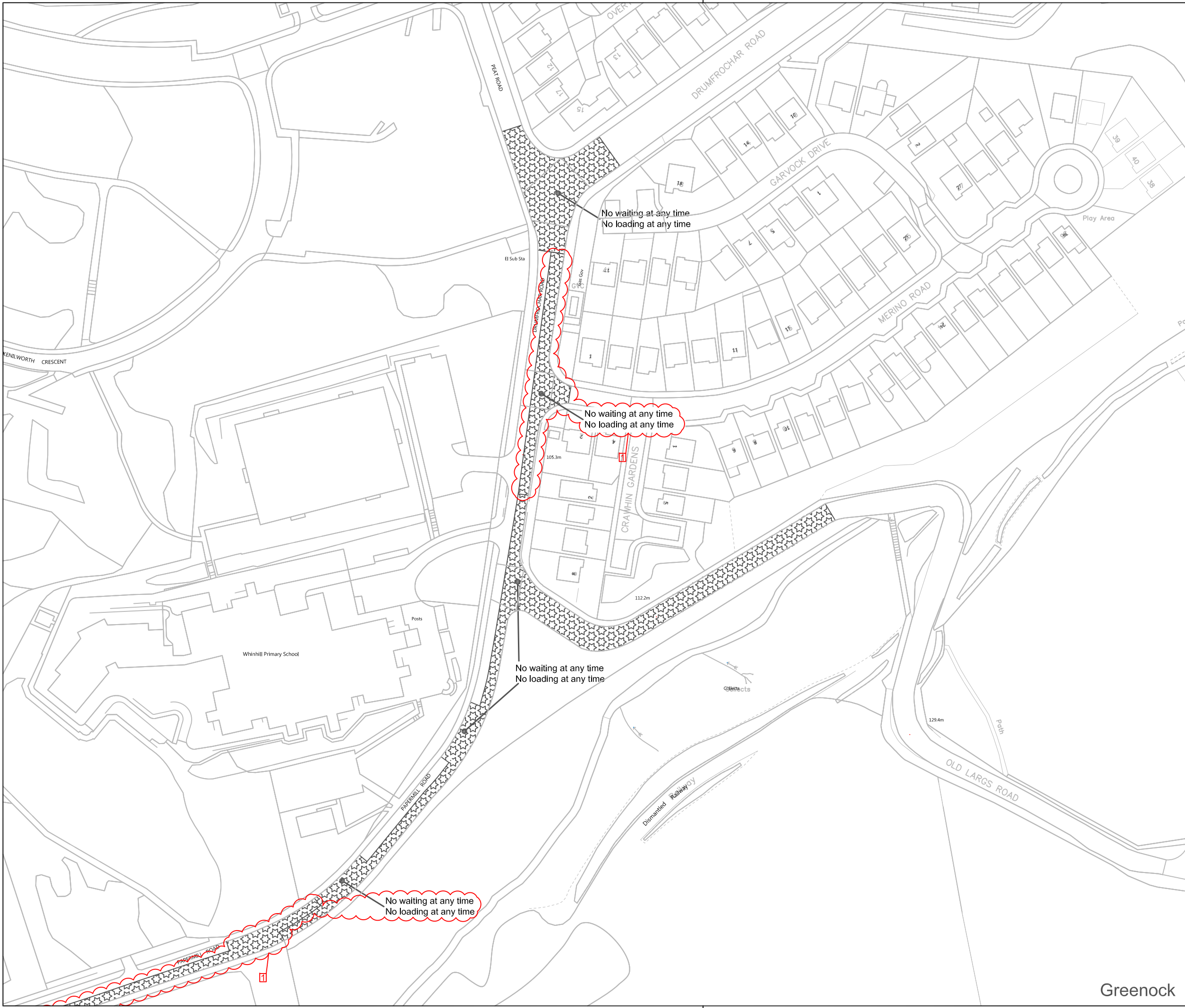


THE INVERCLYDE COUNCIL (VARIOUS ROADS)
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 (WAITING RESTRICTIONS) (VARIATION No. 11)
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Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-030	SEP '18	SEP '18	SEP '18
Rev	Rev	Rev	Rev	Rev
				1

DO NOT SCALE



Key

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Stat

Stat	Purpose of Issue	Date	Auth
1	NWAAT&NLAAT DRUMFROCHAR RD, MERINO RD	EP JAN '20	EP GL
1	NWAAT & NLAAT PAPERMILL RD	EP JAN '20	EP GL
-	NWAAT&NLAAT DRUMFROCHAR RD&PEAT RD	EP SEP '18	EP GL
-	NWAAT&NLAAT OLD LARGS RD&PAPERMILL RD	EP SEP '18	EP GL

Rev Description By Date Chk'd Auth

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Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-031	SEP '18	SEP '18	SEP '18
Rev				
				1

Greenock

DO NOT SCALE



Key

- No waiting at any time
- No waiting at any time
No loading at any time
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Stat

Purpose of Issue	Date	Auth
- NWAAT ROXBURGH AVE	EP JAN '20	EP GL
- NWAAT MEARNIS ST	EP JAN '20	EP GL
- NWAAT WELLINGTON ST, TRAFALGAR ST	EP JAN '20	EP GL
- NWAAT ANN ST, DEMPSTER ST	EP JAN '20	EP GL

Rev

Description	By	Date	Chk'd	Auth

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THE INVERCLYDE COUNCIL (VARIOUS ROADS)
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Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-034	JAN '20	JAN '20	JAN '20
				Rev
				-

DO NOT SCALE



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No loading at any time
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Stat	Purpose of Issue	Date	Auth

Rev	Description	By	Date	Chk'd	Auth
-	NWAAT & NLAAT INGLESTON ST&ORCHARD ST	EP	JAN '20	EP	GL

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A3	1:1250	EP	EP	GL	
Date	JAN '20	Date	JAN '20	Date	JAN '20
Status	Drawing Number	Rev			
P	TR/TRO/C131-035	-			

Greenock

DO NOT SCALE



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Stat

Stat	Purpose of Issue	Date	Auth
-	NWAAT&NLAAT AUCHMEAD RD & NORFOLK RD	EP JAN '20	EP GL

Rev	Description	By	Date	Chk'd	Auth
-	NWAAT&NLAAT AUCHMEAD RD & NORFOLK RD	EP	JAN '20	EP	GL

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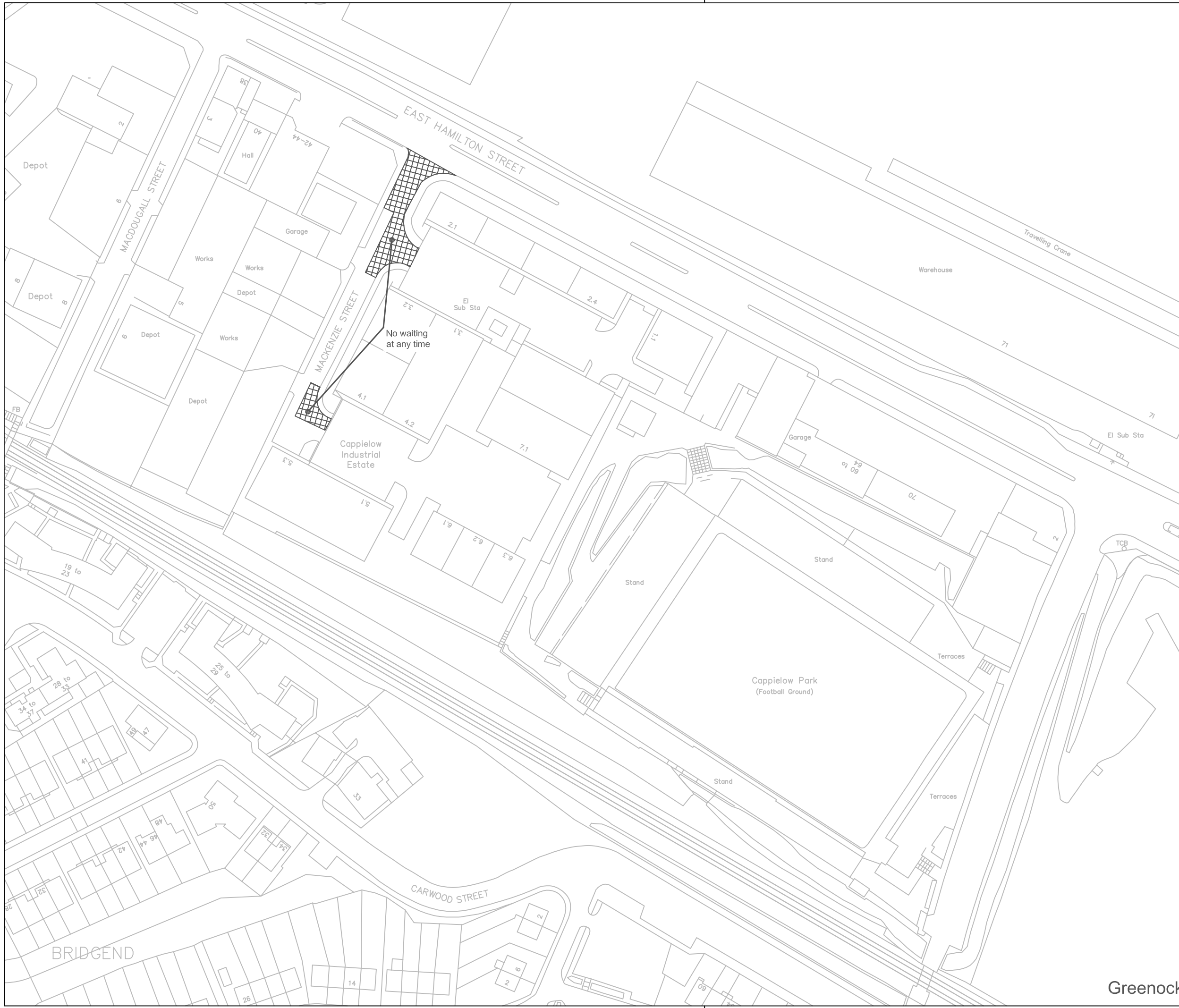
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Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-036	JAN '20	JAN '20	JAN '20
Rev				
-				

Greenock

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Stat

Stat	Purpose of Issue	Date	Auth
-	NWAAT MACKENZIE ST	EP JAN '20	EP GL

Rev	Description	By	Date	Chk'd	Auth
-	NWAAT MACKENZIE ST	EP	JAN '20	EP	GL

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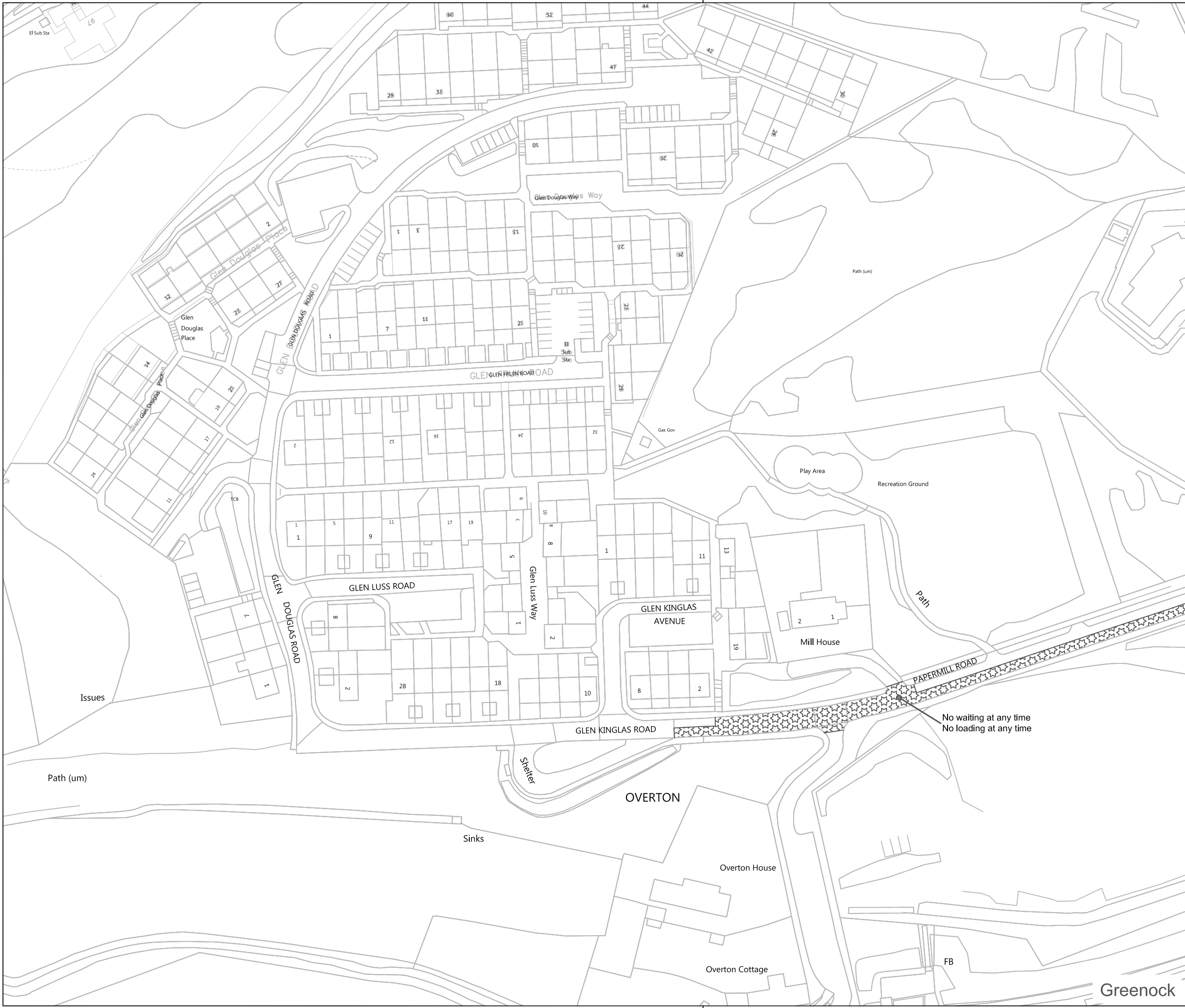
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Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C131-037	JAN '20	JAN '20	JAN '20

Greenock

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Stat	Purpose of Issue	Date	Auth
-	NWAAT & NLAAT GLEN KINGLAS RD	EP JAN '20	EP GL
-	NWAAT & NLAAT PAPERMILL RD	EP JAN '20	EP GL

Rev	Description	By	Date	Chk'd	Auth
-	NWAAT & NLAAT GLEN KINGLAS RD	EP	JAN '20	EP	GL
-	NWAAT & NLAAT PAPERMILL RD	EP	JAN '20	EP	GL

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THE INVERCLYDE COUNCIL (VARIOUS ROADS)
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 (WAITING RESTRICTIONS) (VARIATION No. 11
 ORDER 2020

EFFECTIVE DATE:

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A3	1:1250	EP	EP	GL	
Date	JAN '20	Date	JAN '20	Date	JAN '20
Status	Drawing Number	Rev			
P	TR/TRO/C131-038	-			

Greenock

SCHEDULE 2

SCHEDULE 3

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (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/131-001	06/10/2014	22/04/2019										
TR/TRO/131-002	06/10/2014											
TR/TRO/131-003	06/10/2014	22/04/2019										
TR/TRO/131-004	06/10/2014											
TR/TRO/131-005	06/10/2014											
TR/TRO/131-006	06/10/2014											
TR/TRO/131-007	06/10/2014	#####										
TR/TRO/131-008	06/10/2014	#####										
TR/TRO/131-009	06/10/2014											
TR/TRO/131-010	06/10/2014	21/11/2014	25/04/2016	22/04/2019	#####							
TR/TRO/131-011	06/10/2014	25/01/2015	25/04/2016	30/04/2018	22/04/2019							
TR/TRO/131-012	06/10/2014	21/11/2014	25/04/2016	30/04/2018	12/11/2018	22/04/2019	22/04/2019					
TR/TRO/131-013	06/10/2014	22/04/2019										
TR/TRO/131-014	06/10/2014	23/04/2016	25/04/2016	22/04/2019								
TR/TRO/131-015	06/10/2014	25/04/2016	22/04/2019									
TR/TRO/131-016	06/10/2014											
TR/TRO/131-017	06/10/2014	23/04/2016	22/04/2019									
TR/TRO/131-018	06/10/2014	#####										
TR/TRO/131-019	06/10/2014	22/04/2019	#####									
TR/TRO/131-020	06/10/2014	21/11/2014	25/04/2016									

TR/TRO/131-021	06/10/2014	25/01/2015	25/04/2016	#####								
TR/TRO/131-022	06/10/2014	25/04/016										
TR/TRO/131-023	25/05/2015	23/04/2016	25/04/2016	22/04/2019								
TR/TRO/131-024	25/05/2015	26/05/2015	23/04/2016	25/04/2016	22/04/2019							
TR/TRO/131-025	25/04/2016	30/04/2018	12/11/2018	22/04/2019	#####							
TR/TRO/131-026	22/04/2019											
TR/TRO/131-027	22/04/2019											
TR/TRO/131-028	22/04/2019	#####										
TR/TRO/131-029	22/04/2019	#####										
TR/TRO/131-030	22/04/2019	#####										
TR/TRO/131-031	22/04/2019	#####										
TR/TRO/131-032	22/04/2019											
TR/TRO/131-033	22/04/2019											
TR/TRO/131-034	#####											
TR/TRO/131-035	#####											
TR/TRO/131-036	#####											
TR/TRO/131-037	#####											
TR/TRO/131-038	#####											

Report To:	Environment & Regeneration Committee	Date:	14 January 2021
Report By:	Corporate Director Environment, Regeneration and Resources	Report No:	LP/003/21
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020		

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 Shared 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) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020 where there is 1 maintained objection. The report also seeks a decision whether Committee will hear the objection 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 Greenock. The proposed TRO promotes various restrictions to address some of these requests.
- 2.2 The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013, as amended, is in force in Outer Greenock.
- 2.3 The proposed TRO will:-
- (i) Introduce a "No waiting at any time" restriction on parts of Old Inverkip Road, Lewis Road, South Street, Finnart Street, Campbell Street, Robertson Street, Finnart Road, Roxburgh Avenue, Ann Street, Mearns Street, Trafalgar Street, Dempster Street, Wellington Street, Knowe Road, MacKenzie Street and Pottery Street, all in Greenock; and
 - (ii) Introduce a "No waiting at any time, no loading at any time" restriction on parts of Auchmead Road, Norfolk Road, Gateside Avenue, Dunlop Street, Baker Street, Regent Street, Dellingburn Street, Drumfrochar Road, Merino Road, Papermill Road, Glen Kinglas Road, Ingleston Street and Orchard Street, all in Greenock.
- 2.4 As a result of the consultation there is 1 maintained objection 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 objection, and decides either to hear this before a special meeting of this Committee or by an independent Reporter and remits it to the Head of Roads & Environmental Shared 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 01 October 2020. The documents published as part of this consultation contained errors in the description of the restrictions. These errors were corrected 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 06 October 2020 with responses invited by 30 October 2020.
- 4.2 During the period of both public consultations, 1 objection was received. Officers wrote to the objector and the objector did not respond therefore their objection is considered to be maintained.

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	£10,000		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"/>
<input checked="" type="checkbox"/>

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"/>

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 has 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.

Report To:	Environment & Regeneration Committee	Date:	16 March 2021
Report By:	Interim Director Environment & Economic Recovery	Report No:	LP/33/21
Contact Officer:	Peter MacDonald	Contact No:	01475 712618
Subject:	Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) Order 2020 The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999		

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) (Outer Greenock) (Waiting Restrictions) (Variation No. 11) 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 discussion between Council Officers and the person who has, as part of the public consultation, objected to the Proposed TRO (the Objector); and
- Facilitate the effective fair and proper hearing by the Committee of the Objector who has not withdrawn their objections in order that the Committee can consider their objection (the Objection) 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 The proposed TRO was issued for public consultation on 08 September 2020 with responses invited by 01 October 2020. The documents published as part of this consultation contained errors in the description of the restrictions. These errors were corrected 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 09 October 2020 with responses invited by 30 October 2020. During the period of both public consultations, 1 objection was received. Officers wrote to the objector and the objector did not respond therefore their objection is considered to be maintained.

- 2.3 It is necessary that the Objector 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 Objector has 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 Objector an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 3.4 Consider the Objection and such oral representations on it made by the Objector and officers at the special meeting and thereafter **either**:
- 3.4.1 Dismiss the Objection, 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 Objection 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 Objection 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 Objector since that date to advise them of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objector 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.
- 4.4 Appendix 2 provides the full text of the Objection 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 Objector 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. This has been circulated to the Objector 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	£10,000		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 one Objection have been received and maintained. Before making the TRO, the Council must take into consideration any Objection timeously received and give the Objector who maintain their Objection 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?

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