
Report To:	THE INVERCLYDE COUNCIL	Date: 8 OCTOBER 2015
Report By:	CORPORATE DIRECTOR ENVIRONMENT, REGENERATION & RESOURCES	Report No: LP/134/15
Contact Officer:	JOANNA DALGLEISH	Contact No: 01475 712123
Subject:	PROPOSED TRAFFIC REGULATION ORDER -THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) (VARIATION NO. 3) ORDER 2015	

1.0 PURPOSE

- 1.1 The purpose of this Report is to request the Council to consider a recommendation from the Environment & Regeneration Committee.

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 3 September 2015 after consideration of a report by the Corporate Director Environment, Regeneration & Resources on the proposed Traffic Regulation Order – The Inverclyde Council, (Off-Street Parking Places) (Variation No. 3) Order 2015 recommended that the Inverclyde Council be asked to make the Traffic Regulation Order and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Traffic Regulation Order – The Inverclyde Council (Off-Street Parking Places) (Variation No. 3) Order 2015, all as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation and Roads (Scotland) Acts 1984 and under the Council's Scheme of Administration the Head of Environmental and Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 On 5 March 2015 a report was submitted to the Environment and Regeneration Committee advising the Committee of the options for a possible Residents' Parking Permit Scheme in Greenock Town Centre and recommending the most appropriate scheme for adoption by the Council. The report recommended that, in association with the scheme, the Head of Environmental and Commercial Services should promote the Traffic Regulation Order necessary to convert (a) the Bullring car park into a £1 a day long stay car park and (b) the long stay part of the Waterfront car park to free operation.
- 4.3 The Inverclyde Council (Off-Street Parking Places) Order 2013 is the Traffic Regulation Order currently in force throughout the car parks in question. The proposed Traffic Regulation Order will:-
- vary The Inverclyde Council (Off-Street Parking Places) Order 2013 to change the tariff applicable to the Bullring car park from free limited waiting for a maximum duration of 3 hours (no return within 1 hour) to charged parking at £1 per calendar day (free for Disabled Persons' Badge holders).
 - vary The Inverclyde Council (Off-Street Parking Places) Order 2013 to change the tariff applicable to the Waterfront car park from charged parking at £1 per calendar day to free unlimited waiting.
 - vary The Inverclyde Council (Off-Street Parking Places) Order 2013 to allocate dedicated parking spaces for the purpose of charging electric vehicles in the Cathcart Street West, Fore Street and Lochwinnoch Road car parks.
- 4.4 The Council is asked to note that, if approved, the Order 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 Road Traffic Regulation Act 1984.

5.0 IMPLICATIONS

Finance

- 5.1 All financial implications have previously been reported to and approved by Committee.

Legal

- 5.2 There are no legal implications arising from this report.

Human Resources

- 5.3 There are no HR implications arising from this report.

Equalities

- 5.4 There are no equalities implications arising from this report.

Repopulation

- 5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

6.1 The proposals have been advertised in the Greenock Telegraph and the Paisley Daily Express and full details of the proposals have been made available for public inspection during normal office hours at the offices of the Head of Environmental and Commercial Services, the Inverclyde Council Customer Service Centre, Central Library, Port Glasgow Library and Kilmacolm Library. A copy of the draft Order is appended hereto for Members' information.

6.2 No objections have been received to the proposed Order.

7.0 LIST OF BACKGROUND PAPERS

7.1 None

THE INVERCLYDE COUNCIL
(OFF-STREET PARKING PLACES)
(VARIATION NO. 3) ORDER 2015
TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
(OFF-STREET PARKING PLACES) (VARIATION NO. 3) ORDER 2015**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 32(1), 35(1), 46, 49, 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 (Off-Street Parking Places) (Variation No. 3) Order 2015".

2.0 Interpretation

2.1 In this Order except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Authorised Person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

"Charging Post" means an installation adjacent to a parking space for the purposes of recharging the battery of an Electric Vehicle by way of a connecting lead;

"Council" means The Inverclyde Council or its successors as Roads Authority;

"Electric Vehicle" means a vehicle, including a motorcycle, which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose;

"Electric Vehicle Parking Space", for the purposes of this Order, means an area of the Parking Place defined as such by means of a sign or surface marking and defined in Schedule 1 which is provided solely for the recharging of Electric Vehicles' batteries by means of a Charging Post;

"Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on Roads;

"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 Schedule 1;

"Parking Space" means any area of a Parking Place which is provided for the leaving of a Motor Vehicle or an Electric Vehicle and indicated by markings on the surface of the Parking Place;

“Penalty Charge Notice” means a notice issued and fixed to a Motor Vehicle by or on behalf of the Council in relation to a contravention of one or more of the provisions of this Order; and

“Registered Keeper” means the person or organisation recorded by the Driver and Vehicle Licensing Authority as being the legal keeper of the Motor Vehicle.

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 Schedule 1 to this Order titled “Parking Places, Number and Name, Charging Hours, Days and Hours of Parking Place Operation, Maximum period for which vehicles may wait, Tariff and Disabled Persons’ Parking Places” is hereby incorporated into “The Inverclyde Council (Off-Street Parking Places) Order 2013.”
- 2.5 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

3.0 Use of Electric Vehicle Parking Spaces

- 3.1 Each Electric Vehicle Parking Space may be used, subject to the following provisions of this Order, as a parking space solely for the recharging of Electric Vehicles’ batteries by means of a Charging Post, in such positions, on such days and during such hours as are specified in relation to that Parking Place in Schedule 1;
- 3.2 At all times whilst an Electric Vehicle is waiting in an Electric Vehicle Parking Space, the driver shall cause that vehicle to be connected via a recharging lead to the Charging Post installed in respect of the Electric Vehicle Parking Space;
- 3.3 Every Electric Vehicle waiting in an Electric Vehicle Parking Space shall be caused to stand so that every part of the Electric Vehicle is within the marked limits of the Electric Vehicle Parking Space;
- 3.4 Where, within a Parking Place, there is a sign or surface marking which indicates that the Electric Vehicle Parking Space is available only for use by Electric Vehicles, for the purpose of recharging of Electric Vehicles’ batteries, the driver of a Motor Vehicle shall not permit the Motor Vehicle to wait in that Electric Vehicle Parking Space;

3.5 When a Motor Vehicle or Electric Vehicle is left in an Electric Vehicle Parking Space in contravention of any of the provisions of this Order, the Registered Keeper will become liable for a penalty charge and a police constable in uniform, a Parking Attendant or an Authorised Person may affix a Penalty Charge Notice to such Motor Vehicle or Electric Vehicle and, subsequently, may remove or arrange for the removal of such Motor Vehicle or Electric Vehicle from that Electric Vehicle Parking Space.

4.0 Exemptions to Restrictions

4.1 The maximum duration of stay for the parking of Motor Vehicles in any Parking Place specified in Schedule 1 shall be as set out in Column 3 of Schedule 2 to this Order;

4.2 Notwithstanding Article 4.1 of this Order, an Electric Vehicle waiting in an Electric Vehicle Parking Space shall be exempt from the maximum duration of stay specified in Column 3 of Schedule 2;

4.3 The display of ticket/parking disc requirements for the parking of Motor Vehicles in any Parking Place specified in Schedule 1 shall be as set out in Column 5 of Schedule 2;

4.4 Notwithstanding Article 4.3 of this Order, an Electric Vehicle waiting in an Electric Vehicle Parking Space shall be exempt from the display of ticket/parking disc requirements specified in Column 5 of Schedule 2.

5.0 Other Provisions

5.1 The Driver of an Electric Vehicle using an Electric Vehicle Parking Space shall stop the engine as soon as the Electric Vehicle is in an Electric Vehicle Parking Space in the Parking Place, and shall not start the engine except when about to change the position of the Electric Vehicle in the Parking Place or depart from the Parking Place;

5.2 Unless authorised in writing by the Council no person shall use an Electric Vehicle or anything towed by an Electric Vehicle when it is within a Parking Place, to offer for sale any goods or other article including an Electric Vehicle to persons in or near the Parking Place or offer for sale or hire his skill or services or for the purpose of any exhibition, or for plying for hire. No notices or advertising material of any description shall be placed by any person on Electric Vehicles parked within the Parking Place except as authorised by the Council;

5.3 No person shall use any part of a Parking Place or any Electric Vehicle left in a Parking Place:

(a) for sleeping between 11pm and 7am or cooking; or

(b) for the purpose of washing or servicing any Electric Vehicle or part thereof other than is reasonably necessary to enable that Electric Vehicle to depart from the Parking Place;

- 5.4 No person shall use the Parking Place for the purpose of splitting loads or transferring plant between Electric Vehicles and/or Motor Vehicles or for loading or unloading goods in association with a commercial concern;
- 5.5 While an Electric Vehicle is within a Parking Place it shall not be lawful for the Driver of the Electric Vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire either directly or via any means of communication;
- 5.6 The Driver of an Electric Vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the Electric Vehicle in the Parking Place or depart from the Parking Place;
- 5.7 The Driver of any Electric Vehicle in a Parking Place shall comply with any instructions given, whether orally by an Authorised Person or Parking Attendant, by direction signs or by surface markings or in any other manner as to the route to be followed within the Parking Place;
- 5.8 (a) A Driver shall not park an Electric Vehicle on any Parking Space indicated by appropriate markings as being reserved for official use.
- (b) In the absence on any such Parking Space of surface markings, signs or otherwise, a Driver of an Electric Vehicle shall park the Electric Vehicle as directed by an Authorised Person or Parking Attendant;
- 5.9 When an Electric Vehicle is left in a Parking Place in contravention of any of the provisions contained in this Order, an Authorised Person or Parking Attendant or any person acting on the instructions of such an Authorised Person or Parking Attendant, may remove the Electric Vehicle or arrange for it to be removed from that Parking Place;
- 5.10 In an emergency, an Authorised Person or Parking Attendant or a police constable in uniform may alter or cause to be altered the position of an Electric Vehicle in a Parking Place or remove or arrange for the removal of an Electric Vehicle from a Parking Place;
- 5.11 Any person altering or causing the alteration of the position of an Electric Vehicle by virtue of Article 5.9 or 5.10 or removing or causing the removal of an Electric Vehicle by virtue of Articles 5.9 or 5.10 may do so by towing or driving the Electric Vehicle or in such other manner as he may think reasonably necessary to enable the position of the Electric Vehicle to be altered or the Electric Vehicle to be removed;
- 5.12 Any person removing or arranging for the removal of an Electric Vehicle by virtue of Articles 5.9 or 5.10 shall make such arrangements as he considers to be reasonably necessary for the safety of the Electric Vehicle in the place to which it is removed;
- 5.13 Where the Driver of an Electric Vehicle is alleged by the Council to have failed to comply with this Order, the Registered Keeper of the Electric Vehicle shall, if requested by an Authorised Person or Parking Attendant, give such information as he is able as to the identity and whereabouts of the Driver; and
- 5.14 The Council may, as respects an Electric Vehicle which has been removed from a Parking Place in pursuance of Article 5.9, if it appears to have been

abandoned, sell or otherwise dispose of the Electric Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Electric Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978 (as amended).

This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##

DRAFT

SCHEDULE 1

SCHEDULE 3

PARKING PLACES, NUMBER AND NAME, CHARGING HOURS, DAYS AND HOURS OF PARKING PLACE OPERATION, MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT, TARIFF AND DISABLED PERSONS' PARKING PLACES

Parking Places Operational at all times

PARKING PLACE REFERENCE NUMBER	NAME OF PARKING PLACE	CHARGING HOURS OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH MOTOR VEHICLES MAY WAIT	TARIFF	DISABLED PERSONS' PARKING SPACES (No.)	ELECTRIC VEHICLE PARKING SPACES (No)
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
25	Barr's Brae	08:00-18:00 Mon-Sat	24 hours	A	1	
9	Bruce Street	08:00-18:00 Mon-Sat	24 hours	A	3	
12	Buccleugh Street	08:00-18:00 Mon-Sat	24 hours	A	1	
11	Bullring	08:00-18:00 Mon-Fri	24 hours	D	4	
13	Cathcart Street West	08:00-18:00 Mon-Fri	24 hours	C	4	2
14	Cathcart Street East	08:00-18:00 Mon-Fri	24 hours	D	1	
2	Cloch Road	08:00-18:00 Mon-Sat	24 hours	A	0	

PARKING PLACE REFERENCE NUMBER	NAME OF PARKING PLACE	CHARGING HOURS OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH MOTOR VEHICLES MAY WAIT	TARIFF	DISABLED PERSONS' PARKING SPACES (No.)	ELECTRIC VEHICLE PARKING SPACES (No)
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
4	Cove Road	08:00-18:00 Mon-Sat	24 hours	A	0	
22	East Road	08:00-18:00 Mon-Sat	24 hours	A	0	
19	Fore Street	08:00-18:00 Mon-Sat	24 hours	A	8	2
1	Fran Terrace	08:00-18:00 Mon-Sat	24 hours	A	0	
7	Hastie Street	08:00-18:00 Mon-Fri	24 hours	D	4	
21	Highholm Avenue	08:00-18:00 Mon-Sat	24 hours	A	8	
3	Kempock Street	08:00-18:00 Mon-Sat	24 hours	A	2	
24	Lochwinnoch Road	08:00-18:00 Mon-Sat	24 hours	A	6	2
5	Manor Crescent	08:00-18:00 Mon-Sat	24 hours	A	0	
20	Princes Street	08:00-18:00 Mon-Sat	24 hours	B	6	
8	Roslin Street	08:00-18:00 Mon-Fri	24 hours	D	0	

PARKING PLACE REFERENCE NUMBER Column 1	NAME OF PARKING PLACE Column 2	CHARGING HOURS OF PARKING PLACE Column 3	MAXIMUM PERIOD FOR WHICH MOTOR VEHICLES MAY WAIT Column 4	TARIFF Column 5	DISABLED PERSONS' PARKING SPACES (No.) Column 6	ELECTRIC VEHICLE PARKING SPACES (No) Column 7
10	Roxburgh Street	08:00-18:00 Mon-Sat	24 hours	A	0	
18	Shore Street	08:00-18:00 Mon-Sat	24 hours	A	11	
16	Station Avenue East	08:00-18:00 Mon-Fri	24 hours	D	2	
15	Station Avenue West	08:00-18:00 Mon-Fri	24 hours	D	2	
23	Station Road	08:00-18:00 Mon-Sat	24 hours	A	1	
6	West Stewart Street	08:00-18:00 Mon-Fri	24 hours	D	2	
17	William Street	08:00-18:00 Mon-Sat	24 hours	A	1	
26	Waterfront	08:00-18:00 Mon-Fri	24 hours	A	2	
27	Cinema	08:00-18:00 Mon-Fri	24 hours	C	2	

SCHEDULE 2

SCHEDULE 4

SCALE OF PARKING CHARGES APPLICABLE DURING THE HOURS OF OPERATION FOR PARKING PLACES SPECIFIED IN SCHEDULE 3

TARIFF	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
A		Free	24 hours	n/a	None	n/a
B		Free	2 hours (3 hours for Disabled Person's Badge holders)	1 hour	None	n/a
C		Free	3 hours (3 hours for Disabled Person's Badge holders)	1 hour	Parking Disc	n/a
D		£1.00 per calendar day (Free for Disabled Person's Badge holders)	One calendar day	n/a	Ticket	Multiple stays in one calendar day, using the same ticket, are permitted in any Parking Place listed as D in Column 5 of Schedule 3 to this Order