
Report To:	Environment & Regeneration Committee	Date:	12 January 2023
Report By:	Head of Legal & Democratic Services	Report No:	LS/001/23/EP
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Redetermination Order – The Inverclyde Council, Mirren’s Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

- 1.2 Local Authorities are empowered to make Redetermination Orders under the Roads (Scotland) Act 1984 (as amended) (“the Act”); however, the Council’s Scheme of Delegation (Officers) does not permit officers to do so under delegated authority, even where there are no maintained objections to any such Orders.
- 1.3 The purpose of this report is to request the Committee to consider and then remit the proposed Redetermination Order, titled The Inverclyde Council, Mirren’s Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022 (“the Proposed Order”), to the Inverclyde Council for its approval and subsequent implementation.
- 1.4 The Proposed Order will have the effect of redetermining a section of Mirren’s Shore, Port Glasgow so that a section of the road, presently a carriageway, will become a cycle track.
- 1.5 The report also seeks Committee’s approval for the updating of the Scheme of Delegation (Officers) to the effect that, where there are no maintained objections to any Redetermination Order, the Head of Legal and Democratic Services will be authorised to confirm such a Redetermination Order on behalf of the Council, with this proposed update to the Scheme of Delegation (Officers) being remitted to the Inverclyde Council for its approval and subsequent implementation.

2.0 RECOMMENDATIONS

It is recommended that the Committee:

- 2.1 Agree to (a) remit to The Inverclyde Council the confirmation of the Proposed Order and (b) the subsequent delegation of the Proposed Order to the Shared Head of Roads and Environmental Services and the Head of Legal and Democratic Services to arrange for its implementation; and Agree that the Scheme of Delegation (Officers) be updated to the effect that, where there are no maintained objections to any Redetermination Order, the Head of Legal and Democratic

- 2.2 Services will be authorised to confirm such a Redetermination Order on behalf of the Council, with this proposed update to the Scheme of Delegation (Officers) being remitted to the Inverclyde Council for its approval and subsequent implementation.

Iain Strachan
Head of Legal & Democratic Services

3.0 BACKGROUND AND CONTEXT

- 3.1 The Head of Shared Services Roads considers it necessary to redetermine the existing means of exercise of public right of passage on Mirren’s Shore, Port Glasgow for the use of cyclists and pedestrians in the interests of road safety due to the narrow width of the roads which are not suitable for vehicles.
- 3.2 The Proposed Order was issued for public consultation on 1 November 2022 with responses invited by 29 November 2022. At the end of the consultation period, no objections were received.
- 3.3 Regulation 14 of The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 (“the Regulations”) provides that where no objection is made to an order, the roads authority may confirm the order. The Council is the roads authority in relation to Mirren’s Shore, Port Glasgow.
- 3.4 The authority to confirm a Redetermination Order, where there are no maintained objections, is not presently delegated to any Officer of the Council. The Council’s Scheme of Administration states that the promotion of byelaws, management rules and any necessary orders is reserved to the Full Council. This means that the Full Council must consider a Redetermination Order even where there are no objections to the Order.
- 3.5 It is therefore proposed to update the Scheme of Delegation (Officers) to the effect that where there are no maintained objections to a Redetermination Order, the Head of Legal and Democratic Services will be authorised to confirm any such Redetermination Order on behalf of the Council, with this proposed update to the Scheme of Delegation (Officers) being remitted to the Inverclyde Council for its approval and subsequent implementation.
- 3.6 Regulation 16 of the relevant Regulations provides that where an objection to a Redetermination Order is made and not withdrawn, the order shall be remitted to the Scottish Ministers for their consideration. At the end of the consultation period for the Proposed Order, no objections were received.

4.0 PROPOSALS

- 4.1 The form of the Proposed Order which officers are recommending for approval is included at Appendix 1 of this report.
- 4.2 It is proposed that the Scheme of Delegation (Officers) be updated to the effect that where there are no maintained objections to any Redetermination Order, the Head of Legal and Democratic Services will be authorised to confirm any such Redetermination Order on behalf of the Council, with this proposed update to the Scheme of Delegation (Officers) being remitted to the Inverclyde Council for its approval and subsequent implementation.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial	X		

Legal/Risk		X	
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
83294	Mirren Shore Improvements	2022/23	£91,974.67		

Annually Recurring Costs/ (Savings)

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

5.3 Legal/Risk

The making of the Proposed Order is a statutory process, with which the Council has complied, as summarised above. As such, there are no Legal/Risk implications associated with this Report.

5.4 Human Resources

There are no Human Resources implications associated with the making of the Proposed Order.

5.5 Strategic

There are no Strategic implications associated with the making of the Proposed Order.

6.0 CONSULTATION

6.1 The Proposed Order has been advertised in the Greenock Telegraph and full details of the Proposed Order have been made available for public inspection at the Council offices and on the Council's website.

7.0 BACKGROUND PAPERS

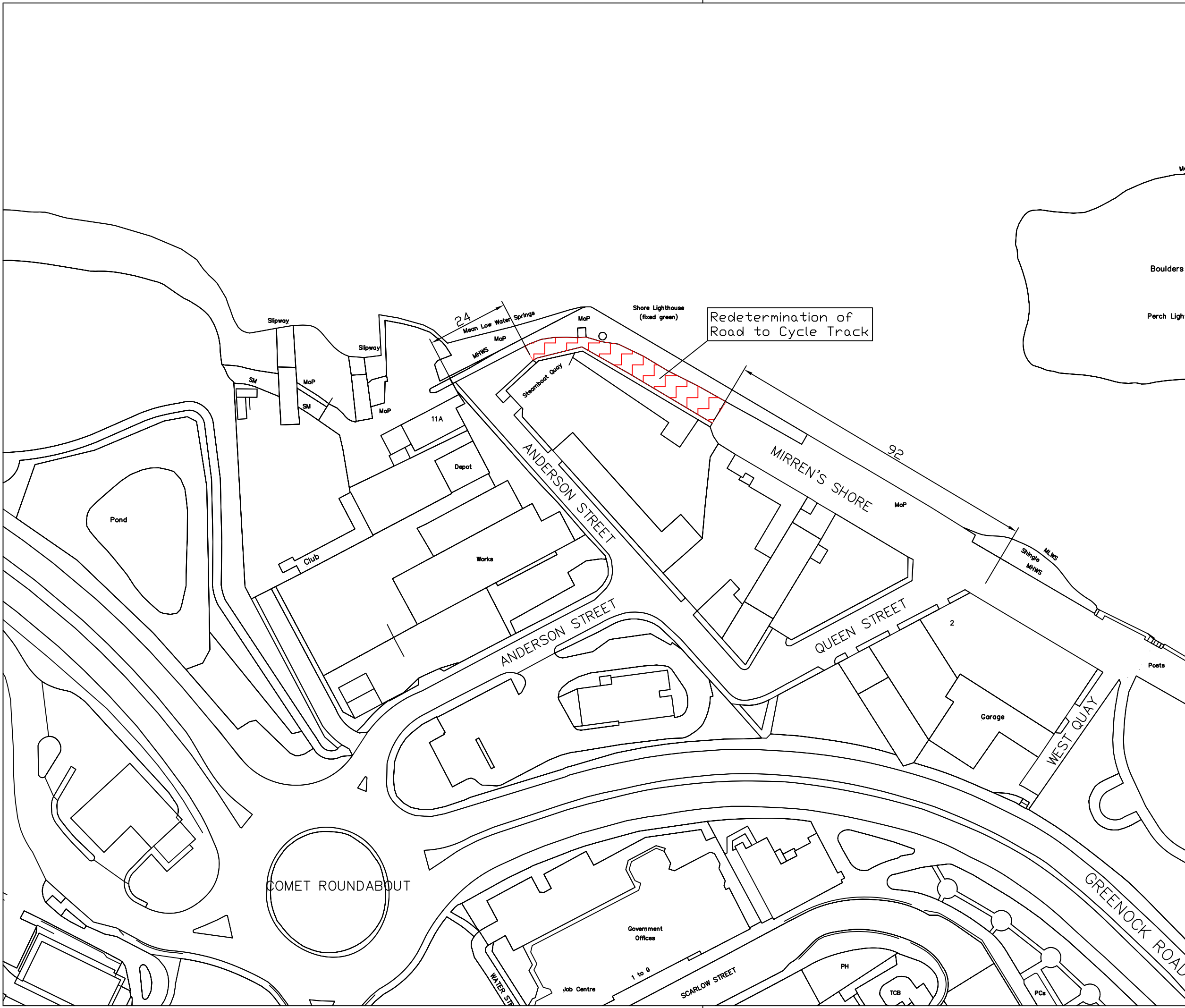
7.1 None.

Rev -
 Drawing Number TR/TRO/C218-01
 Status P

DO NOT SCALE

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 10
 0
 A3

File: Drawing.dwg
 Date: Oct 13, 2022 - 3:51pm
 Plotted by: ProwattE



Key

N

Appendix 1

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Seal

Stat	Purpose of Issue	Date	Auth

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, MIRREN'S SHORE,
 PORT GLASGOW (REDETERMINATION OF
 MEANS OF EXERCISE OF PUBLIC RIGHT OF
 PASSAGE) ORDER 2022**

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1000	KMM	KMM	EP
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C218-01	OCT '22	OCT '22	OCT '22

THE INVERCLYDE COUNCIL

MIRREN'S SHORE, PORT GLASGOW
(REDETERMINATION OF MEANS
OF EXERCISE OF PUBLIC RIGHT
OF PASSAGE) ORDER 2022

**THE INVERCLYDE COUNCIL,
MIRREN'S SHORE, PORT GLASGOW
(REDETERMINATION OF MEANS OF EXERCISE
OF PUBLIC RIGHT OF PASSAGE) ORDER 2022**

We, The Inverclyde Council, in exercise of the powers conferred on us by Section 152(2) of the Roads (Scotland) Act 1984 (as amended) and all other enabling powers, hereby make the following Order:-

1.0 Commencement and citation

1.1 This Order may be cited as "The Inverclyde Council, Mirren's Shore, Port Glasgow (Redetermination of means of exercise of Public Right of Passage) Order 2022" and shall come into operation on the #### day of #### Two Thousand and ####.

2.0 Interpretation

2.1 The road in the Port Glasgow area, the extent of which is specified in the map and schedule annexed to this Order, at present a carriageway shall become a cycle track, the right of passage being exercisable by pedal cycles only.

This Order, map and the schedule annexed hereto is sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by #####.

SCHEDULE

Road to Cycle Track (Refer to Drawing TR/TRO/C218-01)

Mirren's Shore

From a point 24m or thereby northeast of the northeast boundary of No. 11A Anderson Street to a point 92m or thereby northwest of the northwest boundary of No. 2 Queen Street.

DRAFT