

A special meeting of the Environment & Regeneration Committee will be held on Thursday 18 January 2024 at 2pm.

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Wednesday 17 January 2024 how they intend to access the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation and as noted above.

Please note that this meeting will be live-streamed via YouTube with the exception of any business which is treated as exempt in terms of the Local Government (Scotland) Act 1973 as amended.

Further information relating to the recording and live-streaming of meetings can be found at the end of this notice.

IAIN STRACHAN
Head of Legal, Democratic, Digital & Customer Services

BUSINESS

**** Copy to follow**

1.	Apologies, Substitutions and Declarations of Interest	Page
NEW BUSINESS		
2.	Proposed Traffic Regulation Order - The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.4 2023 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 Report by Head of Legal, Democratic, Digital & Customer Services	p

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

Please note: this meeting may be recorded or live-streamed via YouTube and the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting the Provost/Chair will confirm if all or part of the meeting is being recorded or live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during any recording or live-streaming will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site or YouTube.

If you are participating in the meeting, you acknowledge that you may be filmed and that any information pertaining to you contained in the recording or live-stream of the meeting will be used for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. In making this use of your information the Council is processing data which is necessary for the performance of a task carried out in the public interest. If you are asked to speak at the meeting then your submission to the committee will be captured as part of the recording or live-stream.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact the Information Governance team at dataprotection@inverclyde.gov.uk

Enquiries to – **Colin MacDonald** – Tel 01475 712113

Report To:	Environment & Regeneration Committee	Date:	18 January 2024
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/173/23
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order - The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.4 2023 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 as amended (the Act) and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (the Regulations) on The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.4 2023 (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 objection in order that the Committee can consider their objection (the Objection) and come to a formal recommendation on the Proposed TRO.

1.3 Officers have undertaken a public consultation process in relation to the Proposed TRO. The Proposed TRO was issued for public consultation on 19 July 2023 with responses invited by 9 August 2023. At the end of this consultation period, one objection was received. Officers have written to the Objector following receipt of the Objection. However, despite correspondence with officers, the Objection has been maintained.

1.4 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 approve the Proposed TRO. The special meeting has been convened to provide such an opportunity.

1.5 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.

2.0 RECOMMENDATIONS

It is recommended that the Committee:

- 2.1 Approve the Rules of Procedure as detailed in Appendix 1.
- 2.2 Consider the terms of Appendix 2 in relation to the Objection.
- 2.3 Allow the Objector an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 2.4 Consider the Objection and such oral representations on it made by the Objector and officers at the special meeting and thereafter either:

2.4.1 Dismiss the Objection, approve the Proposed TRO as detailed in Appendix 3 and remit it to the Head of Legal, Democratic, Digital and Customer Services to formally make the TRO and carry out the associated actions in connection with the same;

Or

2.4.2 Uphold in whole or in part the Objection and remit it to the Head of Physical Assets and the Head of Legal, Democratic, Digital and Customer 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.

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

3.0 BACKGROUND AND CONTEXT

- 3.1 Local Authorities are empowered to make Orders under the Act and under the Council's Scheme of Delegation the Head of Physical Assets is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 3.2 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 2 November 2023 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.
- 3.3 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 Physical Assets as regards the Proposed TRO; the statement of case is in Appendix 4.
- 3.4 Appendix 2 provides the full text of the Objection and correspondence with Officers.
- 3.5 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.
- 3.6 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.

4.0 PROPOSALS

- 4.1 The form of the Proposed TRO which officers are recommending for approval is included at Appendix 3 of this report.
- 4.2 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 Objector prior to this meeting and are recommended for approval by the Committee.
- 4.3 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 Objector has 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 Objection; to uphold the Objection; or to uphold part of the Objection and dismiss other parts of the Objection. If the Objection is upheld in part, it will be necessary for officers to report back to the Committee at a future date with a further report on the implications of such a decision. These eventualities are addressed in the possible Committee decisions included in paragraph 2.4.
- 4.4 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 Act.

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	£0.5k		Road markings and signs. The road markings are subject to weather conditions and may run beyond the 23/24 financial year end.

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

As a local authority, the Council has power in terms of the Act and the Regulations to make Traffic Regulation Orders. In accordance with the statutory procedure, the Proposed TRO has been publicised and one objection has been received and maintained. Before making the TRO, the Council must take into consideration any Objection timeously received and give the Objector who maintains their Objection an opportunity to be heard by them

5.4 Human Resources

There are no Human Resources implications directly associated with this report.

5.5 Strategic

There are no strategic implications directly associated with this report.

6.0 CONSULTATION

6.1 The Head of Physical Assets has been consulted on the terms of this report.

7.0 BACKGROUND PAPERS

7.1 N/A

Appendix 1 – Rules of Procedure

INVERCLYDE COUNCIL

ENVIRONMENT AND REGENERATION COMMITTEE

PROCEDURE AT PUBLIC HEARING INTO OBJECTIONS IN RELATION TO TRAFFIC REGULATION ORDERS

At the hearing, the order of the proceedings will be as follows:

- a) The Convenor will conduct the hearing. Immediately after opening it, they will introduce the members of the Committee and the officer(s) present and identify and list those persons who wish to be heard during the hearing. It is therefore vital that any person who wishes to participate attends the opening.
- b) The Convenor will outline the procedure, explaining that the hearing will take the form of a discussion which they will lead based on the agenda issued to those objectors who have indicated to the Council that they wish to attend and be heard at the hearing.
- c) The arrangements for the hearing have been designed to create the right atmosphere for discussion, to eliminate or reduce formalities and to give everybody a fair hearing.
- d) As each objection listed on the agenda is reached, the Convenor will identify those persons who wish to engage in the discussion of the particular issue(s) raised by the objection. Several objectors with shared concerns may choose a spokesperson and this will be helpful to the process; in the event that a number of objectors decide to act together in this way, the Convenor will allow a reasonable extension of the time limits set out below.
- e) The Council officer(s) will be invited to describe and present the case for the proposed traffic regulation order in respect of which the objection has been made, to set the scene for the discussion, with a time limit of 5 minutes per objection.
- f) Each objector will be invited to speak to his objection and comment on the description/presentation by the Council officer(s), with a time limit of 5 minutes. Repetition of similar points is to be avoided and will be managed by the Convenor.
- g) The Council officer(s) will be invited to reply to the speech of the objector (introducing no new material), restricted to a time limit of 5 minutes. The Convenor will allow the objector the final word (introducing no new material), if he/she wishes it, restricted to a time limit of 5 minutes. The Convenor will discourage repetitive or superfluous comments. They will indicate when they consider that sufficient clarification of a topic has been achieved, and the discussion will then move on to the next item on the agenda. At no time will cross examination be permitted.

h) The members of the Committee will then be invited by the Convenor to ask questions of both the Council officer(s) and the objector. The role of the members of the Committee is only to hear, consider and make a decision on the evidence given by Council officer(s) and objectors.

i) The members of the Committee will then adjourn to consider their decision. The decision of the Committee will be intimated to the Council officer(s) and the objectors orally. Any votes will be held in public. It is anticipated that the decision of the members of the Committee will be intimated on the day of the public hearing but, if that is not possible for any reason, the public hearing will be re-convened. If the decision of the members of the Committee is to uphold an objection in whole or in part, the matter may be remitted to Council officer(s) to modify the proposed traffic regulation order to deal with the objection in accordance with the decision of the members.

Enquiries to: Emma Peacock

Telephone: [REDACTED]

E-mail: [REDACTED]

Our Ref: EP/ ECO1666

Your Ref:

Date: 7 December 2023

Louise Long
Chief Executive
Chief Executive Services

Legal, Democratic, Digital & Customer Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Head of Service: Iain Strachan

First Class Post and Email

David Wilson
155 Bawhirley Road
GREENOCK
PA15 2LX

By email to: [REDACTED]

Dear Mr Wilson,

**Proposed Traffic Regulation Order
Disabled Persons' Parking Places (On-Street) Order No. 4 2023**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and in particular to my letter of 21 November 2023.

As you know, a Special Meeting of the Environment and Regeneration Committee is to be held in this connection which shall commence at 2pm on Thursday 18th January 2024 in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LY.

I am now pleased to provide you with a copy of the Council's Statement of Case in relation to the proposals to which the Council intends to refer to at the Special Meeting. I also enclose a copy of the Rules of Procedure for the Meeting.

Yours sincerely,

[REDACTED]
Emma Peacock
Solicitor
Legal, Democratic, Digital and Customer Services

Enquiries to: Emma Peacock
Telephone: [REDACTED]
E-mail: [REDACTED]
Our Ref: EP/ ECO1666
Your Ref:
Date: 21 November 2023

Louise Long
Chief Executive
Chief Executive Services

Legal, Democratic, Digital & Customer Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Head of Service: Iain Strachan

First Class Post

David Wilson
155 Bawhirley Road
GREENOCK
PA15 2LX

Dear Mr Wilson,

**Proposed Traffic Regulation Order
Disabled Persons' Parking Places (On-Street) Order No. 4 2023**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection which shall commence at **2pm on Thursday 18th January 2024** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LY.

As a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that, if you so desire, an opportunity will be afforded to you to be heard at the Special Meeting of the Committee in support of your objection. Should you wish to accept this opportunity, you must respond to me via the email address at the top of this letter **within 14 days of the date of this letter** to confirm your desire to attend the Special Meeting of the Committee.

You may either attend the meeting in person at the Council Chambers or access the meeting by remote online access via the Council's WebEx platform. Should you wish to attend, please confirm **whether you wish to attend in person or via WebEx**. Should you wish to attend via WebEx, a meeting invite will be sent to an email address which you should provide by return. To access the meeting your electronic device will require to have a camera and microphone.

Please note that all public proceedings at the Special Meeting of the Committee will be recorded.

I take this opportunity to attach a copy of Inverclyde Council's Privacy Notice which explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process. I shall also in due course arrange to provide you with a copy of the Council's Statement of Case in relation to the proposals to which the Council intends to refer at the Special Meeting.

I confirm that you have the right to send written representations for the consideration of the Committee. Should you wish to provide the Council with written representations, please ensure that these are delivered to the Council no later than **Thursday 4th January 2024**. In addition, if you wish the Committee to have regard to any documents which support your case, please ensure that these are also delivered to the Council no later than **Thursday 4th January 2024**.

It is open to you to withdraw your objection at any time before the Special Meeting of the Committee.

I look forward to hearing further from you in this connection.

Yours sincerely,



Emma Peacock
Solicitor
Legal, Democratic, Digital and Customer Services

Enquiries to: Emma Peacock
Telephone: [REDACTED]
E-mail: [REDACTED]
Our Ref: EP/ ECO1666
Your Ref:
Date: 28 August 2023

Louise Long
Chief Executive
Chief Executive Services

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First Class Recorded Delivery
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GREENOCK
PA15 2LX

Head of Service: Iain Strachan

Dear Mr Wilson,

**Proposed Traffic Regulation Order
Disabled Persons' Parking Places (On-Street) Order No. 4 2023**

I refer to your letter, received by me on 9 August 2023, in connection with the above Proposed Traffic Regulation Order.

The Head of Physical Assets has noted and considered your objection and would respond to your grounds for objection as follows:-

The Council are proposing to install a Disabled Persons' Parking Place ("DPPP") in this location as the Council have received an application from a qualifying person who has convenient access from their address to the proposed location. For most applications, a DPPP is located outside the applicant's property, where it is safe to do so. Unfortunately, for this applicant, the Council do not consider that parking directly adjacent to their property is safe. Therefore the Council intend to locate the DPPP on Bawhirley Road.

Please note that any DPPP installed will be on the road and not on the pavement.

I trust that the above is of assistance to you and addresses your queries, however, please do not hesitate to contact Kayleigh McMillan, Technician – Roads & Transportation (Tel: [REDACTED]) should you require any further information.

Should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you to the contrary, within 14 days of the date of this letter, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

I look forward to hearing further from you in this connection.

Yours sincerely,



Emma Peacock
Solicitor

Enquiries to: Emma Peacock

Telephone: [REDACTED]

E-mail: [REDACTED]

Our Ref: EP/ ECO1666

Your Ref:

Date: 10 August 2023

Louise Long
Chief Executive
Chief Executive Services

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First Class Post

David Wilson
155 Bawhirley Road
GREENOCK
PA15 2LX

Head of Service: Iain Strachan

Dear Mr Wilson,

**Proposed Traffic Regulation Order
Disabled Persons' Parking Places (On-Street) Order No. 4 2023**

I acknowledge safe receipt of your letter, received by me on 9 August 2023, in which you object to the above proposed Traffic Regulation Order.

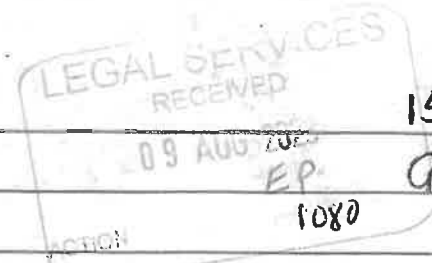
I have forwarded your letter of objection to my client service - Head of Physical Assets for consideration and upon receipt of their comments, I will provide you with a full response.

I will be in further contact in due course.

Yours sincerely,

[REDACTED]

Emma Peacock
Solicitor



155 BAWHIRLEY RD
GREENOCK PA 152

Dear Sir or Madam,

I write once again to lodge my objection to your plans for a disabled person's parking place at 157 Bawhirley Road. You have already explained your reasoning for choosing this particular site which sounds to me like you are putting it there because you can. It is my suspicion that you have received a request from perhaps a resident of Kilmacolm Road to place it there. In recent months there has been a marked increase in such parking which of course they are absolutely entitled to. The problem there is that most of them think it is acceptable to park on the pavement! There is no good reason for this proposal in my view.

Yours Sincerely

Signed - David Wilson

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO.4 2023
TRAFFIC REGULATION ORDER

DRAFT

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO.4 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.4 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.4 2023" forms the Schedule to this Order.
4. Each area of road which is described in the Schedule to this Order and the plans 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.

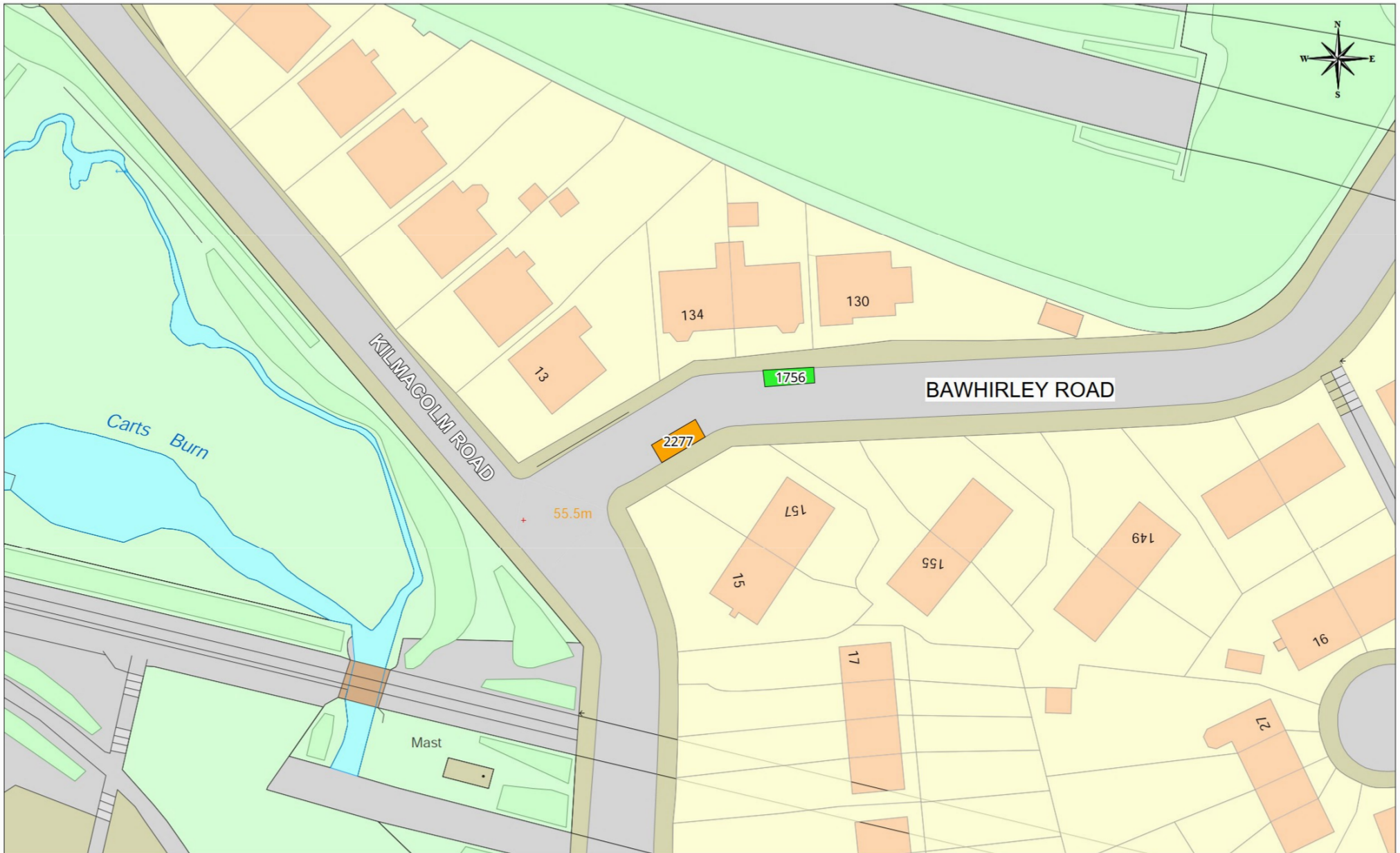
INVERCLYDE COUNCIL

**DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER No.4 2023**

SCHEDULE

Column 1	Column 2
<u>Ref No.</u>	<u>Address of Disabled Person's Parking Place to be created "ex-adverso"</u>
2277	157 Bawhirley Road, Greenock

DISABLED PERSONS' PARKING PLACE



Inverclyde
council
Roads & Transportation

Address: 157 Bawhirley Road, GREENOCK

09/01/2023

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

Municipal Buildings
Clyde Square
Greenock, PA15 1LY
Tel: 01475 712712
Fax: 01475 712731
stuart.jamieson@inverclyde.gov.uk

Place No.: 2277



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**THE INVERCLYDE COUNCIL DISABLED PERSONS'
PARKING PLACES (ON-STREET) ORDER
No.4 2023**

TRAFFIC REGULATION ORDER

STATEMENT OF CASE

Background

Statement of Reasons

It is considered necessary, so as to comply with Section 5 of The Disabled Persons' Parking Places (Scotland) Act 2009, to make the above Order to provide assistance for a disabled person who holds a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended.

Introduction

The provision of on-road parking places for use by disabled drivers, who are the holders of Disabled Driver's Badges, is regulated by The Disabled Persons' Parking Places (Scotland) Act 2009. Inverclyde Council is required to promote a Traffic Regulation Order (TRO) to regulate the use of such parking places. The proposed TRO will restrict parking to vehicles which display a Blue Badge only and will enable enforcement of such restrictions by Council Parking Enforcement Officers.

In order to timeously process applications for Disabled Persons' Parking Places (DPPP), four TROs are generally processed in each calendar year.

This Statement of Case refers to the proposed Disabled Persons' Parking Places TRO No.4 of 2023.

Benefits

The applicant will have easy access to their vehicle when leaving their house.
The applicant will not need to walk a long distance to their vehicle.

Public Consultation

The proposed TRO was issued for public consultation on 19 July 2023 with responses invited by 9 August 2023. One maintained objection was received in relation to this TRO in connection with the DPPP Ref No: 2277, ex-adverso 157 Bawhirley Road, Greenock.

Location Description

The DPPP is located to the western end of Bawhirley Road in Greenock in a residential area. The applicant for this DPPP resides at 9 Kilmacolm Road and the proposed DPPP will be located on the public road ex-adverso 157 Bawhirley Road. This is deemed the safest place closest to where the applicant stays to park.

Maintained Objection and the Council's Response

The key themes of the maintained objection are listed below and details of Inverclyde Council's response are provided.

The objector has objected to the introduction of this DPPP due to their concern that there has been an increase in cars parking within the area with many of them parking on the pavement.

The Council's response to this objection is as follows:

Response: The Council are proposing to install a Disabled Persons' Parking Place ("DPPP") in this location as the Council have received an application from a qualifying person who has convenient access from their address to the proposed location. For most applications, a DPPP is located outside the applicant's property, where it is safe to do so. Unfortunately, for this applicant, the Council do not consider that parking directly adjacent to their property is safe. Therefore the Council intend to locate the DPPP on Bawhirley Road.

Please note that any DPPP installed will be on the road and not on the pavement.

Council Comments

For the purposes of this Special Meeting, Roads officers would make the following additional comments:

- The road in front of the applicants address is Kilmacolm Road which is a B-class road (B788). It is narrow and does not allow for any parking.
- There is one existing DPPP on Bawhirley Road on the opposite side of the road. The next DPPP on Bawhirley Road is over 300m away. The next DPPP on Kilmacolm Road is over 180m away.
- The Council have a duty to consider and identify a suitable street parking place and we consider that our proposals are reasonable and comply with our statutory obligation. If introduced, this DPPP would be available for any disabled bay badge holder to use.



Photo of Proposed Location of DPPP (approx. behind the yellow grit bin)

Conclusion

The Council submits that the objection should be dismissed and the Order made as proposed.