
Report To:	Environment & Regeneration Committee	Date:	31 August 2023
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/072/23
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order - The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.2 2023		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 Local Authorities are empowered to make certain road orders under the Road Traffic Regulation Act 1984 as amended and under the Council's Scheme of Delegation the Head of Physical Assets and the Head of Legal, Democratic, Digital & Customer Services are responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders
- 1.3 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 Disabled Persons' Parking Places (On-Street) Order No.2 2023 where 1 maintained objection has been received. The report also seeks a decision whether the Committee will hear the objection relating to the TRO themselves or appoint an independent Reporter.
- 1.4 The provision of on-street parking places for use by disabled drivers, who are the holders of a Disabled Driver's Badge, is regulated by The Disabled Persons' Parking Places (Scotland) Act 2009. The Council is required to promote a Traffic Regulation Order to regulate the use of such parking places.
- 1.5 In order to comply with The Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, the Council propose to introduce a TRO to accompany the provision of parking places for disabled persons' vehicles. This will restrict parking to vehicles displaying a Blue Badge only and will enable enforcement of such restrictions at the locations shown on the plans attached to the TRO.
- 1.6 The proposed TRO will have the effect of creating a Disabled Persons' Parking Place at No. 20 Davaar Road, Greenock.
- 1.7 As a result of the consultation carried out in connection with the proposed TRO, there is 1 maintained objection.

2.0 RECOMMENDATIONS

2.1 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 Physical Assets and the Head of Legal, Democratic, Digital & Customer 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.

Iain Strachan
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 The proposed TRO was issued for public consultation on 2 May 2023 with responses invited by 23 May 2023. At the end of this consultation period, 1 objection was received.
- 3.2 Officers wrote to the objector following the public consultation in connection with this proposed TRO however the objector has confirmed they wish their objection to be maintained.

4.0 PROPOSALS

- 4.1 The Committee is asked to consider the proposed TRO, a copy of which forms Appendix 1, and to accordingly note the requirement to hold a public hearing to consider the maintained objection to this Order. The Committee is also asked to consider whether to hear this before a special meeting of this Committee or by an independent Reporter.

5.0 IMPLICATIONS

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

SUBJECT	YES	NO
Financial	X	
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & 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
Capital	Other assets	23/24	£1k		Spend on road sign and lines if DPPP approved. Proposed spend does not include potential cost of hearing.

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 legal implications are summarised in this report.

5.4 Human Resources

There are no Human Resources implications directly associated with the proposal.

5.5 Strategic

N/A

5.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
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, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) 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 – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 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 – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

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 BACKGROUND PAPERS

7.1 N/A

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO.2 2023
TRAFFIC REGULATION ORDER

DRAFT

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO.2 2023

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 Places (On-Street) Order No.2 2023" and shall come into operation on #####.
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 an 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 Places (On Street) Order No.2 2023" forms the Schedule to this Order.
4. Each 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 places shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

6. The limits of each 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 any parking place shall stand such that no parking place is 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 a 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 a parking place.

9. Any person duly authorised by the Council may suspend the use of a 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 a 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 Twenty Three.

DRAFT

INVERCLYDE COUNCIL

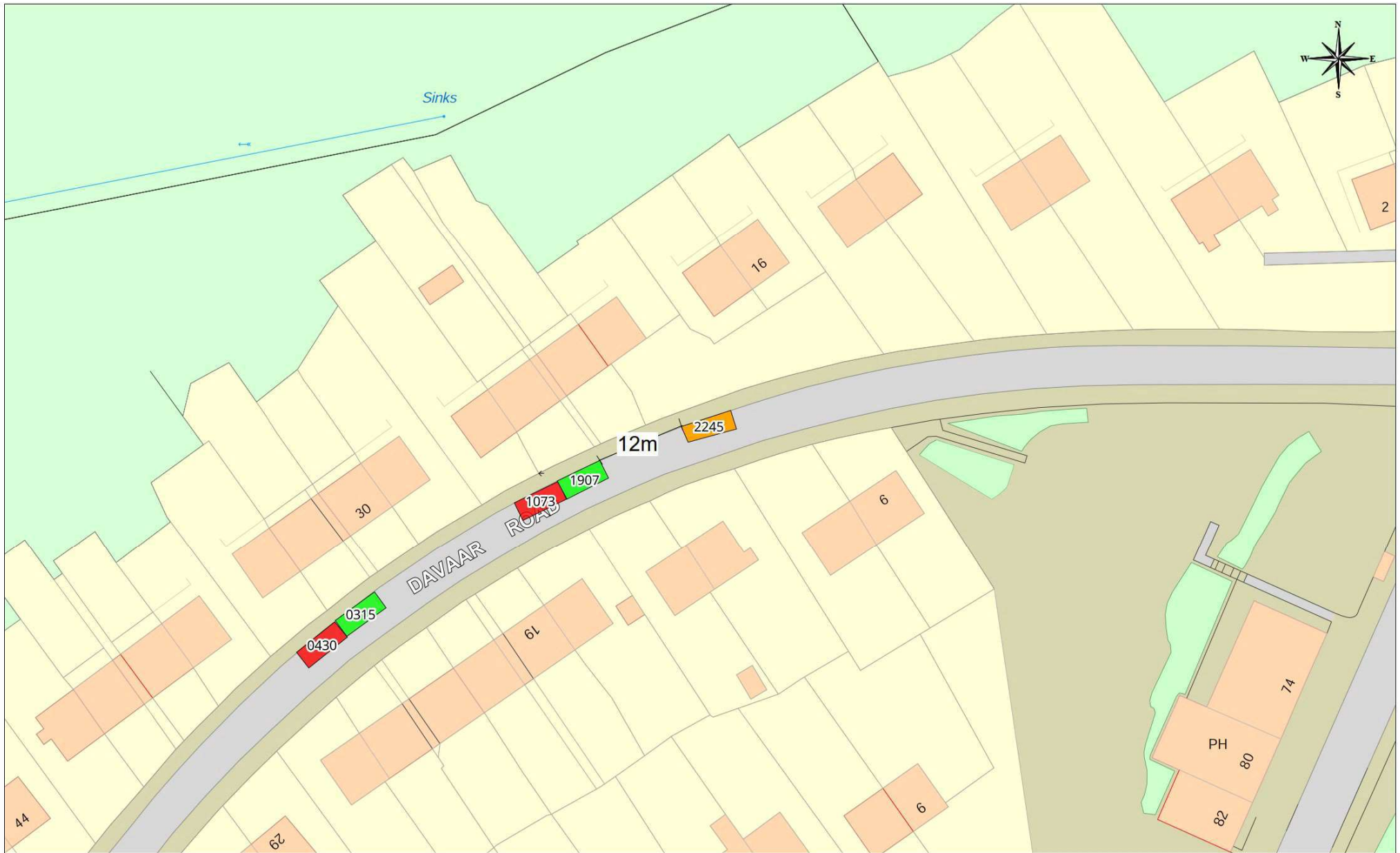
**DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER No.2 2023**

SCHEDULE

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

Column 1	Column 2
<u>Ref No.</u>	<u>Address of Disabled Person's Parking Place to be created "ex-adverso"</u>
2245	20 Davaar Road, Greenock

DISABLED PERSONS' PARKING PLACE



Inverclyde
council
Roads & Transportation

Address: 20 Davaar Road, GREENOCK

23/06/2022

Environment, Regeneration & Resources
Stuart Jamieson, Interim Service Director – Environment and Economic Recovery

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Place No.: 2245



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