

Report To:	Environment & Regeneration Committee	Date:	27 November 2013
Report By:	Acting Corporate Director Environment, Regeneration & Resources	Report No:	ERC/ENV/IM/13.175
Contact Officer:	Ian Moffat	Contact No:	714827
Subject:	Decriminalised Parking Enforcement – Consultation on Traffic Regulation Orders		

1.0 PURPOSE

1.1 The purpose of this report is to inform Committee of the outcome of the consultation procedure undertaken for the five Traffic Regulation Orders (TROs) associated with the introduction of Decriminalised Parking Enforcement (DPE) in Inverclyde. The report also seeks a decision on unresolved objections relating to four of the TROs and advises of the requirement to hold a public hearing in relation to the remaining TRO.

2.0 SUMMARY

2.1 Following approval by the Environment & Regeneration Committee on 25 October 2012 of the proposal to progress and implement a DPE scheme for Inverclyde, five TROs have been promoted in Inverclyde to collate and update all the Council's old traffic regulation orders into a form which will enable effective and efficient enforcement by Council employed Parking Attendants.

Minute Ref:
2012 Para
621

2.2 The five TROs listed below have undergone their statutory consultation procedure and attracted 63 letters of objection in total.

- C130 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) ORDER 2013
- C131 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) ORDER 2013
- C132 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) ORDER 2013
- C133 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013
- C134 THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013

2.3 Officers wrote to all objectors twice to explain the reasons for the proposed restrictions and also, where possible, to offer modifications to the restrictions with a view to seeking the withdrawal of their objections. This process reduced the number of letters of objection made and not withdrawn from 63 to 47.

2.4 This report advises of the next steps in the statutory process for dealing with the maintained objections and progressing with the TROs. The report asks the Committee to note the modifications offered to the TROs while advising of the statutory requirement to appoint an independent reporter to hold a public hearing to consider the objections to one of the TROs. The report also seeks approval to also hold a public hearing in relation to the objections made in connection with the remaining TROs.

3.0 RECOMMENDATIONS

3.1 It is recommended that Committee:

a. notes the requirement to appoint an independent Reporter to hold a hearing in relation to the following traffic regulation order:

- C132 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) ORDER 2013

and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Democratic Services to make the necessary arrangements;

b. agrees to the appointment of an independent Reporter to hold a public hearing to consider the objections made and not withdrawn in relation to the following traffic regulation orders:

- C130 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) ORDER 2013
- C131 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) ORDER 2013
- C133 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013
- C134 THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013

and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Democratic Services to make the necessary arrangements; and

c. notes the proposed modifications to the C134 THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013, as follows:

- extend the time limit on the Lochwinnoch Road car park in Kilmacolm from 2 hours to 24 hours; and
- provide a free car park for residents to the rear of Cathcart Buildings in Greenock.

Ian Moffat
Head of Environmental & Commercial Services

4.0 BACKGROUND

- 4.1 Following approval by the Environment & Regeneration Committee on 25 October 2012 to progress and implement a DPE scheme for Inverclyde, five TROs have been promoted in Inverclyde which collate and update all of the Council's old traffic regulation orders into a form which will enable effective and efficient enforcement by Council employed Parking Attendants. Minute Ref: 2012 Para 621
- 4.2 The five TROs listed in paragraph 2.2 have undergone the statutory consultation procedure set out in The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, as amended. Objections have been received to each proposed TRO, 63 letters in total. A summary of the terms of the TROs and the objections thereto are set out in paragraphs 5 to 9 below. Petitions are counted as one letter of objection. Objections received after the statutory reply deadline of 5 August 2013 have not been included for consideration.
- 4.3 Three letters of objections were received after the reply deadline. One concerning TROs C130 and C134, one concerning TROs C132 and C134 and one concerning TRO C134 alone.
- 4.4 Officers responded to the letters of objection received before the reply deadline by letter explaining the reasons for the TROs in detail with a view to seeking the withdrawal of their objections. Three letters of objection were withdrawn and one response letter was returned by Royal Mail as being unable to be delivered.
- 4.5 The maintained objections mainly concerned two specific issues. Those from Kilmacolm objected to the 2 hours time limit proposed in the Lochwinnoch Road (Cargill Centre) car park and the on-street waiting and loading restrictions, although no changes from existing are proposed on-street. Those from Greenock objected to the proposed £1 per day parking charge in off-street car parks and there being no compensatory provision for residents such as resident only parking or parking permits.
- 4.6 Modifications offered were an extension of the time limit on the Lochwinnoch Road car park in Kilmacolm from 2 hours to 24 hours and the provision of a free uncontrolled car park to the rear of Cathcart Buildings in Greenock to residents.
- 4.7 Officers wrote a second time to those objectors who had raised these specific objections, offering the above modifications. Eleven letters of objection concerning the time limit at Lochwinnoch Road car park and/or the on-street restrictions in Kilmacolm were withdrawn. No objectors from Greenock withdrew their objections. One letter concerning all the proposed TROs was withdrawn.
- 4.8 After the two stage correspondence with the objectors, the remaining number of maintained letters of objection associated with each TRO is given in the table below in paragraph 4.9.

4.9	Traffic Regulation Order	Total number of letters of objection	Letters of objection withdrawn at first pass	Letters of objection withdrawn at second pass	Maintained letters of objection	Maintained Letters of objection concerned with loading
	C130 and C134	9			9	
	C132 and C134	19		5	14	2
	C130	4	1		3	
	C132	2		1	1	
	C133	3	1		2	
	C134	21	1 (plus 1 undelivered)	5	14	
	C130, C131 and C134	1			1	
	ALL	4		1	3	
	Total	63			47	

5.0 C130 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) ORDER 2013

5.1 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) ORDER 2013 proposes the provision of additional Disabled Parking Bays and loading bays, stricter waiting and loading restrictions on Dalrymple Street to aid through traffic movement on the A770 and new waiting and loading restrictions on Cathcart Square and Cathcart Street's side roads to bring them up to the standard of the other roads within Greenock's retail centre.

5.2 Objectors complain that the TRO will affect people's quality of life, will move the problems elsewhere and ask for more on-street parking spaces.

5.3 Officers responded to the objectors by letter explaining the reasons for the TROs in detail and requesting that the objectors withdraw their objections on that basis. One letter of objection was withdrawn.

6.0 C131 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) ORDER 2013

6.1 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) ORDER 2013 proposes no changes to existing restrictions. Like the other TROs, it is included because its articles have been written to enable Council employed Parking Attendants to enforce the restrictions.

6.2 Objections have been raised to the on-street waiting and loading restrictions, although they are not changed from those imposed by existing TROs.

6.3 Officers responded to the objectors by letter explaining the reasons for the TROs in detail and requesting that the objectors withdraw their objections on that basis. No objections were withdrawn.

7.0 C132 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) ORDER 2013

7.1 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) ORDER 2013 proposes no changes to existing restrictions. Like the other TROs, it is included because its articles have been written to

enable Council employed Parking Attendants to enforce the restrictions.

- 7.2 Objections have been raised to the on-street waiting and loading restrictions, although they are not changed from those imposed by existing TROs.
- 7.3 Officers responded to the objectors by letter explaining the reasons for the TROs in detail and requesting that the objectors withdraw their objections on that basis. No objections were withdrawn.
- 7.4 Officers wrote a second time to these objectors explaining that no changes were proposed to the existing restrictions and as a result, one objection was withdrawn.

8.0 C133 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013

- 8.1 THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013 proposes no changes to existing restrictions. Like the other TROs, it is included because its articles have been written to enable Council employed Parking Attendants to enforce the restrictions.
- 8.2 Objections have been raised to the on-street waiting and loading restrictions, although they are not changed from those imposed by existing TROs.
- 8.3 Officers responded to the objectors by letter explaining the reasons for the TROs in detail and requesting that the objectors withdraw their objections on that basis. One objection was withdrawn.

9.0 C134 THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013

- 9.1 THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013 proposes:
- a 2 hours limited stay in the Lochwinnoch Road (Cargill Centre) car park in Kilmacolm based on the surveyed usage of the car park and the intention to make the car park available to more users and hence support the economy of the village shopping centre.
 - a 2 hours stay limit in the Bullring and Cathcart Street car parks and a £1 a day parking charge in all other Council car parks in the retail centre of Greenock.
- 9.2 Objections have been received to the two hours stay limit on the basis that it disadvantages those who wish to attend events in the Cargill Centre of more than two hours duration, those who need longer to shop than two hours, those who work in Kilmacolm and park all day and those who use the car park as a park and ride facility for bus trips to Glasgow.
- 9.3 Objections have been received to the £1 a day parking charge on the basis that it disadvantages residents and/or their carers who have been used to parking free in Council car parks. Objectors have suggested that resident only parking or a resident parking permit scheme be introduced.
- 9.4 Officers responded to the objectors by letter explaining the reasons for the TROs in detail and requesting that the objectors withdraw their objections on that basis. One objection was withdrawn.
- 9.5 On the basis of details supplied by objectors, officers wrote a second time to these objectors offering to extend the time limit on the Lochwinnoch Road car park in Kilmacolm from 2 hours to 24 hours and the provision of a free car park for residents to the rear of Cathcart Buildings in Greenock, in the hope that this would allow objectors to withdraw their objections. Ten letters of objection concerning the time limit at Lochwinnoch Road car park and/or the on-street restrictions in Kilmacolm were withdrawn. No objectors from Greenock withdrew their objections.

10.0 PUBLIC HEARING

- 10.1 In accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, a hearing before an independent Reporter must be held if the proposed TRO has attracted objections which have not been withdrawn and which concern loading or unloading restrictions. The objections made and not withdrawn concerning the loading and unloading restrictions in TRO C132 fall into this category, therefore a hearing must be held in respect of this TRO.
- 10.2 In the case of the other four TROs, C130, C131, C133 and C134, the 1999 Regulations state that before making the TROs, the Council must consider all objections made and not withdrawn. In this respect, the terms of the Regulations state that the Council may choose to appoint an independent Reporter to hold a hearing to consider the objections.
- 10.3 Given the requirement to hold a public hearing before an independent Reporter to consider the objections made and not withdrawn in relation to TRO C132, and the fact that many letters of objection do not explicitly differentiate between the TROs being objected to, the recommendation has been made to also hold a hearing in relation to the objections made in connection with TROs C130, C131, C133 and C134. In the interests of consistency and transparency in carrying out the statutory process of promoting these TROs, it is felt that there is merit in laying all objections which have not been withdrawn before an independent Reporter. It should be noted that it is within the Committee's discretion not to appoint an independent Reporter to hold a public hearing in relation to the objections made to TROs C130, C131, C133 and C134. However, there remains an overriding statutory obligation on the Council to give due consideration to all objections made and not withdrawn.
- 10.4 Should the Committee decide to exercise its discretion and not appoint an independent Reporter to hold a public hearing for TROs C130, C131, C133 and C134, it will then require to reconvene on a date in early 2014 to consider each of the 45 letters of objection. This meeting will be held only after the independent Reporter has held the required public hearing to consider the objections to TRO C132 and has prepared their report. This will result in a delay to the intended implementation date for DPE, which is currently July 2014. The recommendation to appoint an independent Reporter to consider all maintained letters of objection has therefore been made in order to allow a Reporter as much time as possible to deal with the hearing and prepare their report, thereby preventing, as far as possible, any delay to the DPE implementation process. An independent Reporter can be appointed immediately after approval is granted to do so. The hearing and the Reporter's deliberations could be completed in approximately 15 weeks, meaning that the anticipated DPE timescales remain on track.
- 10.5 It should be noted that one letter of objection expressly refers to the elected members of the Council having access to 'private' parking at the Municipal Buildings. It is possible that other objectors may refer to such parking at any consideration of the letters of objection. This may increase the risk of challenge to any decision of this Committee relating to the DPE TROs.
- 10.6 It is also considered that appointing an independent Reporter to hold a public hearing to deal with all of the maintained objections would ensure consistency and is a more transparent means of considering the objections received. This would in turn decrease the risk of exposure to challenge of any decision of this Committee relating to the DPE TROs.
- 10.7 Before making a TRO which has been the subject of a hearing before an independent Reporter, the Council has an obligation to consider the report and recommendation made by the Reporter. Therefore, once the Reporter has completed his report from the hearing, it will be considered by this committee and a decision on whether to proceed with the TROs will be made. In terms of the Council's Scheme of Administration, as the making of the TROs is the promotion of legislation, the matter will then be referred to a meeting of the Inverclyde Council for a final decision.

11.0 CONSULTATION

- 11.1 a) The Head of Legal and Democratic Services has been consulted on this report.
b) Finance Services have been consulted on this report.

12.0 IMPLICATIONS

12.1 Financial:

Cost Centre	Budget Heading	Proposed Spend	Virement From	Other Comments
00649/000/60005 Act. code 3005	Parking Strategy	£5000		Estimated cost of Reporter's time @ £290 per day plus expenses for 15 days

12.2 Human Resources:

This report has no implications for human resources.

12.3 Equality and Diversity:

This report has no implications for the Council's equality and diversity policies.

12.4 Repopulation:

This report has no implications for the Council's repopulation policies.