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<b>Report To:</b>	<b>Environment and Regeneration Committee</b>	<b>Date:</b> 15 November 2016
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b> LP/142/16
<b>Contact Officer:</b>	<b>Peter MacDonald</b>	<b>Contact No:</b> 2618
<b>Subject:</b>	<b>The Inverclyde Council Disabled Persons' Parking Places (On Street) Order No. 2. 2016 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999</b>	

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## 1.0 PURPOSE

- 1.1 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 on The Inverclyde Council Disabled Persons' Parking Places (On Street) Order No. 2 2016 (the Proposed TRO), the purpose of this report is to:
- request that the Committee adopt the rules of procedure (Rules of Procedure) for the purposes of the special meeting;
  - advise the Committee in relation to the Proposed Traffic Regulation Order (TRO) of the discussions between Council Officers and the person who has, as part of the public consultation, objected to the Proposed TRO (the Objector); and
  - facilitate the effective, fair and proper hearing by the Committee of the Objector who has not withdrawn her objections (the Remaining Objector) in order that the Committee can consider her objections (the Remaining Objection) and come to a formal recommendation on the Proposed TRO.

## 2.0 SUMMARY

- 2.1 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.
- 2.2 Officers have undertaken a public consultation process in relation to the Proposed TRO, as a result of which one objection was received.
- 2.3 It is necessary that the Remaining Objector be given an opportunity to be heard by the Committee before it reaches a decision on whether or not to recommend the Proposed TRO for formal approval of the Inverclyde Council. The special meeting has been convened to provide such an opportunity.
- 2.4 Because of the requirements of the statutory process and the formal nature of the special meeting, it is vital that the Remaining Objector has a fair and impartial hearing and the Rules of Procedure provide for this.

## 3.0 RECOMMENDATIONS

It is recommended that the Committee:

- 3.1 Approve the Rules of Procedure as detailed in Appendix 1.

- 3.2 Consider the terms of Appendix 2 in relation to the Remaining Objection.
- 3.3 Allow the Remaining Objector an opportunity to be heard at the special meeting of the Committee in accordance with the Rules of Procedure.
- 3.4 Consider the Remaining Objection and such oral representations on it made by the Remaining Objector and Officers at the special meeting, and thereafter **either**:
- 3.4.1 dismiss the Remaining Objection, approve the Proposed TRO as detailed in Appendix 3 and refer it to the next meeting of the Inverclyde Council recommending that the Inverclyde Council formally approve the Proposed TRO and remit it to the Head of Environmental and Commercial Services and Head of Legal and Property Services to arrange for its implementation in accordance with the statutory procedure;
- or**
- 3.4.2 uphold in whole or in part the Remaining Objection and remit to the Head of Environmental and Commercial Services and Head of Legal and Property Services to amend the terms of the Proposed TRO to deal with the part or parts of the Remaining Objection so upheld in accordance with the decision of the Committee, and to report to a future meeting of the Committee with the Proposed TRO as further amended for approval

all in accordance with the Rules of Procedure.

**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 Act 1984 and the Roads (Scotland) Act 1984. 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 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 1 September 2016 this Committee was updated as to the consultation process, and it authorised Officers to make arrangements for the holding of a public hearing in the form of this special meeting.
- 4.3 Officers have continued to engage with the Remaining Objector since that date to advise her of the arrangements for and proposed procedure at this special meeting. Officers have provided the Remaining Objector with a Statement of Case which sets out the position of the Head of Environmental and Commercial Services as regards the Proposed TRO; the Statement of Case is in Appendix 4.
- 4.4 Appendix 2 provides the full text of both the Remaining Objection and the correspondence with Officers.
- 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. This special meeting is therefore necessary to permit the Remaining Objector to be heard by the Committee in terms of the recommendations above.
- 4.6 As the hearing of objections is a statutory entitlement for objectors, the Committee will be discharging legal responsibilities at this special meeting effectively as if it were a formal Tribunal or Board with the obligations which are already familiar to Elected Members as regards Hearings and continuity of attendance.

## **5.0 PROPOSALS**

- 5.1 The form of the Proposed TRO which Officers are recommending for approval is included at Appendix 3 of this report.
- 5.2 This special meeting will proceed effectively as if a formal Tribunal or Board. In the interests of fairness, openness and transparency it is therefore necessary that the basis on which the hearing element of the meeting will proceed be formalised. Officers have therefore prepared draft Rules of Procedure for this meeting per Appendix 1. These have been circulated to the Remaining Objector prior to this meeting and are recommended for approval by the Committee.
- 5.3 Because of the formality of the hearing process and the statutory process for making Management Rules, only certain decisions of the Committee on this matter are competent. Further, it is vital that the Objector has a fair and impartial hearing and the Rules of Procedure provide for this. The decisions which the Committee can competently make are: to dismiss the objection; to uphold the objection; or to uphold part of the objection and dismiss other parts of the objection. If the objection is upheld, it will be necessary for officers to report back to the Committee at a future date with detailed wording. These eventualities are addressed in the possible Committee outcomes specified in Paragraph 3.4.
- 5.4 The Committee is asked to note that, if approved, the Proposed TRO 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.

## 6.0 IMPLICATIONS

### Finance

#### 6.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### Legal

- 6.2 As a local authority, the Inverclyde Council has power in terms of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 to make Traffic Regulation Orders. In accordance with the statutory procedure, the Proposed TRO has been publicised and objections received. Before making the TRO, the Council must take into consideration any objections timeously received and give any objector who maintains their objection an opportunity to be heard by them.

### 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 Head of Environmental and Commercial Services has been consulted on the terms of this report.

## 8.0 BACKGROUND PAPERS

- 8.1 None.



# APPENDIX 1

## Appendix 1 – Rules of Procedure

### INVERCLYDE COUNCIL

#### ENVIRONMENT AND REGENERATION COMMITTEE

#### PROCEDURE AT PUBLIC HEARING INTO OBJECTIONS IN RELATION TO TRAFFIC REGULATION ORDER

At the hearing, the order of the proceedings will be as follows:

- a) The Chair will conduct the hearing. Immediately after opening it, he will introduce the members of the Committee and the officer(s) present and identify and list those persons who wish to be heard during the hearing. It is therefore vital that any person who wishes to participate attends the opening.
- b) The Chair will outline the procedure, explaining that the hearing will take the form of a discussion which he will lead based on the agenda issued to those objectors who have indicated to the Council that they wish to attend and be heard at the hearing.
- c) The arrangements for the hearing have been designed to create the right atmosphere for discussion, to eliminate or reduce formalities and to give everybody a fair hearing.
- d) As each objection listed on the agenda is reached, the Chair will identify those persons who wish to engage in the discussion of the particular issue(s) raised by the objection. Several objectors with shared concerns may choose a spokesperson and this will be helpful to the process; in the event that a number of objectors decide to act together in this way, the Chair will allow a reasonable extension of the time limits set out below.
- e) The Council officer(s) will be invited to describe and present the case for the traffic regulation order in respect of which the objection has been made, to set the scene for the discussion, with a time limit of 5 minutes per objection.
- f) Each objector will be invited to speak to his objection and comment on the description/presentation by the Council officer(s), with a time limit of 5 minutes. Repetition of similar points is to be avoided and will be managed by the Chair.
- g) The Council officer(s) will be invited to reply to the speech of the objector (introducing no new material), restricted to a time limit of 5 minutes. The Chair will allow the objector the final word (introducing no new material), if he/she wishes it, restricted to a time limit of 5 minutes. The Chair will discourage repetitive or superfluous comments. He will indicate when he considers that sufficient clarification of a topic has been achieved, and the discussion will then move on to the next item on the agenda. At no time will cross examination be permitted.

h) The members of the Committee will then be invited by the Chair to ask questions of both the Council officer(s) and the objector. The role of the members of the Committee is only to hear, consider and make a decision on the evidence given by Council officer(s) and objectors.

i) The members of the Committee will then adjourn to consider their decision. The decision of the Committee will be intimated to the Council officer(s) and the objectors orally. Any votes will be held in public. It is anticipated that the decision of the members of the Committee will be intimated on the day of the public hearing but, if that is not possible for any reason, the public hearing will be re-convened. If the decision of the members of the Committee is to uphold an objection in whole or in part, the matter may be remitted to Council officer(s) to modify the traffic regulation order to deal with the objection in accordance with the decision of the members and report to a future meeting of the Environment and Regeneration Committee.

## **APPENDIX 2**

[View Images](#)[Print](#)

## Email

**From:** [Ramsay mackay](#)

Sent: 30/03/2016 14:55:51

**To:** [joanna.chapman](#)**Subject:** Disabled Persons' parking Place

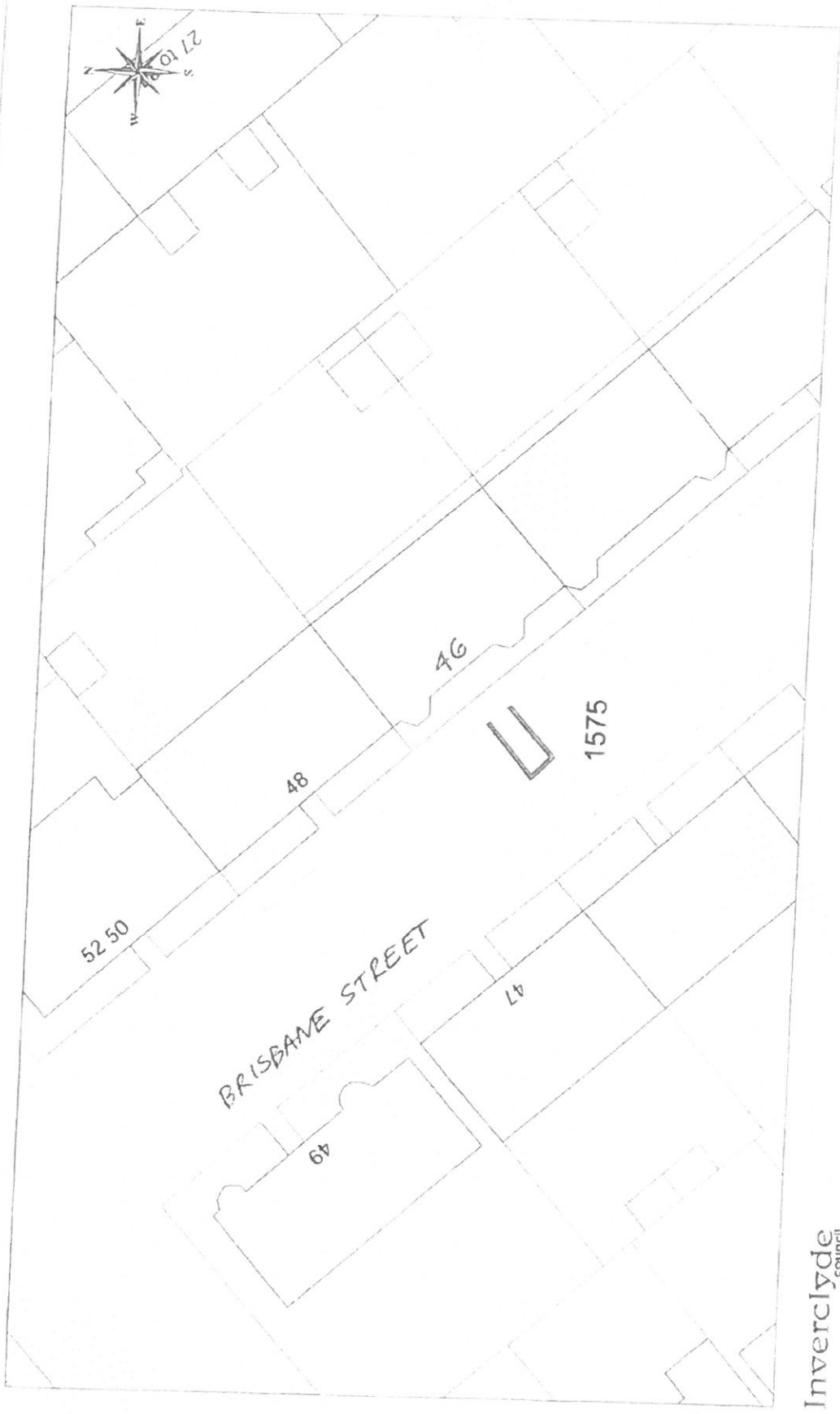
Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

[1575.pdf \(27Kb\)](#)

Message

I attach the plan of the Parking Place proposed under Traffic Regulation Order No.2 of 2016.

Ramsay Mackay  
Technical Officer Transportation  
Environmental & Commercial Services  
Inverclyde Council



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

**Inverclyde**  
 Council  
**Environmental Services**  
 Regeneration & Environment  
 Corporate Director, Andrew Finlay  
 Municipal Buildings  
 Clyde Square  
 PA15 1JY  
 Tel: 01475 712712  
 Fax: 01475 712731  
 andrew.finlay@inverclyde.gov.uk

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## ✉ Email

**From:** [Ramsay Mackay](#)  
**To:** [Joanna Chapman](#)  
**Subject:** RE: Disabled Persons' Parking Place

Sent: 30/03/2016 15:31:46



Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

 [1575Scan.pdf \(365Kb\)](#)

Message

Ms Chapman,

I attach an annotated plan of the proposed location which is to the right of the existing bay as viewed from the road. I apologise for the error, I should have viewed the plan before responding to you.

regards,

Ramsay Mackay

**From:** Joanna Chapman [mailto:]  
**Sent:** 30 March 2016 15:04  
**To:** Ramsay Mackay  
**Subject:** Re: Disabled Persons' Parking Place

The proposed disabled parking space looks to me like it would in fact be to the right and not the left as you have said of the existing bay.

Please confirm.

Thanks

On 30 March 2016 at 15:01, Joanna Chapman <[joanna.chapman@inverclyde.gov.uk](#)> wrote:  
This looks like the space that is already there and marked as disabled at 46a Brisbane St

Not really helpful in showing me where it s going to go. looks right outside the front door to me not to the left. perhaps you have a better picture you would send.

I look forward to receiving it ASAP

Thanks

Joanna

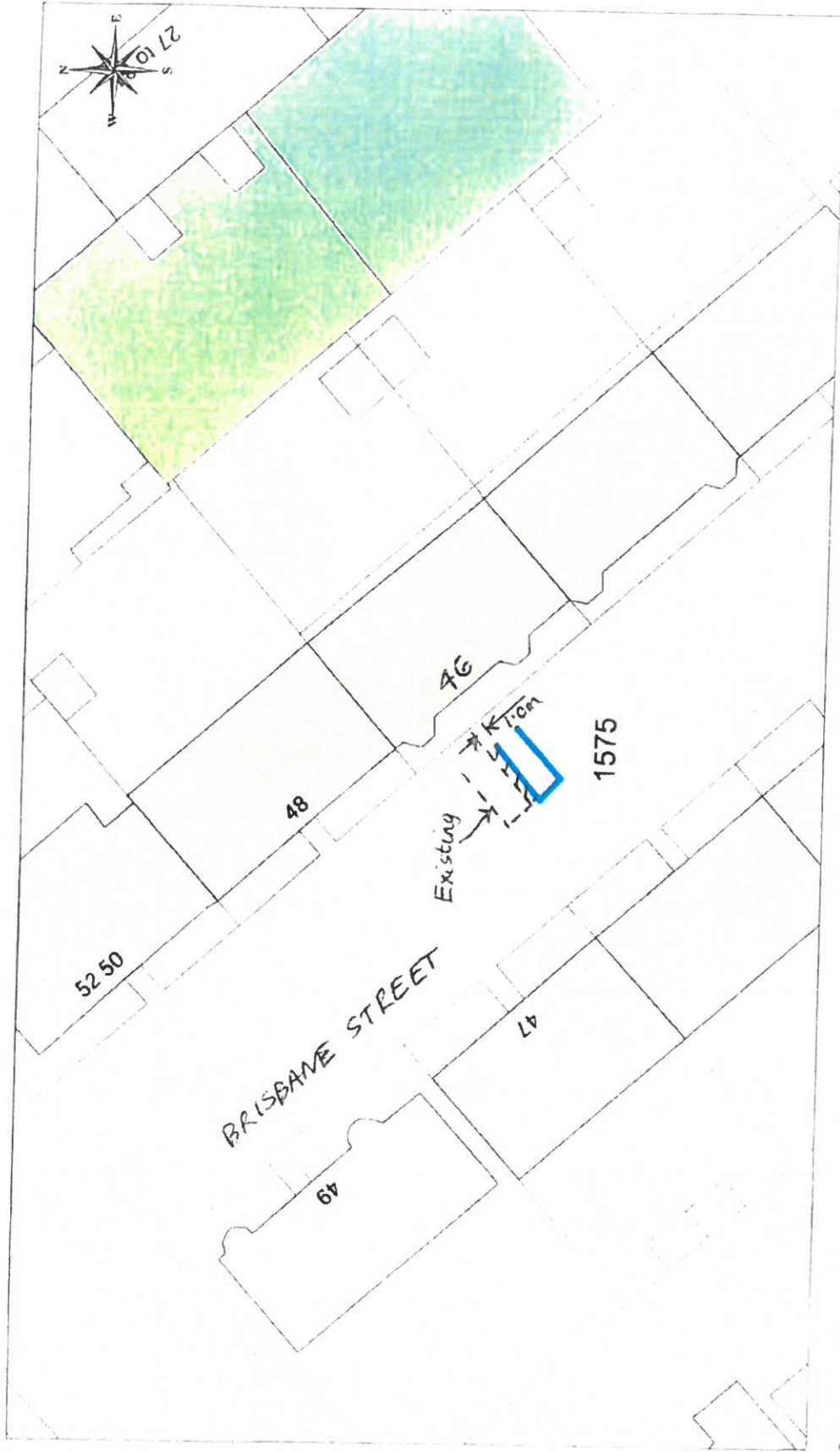
On 30 March 2016 at 14:55, Ramsay Mackay <[Ramsay.mackay@inverclyde.gov.uk](mailto:Ramsay.mackay@inverclyde.gov.uk)> wrote:  
I attach the plan of the Parking Place proposed under Traffic Regulation Order No.2 of 2016.

Ramsay Mackay  
Technical Officer Transportation  
Environmental & Commercial Services  
Inverclyde Council  
Inverclyde  
Council  
Email Disclaimer

This document should only be read by those persons to whom it is addressed and is not intended to be relied upon by any person without subsequent written confirmation of its contents. Accordingly, Inverclyde Council disclaim all responsibility and accept no liability (including in negligence) for the consequences for any person acting, or refraining from acting, on such information prior to the receipt by those persons of subsequent written confirmation.

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

**Inverclyde**  
council  
Regeneration & Environment  
Corporate Director: Aubrey Faucett  
Municipal Buildings  
Chyne Square  
Greenock  
PA15 1LY  
Tel: 01475 712717  
Fax: 01475 712710  
auby@inverclyde.gov.uk



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✉ Email

**From:** [Elaine Provan](#)  
**To:** [joanna.chapman](#)  
**CC:** [Graeme Blackie](#) ; [Ramsay mackay](#)  
**Subject:** Traffic Regulation Order

Sent: 01/04/2016 16:24:53



Message

Dear Joanna

As discussed if you wish to object to the location of the disabled bay you should do so in writing to:

Gerard Malone  
Head of Legal and Property Services  
Municipal Buildings  
Greenock  
PA15 1LX

Information on this and other TROs can be found at <http://www.inverclyde.gov.uk/tro>.

As I advised where there is more than 1 disabled bay we locate the bays next to one another to reduce the loss of parking as disabled bays are generally wider than regular parking bays. If we moved the proposed bay we would prefer to move it to the left of the existing bay. Currently its proposed to go to the right of the existing bay.

Kind regards

**Elaine Provan**  
Senior Engineer - Consultancy  
Inverclyde Council  
Environmental & Commercial Services  
71 East Hamilton St.  
Greenock  
PA15 2UA



Please don't print this email unnecessarily



Joanna Chapman

Gerard Malone  
Head of Legal and Property Services  
Municipal Buildings  
Greenock  
PA15 1LX

11/04/2016

Dear Sirs,

I wish to object to the location of the planned disabled parking bay at 46 Brisbane Street Greenock PA16 8NP. (I believe it is to go to the right hand side of the existing disabled bay when facing the front of the property).

May I suggest that the planned disabled bay its put to the left hand side of the existing disabled bay instead. (When facing the front of the property from the street).

This would leave the parking spaces at both entrance doors (there are two sets) of the above property clear for the convenience of all occupiers of the premises for example, for the removal and delivery of furniture and any building work needing carried out, ladders, machinery etc.

Yours sincerely

Joanna Chapman

Our Ref: VP/ECO1430

Your Ref:

Date: 19 May 2016

**Environment, Regeneration & Resources**  
Corporate Director: Aubrey Fawcett

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY  
Tel: 01475 712764  
aubrey.fawcett@inverclyde.gov.uk

**FIRST CLASS**  
Joanna Chapman

Dear Ms Chapman

**Traffic Regulation Order  
The Inverclyde Council, Disabled Persons' Parking Places (On-Street) Order No. 2 2016**

I refer to our recent telephone conversation regarding the above.

I note that you wish to maintain your objection to the above proposed Order dated 11 April 2016 and I can confirm that your objection has not been withdrawn.

On behalf of the Council, please accept my apologies for the delay in providing you with this confirmation in writing as originally requested by you in April.

As I advised, Environmental and Commercial Services are currently considering the matter further in light of your maintained objection. Once I have heard further from them with their comments/instructions on how they wish to proceed with this Order I will advise you of the position.

I trust this is of assistance. If you have any queries please do not hesitate to contact me.

Yours sincerely

 **Gerard Malone**  
Head of Legal & Property Services

Enquiries to:

Vicky Pollock, Legal Services Manager (Procurement & Conveyancing), Legal & Property Services  
Tel: 01475 712180  
E-mail: vicky.pollock@inverclyde.gov.uk

Our Ref: CS/ECO1430

Your Ref:

Date: 19<sup>th</sup> April, 2016

**Environment, Regeneration & Resources**  
Corporate Director: Aubrey Fawcett

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY  
Tel: 01475 712764  
aubrey.fawcett@inverclyde.gov.uk

Joanna Chapman

Dear Madam,

**Traffic Regulation Order**

**The Inverclyde Council, Disabled Persons' Parking Places (On-Street) Order No. 2 2016**

I thank you for your letter dated 12 June 2014 in connection with the above proposed Traffic Regulation Order. The Head of Environmental & Commercial Services has now considered your letter and comments as follows:-

A Disabled Person's Parking Place (DPPP) is located close to the pedestrian access to the applicant's property to reduce the distance to be travelled to their vehicle. A plan of the proposed location is sent to the applicant for their agreement in case there are other factors to be taken into account which are not readily apparent. In this particular case no comments were received from the applicant and the plan was included in the proposed Traffic Regulation Order (TRO) designated as "No. 2. of 2016". Any access to the property required by tradespeople or delivery persons may be accomplished by using any of the other parking spaces in Brisbane Street.

I trust this information will be of assistance to you. However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing before an Independent Reporter from the Scottish Government Inquiry Reporter's Unit.

If you wish to maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. I shall be grateful, therefore, if you would advise me within 14 days of the date of this letter if you wish to maintain your objections. If I do not hear from you within that timescale I shall consider your objections to be withdrawn.

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any Hearing which may be convened has the right to send written representations for the consideration of the Reporter.

Yours faithfully,

**Gerard Malone**  
Head of Legal and Property Services

Enquiries To: Caroline Shaw; Tel: 01475 712115; e-mail: [caroline.shaw@inverclyde.gov.uk](mailto:caroline.shaw@inverclyde.gov.uk)

Our Ref: RM/19/12/Loc1575

**Regeneration, Environment & Resources**  
Corporate Director: Aubrey Fawcett

Your Ref:

Date: 17 May 2016

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712764

Fax: 01475 712731

[aubrey.fawcett@inverclyde.gov.uk](mailto:aubrey.fawcett@inverclyde.gov.uk)

Mr K Gilmour

Dear Mr Gilmour,

### **Disabled Persons' Parking Place**

I refer to your request for the provision of a parking place outside your address in connection with the Blue Badge Scheme for the disabled.

The process to create the Traffic Regulation Order (TRO) which regulates the Disabled Persons' Parking Place (DPPP) includes a period of public consultation which allows interested parties to lodge an Objection to the proposals. There has been an Objection raised regarding the location of the proposed DPPP outside your address.

I had written to you, on 2<sup>nd</sup> February 2016, enclosing a plan showing the proposed location of the DPPP and to allow you to modify it if required. As I did not receive any reply from you I assumed that you were in agreement.

I now enclose a plan showing the location of the DPPP and the proposed new location; situated on the opposite side of the existing DPPP. If you are in agreement to this alteration please notify the officer named below. I will then forward the plan to the person who raised the Objection and request that they withdraw their Objection.

Please note that the TRO will now be submitted to the next cycle of Council meetings and will not be legally effective until October or November 2016. I will inform you of the exact date once the dates of the Council meetings are set.

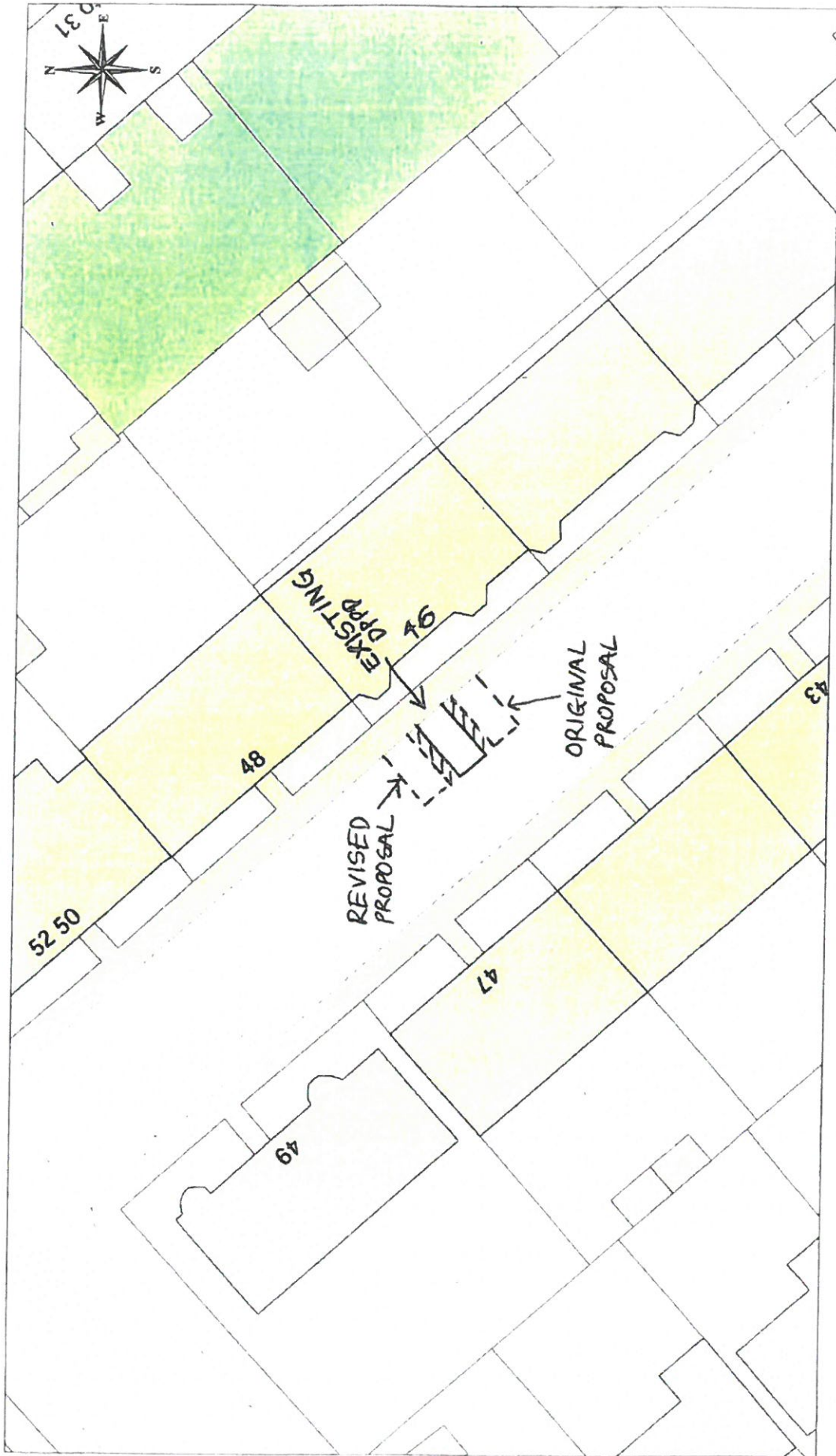
Yours sincerely,

**Robert M Graham**  
Head of Environmental & Commercial Services

Enc.

Enquiries To: Mr R Mackay, 71 East Hamilton Street, Greenock, PA15 2UA Tel No. 01475-714835





DISABLED PERSONS' PARKING PLACE  
46D BRISBANE STREET, GREENOCK  
PLACE NO. 1575  
Scale. 1:500

**Inverclyde**  
Council  
Environmental Services

Regeneration & Environment  
Corporate Director Aubrey Fawcett  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY  
Tel: 01475 712712  
Fax: 01475 712741

**TRANSCRIBED FROM HANDWRITTEN NOTE**

Tues 24<sup>th</sup> May 2016

Mr Gilmour telephoned 09:00

He received letter of 17 May 2016

but does not agree to re-location of DPPP.

R Mackay



46 BRISBANE STREET, GREENOCK



## **APPENDIX 3**

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

DRAFT

**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

**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  
Head of Environmental & Commercial Services  
1 Ingleston Park  
Cartsburn Street  
GREENOCK  
PA15 4UE

**INVERCLYDE COUNCIL**

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

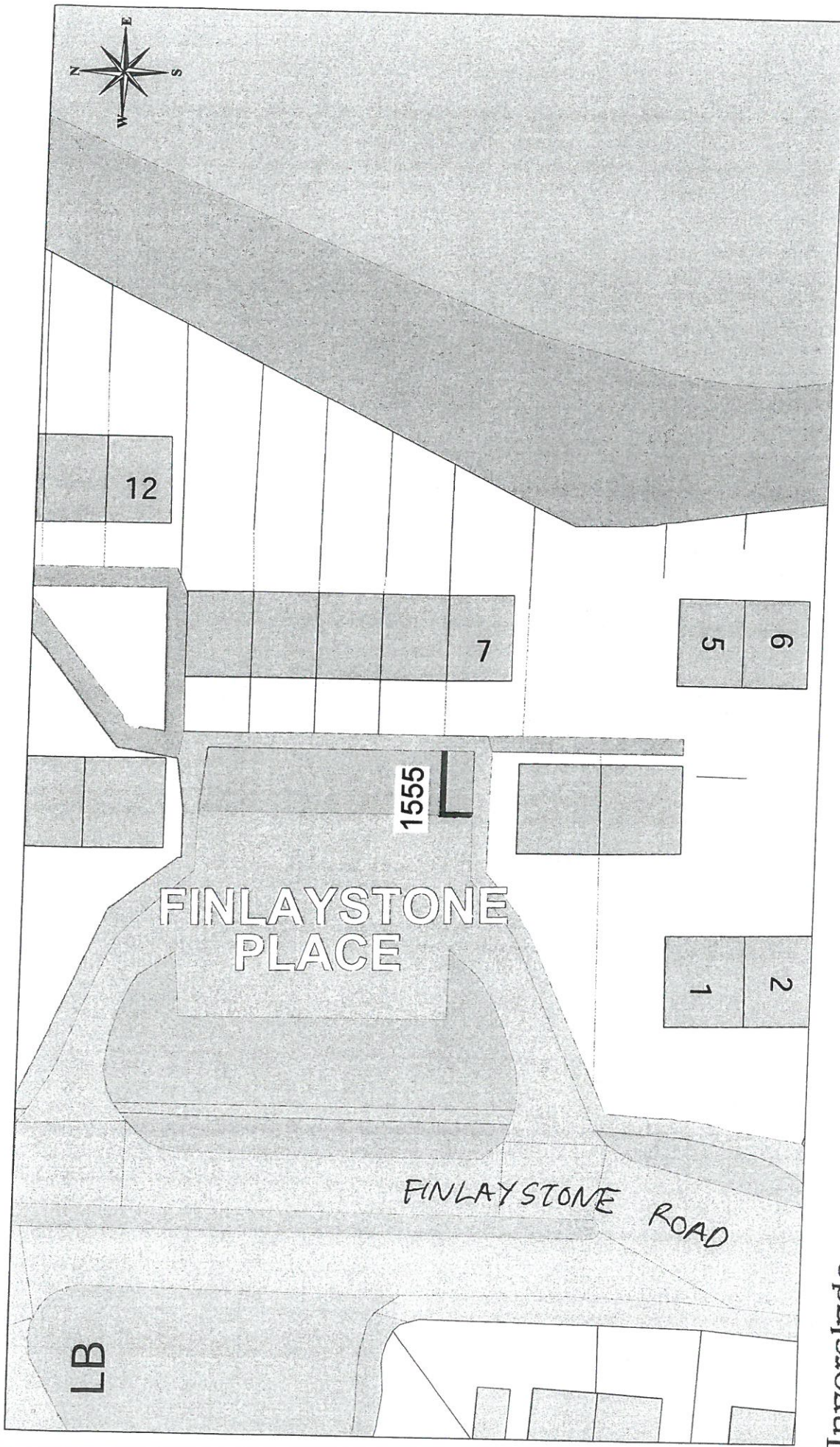
**SCHEDULE**

**Rev E**

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

Column 1	Column 2
<b><u>Ref No.</u></b>	<b><u>Address of Disabled Person's Parking Place to be created or revoked ® "ex-adverso"</u></b>
1555	7 Finlaystone Place, Kilmacolm
1568	36 Glencairn Road, Greenock
1573	13 Bridgend Avenue, Port Glasgow
1574	50 Leven Road, Greenock
1575	46D Brisbane 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**

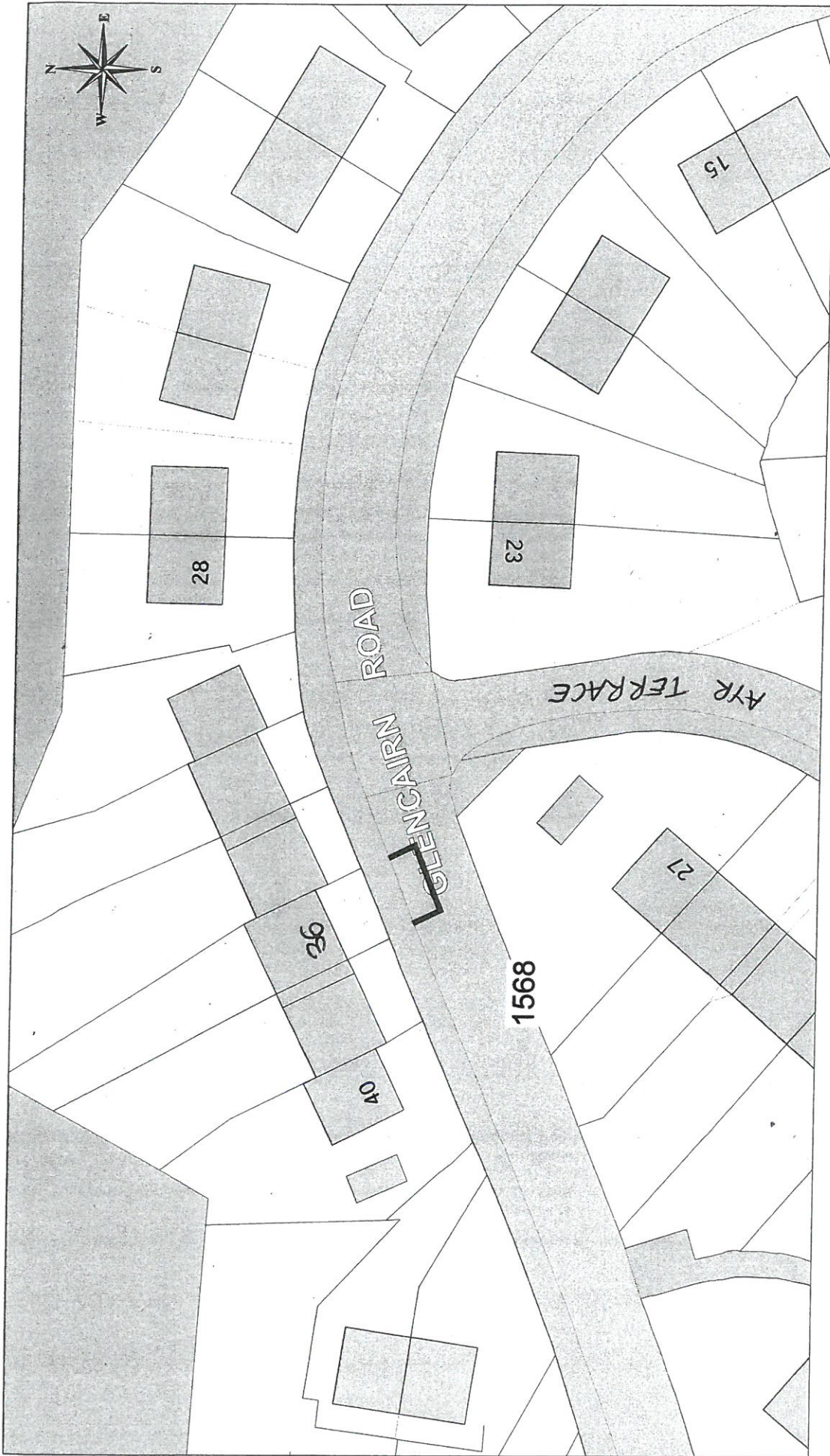
**Inverclyde**  
 Council

**Environmental Services**

Regeneration & Environment  
 Corporate Director: Aubrey Fawcett

Municipal Buildings  
 Clyde Square  
 Greenock  
 PA15 1LY  
 Tel: 01475 712712  
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 aubrey.fawcett@inverclyde.gov.uk



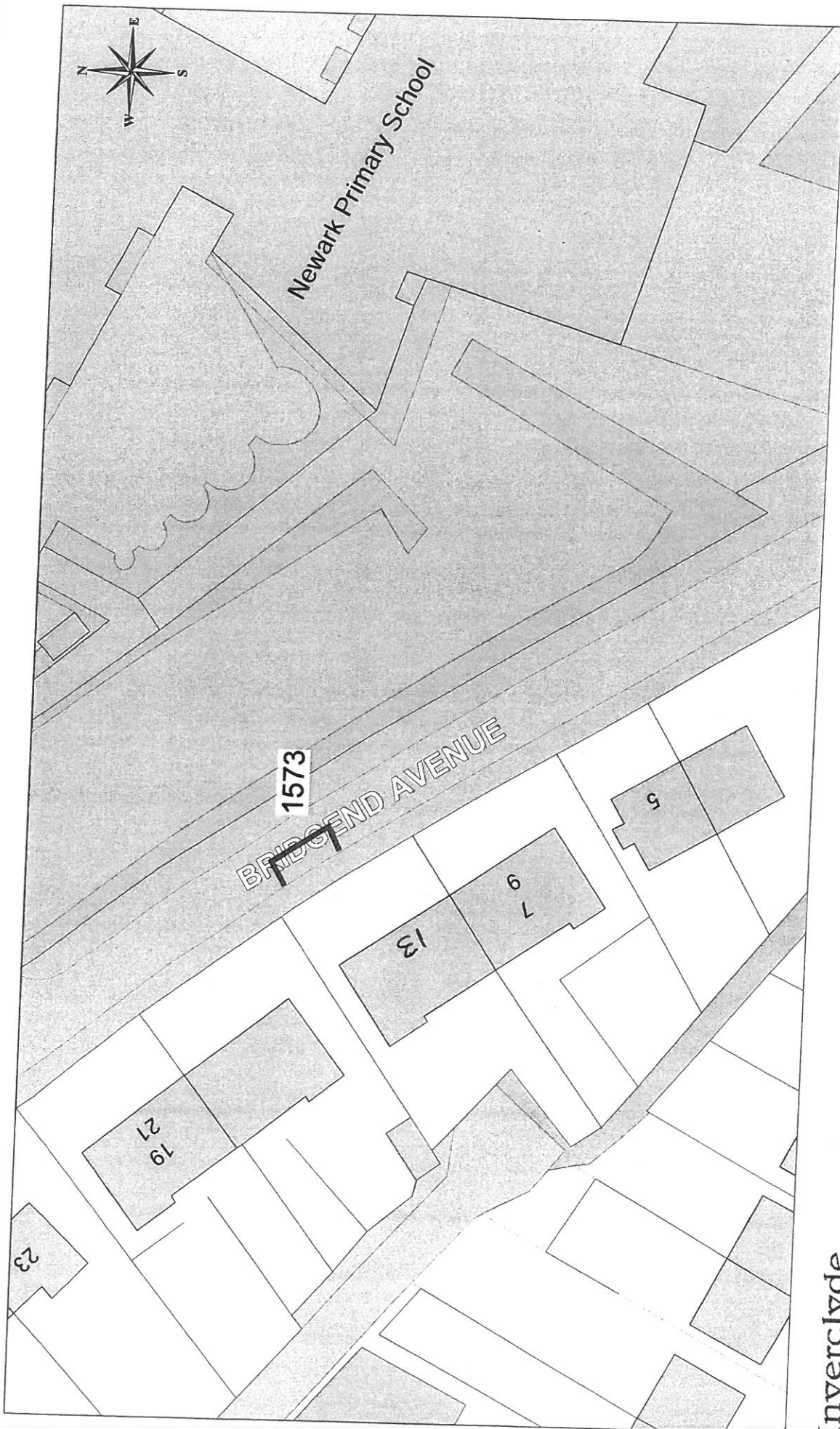


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DISABLED PERSONS' PARKING PLACE  
 36 GLENCAIRN ROAD, GREENOCK  
 PLACE No. 1568

**Inverclyde**  
 council  
 Environmental Services

Regeneration & Environment  
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**DISABLED PERSONS' PARKING PLACE**  
**13 BRIDDEND AVENUE, PORT GLASGOW**  
**PLACE No. 1573**

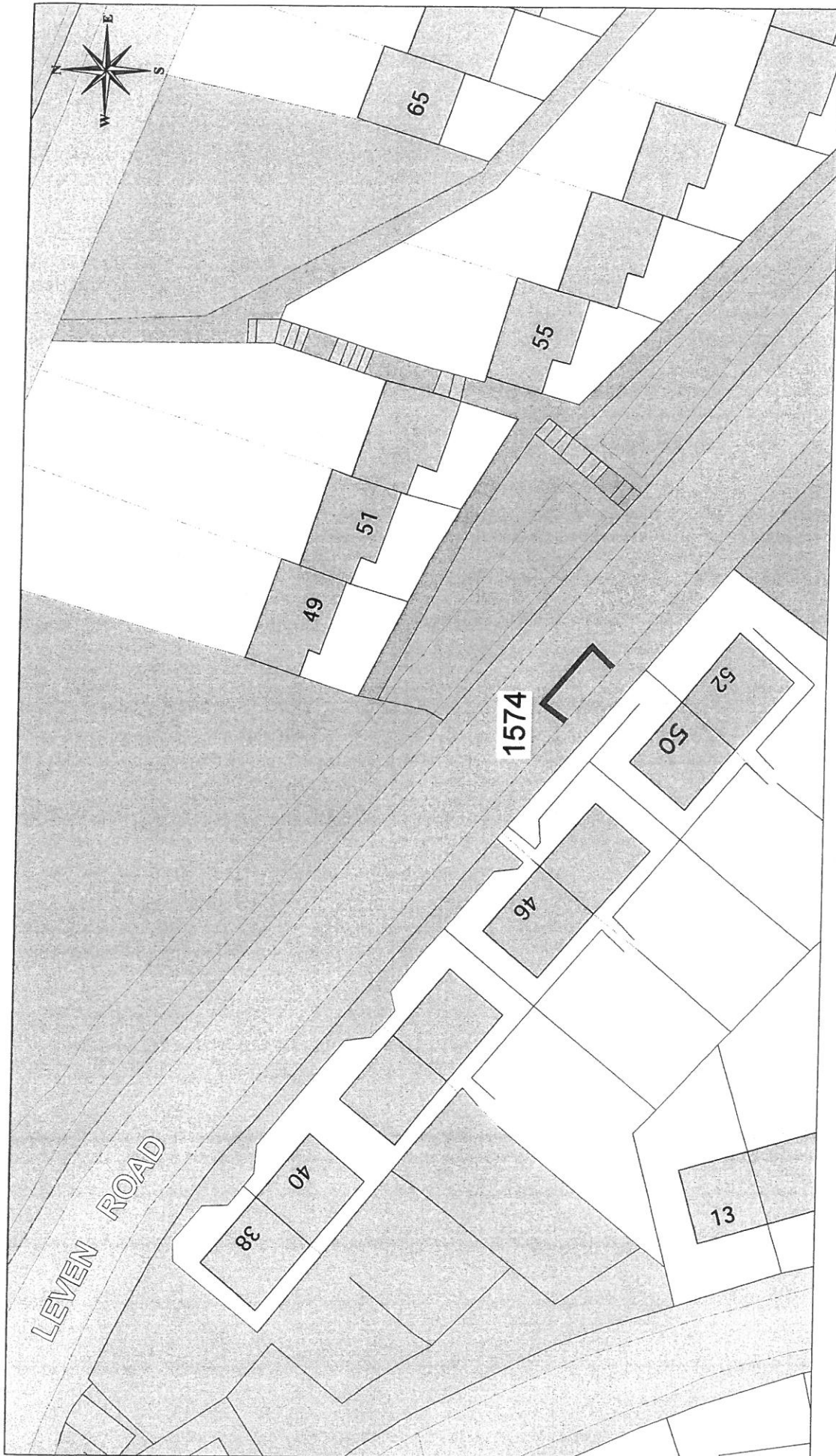
**Inverclyde**  
 Council

**Environmental Services**

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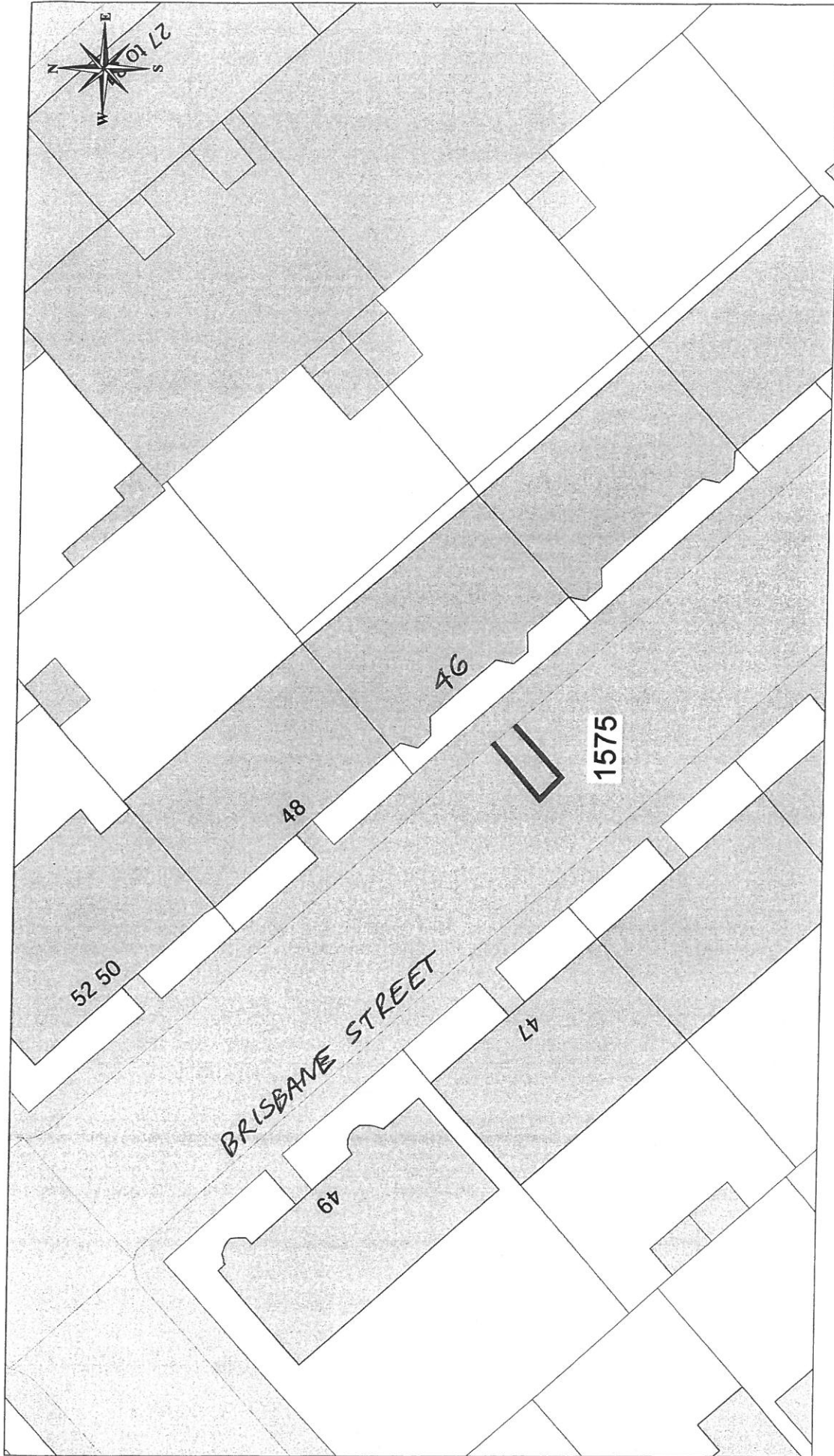


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**DISABLED PERSONS' PARKING PLACE**  
**50 LEVEN ROAD, GREENOCK**  
**PLACE No. 1574**

**Inverclyde**  
 council  
**Environmental Services**

Regeneration & Environment  
 Corporate Director: Aubrey Fawcett  
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**DISABLED PERSONS' PARKING PLACE**  
**46D BRISBANE STREET, GREENOCK**  
**PLACE No. 1575**

**Inverclyde**  
council  
**Environmental Services**  
 Regeneration & Environment  
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**Environmental Services**

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aubrey.fawcett@inverclyde.gov.uk

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

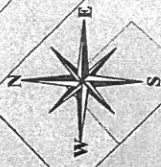


St Columba's  
Junior School

KNOCKBUCKLE ROAD

1578

FS



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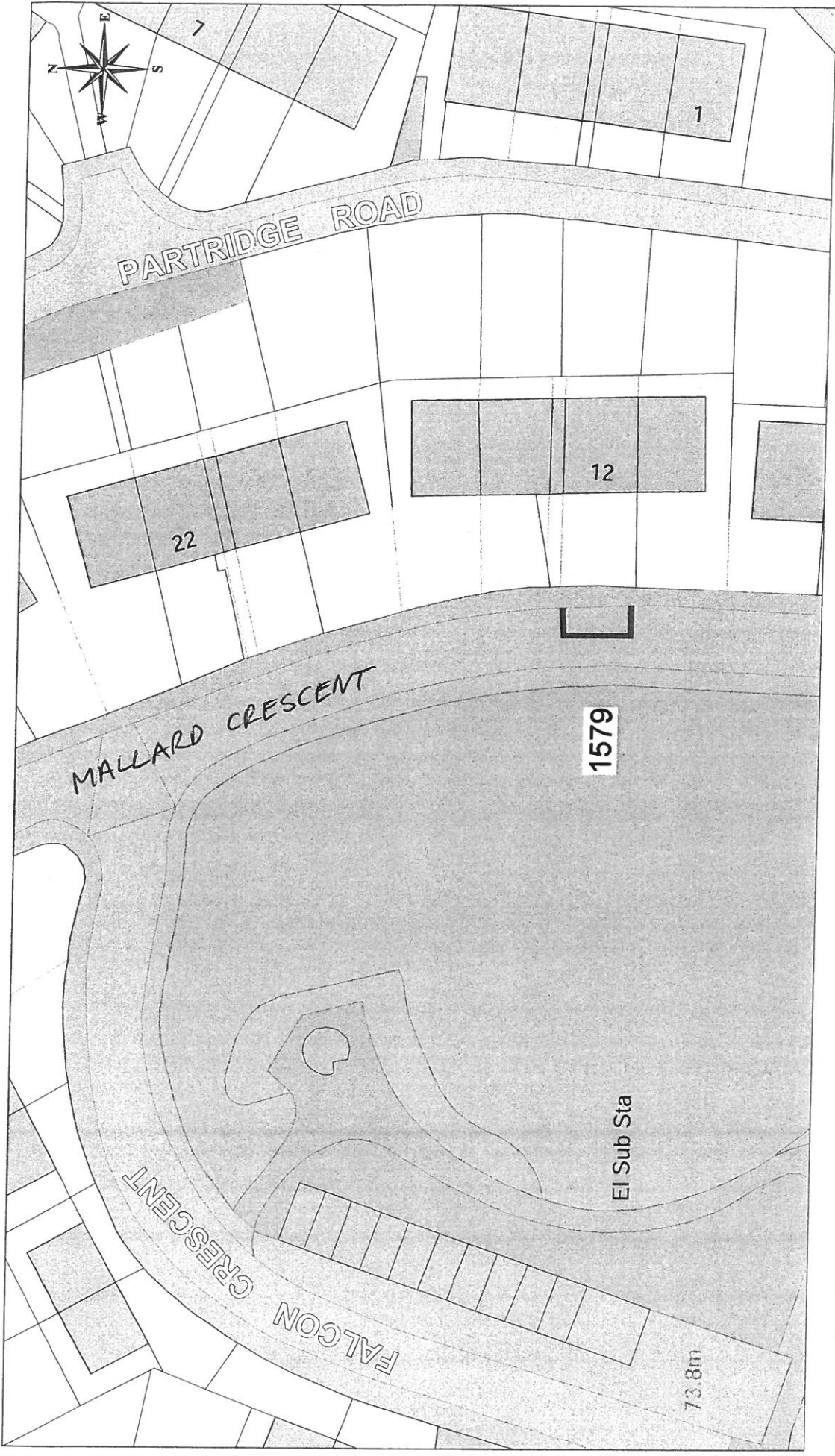
**Inverclyde**  
council  
**Environmental Services**

Regeneration & Environment  
Corporate Director: Aubrey Fawcett  
Municipal Buildings  
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Fax: 01475 712731  
aubrey.fawcett@inverclyde.gov.uk

**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

**Inverclyde**  
council  
Environmental Services

Regeneration & Environment  
Corporate Director: Aubrey Fawcett  
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Greenock  
PA16 9JY  
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Fax: 01475 712731  
aubrey.fawcett@inverclyde.gov.uk

73.8m



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

**Inverclyde**  
 council  
**Environmental Services**

Regeneration & Environment  
 Corporate Director: Aubrey Fawcett  
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 Greenock  
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 Fax: 01475 712713  
[aubrey.fawcett@inverclyde.gov.uk](mailto:aubrey.fawcett@inverclyde.gov.uk)

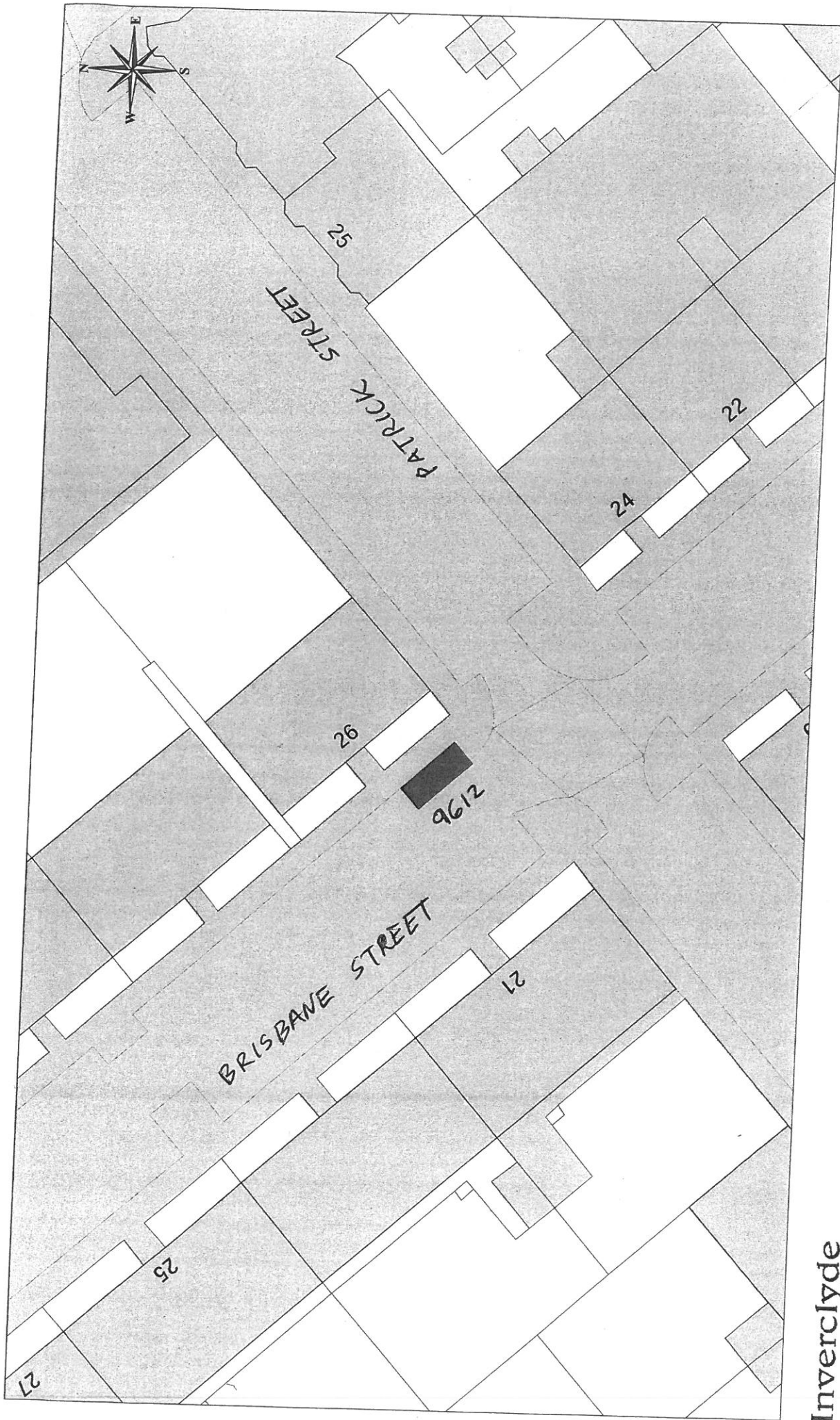




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**DISABLED PERSONS' PARKING PLACE**  
**27 GLEN FRUIN ROAD, GREENOCK**  
**PLACE No. 1582**

**Inverclyde** council  
**Environmental Services**  
 Regeneration & Environment  
 Corporate Director: Aubrey Fawcett  
 Municipal Buildings  
 Clyde Square  
 Greenock  
 TA 15 1LY 715712  
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 aubrey.fawcett@inverclyde.gov.uk

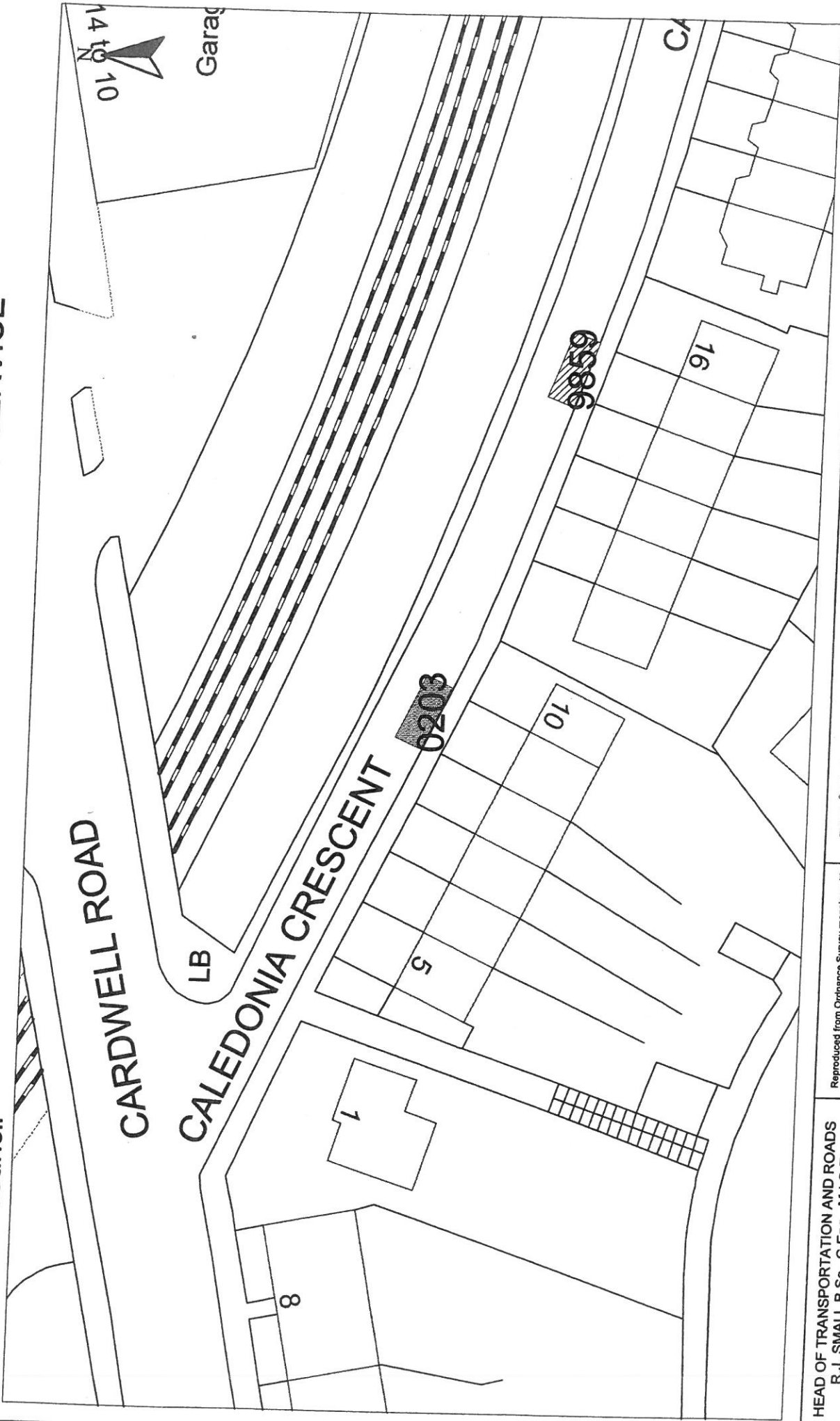



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**DISABLED PERSONS' PARKING PLACE**  
**26 BRISBANE STREET, GREENOCK**  
**PLACE No. 9612 REVOCATION**

**Inverclyde**  
 Council  
**Environmental Services**

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 Greenock  
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[aubrey.fawcett@inverclyde.gov.uk](mailto:aubrey.fawcett@inverclyde.gov.uk)



**HEAD OF TRANSPORTATION AND ROADS**  
R.J. SMALL B.Sc., C.Eng., M.I.C.E.

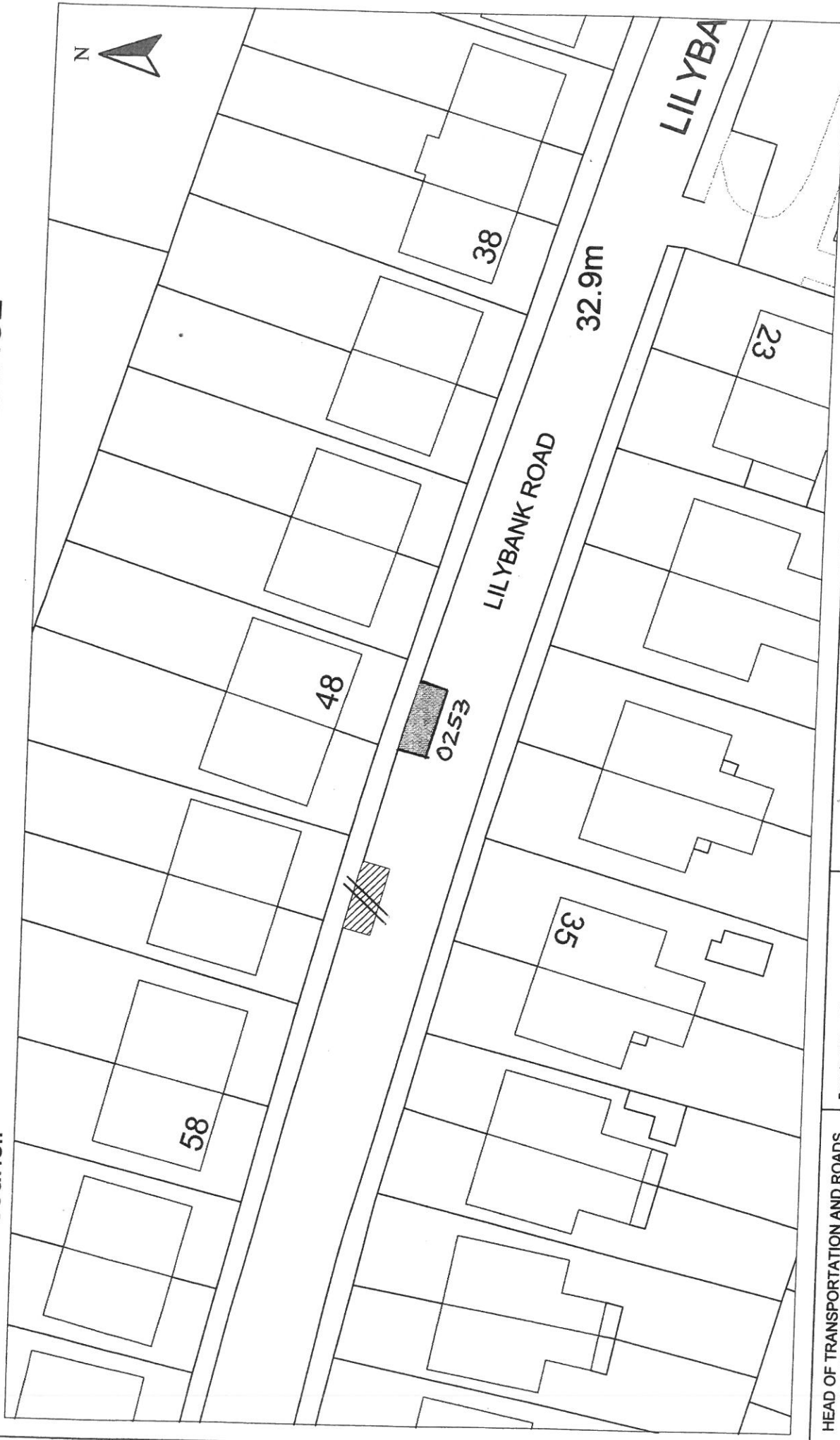
**DISABLED DRIVER'S PARKING BAY**  
9 CALEDONIA CRESCENT, GOUROCK  
PLACE No. 0203 REVOCATION

Scale : 1:500  
Prepared by : R. MACKAY  
Checked by :  
Drawn by : R. MACKAY  
Approved by :  
Date : JULY 2002

Disabled Bays  
71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

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**HEAD OF TRANSPORTATION AND ROADS**  
R.J. SMALL B.Sc., C.Eng., M.I.C.E.

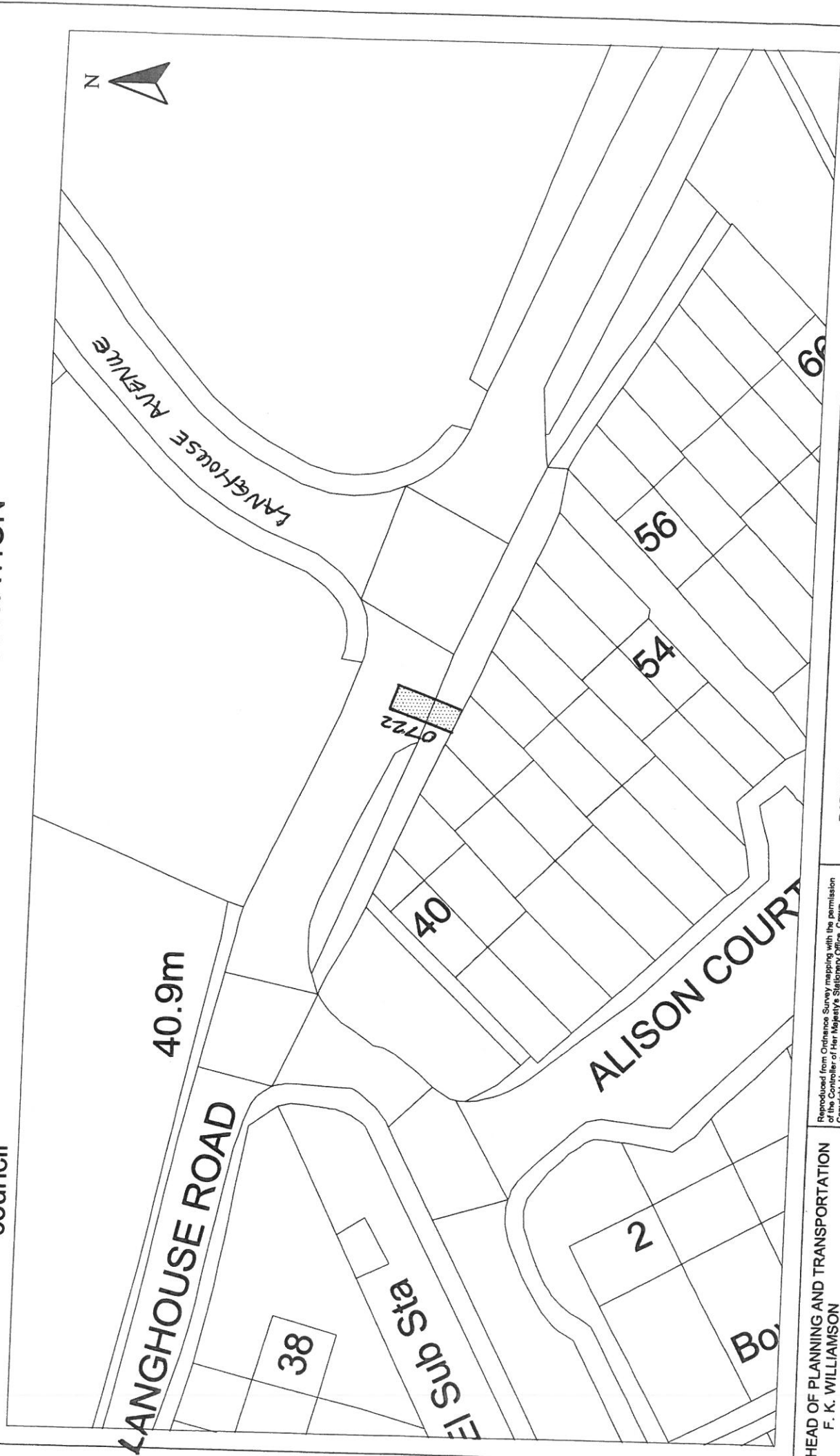
Disabled Bays  
71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

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**DISABLED DRIVER'S PARKING BAY**  
48 LILYBANK ROAD, PORT GLASGOW  
PLACE No. 0253 REVOCATION

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





**HEAD OF PLANNING AND TRANSPORTATION**  
F. K. WILLIAMSON

Disabled Bays  
6 CATHCART SQUARE  
GREENOCK, PA15 1LS

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

Scale : 1:500  
Prepared by : R. MACKAY  
Drawn by : R. MACKAY  
Drawing No. :

Date : SEPT 2007  
Checked by :  
Approved by :  
File No. : 19/12



**HEAD OF PLANNING AND TRANSPORTATION**  
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6 CATHCART SQUARE  
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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

Approved by :

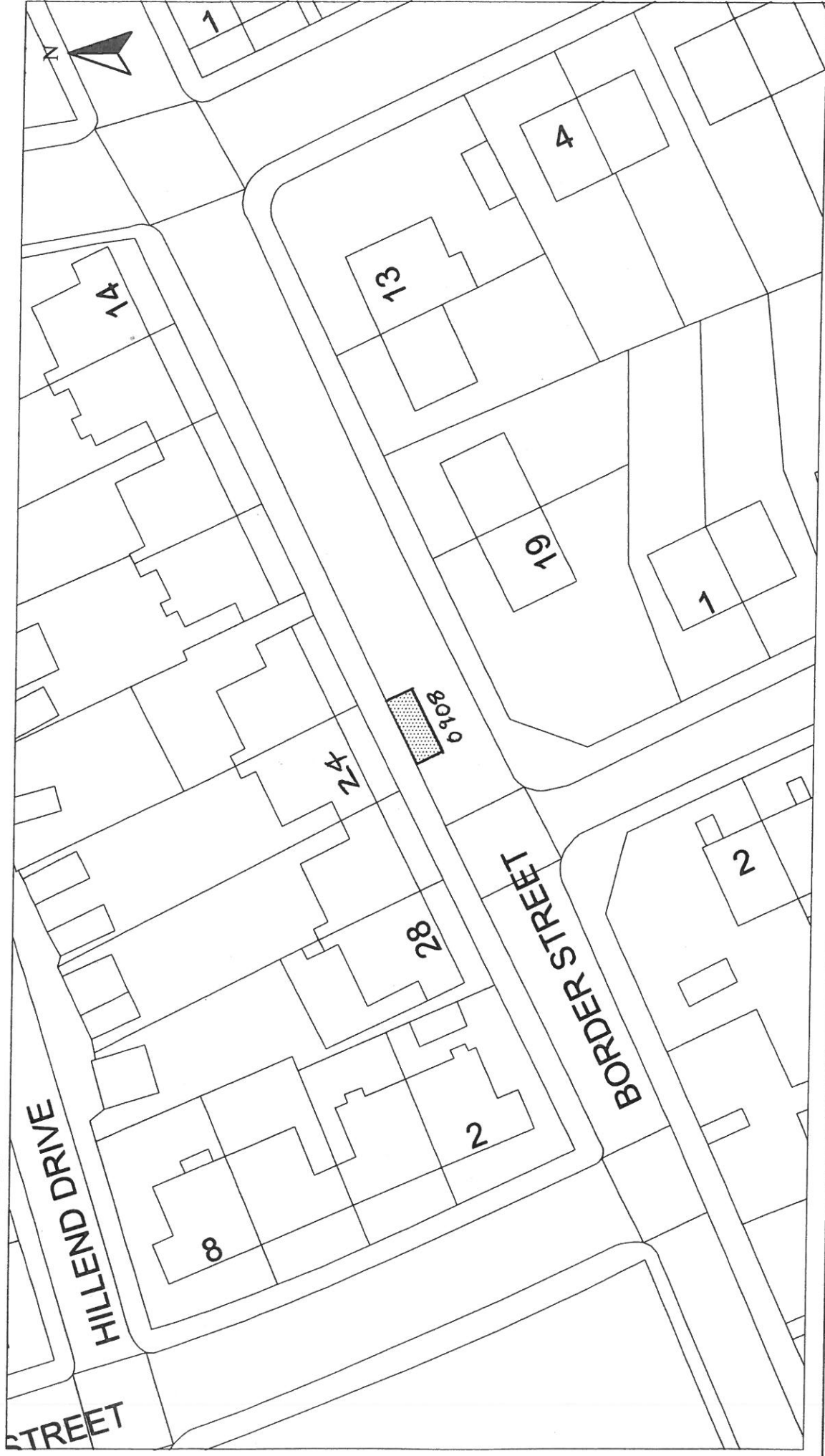
Date : SEPT 2007


Checked by :

Approved by :

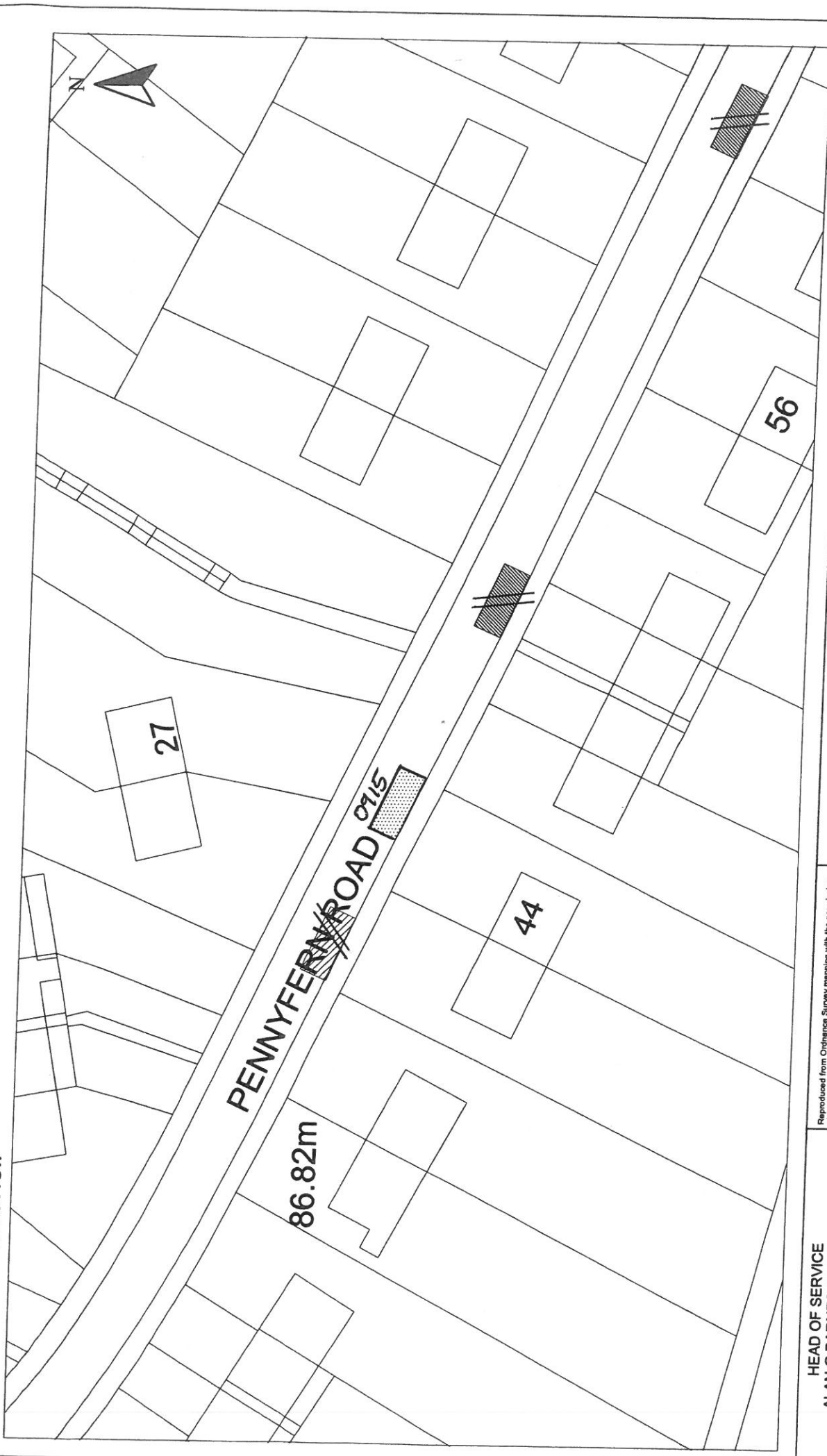
File No. : 19/12

# Inverclyde council ENVIRONMENTAL SERVICES



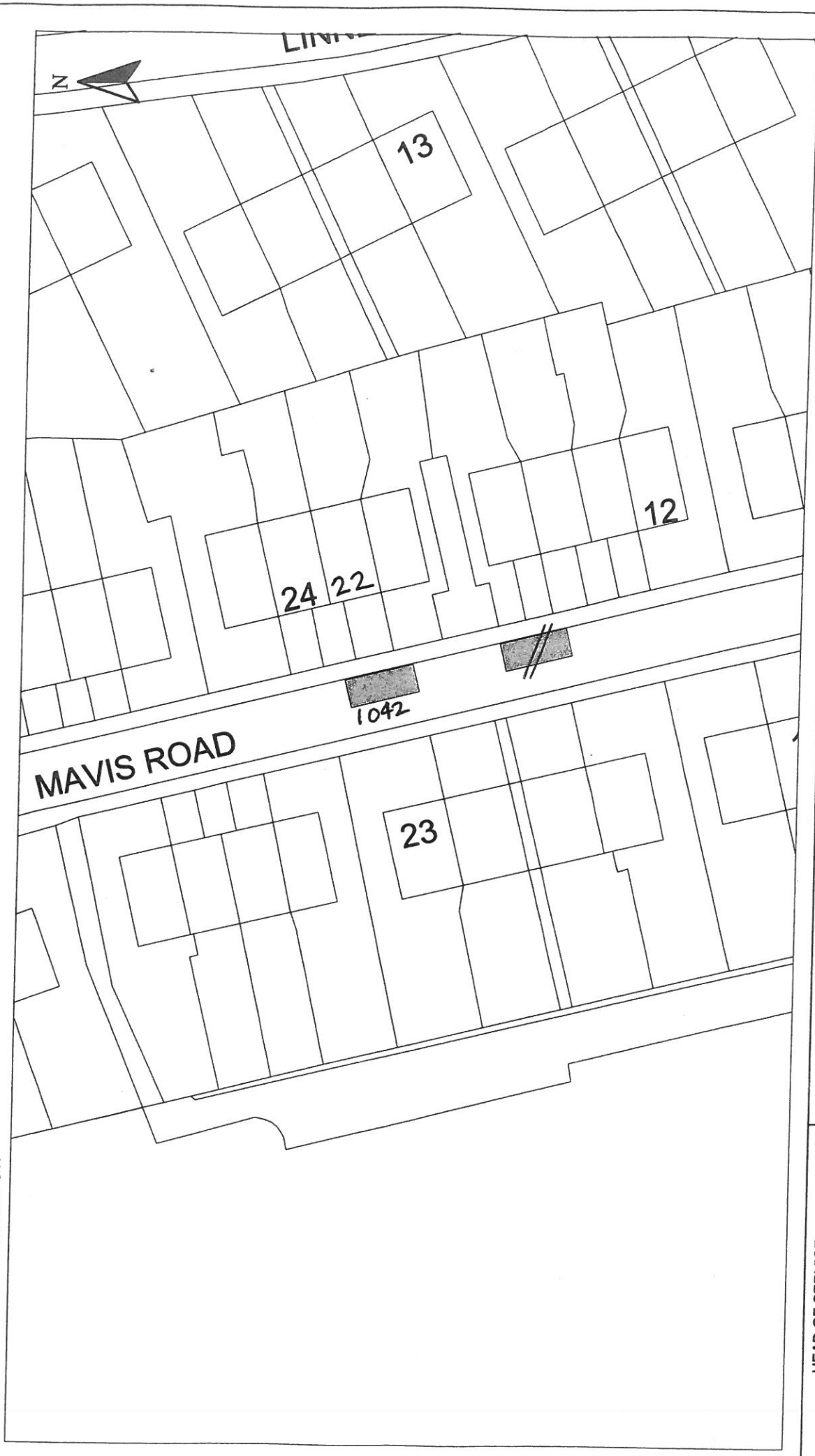
Disabled Bays HEAD OF SERVICE ALAN G BARNES MCIWM CEnv		Scale : 1:500 Prepared by : R. MACKAY Drawn by : R. MACKAY Drawing No. :		Date : MAY 2009 Checked by : Approved by : File No. : 19/12	
71 EAST HAMILTON STREET GREENOCK, PA15 2UA		DISABLED PERSONS' PARKING PLACE 24 BORDER STREET, GREENOCK PLACE No. 0908 REVOCATION			
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**Inverclyde** ENVIRONMENTAL SERVICES  
council



HEAD OF SERVICE ALAN G BARNES MCIWM CEIV		Scale : 1:500		Date : MAY 2009	
71 EAST HAMILTON STREET GREENOCK, PA15 2UA		Prepared by : R. MACKAY		Checked by :	
Disabled Bays		Drawn by : R. MACKAY		Approved by :	
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Ordnance Survey		DISABLED PERSONS' PARKING PLACE 44 PENNYFERN ROAD, GREENOCK PLACE No. 0915 REVOCATION			

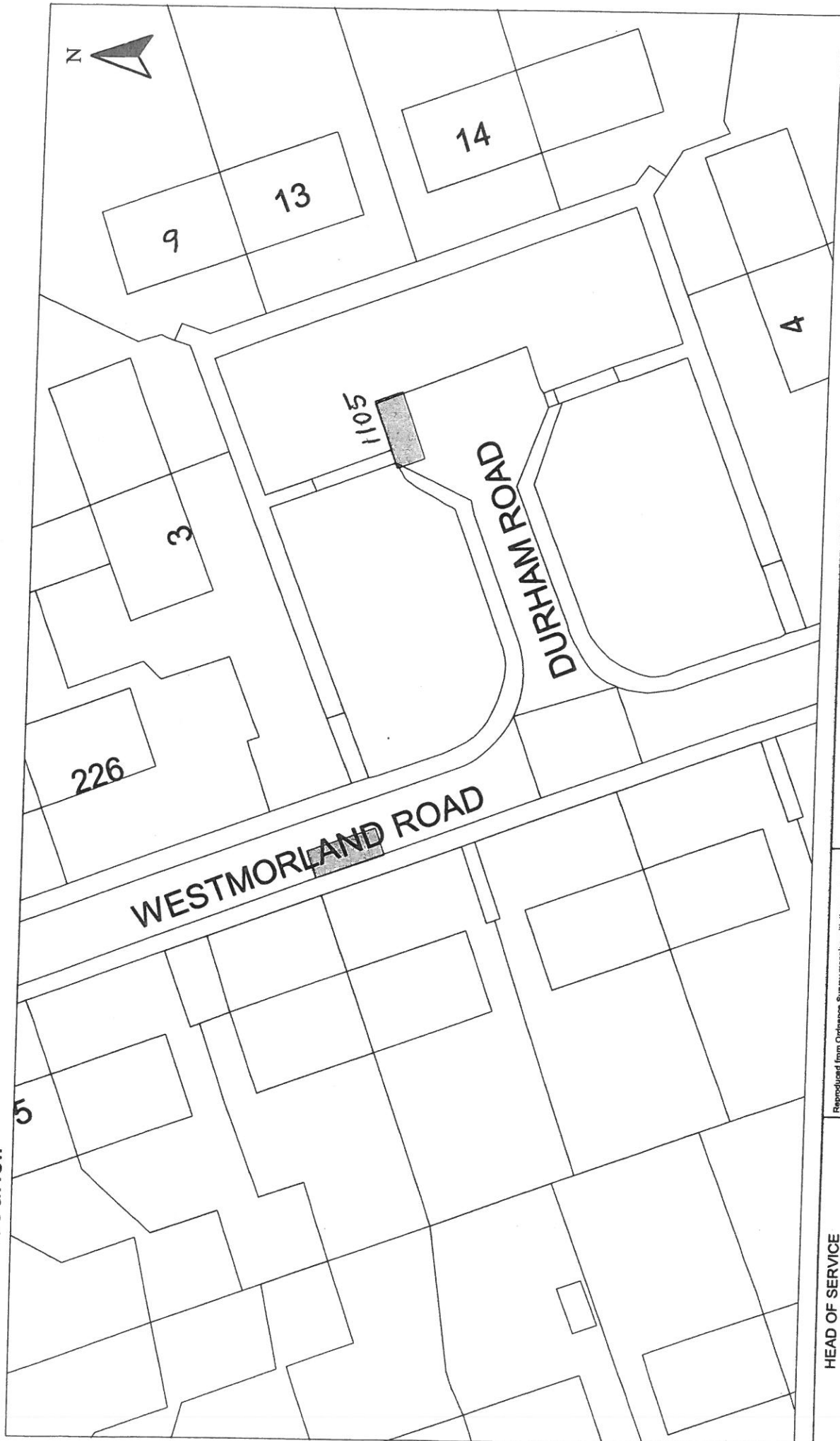




<p>HEAD OF SERVICE ALAN G BARNES MC1WM CE:nv</p>		<p>Scale : 1:500</p>		<p>Date : NOV 2010</p>	
<p>71 EAST HAMILTON STREET GREENOCK, PA15 2UA</p>		<p>Prepared by : R. MACKAY</p>		<p>Checked by :</p>	
<p>Disabled Bays</p>		<p>Drawn by : R. MACKAY</p>		<p>Approved by :</p>	
<p>DISABLED PERSONS' PARKING PLACE 22 MAVIS ROAD, GREENOCK PLACE No. 1042 REVOCATION</p>		<p>Drawing No. :</p>		<p>File No. : 19/12</p>	
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# Inverclyde council

## ENVIRONMENTAL & COMMERCIAL SERVICES



HEAD OF SERVICE  
IAN MOFFAT

Disabled Bays  
71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

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DISABLED PERSONS' PARKING PLACE  
13 DURHAM ROAD, GREENOCK  
PLACE No. 1105 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

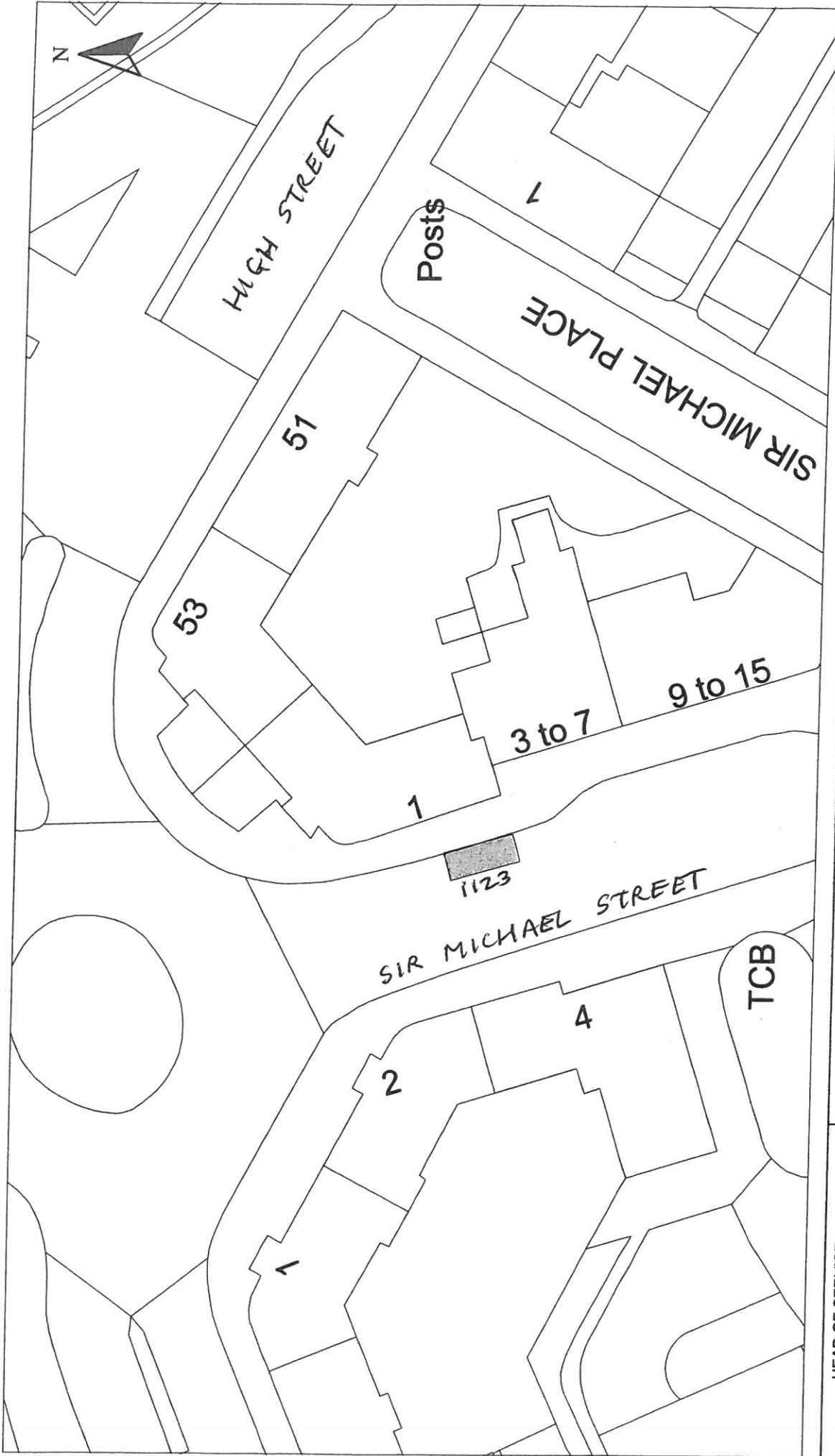
Drawing No. :

Date : APR 2011

Checked by :

Approved by :

File No. : 19/12



HEAD OF SERVICE  
IAN MOFFAT

71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

Disabled Bays

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DISABLED PERSONS' PARKING PLACE  
3 SIR MICHAEL STREET, GREENOCK  
PLACE No. 1123 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

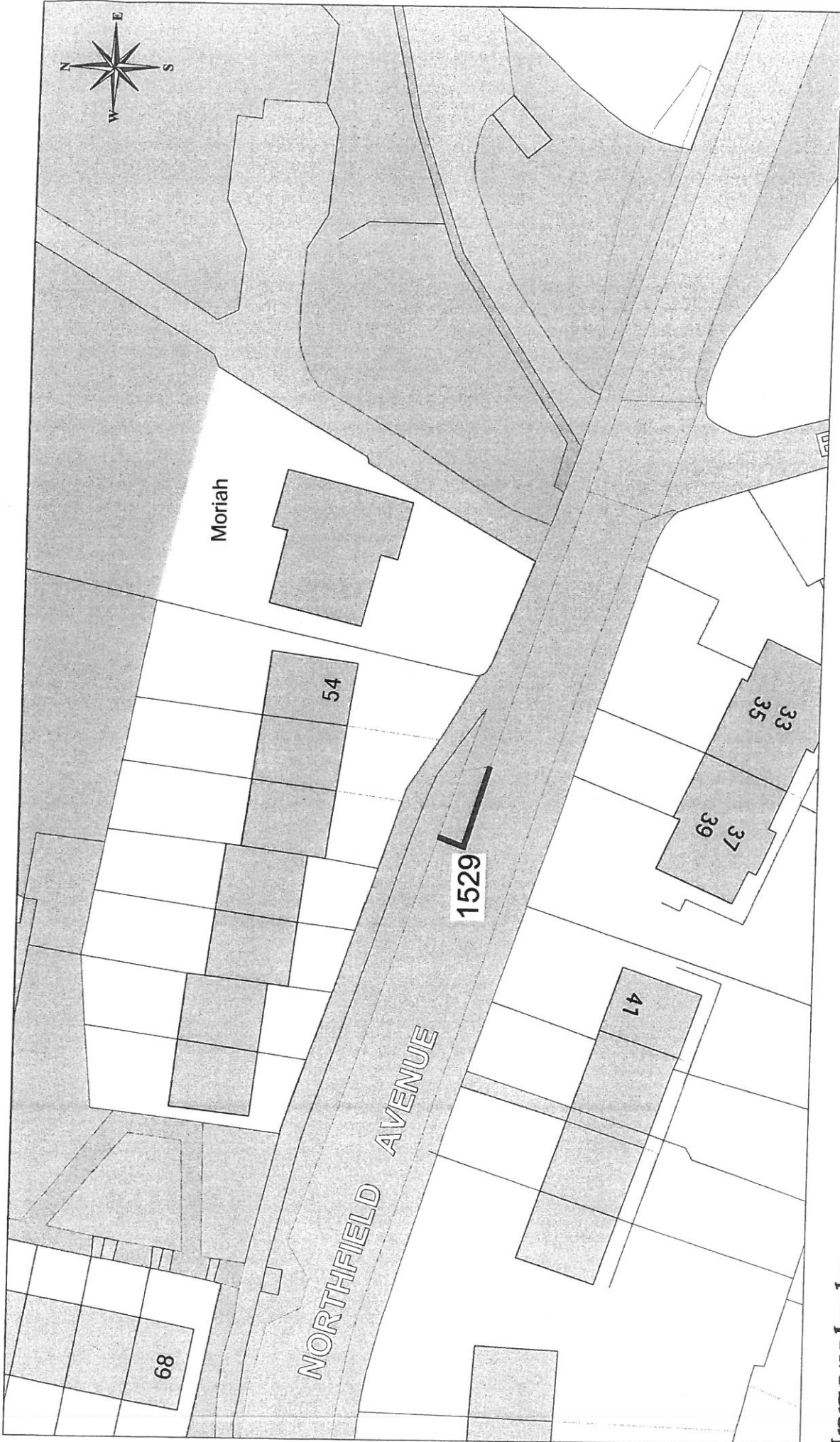
Drawing No. :

Date : APR 2011

Checked by :

Approved by :

File No. : 19/12



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**DISABLED PERSONS' PARKING PLACE  
56 NORTHFIELD AVENUE, PORT GLASGOW  
PLACE No. 1529 REVOCATION**

**Inverclyde**  
council  
**Environmental Services**

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aubr.fawcett@inverclyde.gov.uk



# **APPENDIX 4**

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

**TRAFFIC REGULATION ORDER**

**STATEMENT OF CASE**

## **Background**

### **Reasons for making the Order**

The reasons for proposing to make this Traffic Regulation Order (TRO) are:

- to provide parking places to assist disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000; and
- to revoke those parking places no longer required to maximise street parking capacity.

## **Introduction**

The provision of on-street parking places for use by disabled drivers, who are the holders of Disabled Driver's Badges, 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. The TRO will restrict parking to vehicles which display a Blue Badge only and will enable enforcement of such restrictions by Council Parking Enforcement Officers. The TRO will also revoke Disabled Persons' Parking Places which are no longer required.

In order to timeously process applications for Disabled Persons' Parking Places four TROs are processed in each calendar year.

This Statement of Case refers to the proposed Disabled Persons' Parking Places TRO No.2 of 2016.

## **Public Consultation**

The TRO was issued for public consultation on 24 March 2016 with responses invited by 14 April 2016. One objection was received in relation to the Disabled Persons' Parking Place (DPPP) ref: 1575, ex-adverso 46 Brisbane Street, Greenock.

## **Location Description**

Brisbane Street is located in the West End of Greenock in a predominately residential area. No.46 lies on the north east side of Brisbane Street between Robertson Street and Campbell Street. The majority of properties in this area are three storey flatted tenements and thus there is a high demand by residents for on-street parking places. Brisbane Street lies outwith the Greenock Controlled Parking Zones and there are no waiting restrictions at this location. There are road markings to delineate parking places at right angles to the kerbline to maximise the number of parking places available.

There is an existing DPPP (Ref: 1437) outside No. 46 and it is proposed to locate the new DPPP to the right (as viewed from the road) which is the nearest parking place to the front door of the property. A DPPP is located as close as possible to the entrance to the applicant's property to reduce the distance they have to walk to their vehicle.

### **Maintained Objection**

The Objector did not agree with the location of the proposed DPPP as they wished the existing parking places to be kept clear for the convenience of residents and visiting tradespeople. Officers replied that any of the other adjacent parking places could be utilised for this function. The objector suggested that the DPPP could be located on the other side (left when viewed from the road) of the existing DPPP. This alternative was offered to the applicant who rejected it in favour of the original proposal. The Objector thereafter formally confirmed that they maintained their objection.

### **Conclusion**

The DPPP is to be located to the right of the existing DPPP to be as close to the front door of the applicant's property as possible, in accordance with existing practice. The applicant has previously agreed to this location. The Objector's proposal would increase the distance that the applicant has to walk to the vehicle.

Officers submit that the objection should be dismissed and the Order made as proposed.

### **Appendix 1**

TRO The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.2 2016.

### **Appendix 2**

Copies of correspondence.

### **Appendix 3**

Photograph of 46 Brisbane Street, Greenock.