

---

<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>4 December 2014</b>
<b>Report By:</b>	<b>Head of Legal &amp; Property Services</b>	<b>Report No:</b>	<b>GM/LP/090/14</b>
<b>Contact Officer:</b>	<b>Gerard Malone</b>	<b>Contact No:</b>	<b>01475 712710</b>
<b>Subject:</b>	<b>The Inverclyde Council (Various Roads) (Inner Greenock)(Controlled Parking Zone)(Variation No. 2) Order 2014; The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014; and The Inverclyde Council (Off-Street Parking Places)(Variation No. 2) Order 2014.</b>		

---

## **1.0 PURPOSE**

- 1.1 The purpose of this report is to inform the Committee of the up-to-date position in respect of the proposed alterations to the three above noted Traffic Regulation Orders ("TROs") and to advise of the necessity, given the statutory timescales, of a subsequent detailed report being tabled at the special meeting of the Committee.

## **2.0 SUMMARY**

- 2.1 This Committee at its meeting on 30<sup>th</sup> October 2014 decided to make alterations to the TROs because of the concerns that had been expressed and representations that had been received.
- 2.2 The alterations were advertised in terms of the statutory process and, to date, five objections have been received. Two of these objections have been withdrawn and the position on the other three objections is awaited. The timescale for any withdrawals of the objections extends to 4 December 2014 thus necessitating this update and a subsequent, detailed report on the position will be tabled at the special meeting, itself.
- 2.3 The position on any objections and the options for consideration by the Council will be addressed in the report to follow.

## **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Committee note the present position and await the subsequent, detailed report on the status of any objections and the appropriate procedures.

## **4.0 BACKGROUND**

- 4.1 This Committee at its meeting on 30<sup>th</sup> October 2014 decided to make alterations to the TROs because of the concerns that had been expressed and representations that had been received.
- 4.2 The alterations were advertised in terms of the statutory process and, to date, five objections have been received. Two of these objections have been withdrawn and the position on the other three objections is awaited. The timescale for any withdrawals of the objections extends to 4 December 2014 thus necessitating this report and a subsequent, detailed report on the position will be tabled at the special meeting itself.
- 4.3 The position on any objections and the options for consideration by the Council will be addressed in the report to follow.

### **OPTIONS**

#### **WITHDRAWN OBJECTIONS**

- 4.4 If all objections are withdrawn, it is competent for the Committee to consider the TROs and to make recommendations to the Council for their adoption. In that case, the subsequent detailed report which will be tabled at the special meeting will outline the procedures.

#### **MAINTAINED OBJECTIONS**

- 4.5 If any of the three objections are maintained it will not be possible for the Committee to recommend making either the Inner Greenock Controlled Zone Variation Order or the Outer Greenock Waiting and Loading Variation Order to the Council. In that case, the remaining objectors require to be given a period of at least 21 days' notice for the purposes of a hearing where they may be represented and state their case. The hearing may be taken before the Committee acting in a quasi-judicial capacity as has happened in other situations, such as the Parks Management Rules, for example (or in relation to the other judicial functions which the Council performs relative to the General Purposes Board, the Planning Board etc.). For that purpose, a special meeting of the Environment & Regeneration Committee may require to be convened in early January if the Committee is of the mind to hear the objections directly. Thereafter, the Committee, as a quasi-judicial tribunal, would require to consider the objections and to evaluate and determine a response. Any making of the TROs would then require to be submitted to the full Council for consideration.

#### **OFF-STREET ORDER**

- 4.6 The Off-Street Parking Variation Order for Saturdays is not affected by any objections and it will be competent for the Committee to recommend the making of this Order, irrespective of the issues affecting any of the objections.

### **UPDATE**

- 4.7 The update on the status of any maintained objections will be tabled at the special Committee meeting on 4 December 2014 and the detailed options will be reported at that time.