
Report To:	ENVIRONMENT & REGENERATION COMMITTEE	Date: 14 JANUARY 2016
Report By:	CORPORATE DIRECTOR, ENVIRONMENT, REGENERATION & RESOURCES	Report No: ERC/ENV/IM/15.256
Contact Officer:	ROBERT GRAHAM	Contact No: 01475 714800
Subject:	PROPOSED VARIATIONS TO TRAFFIC REGULATION ORDERS – MANOR CRESCENT AND CARDWELL ROAD, GOUROCK	

1.0 PURPOSE

- 1.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended 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.
- 1.2 The purpose of the report is to introduce the Traffic Regulation Orders – The Inverclyde Council Cardwell Road, Gourock (Waiting Restrictions) (Amendment No. 1) (Variation No. 1) Order 2015 and The Inverclyde Council Manor Crescent, Gourock (Waiting Restrictions) (Variation No.1) Order 2015.

2.0 SUMMARY

- 2.1 Whilst the Council was progressing the introduction of Decriminalised Parking Enforcement (DPE) and the new Traffic Regulation Orders (TROs) there was a requirement to introduce and/ or amend TROs on Cardwell Road and Manor Crescent both Gourock. Due to the fact that the new DPE TROs were being promoted at the same time as the Cardwell Road and Manor Crescent TROs it was not possible to include, in the TROs for Cardwell Road and Manor Crescent, powers for Parking Attendants to enforce the restrictions.
- 2.2 As a result of the desire to alter the new DPE TROs in Greenock and the preparation of the Village Strategies TROs it was not possible to update the Cardwell Road and Manor Crescent TROs until now.

3.0 RECOMMENDATION

- 3.1 That the Committee recommend to The Inverclyde Council the making of the Traffic Regulation Orders – The Inverclyde Council Cardwell Road, Gourock (Waiting Restrictions) (Amendment No. 1) (Variation No. 1) Order 2015 and The Inverclyde Council Manor Crescent, Gourock (Waiting Restrictions) (Variation No.1) Order 2015 and remit it to the Head of Environmental and Commercial Services and Head of Legal and Property Services to arrange for their implementation.

Ian Moffat
Head of Environmental & Commercial Services

4.0 BACKGROUND

- 4.1 In 2013 when the new DPE TROs were being drafted there was a requirement to amend the waiting and loading restrictions at the junction of Cardwell Road, Manor Crescent and Cove Road to ensure that parking did not interfere with the operation of the traffic signals. There were also road safety concerns about parking on the railway bridge on Manor Crescent as it was obstructing sightlines from the adjoining streets.
- 4.2 As the timescale for the introduction of the new DPE TROs was unknown due to the potential for objections it was decided that it would be best to promote new TROs for both of these locations. This meant there was less risk of delay to the introduction of the restrictions on Cardwell Road and Manor Crescent.
- 4.3 At the time of promoting the Cardwell Road and Manor Crescent TROs the Council did not have the powers to enforce parking in Inverclyde. Therefore, it was not possible to include the provisions for the enforcement of the restrictions by Parking Attendants.
- 4.4 Due to the requirement to promote TROs for Greenock and outlying settlements staff resources have been unavailable to amend the Cardwell Road and Manor Crescent TROs.
- 4.5 Variations to the TROs entitled "The Inverclyde Council Cardwell Road, Gourock (Waiting Restrictions) (Amendment No. 1) Order 2013" and "The Inverclyde Council Manor Crescent, Gourock (Waiting Restrictions) Order 2013" were advertised for public consultation with a closing date of 13 November 2015. These variations to the TROs do not alter the extent or type of any of the restrictions already in place. They simply vary the TROs so as to include the powers which will allow the Inverclyde Council to enforce the waiting restrictions.
- 4.6 No valid objections have been received to the proposed Traffic Regulation Orders.
- 4.7 The Committee is asked to note that, if approved, the Order may not be implemented until the making of the Orders 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 There are no financial implications arising from this report. This is a change to the enforcement of the restrictions and no additional signs or road markings are required.

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 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 and at Central Library. A copy of the draft Orders is appended hereto for Members' information.
- 6.2 No valid objections have been received to the proposed Traffic Regulation Orders.
- 6.3 The Head of Legal and Property Services, Safer Communities and the Chief Financial Officer have been consulted on this report.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None.

THE INVERCLYDE COUNCIL

**MANOR CRESCENT, GOUROCK
(WAITING RESTRICTIONS) (VARIATION NO.1)
ORDER 2015**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL,
MANOR CRESCENT, GOUROCK
(WAITING RESTRICTIONS) (VARIATION NO. 1) ORDER 2015**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3) 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, Manor Crescent, Gourrock (Waiting Restrictions) (Variation No.1) 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;

"Driver" means the person driving or having control or charge of a Motor Vehicle at any given time and, in particular, in relation to a Motor Vehicle waiting in a Parking Place, the person driving when it was left in the Parking Place;

"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;

"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;

"Registered Keeper" means the person or organisation recorded by the Driver and Vehicle Licensing Agency as being the legal keeper of a Motor Vehicle; and

"Road" means all Carriageways, Footways and verges.

2.2 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.

2.3 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.

- 2.4 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.
- 2.5 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 **General**
- 3.1 When a Motor Vehicle is left in a Road in contravention of any of the provisions of "The Inverclyde Council, Manor Crescent, Gourock (Waiting Restrictions) Order 2013", 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 the Motor Vehicle and, subsequently, may remove or arrange for the removal of the Motor Vehicle from that Road.
- 3.2 An Authorised Person removing a Motor Vehicle by virtue of Article 3.1 may do so by towing or driving the Motor Vehicle or in such other manner as he may think necessary and may take such measures in relation to the Motor Vehicle as he may think necessary to enable him to remove it as aforesaid.
- 3.3 When an Authorised Person removes or makes arrangements for the removal of a Motor Vehicle from a Road by virtue of Article 3.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the Motor Vehicle.
- 3.4 Any expenses incurred by the Council in removing a Motor Vehicle from a Road by virtue of Article 3.2 or in making arrangements for the safe custody of the Motor Vehicle by virtue of Article 3.3 shall be recoverable by the Council from the Registered Keeper of the Motor Vehicle.
- 3.5 The Council may, as respects a Motor Vehicle which has been removed from a Road in pursuance of Article 3.1, if it appears to have been abandoned, sell or otherwise dispose of the Motor Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Motor Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978.
- 3.6 Where a Penalty Charge Notice or any other notice has been attached to a Motor Vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the Motor Vehicle, a police constable in uniform, a Parking Attendant or an Authorised Person shall remove the notice from the Motor Vehicle unless authorised to do so by the Driver.

- 3.7 Where a Penalty Charge Notice has been issued, the penalty charge shall be paid to the Council in accordance with the instructions on the Penalty Charge Notice.

This Order is sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##

THE INVERCLYDE COUNCIL

**CARDWELL ROAD, GOUROCK
(WAITING RESTRICTIONS) (AMENDMENT NO. 1)
(VARIATION NO. 1) ORDER 2015**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL,
CARDWELL ROAD, GOUROCK
(WAITING RESTRICTIONS) (AMENDMENT NO. 1)
(VARIATION NO. 1) ORDER 2015**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3) 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, Cardwell Road, Gourrock (Waiting Restrictions) (Amendment No.1) (Variation No.1) 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;

“Driver” means the person driving or having control or charge of a Motor Vehicle at any given time and, in particular, in relation to a Motor Vehicle waiting in a Parking Place, the person driving when it was left in the Parking Place;

“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;

“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;

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

“Road” means all Carriageways, Footways and verges.

2.2 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.

2.3 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.

2.4 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.

2.5 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 **General**

3.1 When a Motor Vehicle is left in a Road in contravention of any of the provisions of "The Inverclyde Council, Cardwell Road, Gourock, Waiting Restrictions (Amendment No.1) Order 2013, 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 the Motor Vehicle and, subsequently, may remove or arrange for the removal of the Motor Vehicle from that Road.

3.2 An Authorised Person removing a Motor Vehicle by virtue of Article 3.1 may do so by towing or driving the Motor Vehicle or in such other manner as he may think necessary and may take such measures in relation to the Motor Vehicle as he may think necessary to enable him to remove it as aforesaid.

3.3 When an Authorised Person removes or makes arrangements for the removal of a Motor Vehicle from a Road by virtue of Article 3.2, he shall make such arrangements as may be reasonably necessary for the safe custody of the Motor Vehicle.

3.4 Any expenses incurred by the Council in removing a Motor Vehicle from a Road by virtue of Article 3.2 or in making arrangements for the safe custody of the Motor Vehicle by virtue of Article 3.3 shall be recoverable by the Council from the Registered Keeper of the Motor Vehicle.

3.5 The Council may, as respects a Motor Vehicle which has been removed from a Road in pursuance of Article 3.1, if it appears to have been abandoned, sell or otherwise dispose of the Motor Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Motor Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978.

3.6 Where a Penalty Charge Notice or any other notice has been attached to a Motor Vehicle as a result of a failure to comply with the provisions of this Order, no person not being the Driver of the Motor Vehicle, a police constable in uniform, a Parking Attendant or an Authorised Person shall remove the notice from the Motor Vehicle unless authorised to do so by the Driver.

- 3.7 Where a Penalty Charge Notice has been issued, the penalty charge shall be paid to the Council in accordance with the instructions on the Penalty Charge Notice.

This Order is sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##