

AGENDA ITEM NO: 3

Report To: Environment and Regeneration Date: 30 June 2025

Committee

Report By: Interim Director - Environment Report No: ENV032/25/EM

Contact Officer: Eddie Montgomery Contact No: 01475 714800

Subject: Gourock Waiting and Loading Traffic Regulation Order (Variation 8) -

Maintained Objections

1.0 PURPOSE AND SUMMARY

	1.1 ⊠For Decision	☐ For Information/Notin
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- 1.2 The purpose of this report is to inform the Committee of the outcome of the consultation procedure undertaken for a Traffic Regulation Order (TRO) entitled "The Invercityde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 8) Order 2025" relating to Gourock. The proposed TRO received 6 maintained objections.
- 1.3 This report also seeks a decision as to whether Committee will hear the objections relating to the TRO via a special meeting of this Committee or appoint an Independent Reporter.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
 - note the requirement to hold a public hearing to consider the maintained objections to the TRO;
 - decides either to hear these objections before a special meeting of this Committee or through an Independent Reporter;
 - remits it to the Head of Physical Assets and the Head of Legal, Democratic, Digital & Customer Services to make the necessary arrangements for the public hearing.

Eddie Montgomery Interim Director - Environment

3.0 BACKGROUND

- 3.1 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 Physical Assets is responsible for the making, implementation and review of Roads Orders and Traffic Regulation Orders (TRO).
- 3.2 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 Gourock. The proposed TRO promotes various restrictions to address these requests.
- 3.3 The Inverciyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013, as amended, is in force in Gourock, Inverkip and Wemyss Bay.
- 3.4 The proposed TRO will introduce:-
 - A "No waiting at any time and No loading at any time" restriction on sections of Broomberry Drive, Caledonia Crescent, Cardwell Road, Chapel Street, Cove Road, Drumshantie Road, Firth Crescent, Hilltop Road, Larkfield Road, Manor Crescent, Moorfoot Drive and Shore Street;
 - A "No waiting at any time" restriction on sections of Broomberry Drive, Drumshantie Road and Manor Crescent;
 - A variation of a section of existing "No waiting at any time" restriction to "No waiting at any time, No loading at any time" on Cowal View and Golf Road and an extension of the length of the restriction on Cowal View;
 - An extension of the existing "No waiting at any time" restriction on the northside of Barrhill Road opposite St John's Manor;
 - A variation of 4 Disabled Persons' Parking Places on Kempock Street to introduce a 3-hour limited waiting restriction for Blue Badge holders only;
 - A revocation of a section of existing "Monday-Saturday 8am-6pm 1 hour, no return within 1 hour" restriction and the introduction of 2 time limited "Electric Vehicle Parking Spaces, 1 hour, no return within 1 hour" on Kempock Place;
 - A variation the existing "No waiting Monday to Saturday 8am to 9am" restrictions to "No waiting Monday to Saturday 8am to 10am" on Shore Street;
 - A "Loading Bay" on Cardwell Road; and
 - A "No waiting Monday to Saturday 8am to 10am" restriction on a section of Larkfield Road.
- 3.5 The proposed TRO was issued for public consultation on 7 March 2025 with responses invited by 28 March 2025.
- 3.6 During the period of public consultation for the TRO, 6 valid objections were received. Officers entered into correspondence with all 6 objectors the result of which is all 6 objections are maintained.
- 3.7 As the objections have been maintained following Officers correspondence with the objectors, these must now be heard. The objections can be heard at a public hearing considered either before a special meeting of the Environment and Regeneration Committee or by an Independent Reporter.

4.0 PROPOSALS

- 4.1 The proposed TRO will vary existing on street restrictions in Gourock, Inverkip & Wemyss Bay.
- 4.2 The Committee is asked to consider the proposed TRO, a copy of which is included as Appendix 1, and to accordingly note the requirement to hold a public hearing to consider the maintained objections to this Order. The Committee is also asked to consider whether to hear this before a special meeting of this Committee or by an Independent Reporter

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendations are agreed:

SUBJECT	YES	NO
Financial	Х	
Legal/Risk	Х	
Human Resources		Х
Strategic (Partnership Plan/Council Plan)		Х
Equalities, Fairer Scotland Duty & Children & Young People's		Х
Rights & Wellbeing		
Environmental & Sustainability		Х
Data Protection		Х

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
02506	DPE	2025/26	£5k	N/A	Independent Reporter
02506	DPE	2025/26	£5k	N/A	Road markings and signs

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

The recommendations of the public hearing, if held by an Independent Reporter, would require to be reported to a future meeting of the Environment and Regeneration Committee for consideration. 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.

5.4 Human Resources

There are no Human Resources implications associated with the proposal.

4.5 Strategic

There are no strategic implications associated with the proposal.

4.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

YES – Assessed as relevant and an EqIA is required

NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.

NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children & Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

YES – Assessed as relevant and a CRWIA is required.

NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

4.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
Х	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

4.8 **Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

5.0 CONSULTATION

5.1 The proposal has been advertised in the Greenock Telegraph and full details of the proposal has been made available for public inspection on the Council's website. A copy of the draft Order forms Appendix 1.

6.0 BACKGROUND PAPERS

6.1 There are no background papers associated with this report.

THE INVERCLYDE COUNCIL

(VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) (VARIATION NO. 8) ORDER 2025

TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) (VARIATION NO. 8) ORDER 2025

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 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 (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 8) Order 2025".
- 1.2 The On-Street Plans forming Schedule 1 to this Order and titled "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 8) Order 2025 On-Street Plans" are hereby incorporated into "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013" and recorded in "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013 Plan Index.
- 1.3 The Plan Index forming Schedule 2 to this Order is hereby incorporated into and recorded in "The Inverciyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013" Plan Index.

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:-

"Charging Post" means an installation adjacent to a parking space for the purposes of recharging the battery of an Electric Vehicle by way of a connecting lead:

"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 or an Electric Vehicle Parking Space, the person driving when it was left in the Parking Place or Electric Vehicle Parking Space:

"Electric Vehicle" means a vehicle, including a motorcycle, which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose;

"Electric Vehicle Parking Space" means an area of road defined as such by means of a sign and surface marking, as specified in the On-Street Plans forming Schedule 1, which is provided solely for the recharging of Electric Vehicles' batteries by means of a Charging Post; and

"On-Street Plans" means the plans forming Schedule 1 and titled "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 8) Order 2025 On-Street Plans";

- 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 On-Street Plans form Schedule 1 to this Order.
- 2.6 The Plan Index forms Schedule 2 to this Order.
- 2.7 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 Use of Electric Vehicle Parking Spaces

- 3.1 Each Electric Vehicle Parking Space may be used, subject to the following provisions of this Order, as a parking space solely for the recharging of Electric Vehicles' batteries by means of a Charging Post.
- 3.2 At all times whilst an Electric Vehicle is waiting in an Electric Vehicle Parking Space, the Driver shall cause that vehicle to be connected via a recharging lead to the Charging Post installed in respect of the Electric Vehicle Parking Space.
- 3.3 Every Electric Vehicle waiting in an Electric Vehicle Parking Space shall be caused to stand so that every part of the Electric Vehicle is within the marked limits of the Electric Vehicle Parking Space;
- 3.4 Where, within an Electric Vehicle Parking Space, there is a sign or surface marking which indicates that the Electric Vehicle Parking Space is available only for use by Electric Vehicles, for the purpose of recharging of Electric Vehicles' batteries, the Driver of a Motor Vehicle shall not permit the Motor Vehicle to wait in that Electric Vehicle Parking Space.
- 3.5 When a Motor Vehicle or Electric Vehicle is left in an Electric Vehicle Parking Space in contravention of any of the provisions of this Order, the owner 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 such Motor Vehicle or Electric Vehicle and, subsequently, may remove or arrange for the removal of such Motor Vehicle or Electric Vehicle from that Electric Vehicle Parking Space.

4.0 Other Provisions applicable to the Use of Electric Vehicle Parking Spaces

- 4.1 The Driver of an Electric Vehicle using an Electric Vehicle Parking Space shall stop the engine as soon as the Electric Vehicle is in an Electric Vehicle Parking Space and shall not start the engine except when about to change the position of the Electric Vehicle in the Electric Vehicle Parking Space or depart from the Electric Vehicle Parking Space.
- 4.2 Unless authorised in writing by the Council no person shall use an Electric Vehicle or anything towed by an Electric Vehicle when it is within an Electric Vehicle Parking Space to offer for sale any Goods or other article including an Electric Vehicle to persons in or near the Electric Vehicle Parking Space or offer for sale or hire his skill or services or for the purpose of any exhibition, or for plying for hire. No notices or advertising material of any description shall be placed by any person on Electric Vehicles parked within the Electric Vehicle Parking Space except as authorised by the Council.
- 4.3 The Driver of an Electric Vehicle using an Electric Vehicle Parking Space shall not sound any horn or other similar instrument except when about to change the position of the Electric Vehicle in the Electric Vehicle Parking Space or depart from the Electric Vehicle Parking Space.
- 4.4 When an Electric Vehicle is left in an Electric Vehicle Parking Space in contravention of any of the provisions contained in this Order, an Authorised Person or Parking Attendant or any person acting on the instructions of such an Authorised Person or Parking Attendant, may remove the Electric Vehicle or arrange for it to be removed from that Electric Vehicle Parking Space.
- 4.5 In an emergency, an Authorised Person or Parking Attendant or a police constable in uniform may alter or cause to be altered the position of an Electric Vehicle in an Electric Vehicle Parking Space or remove or arrange for the removal of an Electric Vehicle from an Electric Vehicle Parking Space.
- 4.6 Any person removing or arranging the removal of an Electric Vehicle by virtue of Article 4.4 or altering or causing the alteration of the position or removing or arranging for the removal of an Electric Vehicle by virtue of Article 4.5 may do so by towing or driving the Electric Vehicle or in such other manner as he may think reasonably necessary to enable the position of the Electric Vehicle to be altered or the Electric Vehicle to be removed.
- 4.7 Any person removing or arranging for the removal of an Electric Vehicle by virtue of Articles 4.4 or 4.5 shall make such arrangements as he considers to be reasonably necessary for the safety of the Electric Vehicle in the place to which it is removed.
- 4.8 The Council may, as respects an Electric Vehicle which has been removed from an Electric Vehicle Parking Space in pursuance of Article 4.4, if it

appears to have been abandoned, sell or otherwise dispose of the Electric Vehicle after having made reasonable enquiry to ascertain the name and address of the Registered Keeper of the Electric Vehicle in accordance with the procedure set out in the Refuse Disposal (Amenity) Act 1978 (as amended).

5.0 ADDITIONAL PROVISIONS

5.1 A person holding a Disabled Person's Badge shall not be permitted to wait in any Electric Vehicle Parking Space without limit of time and shall require to comply with the provisions of this Order.

This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##.



SCHEDULE 1
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 8) Order 2025 On-Street Plans

SCHEDULE 2 SCHEDULE 3

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013 PLAN INDEX

Plan Reference	Effective	Effective date of Plan Revision										
	date of	1	2	3	4	5	6	7	8	9	10	11
	original											
	plan											
TR/TRO/C133-001	06/10/2014	10/06/2019										
TR/TRO/C133-002	06/10/2014											
TR/TRO/C133-003	06/10/2014	12/11/2018	14/06/2021	########								
TR/TRO/C133-004	06/10/2014	14/06/2021										
TR/TRO/C133-005	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-006	06/10/2014	04/04/2016	14/11/2016	12/11/2018	####							
TR/TRO/C133-007	06/10/2014	04/04/2016										
TR/TRO/C133-008	06/10/2014	04/04/2016	12/11/2018	14/06/2021	####							
TR/TRO/C133-009	06/10/2014	04/04/2016	12/11/2018	########								
TR/TRO/C133-010	06/10/2014	12/11/2018	14/06/2021	########								
TR/TRO/C133-011	06/10/2014											
TR/TRO/C133-012	04/04/2016	12/11/2018										
TR/TRO/C133-013	04/04/2016	14/11/2016	12/11/2018	########								
TR/TRO/C133-014	04/04/2016	12/11/2018										
TR/TRO/C133-015	04/04/2016											
TR/TRO/C133-016	04/04/2016	12/11/2018	14/06/2021	########								
TR/TRO/C133-017	12/11/2018											
TR/TRO/C133-018	10/06/2019											
TR/TRO/C133-019	14/06/2021											
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