
Report To:	Environment and Regeneration Committee	Date:	1 September 2016
Report By:	Corporate Director Environment, Regeneration and Resources	Report No:	RC/ENV/RG/16.287
Contact Officer:	Robert Graham	Contact No:	714800
Subject:	Proposed Traffic Regulation Order, The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No. 2 2016		

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 (TROs).
- 1.2 The provision of on-street parking places for use by disabled drivers, who are the holders of a Disabled Person's Badge, is regulated by The Disabled Persons' Parking Places (Scotland) Act 2009. Inverclyde Council is required to promote a TRO to regulate the use of such parking places.
- 1.3 The purpose of this report is to inform Committee of the outcome of the consultation procedure undertaken for the proposed TRO. The report also seeks a decision whether Committee will hear the Objection relating to the TRO themselves or appoint an independent Reporter.

2.0 SUMMARY

- 2.1 In order to comply with The Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, it is proposed to introduce a TRO to accompany the provision of parking places for the disabled. This will restrict parking to drivers displaying a Disabled Person's Badge only and will enable the Parking Attendants to enforce such restrictions. The proposed TRO will also revoke those parking places no longer required in order to maximise street parking capacity.
- 2.2 Officers have undertaken a public consultation process in relation to the proposed TRO, as a result of which one objection was received. Council Officers corresponded with the objector to encourage them to remove their objection; however, the objector wishes to maintain their objection.
- 2.3 Officers consider that the proposed TRO should be implemented as there is adequate alternative parking available to the objector.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Committee:

notes the requirement to hold a public hearing to consider the maintained objection and decides either:-

3.1.1 to hear the objection before a special meeting of this Committee;

or

3.1.2 to appoint an independent Reporter to hold an Public Hearing.

Robert Graham
Head of Environmental and Commercial Services

4.0 BACKGROUND

- 4.1 Currently no TROs exist at the locations shown in the proposed TRO which would prohibit the allocation of parking places for Disabled Person's Badge holders.
- 4.2 One objection was received to the proposed TRO introducing a parking space. Their objection was that they did not wish to be denied parking directly adjacent to their property which is a flatted property and is shared with the applicant. They asked for the space to be relocated further away from the front entrance.
- 4.3 Council Officers corresponded with the objector to encourage them to remove their objection, however the objector wishes to maintain their objection. Further correspondence was also undertaken with the applicant to seek their approval to relocate the space but they wished to keep the original position.
- 4.4 This proposed TRO introduces 10 new disabled persons' parking places including the space being objected to which is located on Brisbane Street. Therefore, this objection delays the introduction of 9 parking spaces which had no objection to them. It also means that the 10 parking spaces can be used by any vehicle.
- 4.5 Before making a proposed TRO, the Council is, in terms of the Act and the Regulations, required to take into consideration any objections timeously received by them and to give any objector an opportunity to be heard by them.

6.0 IMPLICATIONS

Finance

- 6.1 Depending on the decision taken by Committee regarding how the objection is heard, it should be note the cost of appointing an independent Reporter is approximately £10,000 (based on the costs of introducing DPE) for which there is no budget.

Legal

- 6.2 There are no legal implications arising from this report. The Head of Legal and Property Services has been consulted on this report.

Human Resources

- 6.3 There are no human resources implications associated with the making of the proposed TRO.

Equalities

- 6.4 There are no equalities implications associated with the making of the proposed TRO.

Repopulation

- 6.5 There are no repopulation implications associated with the making of the proposed TRO.

7.0 CONSULTATIONS

- 7.1 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 Head of Legal and Property Services and at Central, Port Glasgow, and Gourock Libraries. A copy of the draft Order is appended hereto for Members' information.

Appendix 1

8.0 BACKGROUND PAPERS

- 8.1 None.

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO. 2 2016
TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO. 2 2016

The Inverclyde Council in exercise of the powers conferred on them by Section 32(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order.

1. This Order may be cited as "The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No. 2 2016" and shall come into operation on #####

2. In this Order the following expressions have the meanings hereby assigned to them:-

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

"disabled person's badge" means:

(a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);

(b) a badge issued under a provision of the law of Northern Ireland corresponding to that section; or

(c) a badge issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;

and which has not ceased to be in force;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"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 the Schedule to this Order;

"traffic sign" means a sign prescribed or authorised under Section 64 of the Act; and

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power.

3. The Schedule titled "Disabled Persons' Parking Places (On Street) Order No. 2 2016" forms the Schedule to this Order.

4. Each area of road which is described in the Schedule to this Order and the plans relative to this Order is hereby designated as a parking place.

5. The parking places shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

6. The limits of each parking place shall be indicated on the carriageway as prescribed by The Traffic Signs Regulations and General Directions 2002.
7. Every vehicle left in any parking place shall stand such that no parking place is occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking place provided that, where the length of a vehicle precludes compliance with this paragraph, such vehicle shall be deemed to be within the limits of a parking place if:-

the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under this Order in relation to the parking place; and

the vehicle, or any part thereof, is not within the limits of any adjoining parking place.
8. Any person duly authorised by the Council or a police officer in uniform or a traffic warden or parking attendant may move or cause to be moved in case of any emergency, to any place they think fit, vehicles left in a parking place.
9. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever such suspension is considered reasonably necessary:-

for the purpose of facilitating the movement of traffic or promoting its safety;

for the purpose of any building operation, demolition, or excavation in or adjacent to the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe, apparatus for the supply of gas, water electricity or of any telecommunications apparatus, traffic sign or parking meter;

for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
10. A police officer in uniform may suspend for not longer than twenty four hours the use of a parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

11. This Order insofar as it relates to the parking places to be revoked (R) and amended, as specified in the Schedule to this Order, partially revokes and amends The Inverclyde Council On-Street Parking Places (Without Charges) Order Nos: 01/1997, 02/2002 and 01/2003 and The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order Nos: 03/2007, 03/2009, 01/2011, 03/2011 and 04/2015 respectively.

Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by #####, Proper Officer, on the ##### day of #####, Two Thousand and Sixteen.

DRAFT

INVERCLYDE COUNCIL

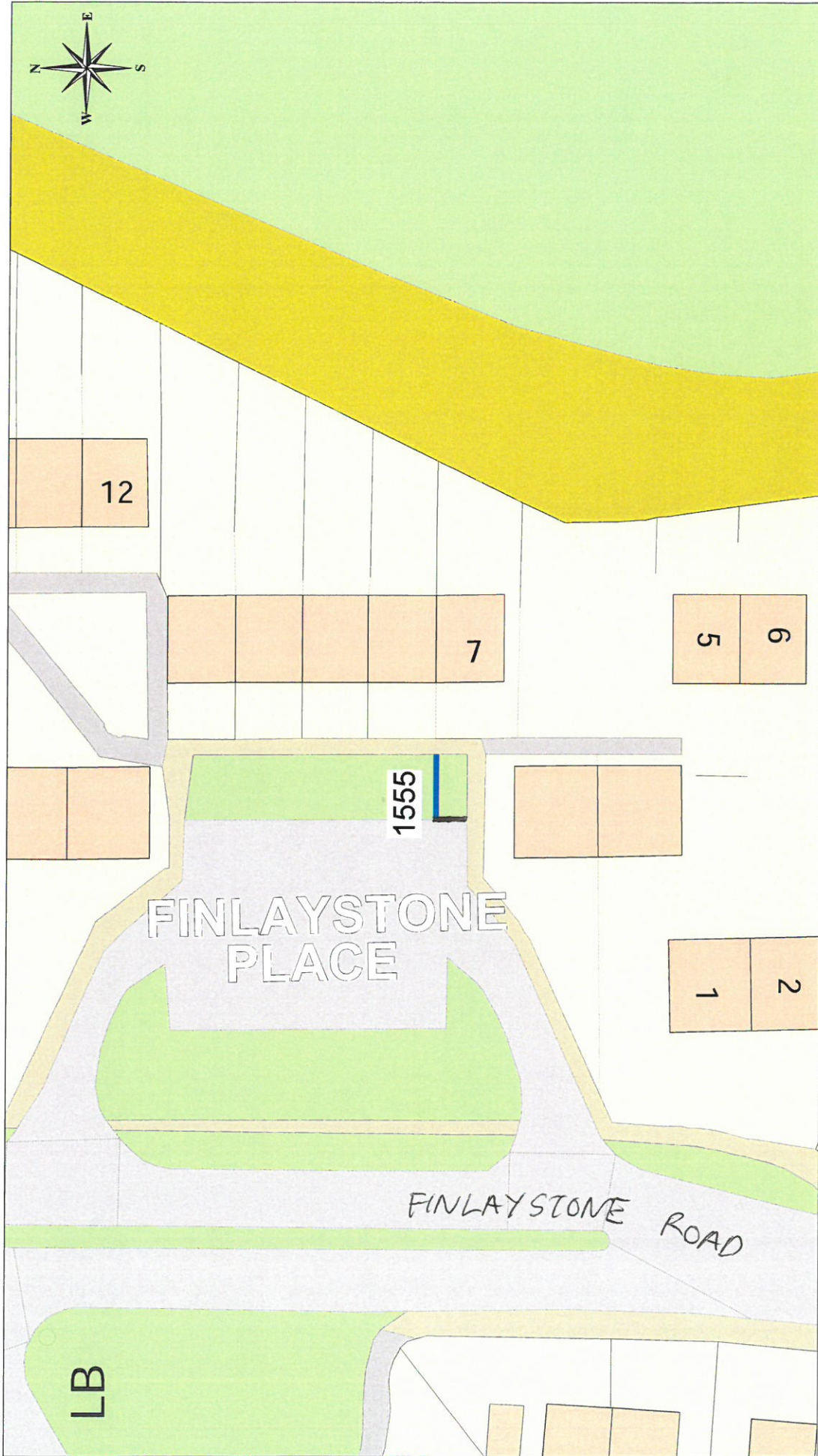
DISABLED PERSONS' PARKING PLACES (ON-STREET) ORDER No.2 2016

SCHEDULE

Rev A

All and whole that area of ground as described in Column 2 in the table below:

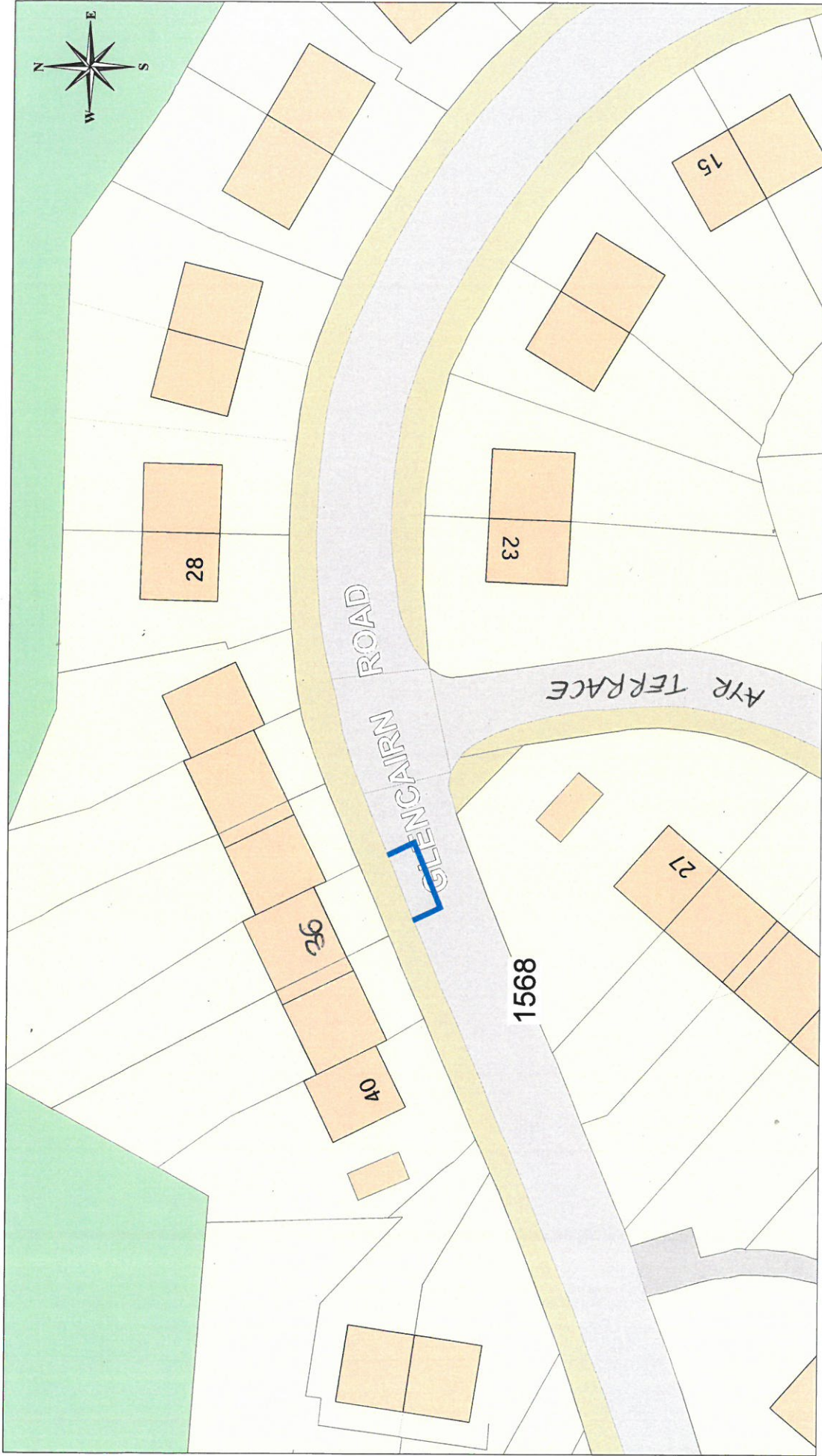
Column 1	Column 2
<u>Ref No.</u>	<u>Address of Disabled Person's Parking Place to be created or revoked ® "ex-adverso"</u>
1555	4 Finlaystone Place, Kilmacolm
1568	36 Glencairn Road, Greenock
1573	13 Bridgend Avenue, Port Glasgow
1574	50 Leven Road, Greenock
1575	46D Brisbane Street, Greenock
1577	10 Sir Michael Street, Greenock
1578	Knockbuckle Road, Kilmacolm
1579	12 Mallard Crescent, Greenock
1580	17 Linnet Road, Greenock
1582	27 Glen Fruin Road, Greenock
9612	26 Brisbane Street, Greenock ®
0203	9 Caledonia Crescent, Gourock ®
0253	48 Lilybank Road, Port Glasgow ®
0722	46 Langhouse Road, Inverkip ®
0731	55 Burnside Avenue, Port Glasgow ®
0908	24 Border Street, Greenock ®
0915	44 Pennyfern Road, Greenock ®
1042	22 Mavis Road, Greenock ®
1123	3 Sir Michael Street, Greenock ®
1529	56 Northfield Avenue, Port Glasgow ®




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DISABLED PERSONS' PARKING PLACE
 7 FINLAYSTONE PLACE, KILMACOLM
 PLACE No. 1555

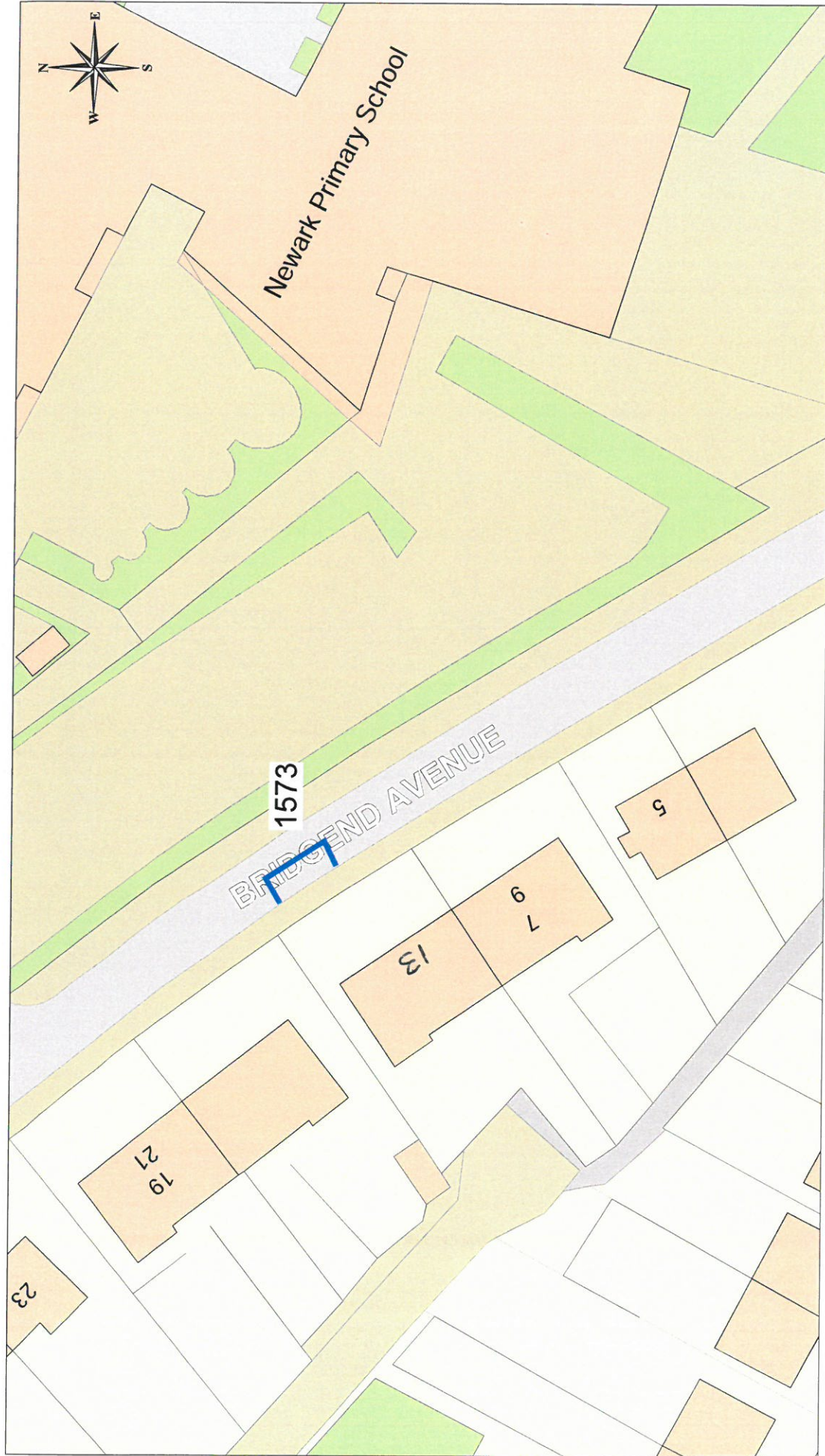
Inverclyde council
Environmental Services
 Regeneration & Environment
 Corporate Director: Aubrey Fawcett
 Municipal Buildings
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 Greenock
 PA15 1LY
 Tel: 01475 712712
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 aubrey.fawcett@inverclyde.gov.uk



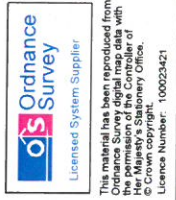
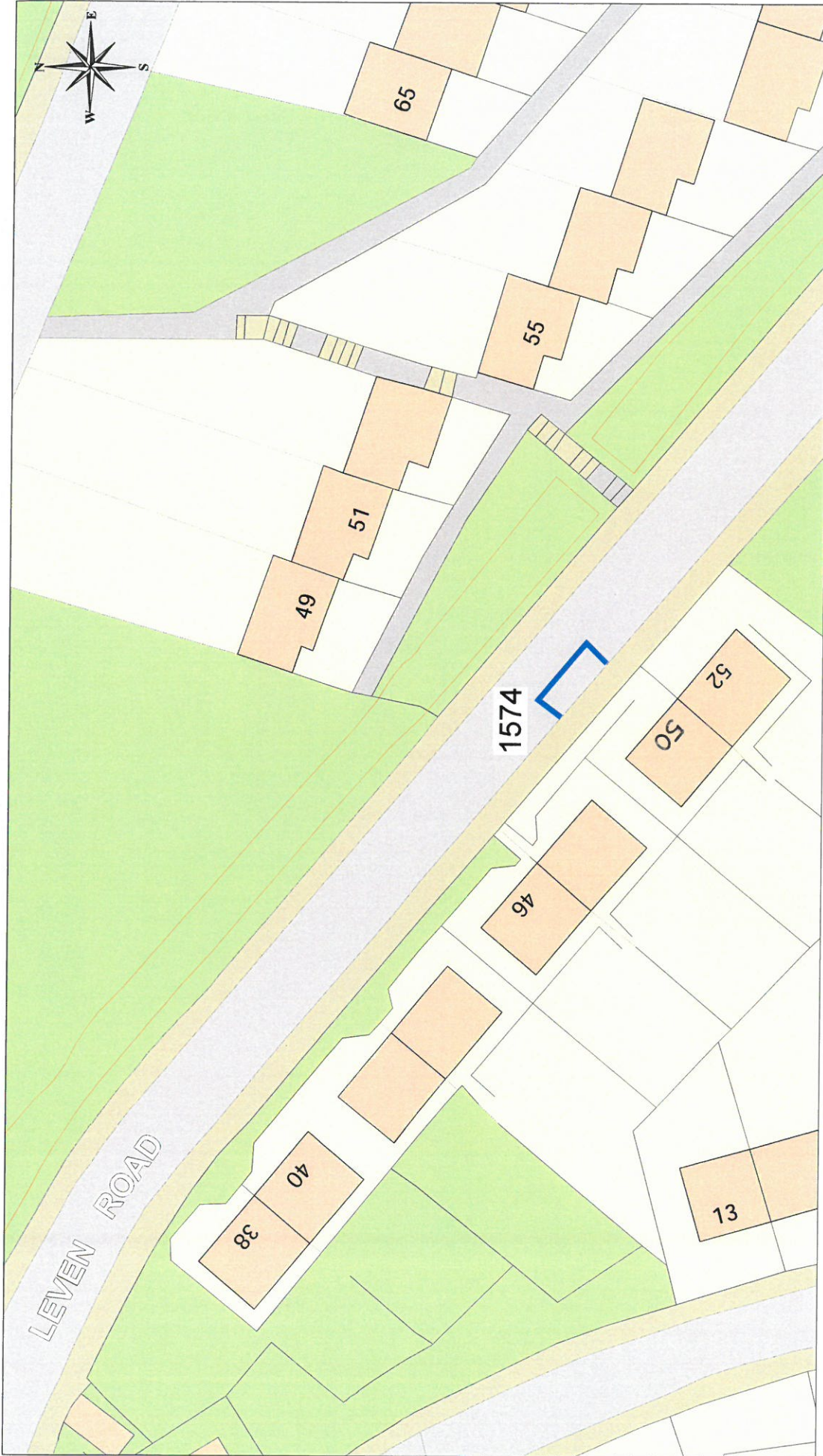

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DISABLED PERSONS' PARKING PLACE
36 GLENCAIRN ROAD, GREENOCK
PLACE No. 1568

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DISABLED PERSONS' PARKING PLACE
13 BRIDGEND AVENUE, PORT GLASGOW
PLACE No. 1573



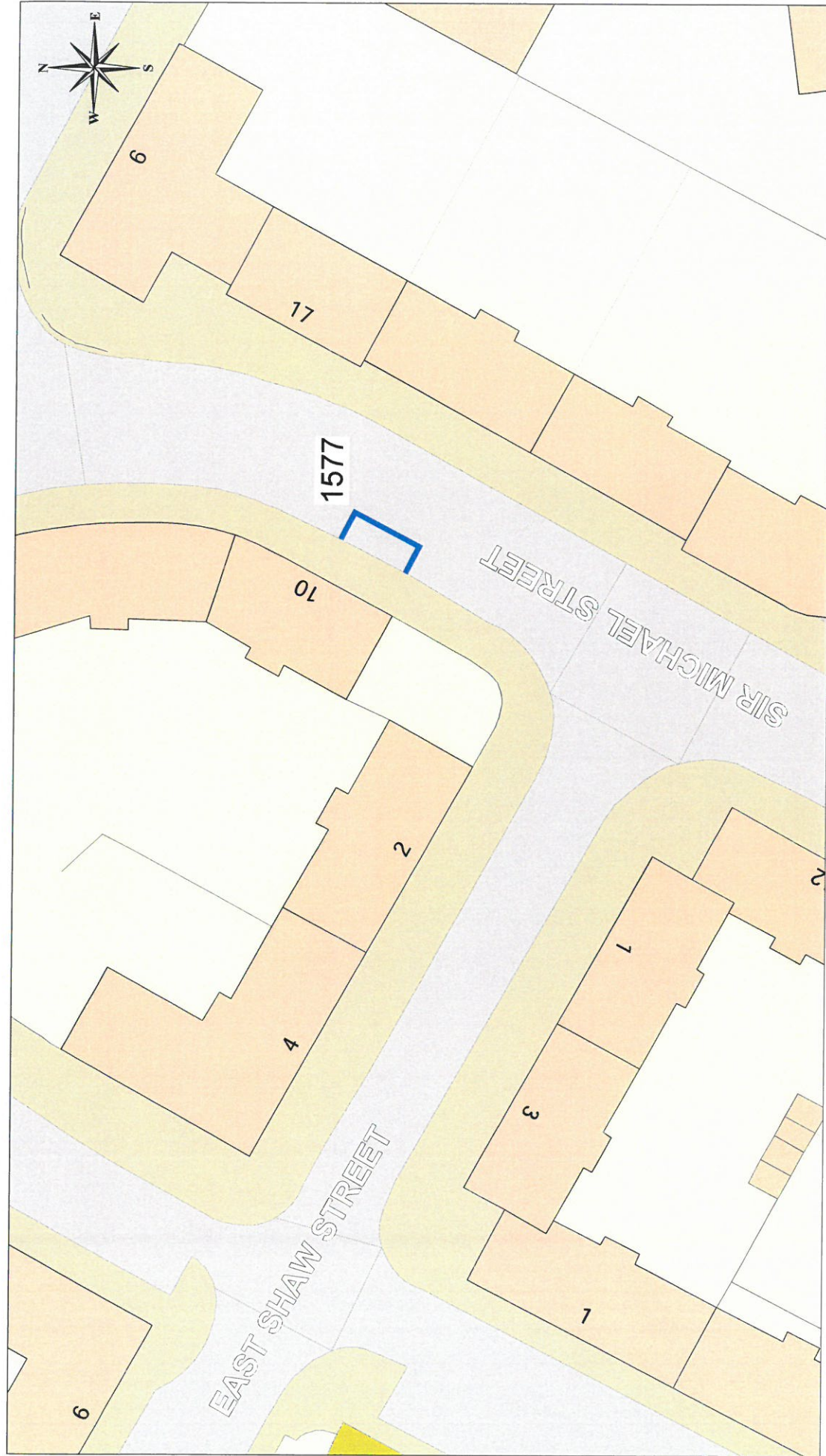
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Environmental Services

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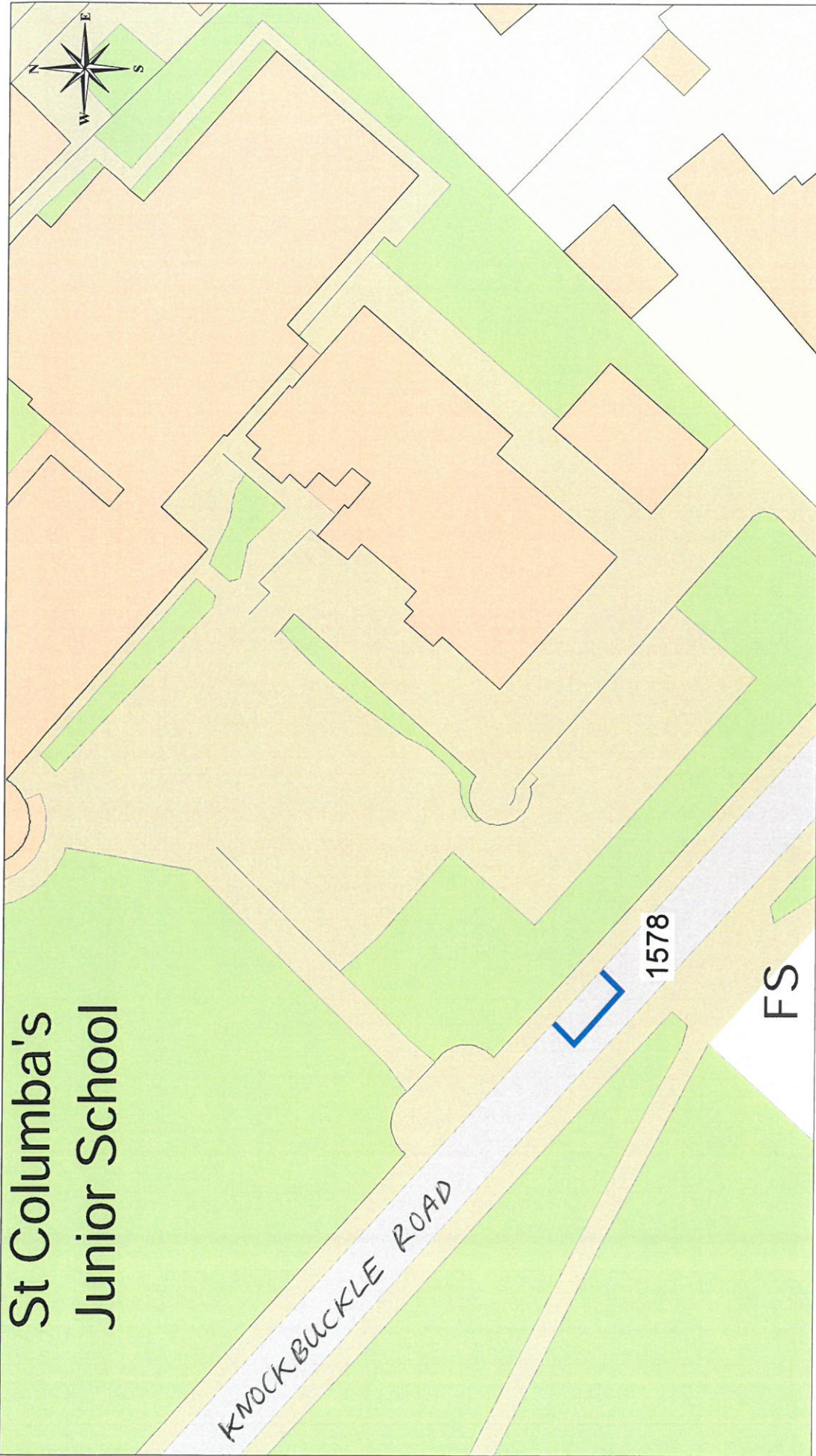
DISABLED PERSONS' PARKING PLACE
50 LEVEN ROAD, GREENOCK
PLACE No. 1574



DISABLED PERSONS' PARKING PLACE
46D BRISBANE STREET, GREENOCK
PLACE No. 1575



DISABLED PERSONS' PARKING PLACE
10 SIR MICHAEL STREET, GREENOCK
PLACE No. 1577



St Columba's
Junior School

KNOCKBUCKLE ROAD

1578

FS

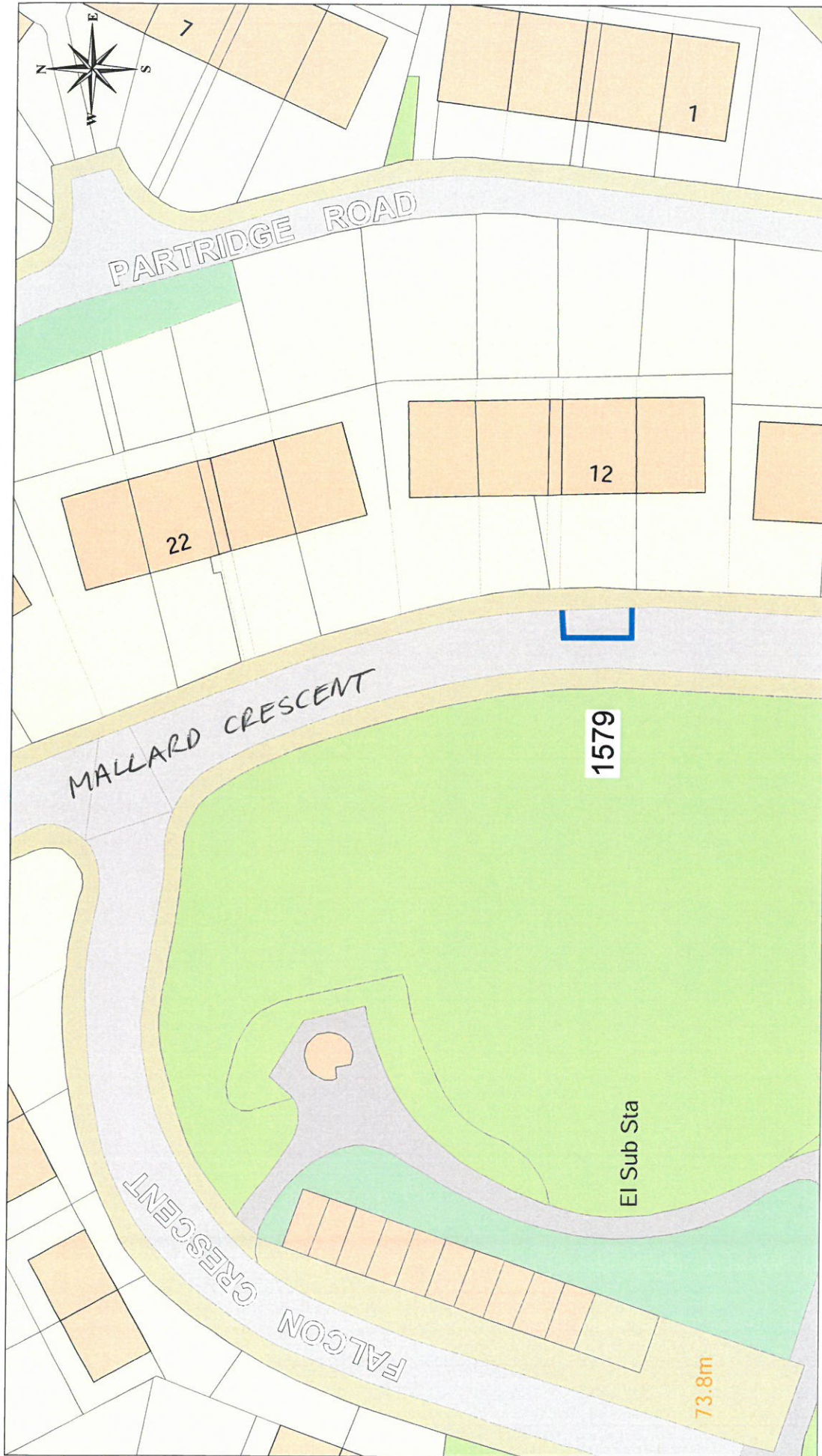
Inverclyde
council
Environmental Services

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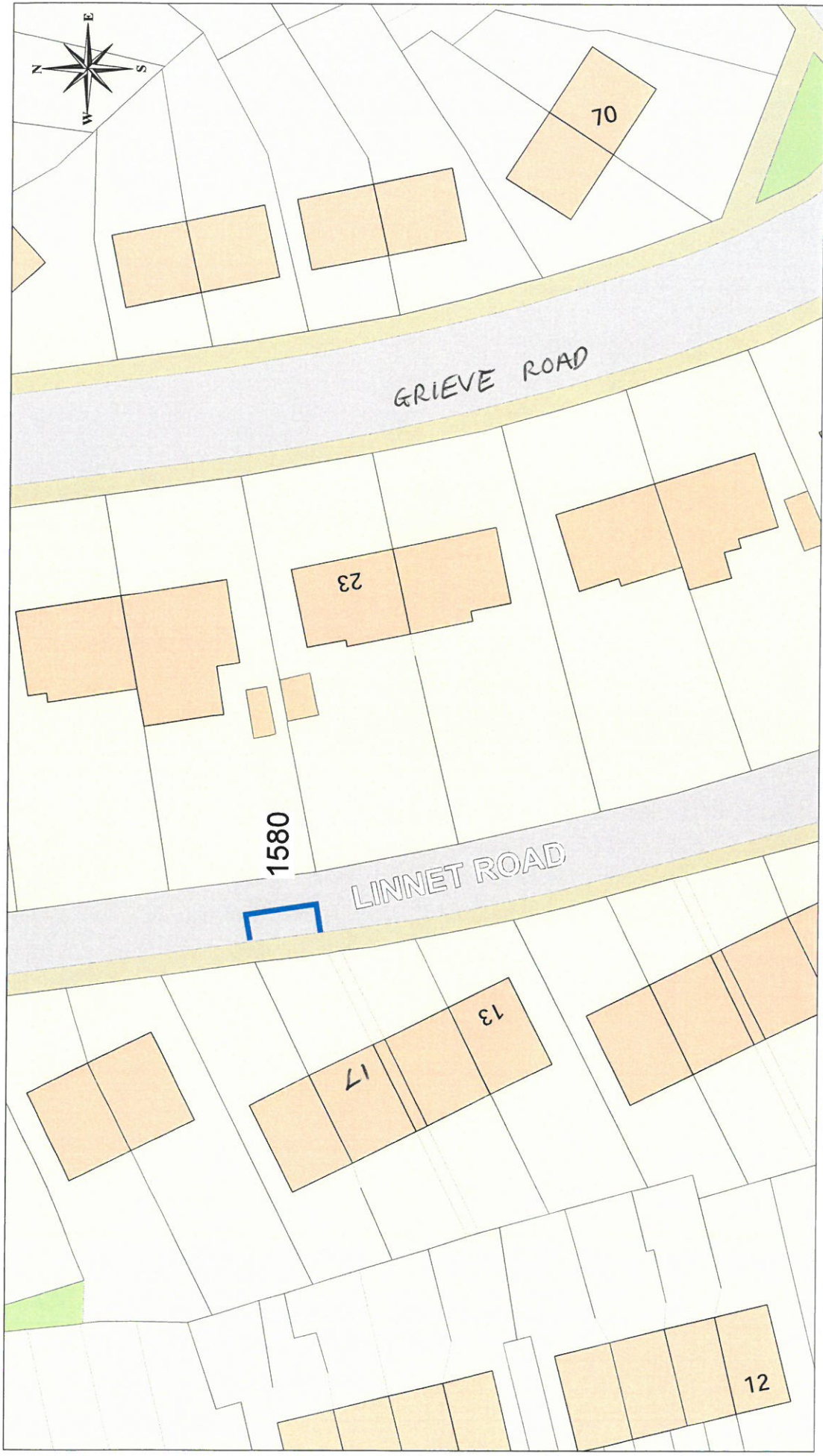
DISABLED PERSONS' PARKING PLACE
KNOCKBUCKLE ROAD, KILMACOLM
PLACE No. 1578



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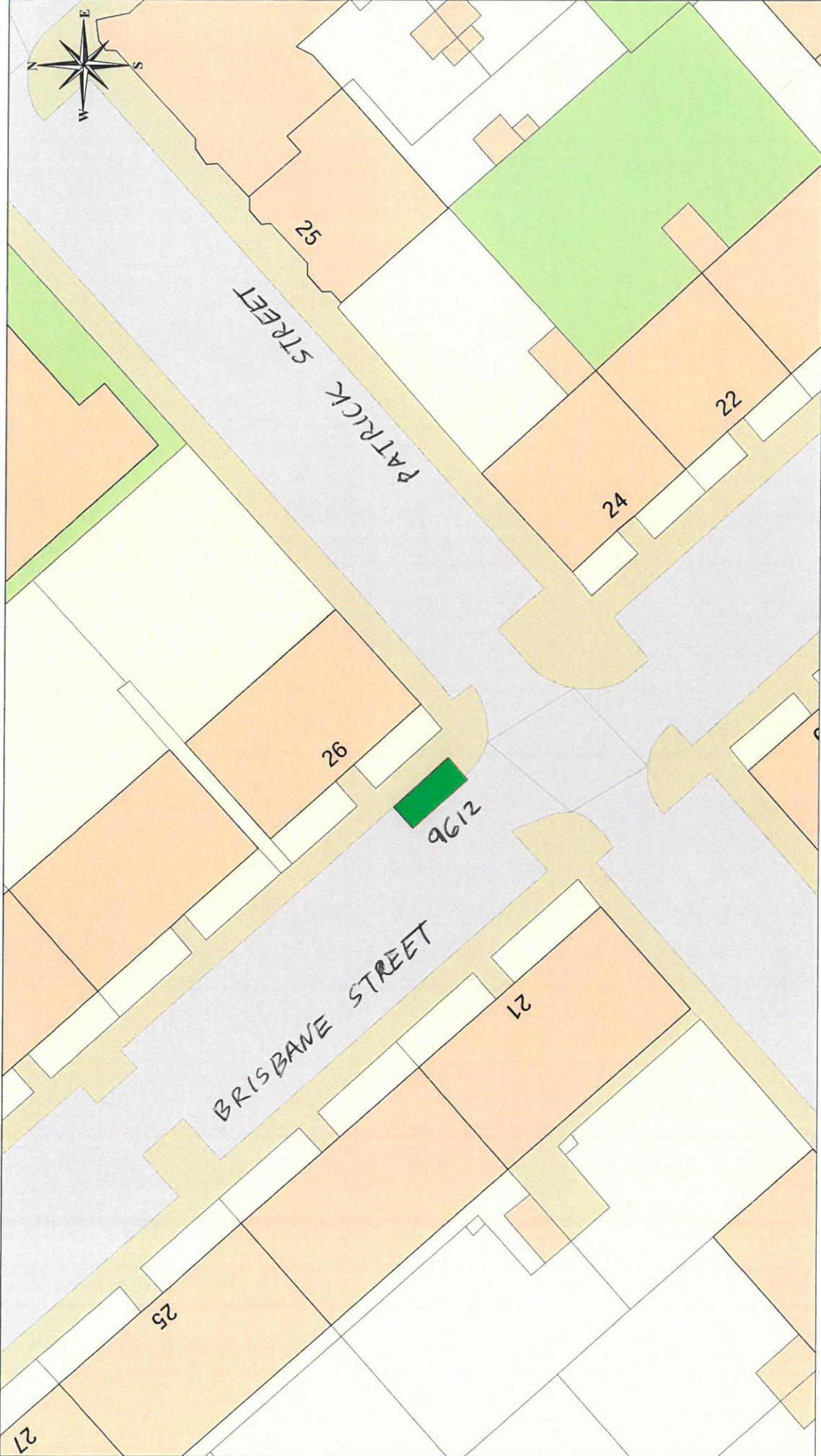
DISABLED PERSONS' PARKING PLACE
12 MALLARD CRESCENT, GREENOCK
PLACE No. 1579



DISABLED PERSONS' PARKING PLACE
17 LINNET ROAD, GREENOCK
PLACE No. 1580



DISABLED PERSONS' PARKING PLACE
27 GLEN FRUIN ROAD, GREENOCK
PLACE No. 1582

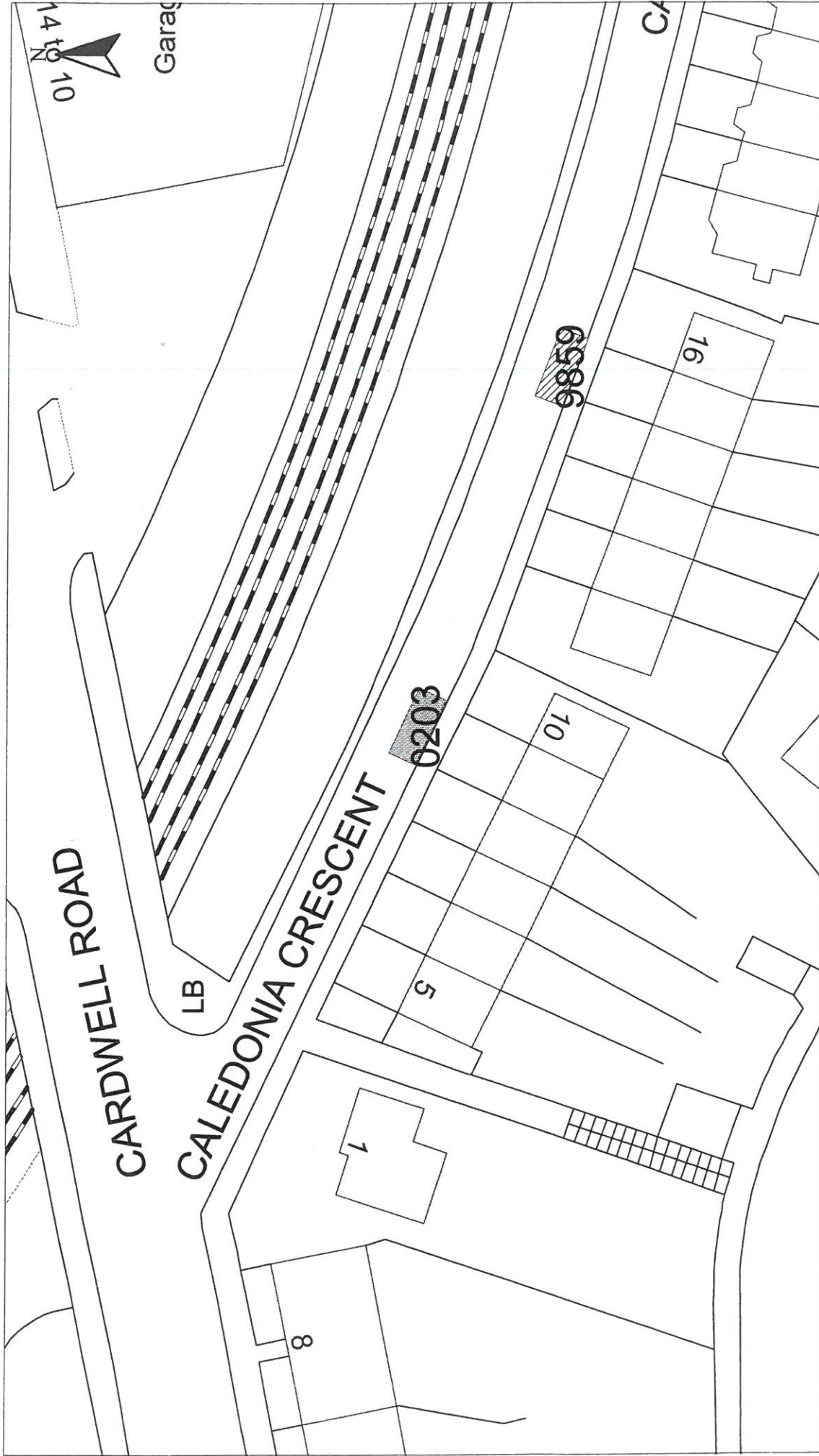


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DISABLED PERSONS' PARKING PLACE
26 BRISBANE STREET, GREENOCK
PLACE No. 9612 REVOCATION

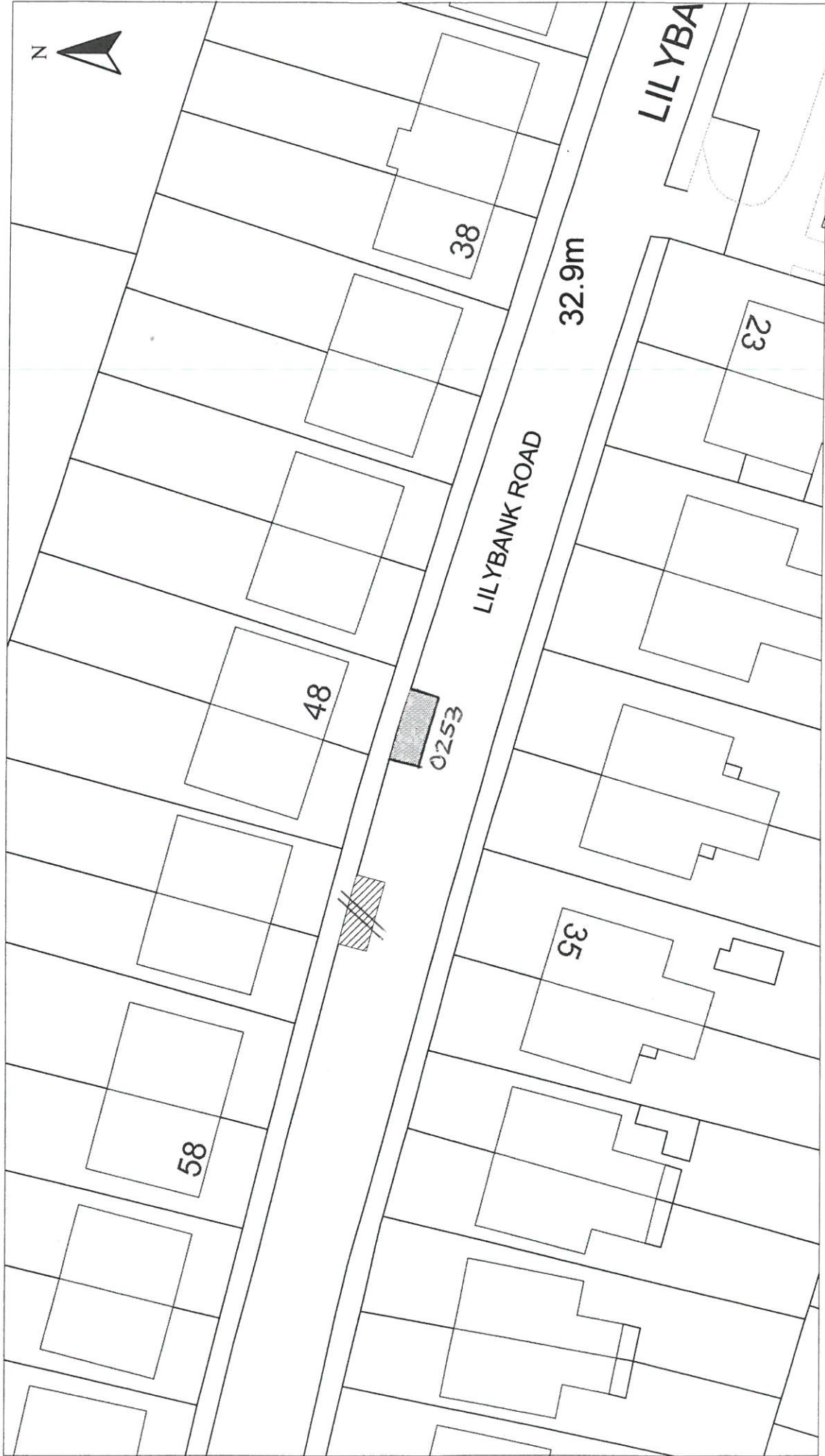


HEAD OF TRANSPORTATION AND ROADS
R.J. SMALL B.Sc., C.Eng., M.I.C.E.
Disabled Bays
71 EAST HAMILTON STREET
GREENOCK, PA15 2UA

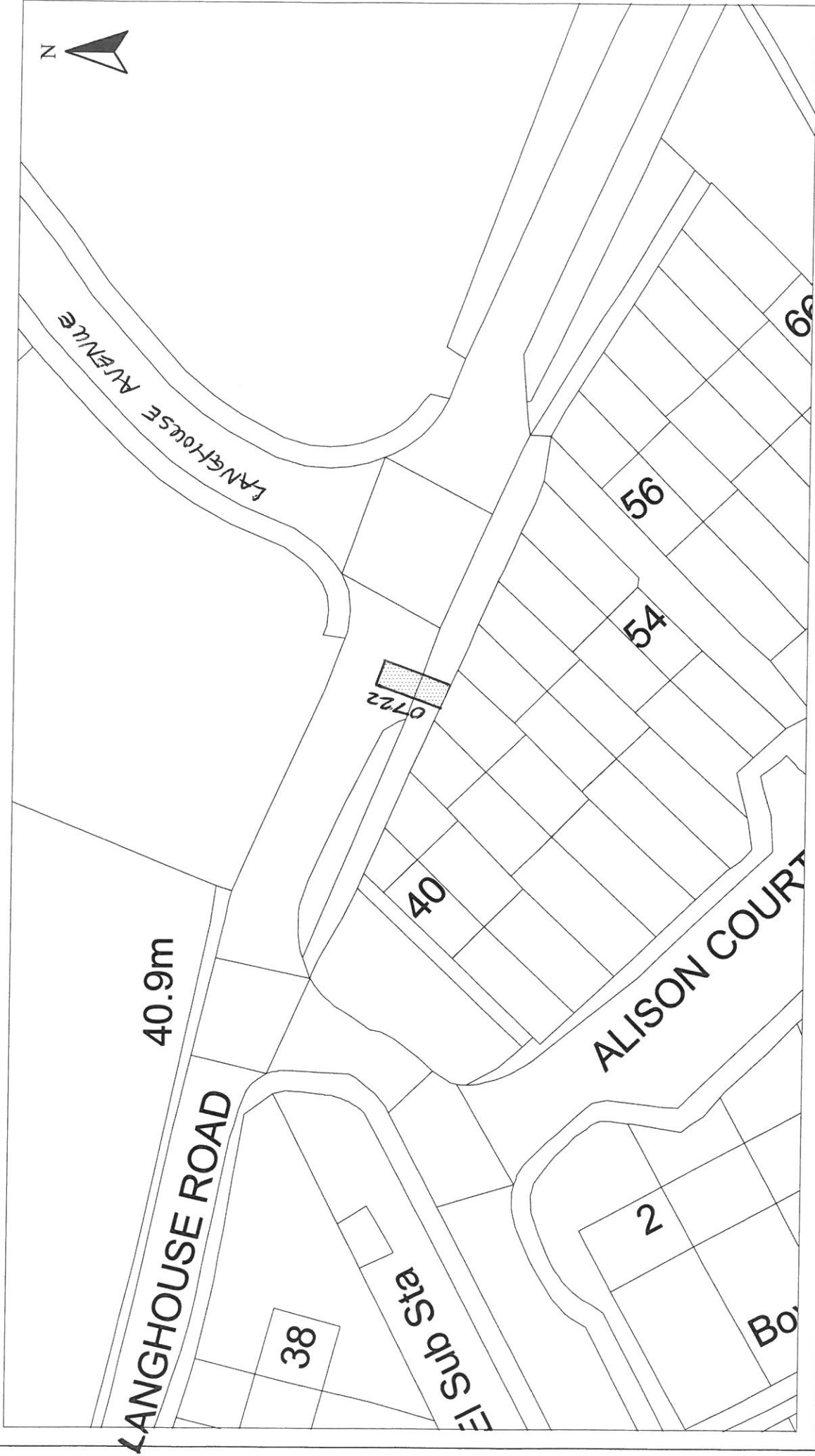
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DISABLED DRIVER'S PARKING BAY
9 CALEDONIA CRESCENT, GOUROCK
PLACE No. 0203 REVOCATION

Scale :	1:500	Date :	JULY 2002
Prepared by :	R. MACKAY	Checked by :	
Drawn by :	R. MACKAY	Approved by :	
Drawing No. :		File No. :	19/12



<p>Scale : 1:500 Date : JULY 2002</p>	
<p>Prepared by : R. MACKAY Checked by :</p>	
<p>Drawn by : R. MACKAY Approved by :</p>	
<p>Drawing No. : 19/12</p>	
<p>DISABLED DRIVER'S PARKING BAY 48 LILYBANK ROAD, PORT GLASGOW PLACE No. 0253 REVOCATION</p>	
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<p>HEAD OF TRANSPORTATION AND ROADS R.J. SMALL B.Sc., C.Eng., M.I.C.E.</p>	
<p>71 EAST HAMILTON STREET GREENOCK, PA15 2JA</p>	
<p>Disabled Bays</p>	



HEAD OF PLANNING AND TRANSPORTATION
F. K. WILLIAMSON

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DISABLED PERSONS' PARKING PLACE
46 LANGHOUSE ROAD, INVERKIP
PLACE No. 0722 REVOCATION

Scale : 1:500

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Drawn by : R. MACKAY

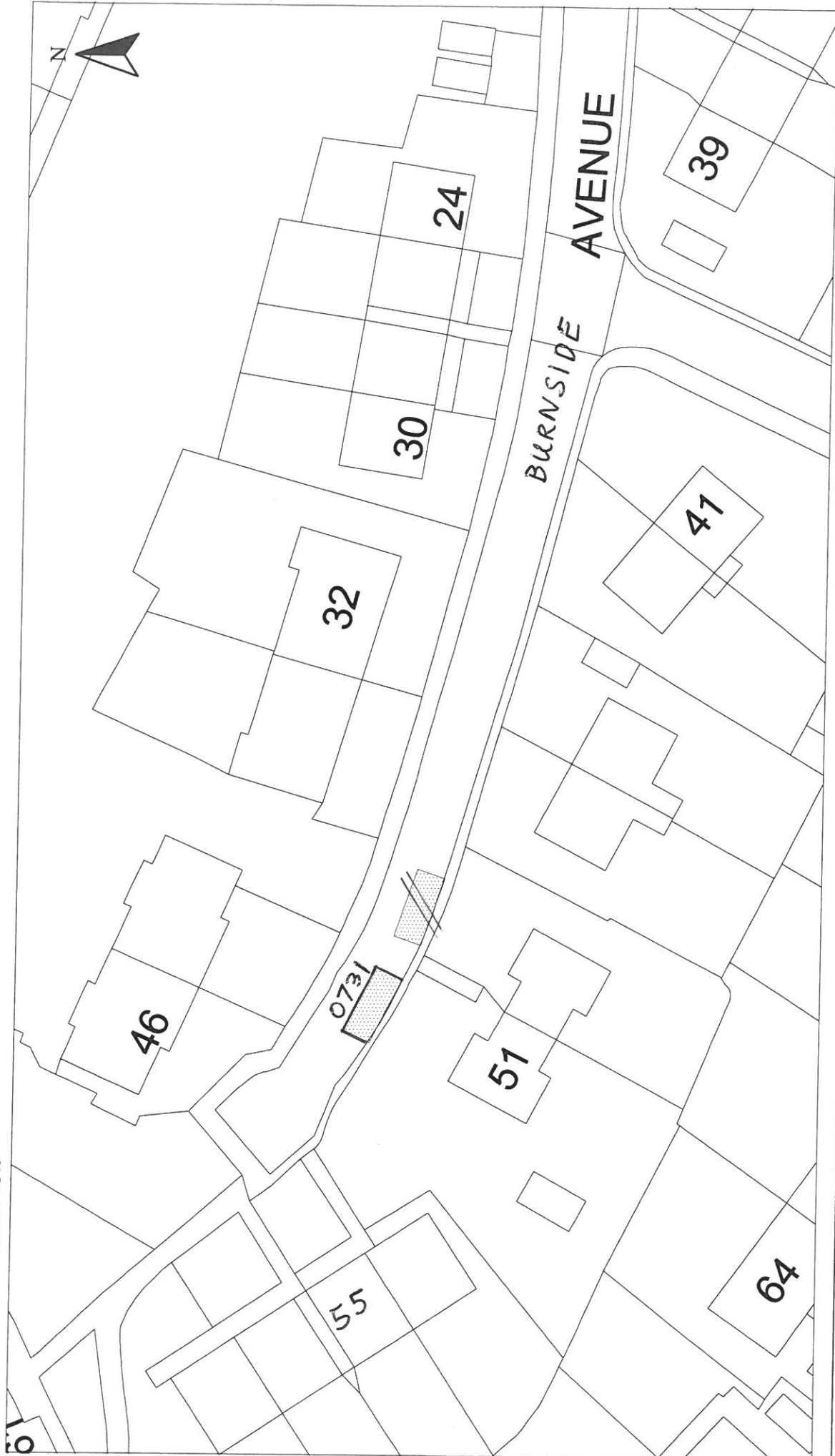
Drawing No. :

Date : SEPT 2007

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Approved by :

File No. : 19/12



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Disabled Bays
6 CATHCART SQUARE
GREENOCK, PA15 1LS

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DISABLED PERSONS' PARKING PLACE
55 BURNSIDE AVENUE, PORT GLASGOW
PLACE No. 0731 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : SEPT 2007

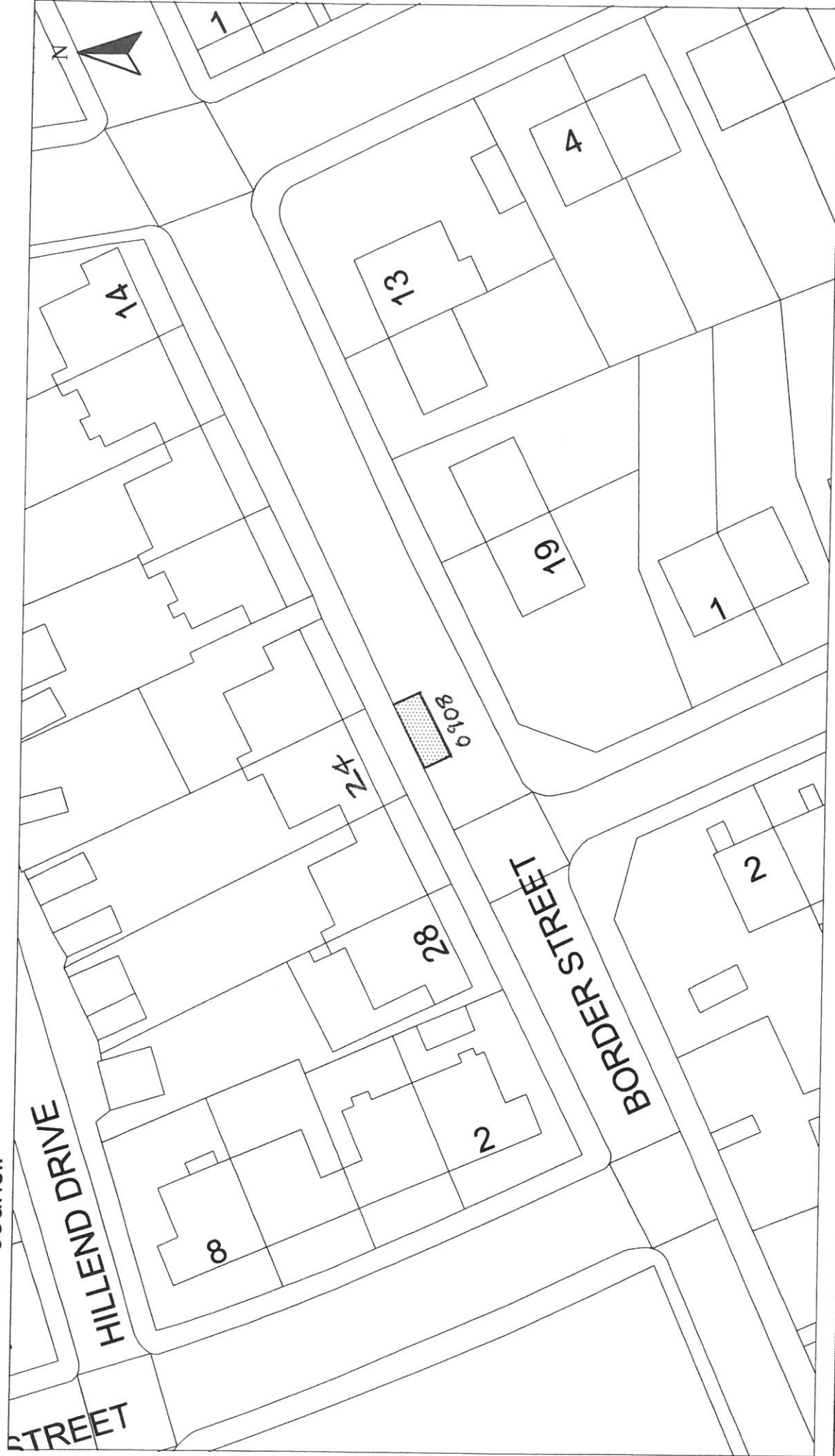
Checked by :

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Inverclyde ENVIRONMENTAL SERVICES

council



Scale :	1:500	Date :	MAY 2009
Prepared by :	R. MACKAY	Checked by :	
Drawn by :	R. MACKAY	Approved by :	
Drawing No. :		File No. :	19/12

DISABLED PERSONS' PARKING PLACE
24-BORDER STREET, GREENOCK
PLACE No. 0908 REVOCATION

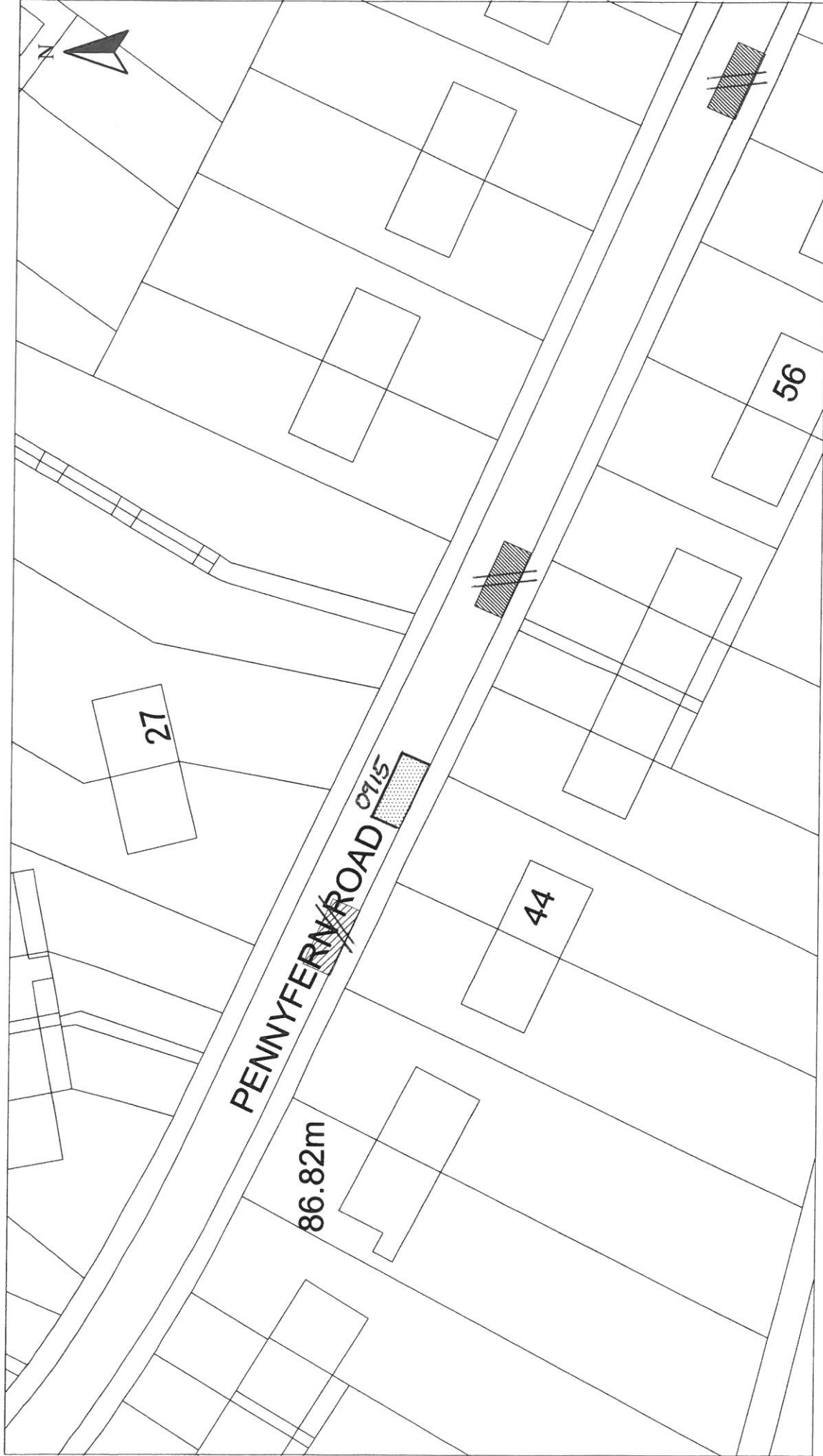
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HEAD OF SERVICE
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Disabled Bays
71 EAST HAMILTON STREET
GREENOCK, PA15 2JA

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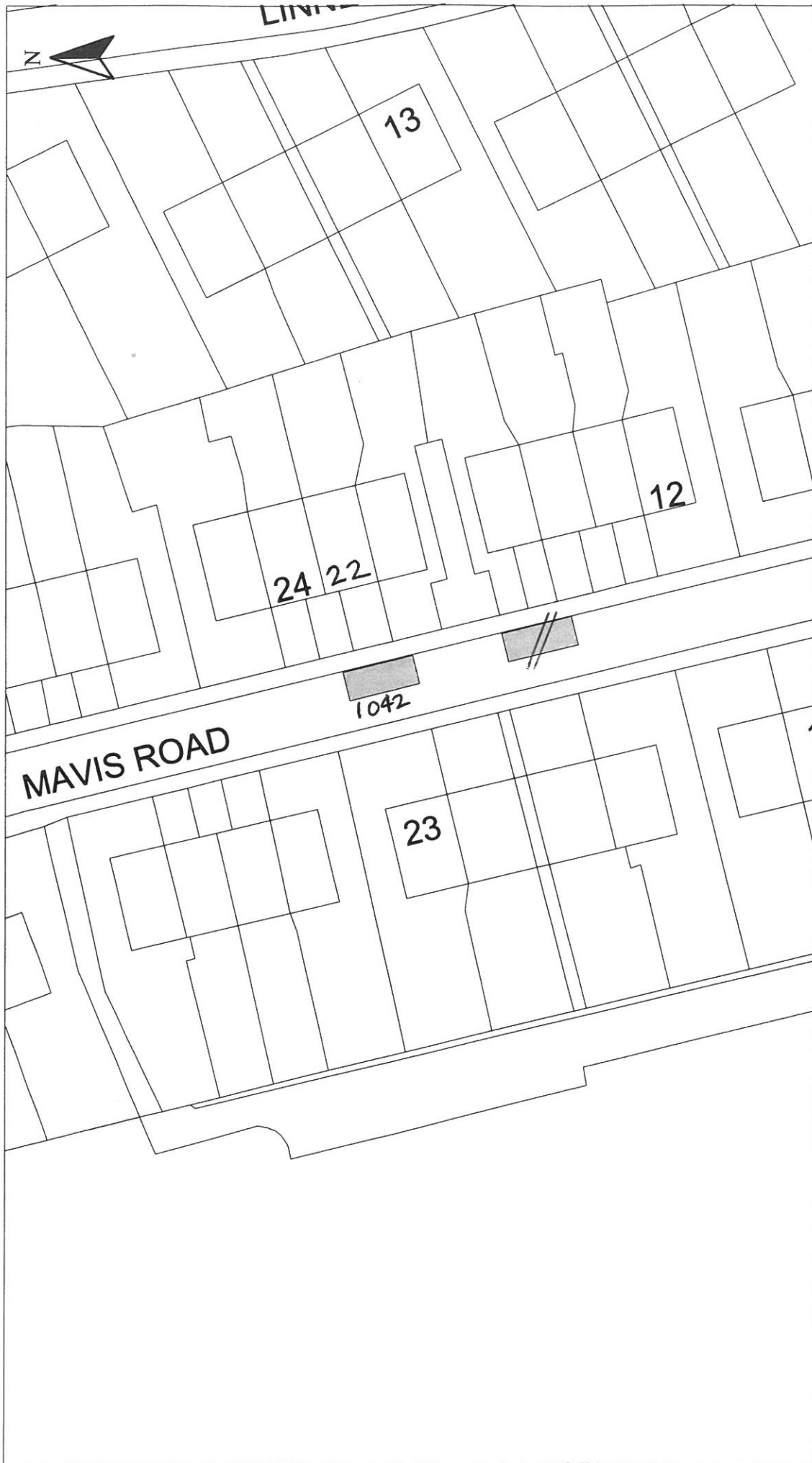
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DISABLED PERSONS' PARKING PLACE
44 PENNYFERN ROAD, GREENOCK
PLACE No. 0915 REVOCATION

Scale :	1:500	Date :	MAY 2009
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Drawing No. :		File No. :	19/12

Disabled Bays
71 EAST HAMILTON STREET
GREENOCK, PA15 2UA



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ALAN G BARNES MCIWM CEnv

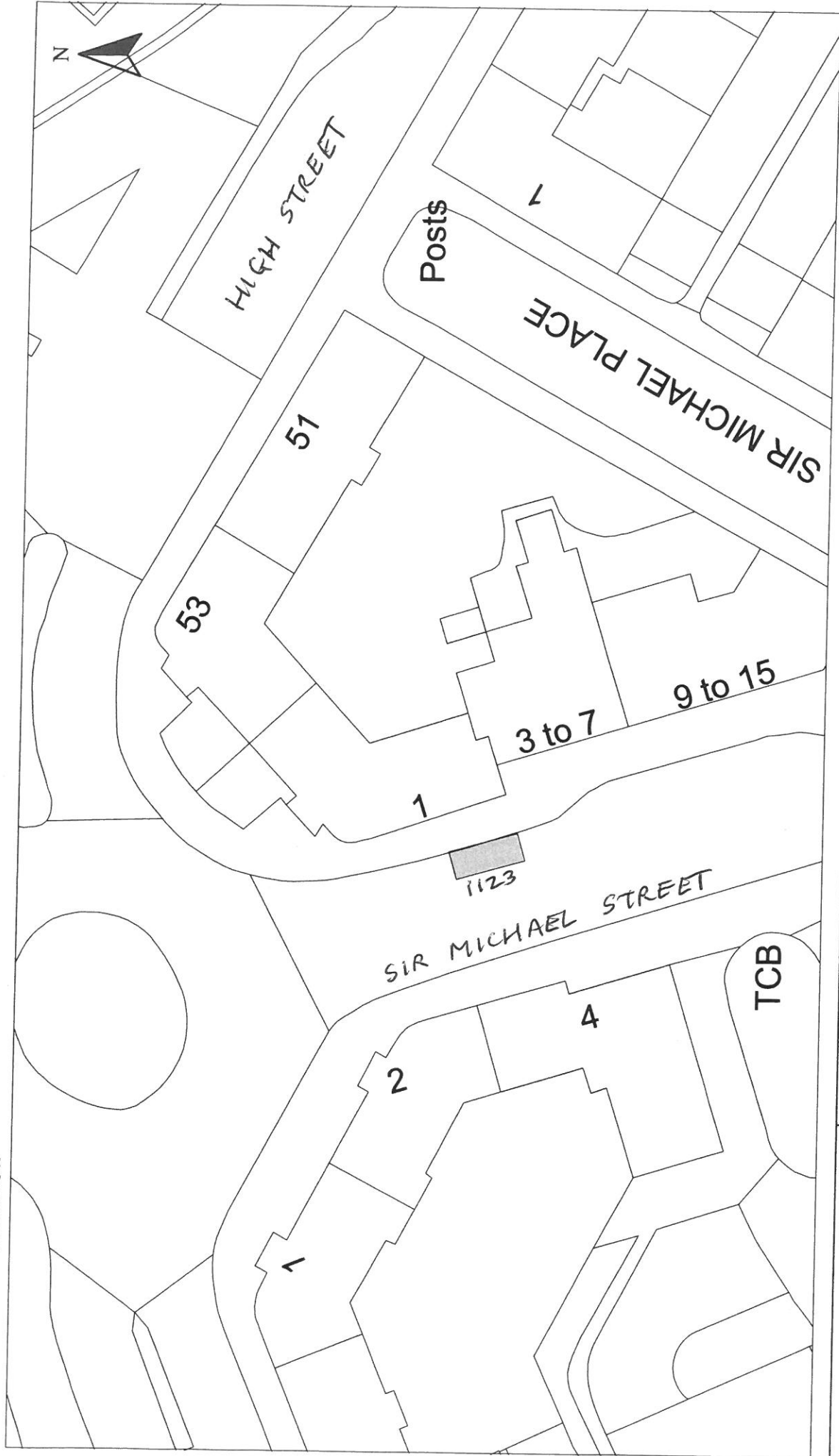
71 EAST HAMILTON STREET
GREENOCK, PA15 2UA

DISABLED PERSONS' PARKING PLACE
22 MAVIS ROAD, GREENOCK
PLACE No. 1042 REVOCATION

Scale :	1:500	Date :	NOV 2010
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Drawn by :	R. MACKAY	Approved by :	
Drawing No. :		File No. :	19/12

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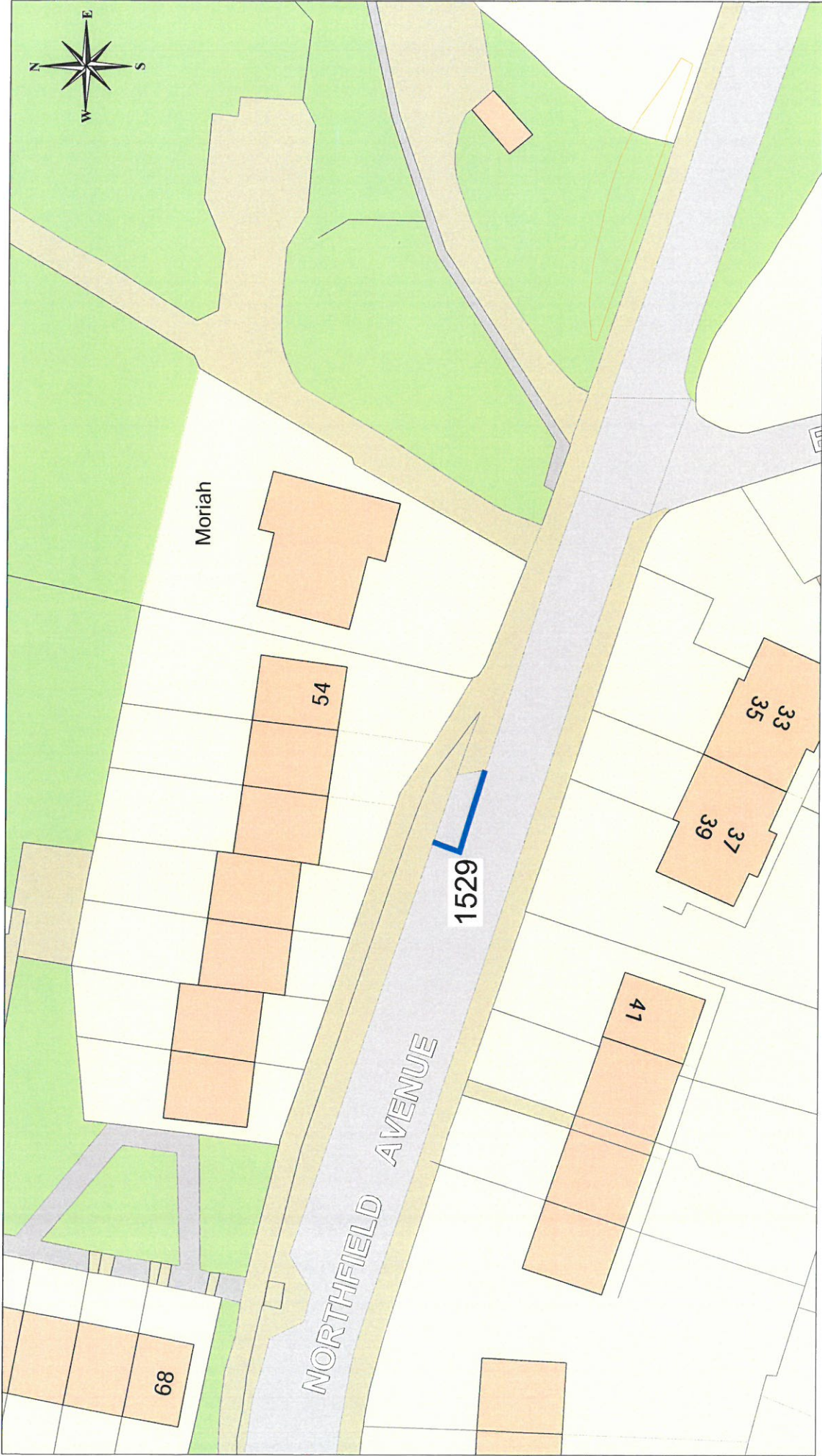
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Disabled Bays	HEAD OF SERVICE IAN MOFFAT		DISABLED PERSONS' PARKING PLACE 3 SIR MICHAEL STREET, GREENOCK PLACE No. 1123 REVOCATION		Scale : 1:500	Date : APR 2011
	71 EAST HAMILTON STREET GREENOCK, PA15 2UA				Prepared by : R. MACKAY	Checked by :
				Drawn by : R. MACKAY		Approved by :
				Drawing No. :		File No. : 19/12

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THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO. 2 2016

**Statement of Reasons for Proposing to Make
the above Order**

It is considered necessary in order to comply with The Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, to make the above Order to provide assistance for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended and by revoking those parking places no longer required to maximise street parking capacity.

Ian Moffat
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