

#### AGENDA ITEM NO. 2(a)

Report To: Environment & Regeneration Date: 4 December 2014

Committee

Report By: Corporate Director Report No: ERC/ENV/IM/14.211

**Environment, Regeneration &** 

Resources

Contact Robert Graham Contact No: 714827

Officer:

**Subject:** Decriminalised Parking Enforcement – Consultation on Traffic

Regulation Orders, The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No 2) Order 2014 and The Inverclyde Council (Various Roads) (Outer Greenock)

(Waiting Restrictions) (Variation No 3) Order 2014.

#### 1.0 PURPOSE

1.1 The purpose of this report is to inform Committee of the outcome of the consultation procedure undertaken for two Traffic Regulation Orders (TROs) which vary the waiting and loading restrictions in the Inner and Outer Greenock areas of the town centre.

#### 2.0 SUMMARY

- 2.1 Following approval by the Environment & Regeneration Committee on 30 October 2014 of the proposal to commence consultation at the earliest opportunity on TROs to vary the waiting and loading restrictions in the Inner Greenock area and Outer Greenock area, two TROs have been promoted to increase the duration of on-street parking within Inner Greenock to a maximum of 2 hours, to reduce the parking restrictions period to Monday-Friday, 8.00am-6.00pm for on-street parking in Inner Greenock and to remove Terrace Road, Station Avenue, unnamed road serving numbers 51-57 Cathcart Buildings, unnamed road serving 59-67 Cathcart Buildings, West Stewart Street (from Jamaica Street to Kelly Street) and Jamaica Street (from West Stewart Street to Union Street) from the parking disc operation area.
- 2.2 The two TROs listed below have undergone their statutory consultation procedure and attracted five letters of objection in total.
  - The Inverciyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 2) Order 2014; and
  - The Inverciyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014.
- 2.3 Officers wrote to all the objectors and met or telephoned them to explain the reasons for the proposed restrictions and also, where possible, to offer modifications to the restrictions to be promoted in future TROs, with a view to seeking the withdrawal of their objections. This process enabled three of the five objectors to withdraw their objections. Two objections have been maintained.
- 2.4 This report asks the Committee to note the offered modifications to future TROs and remits to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to begin the promotion of a TRO to relocate the Controlled Zone boundary on Jamaica Street from West Stewart Street to Union Street and the variation of the on-street limited waiting restriction on both sides of Jamaica Street (from Union Street to West Stewart Street) so as to increase the on-street limited waiting period to a maximum of 2 hours.

2.5 This report also advises of the next steps in the statutory process for dealing with the maintained objections and progressing with the TROs and asks the Committee to note the requirement to hold a public hearing to consider the maintained objections, either before a special meeting of this Committee or by an independent Reporter.

#### 3.0 RECOMMENDATIONS

#### 3.1 It is recommended that Committee

- 1. notes the requirement to hold a public hearing to consider the maintained objections, either before a special meeting of this Committee or by an independent Reporter, in relation to the following TROs:
- The Inverciyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 2) Order 2014; and
- The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014.

and remits to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to make the necessary arrangements for the public hearing.

2. remits to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to begin the promotion of a TRO to include the length of Jamaica Street from West Stewart Street to Union Street in the Inner Greenock Controlled Parking Zone and the variation of the on-street limited waiting restriction on both sides of Jamaica Street (from Union Street to West Stewart Street) so as to increase the on-street limited waiting period to a maximum of 2 hours.

Ian Moffat
Head of Environmental & Commercial Services

#### 4.0 BACKGROUND

- 4.1 Following approval by the Environment & Regeneration Committee on 30 October 2014 of the proposal to commence consultation at the earliest opportunity on TROs to vary the waiting and loading restrictions in the Inner Greenock area and Outer Greenock area in Greenock town centre, two TROs have been promoted to increase the duration of on-street parking within Inner Greenock to a maximum of 2 hours, to reduce the parking restrictions period to Monday-Friday, 8.00am-6.00pm for on-street parking in Inner Greenock and to remove Terrace Road and sections of Jamaica Street and West Stewart Street, Station Avenue, unnamed road serving numbers 51-57 Cathcart Buildings, unnamed road serving 59-67 Cathcart Buildings, West Stewart Street (from Jamaica Street to Kelly Street) and Jamaica Street (from West Stewart Street to Union Street).
- 4.2 The two 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. Five objections have been received in total.
- 4.3 Officers responded to the letters of objection by letter explaining the reasons for the TROs in detail with a view to seeking the withdrawal of the objections. Three objections were withdrawn and two have been maintained.
- 4.4 The objections concerned a number of issues. The removal of the limited waiting parking spaces close to the New Dawn Bookshop and Coffee Shop, the increase in stay duration of the limited waiting parking spaces from 30 minutes to 2 hours generally and specifically in Westburn Street and West Blackhall Street, the speedy reversal of restrictions previously consulted on, the waste of money on new signing, the removal of restrictions on Saturdays and residents' parking permits.
- 4.5 The proposal to remove the limited waiting parking spaces in the part of West Stewart Street, outside the retail core of Greenock's town centre, necessitated similar action on a length of Jamaica Street to retain a sensible boundary of the Inner Greenock Controlled Parking Zone. This resulted in unrestricted parking in the vicinity of the New Dawn Bookshop and Coffee Shop to which its manager, Mr Jewell, objected on the grounds that his elderly and disabled clients would be denied the ability to park easily close-by or would be faced with a difficult climb up the hill from parking spaces they could still use easily, thereby affecting his business.
- 4.6 Officers offered to relocate the Inner Greenock Controlled Parking Zone boundary from West Stewart Street to Union Street and the variation of the on-street limited waiting restriction on both sides of Jamaica Street (from Union Street to West Stewart Street) so as to increase the on-street limited waiting period to a maximum of 2 hours to safeguard the limited stay parking outside the New Dawn Bookshop and Coffee Shop on Jamaica Street. However, because this proposal is more onerous that the original, it cannot be incorporated, as a modification, into the current TRO but must be promoted as part of another TRO in future. This solution was accepted by Mr Jewell and his objection was withdrawn.
- 4.7 Rosemary Law raised a general objection to the increase in stay duration of limited waiting parking spaces in the Inner Greenock Controlled Parking Zone from 30 minutes to 2 hours because of its effect on the ease with which disabled blue badge holders would be able to park close to the Oak Mall's Westburn Street entrance.
- 4.8 Using the example of William Street which already has a 2 hours maximum stay duration, officers explained that the availability of empty spaces on William Street is comparable with that of streets with a 30 minutes maximum stay duration and that Ms Law should not be disadvantaged by the proposal. This explanation was accepted and Ms Law withdrew her objection.
- 4.9 Mrs Helen Canning and Miss I Canning objected on the grounds that the proposals are only a solution for shoppers and businesses and do not address the residents' of Cathcart Street previous request for resident parking permits or the protected allocation of the car park behind

Cathcart Buildings for residents only, despite the Independent Reporter's recommendation, accepted by Council, that help should be given to residents.

- 4.10 Officers wrote to and met Mrs Canning and Miss Canning explaining that the Environment and Regeneration Committee of the Council held on 30th October 2014 decided that a further report should be submitted to the Environment and Regeneration Committee, scheduled to be held on 5th March 2015, on options for the introduction of a residents' parking scheme for Greenock Town Centre and confirmed that a Working Group has been formed and meetings are currently taking place to discuss options for the introduction of a residents' parking scheme for Greenock Town Centre. In addition, Mrs Canning and Miss Canning requested that the car park behind Cathcart Buildings should be protected for residents only by an automatic barrier system to be installed by the Council. The Roads Service informed Mrs Canning and Miss Canning that it was not prepared to provide this because of costs of maintenance and repair. Mrs Canning and Miss Canning have maintained their objections.
- 4.11 Mr Alex Provan objected on a number of grounds; the waste of money on new signing, the increase in stay duration of the limited waiting parking spaces from 30 minutes to 2 hours generally, the speedy reversal of restrictions previously consulted on and the removal of restrictions on Saturdays.
- 4.12 Officers wrote to Mr Provan explaining that the Council considered it proper to react quickly to complaints about the effect of the restrictions on business and to put forward an appropriate alternative maximum stay duration, decided upon by a combination of survey and officer assessment. The removal of restrictions on Saturdays is proposed to promote visitor and customer use of the town centre when there is less all-day pressure on available spaces from workers. On the assurance that the Council would monitor, in the first year of operation, the turnover of on-street parking spaces and would propose changes if the turnover proved to be inadequate and that any changes to off-street car parks would undergo a full consultation with public and businesses before implementation, Mr Provan withdrew his objection.

#### 5.0 PUBLIC HEARING

- 5.1 In accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, the Council has an obligation to consider all objections made and not withdrawn before making the order.
- 5.2 The Committee may hear the objections directly. In that event, the Committee will sit as a quasi-judicial tribunal. The objectors will be offered a hearing with at least 21 days' notice and at that hearing they will be able to appear (or be represented) before the Committee in its quasi-judicial role and will be able to speak to their objections. The Committee will be able to hear evidence from Officers and to ask questions of the objector(s) and of the Officers and will then make a decision in public in respect of the objections and TROs and thereafter, if so decided, make a formal recommendation to the Council relative to the TROs.
- 5.3 Alternatively, the Committee could decide to remit it to an independent Reporter to hear the objections and thereafter report back with recommendations. Because of the nature of certain of the objections to the decriminalised parking enforcement scheme TROs, the Council required to appoint an independent Reporter to hear objections to those TROs. At the time, it was decided by this Committee that the independent Reporter should hear all of the objections because of the number of representations. A similar remit could be given to an independent Reporter to hear the objections to the TROs and the procedure would involve similar steps as set out at paragraph 5.2 above with the objectors being able to be heard or be represented before the independent Reporter. The independent Reporter would thereafter issue a report with recommendations for the final decision-making of the Council.
- 5.4 Either of the options set out at paragraphs 5.2 and 5.3 above is competent as a way of making a decision in relation to any maintained objections in the case of the TROs.
- 5.5 The timescales for either of the options set out at paragraphs 5.2 and 5.3 above are broadly

similar (there is an additional period of 14 days' notice by the independent Reporter to any objectors) and in any case this factor of timescale must be discounted by the Committee as it is more important to be objective and impartial rather than seek to impose or meet any timescale in the issue of dealing with statutory objections.

5.6 Accordingly, with these factors in mind, it is competent for the Committee to decide on the proper and effective procedure to deal with the maintained objections and whether that be dealt with by the Committee in its quasi-judicial role or by means of the appointment of an independent Reporter. It is essential to note that both alternatives in these procedures make recommendations and the final decision-making is retained by the Council.

#### 6.0 CONSULTATIONS

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

#### 7.0 IMPLICATIONS

#### 7.1 Financial:

| Cost   | Budget   | Proposed | Virement | Other Comments    |
|--------|----------|----------|----------|-------------------|
| Centre | Heading  | Spend    | From     |                   |
|        | Parking  | £10,000  |          | Estimated cost of |
|        | Strategy |          |          | hearing           |

#### 7.2 Human Resources:

This report has no implications for human resources.

#### 7.3 Equality and Diversity:

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

#### 7.4 Repopulation:

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

#### 7.5 Legal

The TROs cannot be made until after full Council consideration of the report of the hearing into the maintained objections.

#### 8.0 LIST OF BACKGROUND PAPERS

8.1 Agenda item No 19 "Decriminalised parking enforcement and associated traffic regulation orders update" Environment and Regeneration Committee meeting of 30 October 2014.

## THE INVERCLYDE COUNCIL

(VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) (VARIATION NO. 2) ORDER 2014

TRAFFIC REGULATION ORDER

# THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) (VARIATION NO. 2) ORDER 2014

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

#### 1.0 Commencement and citation

1.1 This Order shall come into operation on the \*\* day of \*\*, Two thousand and \*\* and may be cited as "The Inverciyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 2) Order 2014".

#### 2.0 Interpretation

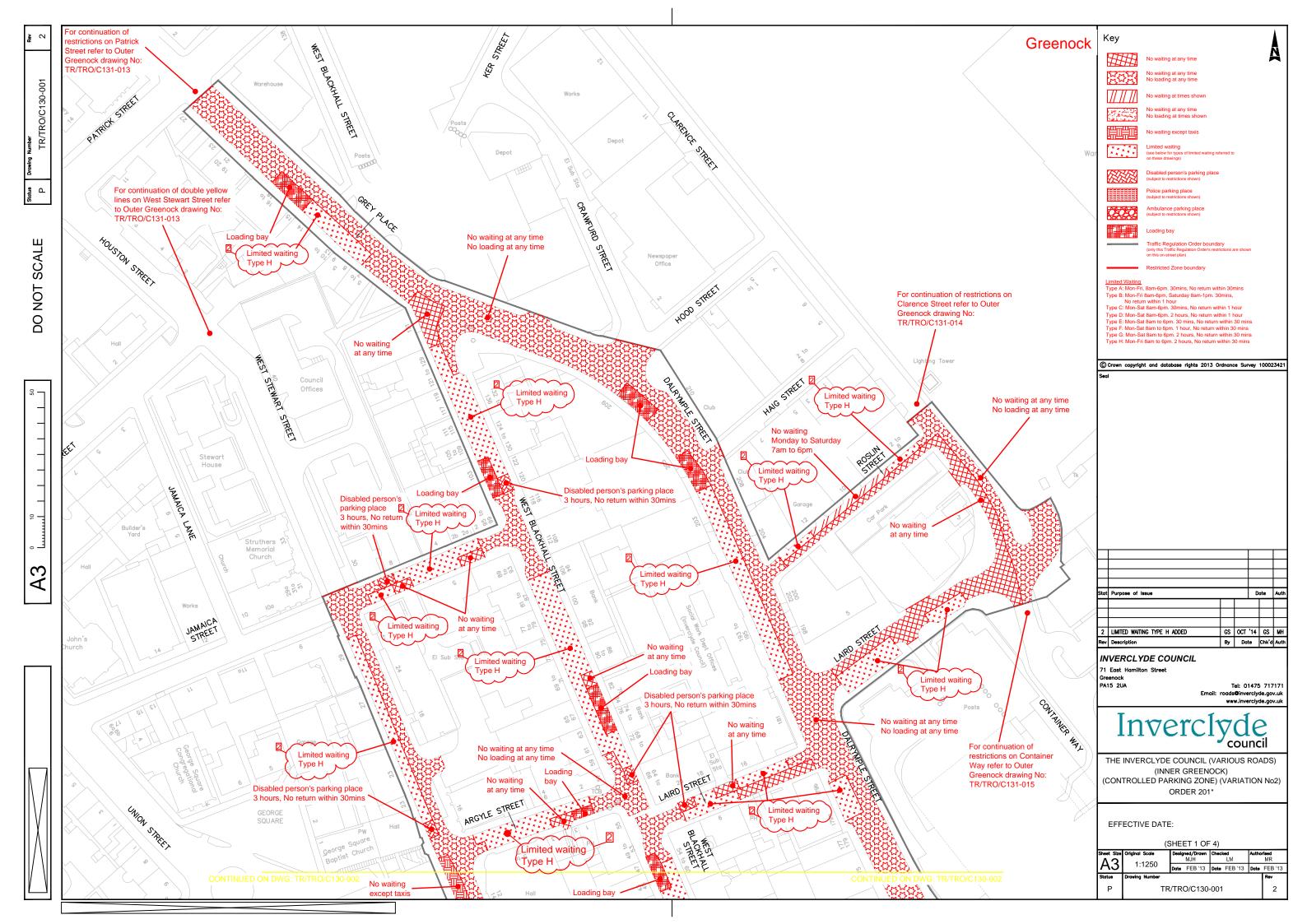
- 2.1 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.3 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.4 The On-Street Plans forming Schedule 1 to this Order and titled "The Invercive Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 2) Order 2014 On-Street Plans" are hereby incorporated into The Invercive Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) Order 2013 and recorded in "The Invercive Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) Order 2013 Plan Index".
- 2.5 The Plan Index forms Schedule 2.
- 2.6 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

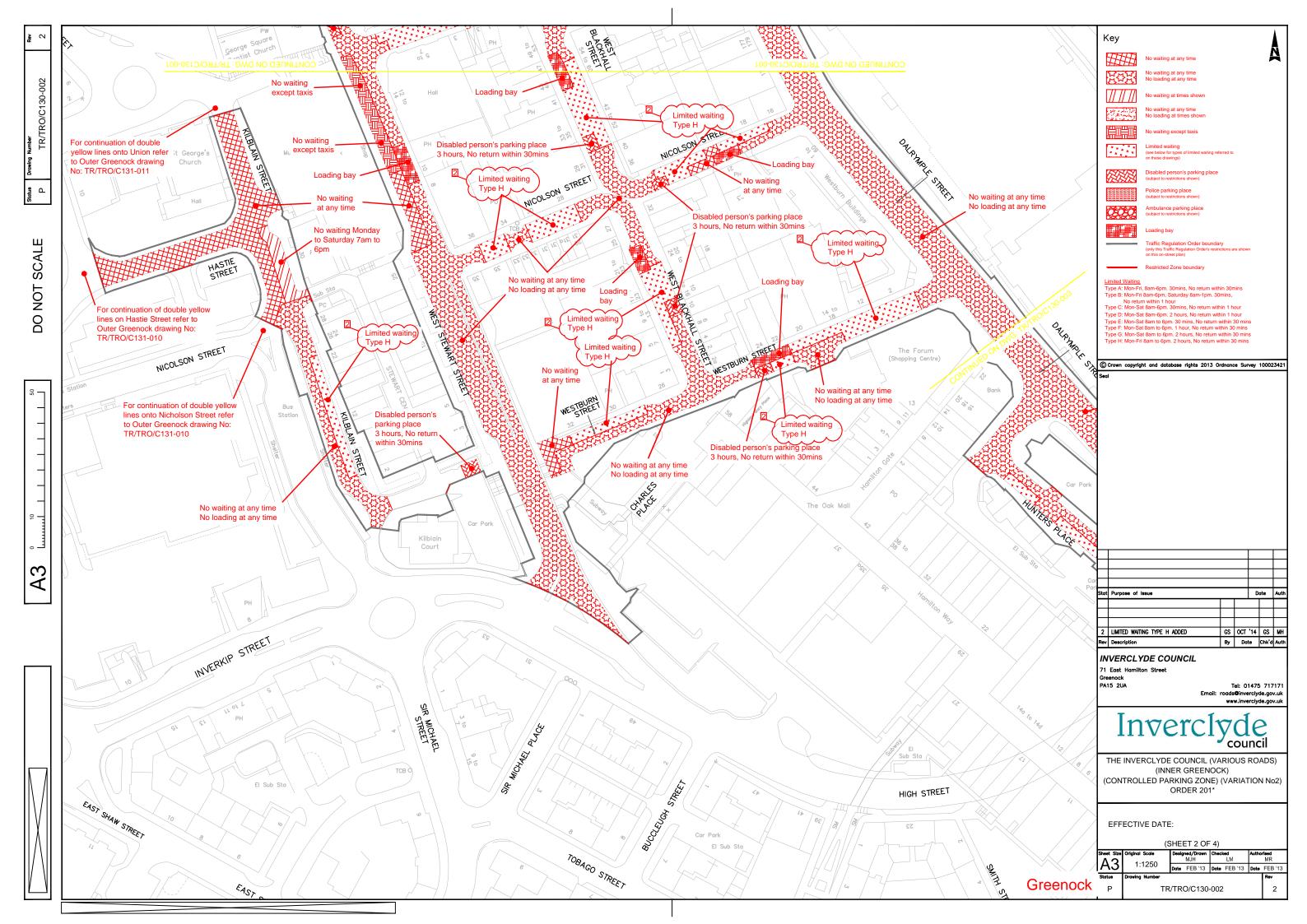
| SCHEDULE 1   |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|
| The Inverciyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 2) Order 2014 On-Street Plans |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
| The Inverselved Coversit (Mariana Deede) (Inner Creanagh) (Controlled Dedictor Tana) (Mariation No. 2) Order 2014              |  |  |  |  |  |  |  |  |  |  |

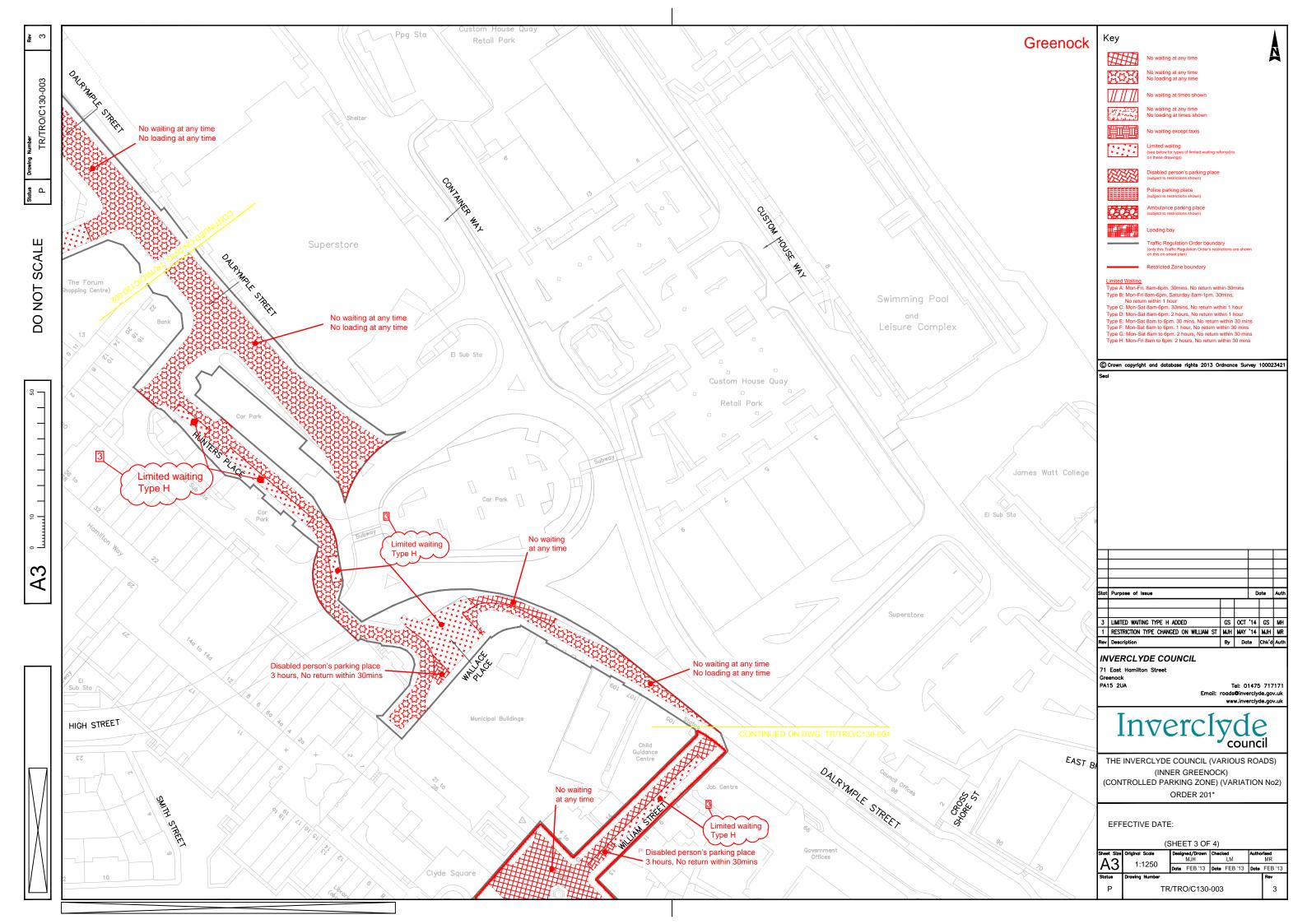
### **SCHEDULE 2**

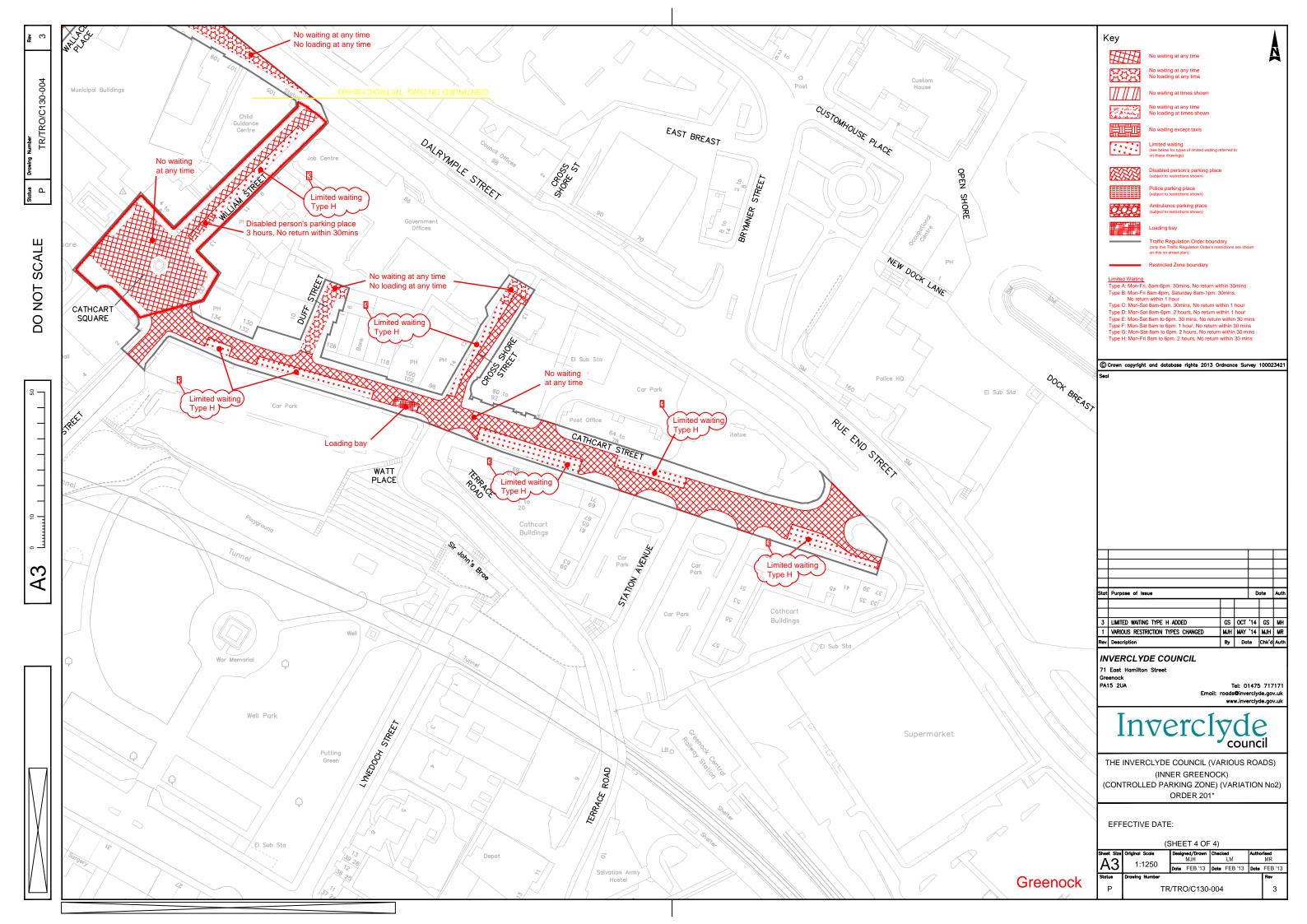
### THE INVERCLYDE COUNCIL (VARIOUS ROADS) (INNER GREENOCK) (CONTROLLED PARKING ZONE) ORDER 2013 PLAN INDEX

| Plan            | Effective  | Plan revision dates |            |          |   |   |   |   |   |  |
|-----------------|------------|---------------------|------------|----------|---|---|---|---|---|--|
| Ref.            | date       | 1                   | 2          | 3        | 4 | 5 | 6 | 7 | 8 |  |
| TR/TRO/C130/001 | 06/10/2014 | 21/11/2014          | #######    |          |   |   |   |   |   |  |
| TR/TRO/C130/002 | 06/10/2014 | 21/11/2014          | #########  |          |   |   |   |   |   |  |
| TR/TRO/C130/003 | 06/10/2014 | 06/10/2014          | 21/11/2014 | ######## |   |   |   |   |   |  |
| TR/TRO/C130/004 | 06/10/2014 | 06/10/2014          | 21/11/2014 | #######  |   |   |   |   |   |  |









## THE INVERCLYDE COUNCIL

## (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) (VARIATION NO. 3) ORDER 2014

TRAFFIC REGULATION ORDER

## THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) (VARIATION NO. 3) ORDER 2014

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

#### 1.0 Commencement and citation

1.1 This Order shall come into operation on the \*\* day of \*\*, Two thousand and \*\* and may be cited as "The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014".

#### 2.0 Interpretation

- 2.1 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.3 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.4 The On-Street Plans forming Schedule 1 to this Order and titled "The Inverciyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014 On-Street Plans" are hereby incorporated into The Inverciyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013 and recorded in "The Inverciyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013 Plan Index".
- 2.5 The Plan Index forms Schedule 2.
- 2.6 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

| SCHEDULE 1  |  |  |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|--|--|
| The Inverciyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) (Variation No. 3) Order 2014 On-Street Plans |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |  |  |  |  |

SCHEDULE 2

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (OUTER GREENOCK) (WAITING RESTRICTIONS) ORDER 2013 PLAN INDEX

| Plan Reference | Effective  | Plan Revision Dates |   |   |   |   |   |   |   |   |    |    |
|----------------|------------|---------------------|---|---|---|---|---|---|---|---|----|----|
|                | date       | 1                   | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| TR/TRO/131-001 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-002 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-003 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-004 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-005 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-006 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-007 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-008 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-009 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-010 | 06/10/2014 | 21/11/2014          |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-011 | 06/10/2014 | ######              |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-012 | 06/10/2014 | 21/11/2014          |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-013 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-014 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-015 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-016 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-017 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-018 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-019 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-020 | 06/10/2014 | 21/11/2014          |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-021 | 06/10/2014 | ######              |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-022 | 06/10/2014 |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-023 | #########  |                     |   |   |   |   |   |   |   |   |    |    |
| TR/TRO/131-024 | #########  |                     |   |   |   |   |   |   |   |   |    |    |

