
Report To:	Environment & Regeneration Committee	Date:	25 August 2022
Report By:	Head of Legal and Democratic Services	Report No:	LS/63/22
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order (TRO) – Inverclyde Council Disabled Persons’ Parking Places (On-Street) Order No.2 2022 The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to advise the Committee in relation to the above proposed TRO that the person who had, as part of the public consultation, objected to the proposed TRO (the Objector) has now withdrawn their objection dated 4 March 2022 (the Objection); and advise the Committee that, further to the Committee’s decision of 16 June 2022 to hold a special meeting of the Committee in order to hear the objection, such special meeting is no longer required. As there are no objections to the proposed TRO, the proposed TRO has therefore now been approved by the Head of Legal and Democratic Services. The TRO shall be made under his delegated authority.

2.0 RECOMMENDATIONS

It is recommended that the Committee:

2.1 Note that the Objector has withdrawn the Objection to the proposed TRO and therefore there shall be no Special Meeting of the Committee to hear the Objection. The proposed TRO has now been approved by the Head of Legal and Democratic Services. Once made, the 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 as amended (the Act).

Iain Strachan
Head of Legal & Democratic Services

3.0 BACKGROUND AND CONTEXT

- 3.1 Local Authorities are empowered to make Orders under the Act and under the Council's Scheme of Delegation the Head of Shared Services Roads is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 3.2 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 16 June 2022 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hearing in the form of a special meeting of the Committee in order to hear an objection to the TRO that had not been withdrawn.
- 3.3 Officers have continued to engage with the Objector since that date to advise them of the arrangements for and proposed procedure at the special meeting.
- 3.4 The Objector wrote to officers on 8 August 2022 advising that their Objection is withdrawn. There are therefore no maintained objections to the proposed TRO.

4.0 PROPOSALS

- 4.1 The form of the Proposed TRO is included at Appendix 1 of this report. This has been submitted to the Head of Legal and Democratic Services for approval and shall be made under his delegated authority.
- 4.2 The Committee is asked to note that, once the proposed TRO has been made, the 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 Act.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial	X		
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
83290	Other Assets	22/23	£500		Sign and road markings

Annually Recurring Costs/ (Savings)

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

5.3 Legal/Risk

As a local authority, the Council has power in terms of the Act and the Regulations to make Traffic Regulation Orders. In accordance with the statutory procedure, the proposed TRO has been publicised and one objection has been received and subsequently withdrawn.

5.4 Human Resources

There are no Human Resources implications associated with the making of the proposed TRO.

5.5 Strategic

There are no Strategic implications associated with the making of the Proposed TRO.

6.0 CONSULTATION

6.1 The Head of Shared Services Roads has been consulted on the terms of this report.

7.0 BACKGROUND PAPERS

7.1 None.

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO.2 2022

TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO.2 2022

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 2022" 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 2022" forms the Schedule to this Order.
4. Each area of road which is described in the Schedule Part 1 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 2016, as amended.
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.

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 Twenty Two.

INVERCLYDE COUNCIL

**DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER No.2 2022**

SCHEDULE

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 "ex-adverso"</u>
2152	4 Glenview Terrace, Murdieston Street, Greenock

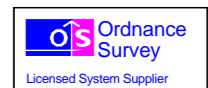
DISABLED PERSONS' PARKING PLACE



Inverclyde
council
Roads & Transportation

Address: 4 Glenview Terrace, Murdieston Street, GREENOCK

27/07/2021



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Place No.: 2152

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