
Report To:	Environment & Regeneration Committee	Date:	12 January 2023
Report By:	Shared Head of Roads & Environmental Services	Report No:	ERC/RT/GMcF/22.645
Contact Officer:	Gail MacFarlane	Contact No:	01475 714800
Subject:	Port Glasgow and Kilmacolm Waiting and Loading Traffic Regulation Orders (Variations 8 and 9) – Maintained Objections		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and, under the Council's Scheme of Delegation, the Head of Roads & Environmental Services is responsible for the making, implementation and review of Roads Orders and Traffic Regulation Orders (TRO).
- 1.3 The purpose of this report is to inform the Committee of the outcome of the consultation procedure undertaken for the two Traffic Regulation Orders (TRO) entitled "The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 8) Order 2022" relating to Port Glasgow and "The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 9) Order 2022" relating to Kilmacolm. The TRO for Port Glasgow received 42 maintained objections, whilst the Kilmacolm TRO received 2 maintained objections. The report also seeks a decision on whether Committee will hear the objections relating to each of the TROs itself or appoint an independent Reporter.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Committee:
- Notes the requirement to hold a public hearing to consider the maintained objections to both TROs.
 - Decides either to hear these objections before a special meeting of this Committee or through an independent Reporter. As there are maintained objections to both TROs by a local Elected Member, it is recommended that the Reporter should hear all of the objections to both TROs.
 - Remits it to the Shared Head of Roads and Environmental Services and the Head of Legal and Democratic Services to make the necessary arrangements for the public hearing(s).

Gail MacFarlane
Shared Head of Roads and Environmental Services

3.0 BACKGROUND

- 3.1 The Inverclyde Council introduced Decriminalised Parking Enforcement throughout Inverclyde in 2014. Since that time numerous requests have been received to introduce waiting and loading restrictions at various locations in Port Glasgow and Kilmacolm. The proposed TROs promote various restrictions to address these requests.
- 3.2 The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013, as amended, is in force in Port Glasgow, Kilmacolm and Quarriers Village.
- 3.3 The proposed TRO for Port Glasgow (Variation 8) will introduce:-
- A “No waiting at any time, No loading at any time” restriction on the access road to Ferguson Marine and sections of the access road to Coronation Park, Glenhuntly Road, Glenpark Drive, Parkhill Avenue and Rossbank Road;
 - A “No waiting at any time” restriction on sections of Ardmore Road, Bridgend Avenue, Cardross Avenue, Dubbs Road and Glenhuntly Road;
 - A variation of two sections of existing “No waiting at any time” restrictions to “No waiting at any time, No loading at any time” on Glenhuntly Road: and
 - Two Disabled Persons’ Parking Places on Dubbs Road.
- 3.4 The proposed TRO for Kilmacolm (Variation 9) will introduce:-
- A “No waiting at any time, No loading at any time” restriction on sections of Broomknowe Road, Carruth Drive, Castlehill Road, Elphinstone Court, Knockbuckle Road and Lochwinnoch Road;
 - A “No waiting at any time” restriction on a section of Bridge of Weir Road and Glebe Road; and
 - A “No waiting, Monday to Friday 8am to 6pm, Saturday 8am to 1pm” restriction on a section of Bridge of Weir Road, Port Glasgow Road and Woodrow Avenue.
- 3.5 The proposed TROs were both issued for public consultation on 8 September 2022 with responses invited by 29 September 2022.
- 3.6 During the period of public consultation for both TROs, 43 valid objections were received to the Port Glasgow (Variation 8) TRO and 2 objections were received to the Kilmacolm (Variation 9) TRO. Officers entered into correspondence with each of the objectors and all but one of the objectors did not respond therefore their objections are considered to be maintained. The objector who did respond to officer correspondence stated that they wished to withdraw their objection to the Port Glasgow (Variation 8) TRO. Finally, one of the objectors for both TROs was a local Elected Member.
- 3.7 The rules of natural justice strongly indicate that the Council should not hear objections where one of their own Elected Members is an objector. One aspect of the rules of natural justice is the right to a fair hearing. A member of the public could find it difficult to understand how elected members of a committee could act as an independent decision maker when one of the objectors is also an Elected Member. These are considerations which strongly point towards the hearing into the objections being dealt with by an independent Reporter.
- 3.8 In consequence, it is recommended that the Council should agree to the objections into the TROs being heard by a Reporter. The Reporter would report directly to the Council with recommendations and it will be for the Council to make a decision, informed by the Reporter’s report.

4.0 IMPLICATIONS

4.1 The table below shows whether risks and implications apply if the recommendations 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

4.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
02506	DPE	2022/23 & 2023/24	£5k	N/A	Independent Reporter

Annually Recurring Costs/ (Savings)

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

4.3 Legal/Risk

The recommendation(s) of an independent Reporter following public hearings would be reported to a future meeting of the Environment and Regeneration Committee. In the event that the Committee decides not to appoint an independent Reporter but rather decides to hear the objections itself, the decision of the Committee will be final.

4.4 Human Resources

None.

4.5 Strategic

None.

5.0 CONSULTATION

- 5.1 This report is a result of a public consultation on the waiting and loading Traffic Regulation Orders associated with Port Glasgow and Kilmacolm. It notes the outcome of the consultation undertaken between 8 and 29 September 2022.

6.0 BACKGROUND PAPERS

- 6.1 There are no background papers associated with this report.