
Report To:	The Inverclyde Council	Date:	16 February 2023
Report By:	Head of Legal and Democratic Services	Report No:	LS/015/23
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 The purpose of this report is to request the Council to consider a remit from the Environment & Regeneration Committee.

1.3 The Environment & Regeneration Committee meeting held on 12 January 2023, after consideration of a report by the Head of Legal and Democratic Services on the proposed redetermination order in respect of Mirren’s Shore, Port Glasgow (“the Order”), agreed that:

- (i) the Council be asked to confirm the Order and remit it to the Head of Roads and Environmental Services and the Head of Legal and Democratic Services to arrange for its implementation; and
- (ii) a proposed amendment to the Scheme of Delegation (Officers) be remitted to the Council for its consideration, namely that where there are no maintained objections to any proposed Redetermination Order, the Head of Legal and Democratic Services will be authorised to confirm such a Redetermination Order on behalf of the Council.

2.0 RECOMMENDATIONS

It is recommended that the Council:

- 2.1 Approve the confirmation of The Inverclyde Council, Mirren’s Shore, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2022 and remit it to the Head of Roads and Environmental Services and the Head of Legal and Democratic Services to take all necessary action to implement the same; and
- 2.2 Approve an amendment to the Scheme of Delegation (Officers) so that the Scheme is amended to the effect that, where there are no maintained objections to any proposed Redetermination Order, the Head of Legal and Democratic Services will be authorised to confirm such a Redetermination Order on behalf of the Council, all as set out in paragraphs 3.4 and 4.2 of this report.

Iain Strachan
Head of Legal & Democratic Services

3.0 BACKGROUND AND CONTEXT

- 3.1 The Head of Roads and Environmental Services 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. It is therefore proposed to amend 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.

4.0 PROPOSALS

- 4.1 It is proposed that the Council confirms the above-mentioned Redetermination Order in respect of Mirren's Shore, Port Glasgow. The form of the Redetermination 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 amended to grant the additional delegation to the Head of Legal and Democratic Services, as follows:-

"46. Authorised, where there are no maintained objections to any proposed Redetermination Order, to confirm such Order".

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

The costs are contained within the existing budget as specified below.

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 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 Order.

5.5 Strategic

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

6.0 CONSULTATION

- 6.1 The Order has been advertised in the Greenock Telegraph and full details of the 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

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.

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