
Report To:	THE INVERCLYDE COUNCIL	Date: 1 DECEMBER 2016
Report By:	CORPORATE DIRECTOR, ENVIRONMENT, REGENERATION & RESOURCES	Report No: LP/152/16
Contact Officer:	CAROLINE SHAW	Contact No: 01475 712115
Subject:	PROPOSED TRAFFIC REGULATION ORDER – DISABLED PERSONS’ PARKING PLACES (ON-STREET) ORDER NO. 2 2016	

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Environment & Regeneration Committee.

2.0 SUMMARY

- 2.1 The Environment and Regeneration Committee held a Special Meeting on 15 November 2016 at which it:-
- (a) conducted a hearing, in accordance with the Rules of Procedure recommended by Officers for the same, to allow the objector who maintained her objection to be heard, and considered the representations of the objector; and
 - (b) considered a report by the Corporate Director Environment, Regeneration and Resources:
 - (i) advising of the outcome of a statutory public consultation, including the objection not withdrawn, and discussions with the objector undertaken by Officers; and
 - (ii) asking the Committee, having considered the objection received and representations made at the Special Meeting, to decide either to dismiss the maintained objection and recommend approval of the proposed Traffic Regulation Order (“TRO”) or uphold the outstanding objection and seek a modification to the proposed TRO.
- 2.2 At the Special Meeting, following the conduct of the hearing and consideration of the report in terms of 2.1 above, the Committee decided that the maintained objection be dismissed and that the proposed TRO as detailed in said report be approved and referred to the next meeting of the Inverclyde Council with a recommendation that it approve formally the proposed TRO and authorise the Head of Legal and Property Services and the Head of Environmental and Commercial Services to take all necessary action in accordance with the statutory procedure.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Traffic Regulation Order – The Inverclyde Council, Disabled Persons’ Parking Places (On-Street) Order No. 2 2016, all as/... Appendix 2

as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith.

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 and Roads (Scotland) Acts 1984 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.
- 4.2 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 Traffic Regulation Order to regulate the use of such parking places.
- 4.3 The Committee at its meeting of 1 September 2016 considered the terms of a report by the Corporate Director Environment, Regeneration and Resources, advising the Committee of the progress of the statutory public consultation process on the proposed TRO and authorised Officers to make arrangements for the holding of a public hearing in the form of a Special Meeting into the maintained objection as part of that process.
- 4.4 The report to the Special Meeting of the Committee of 15 November 2016 (which forms Appendix 1) provided background information on and details of the implications of the recommendation, and details of the consultations undertaken.
- 4.5 The Council is asked to note that, if approved, the Order 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.

Appendix 1

5.0 IMPLICATIONS

Finance

- 5.1 There are no financial implications arising from this report.

Legal

- 5.2 There are no legal implications arising from this report.

Human Resources

- 5.3 There are no HR implications arising from this report.

Equalities

- 5.4 There are no equalities implications arising from this report.

Repopulation

- 5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

- 6.1 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 Library, Port Glasgow Library, Gourock Library and Inverkip & Wemyss Bay Library.

7.0 LIST OF BACKGROUND PAPERS

7.1 None.

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

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 2

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 E

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	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 ®

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

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

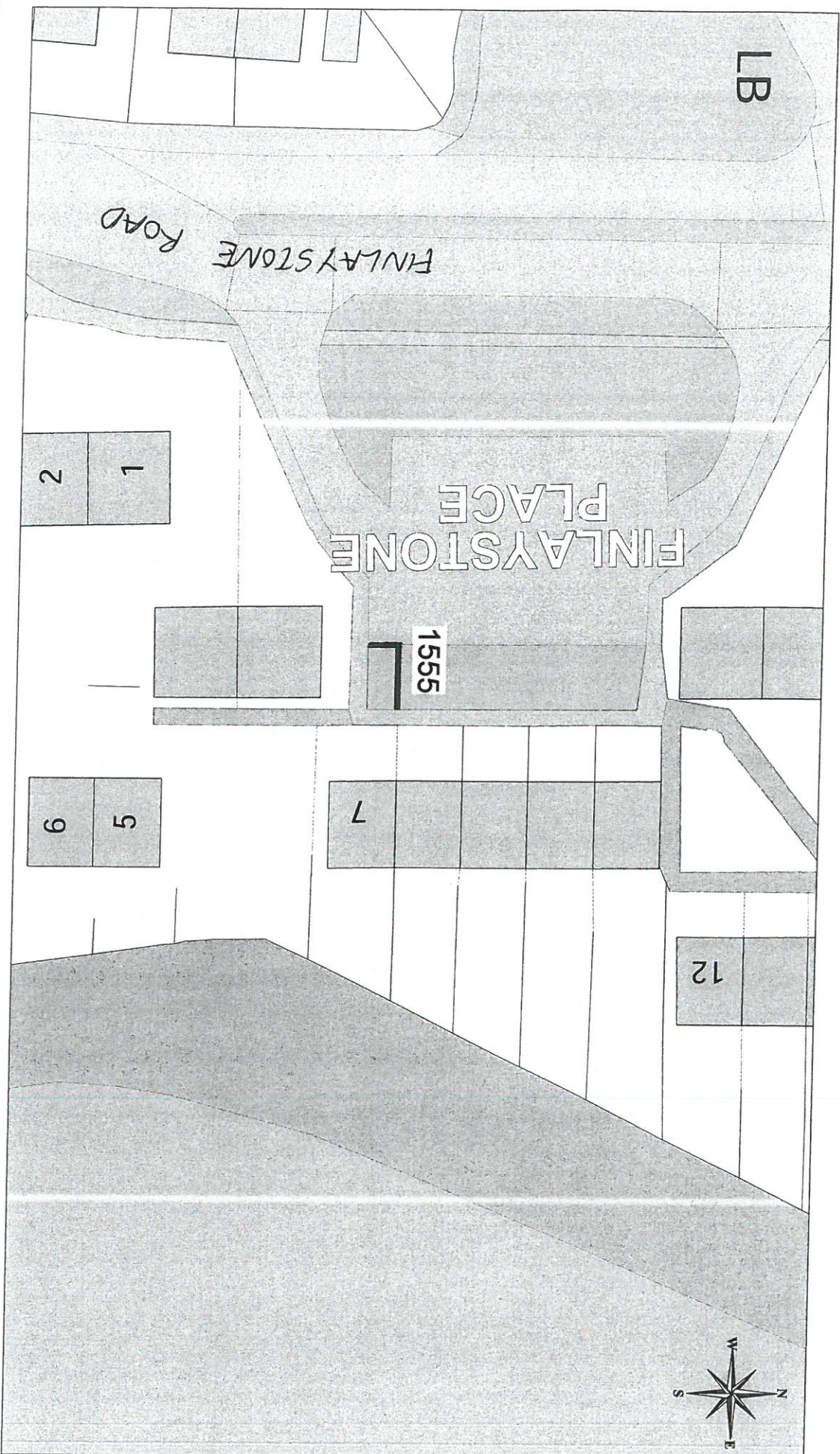
It is considered necessary in order to comply with The Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, to make the above Order to provide assistance for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended and 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

Environmental Services

Regeneration & Environment
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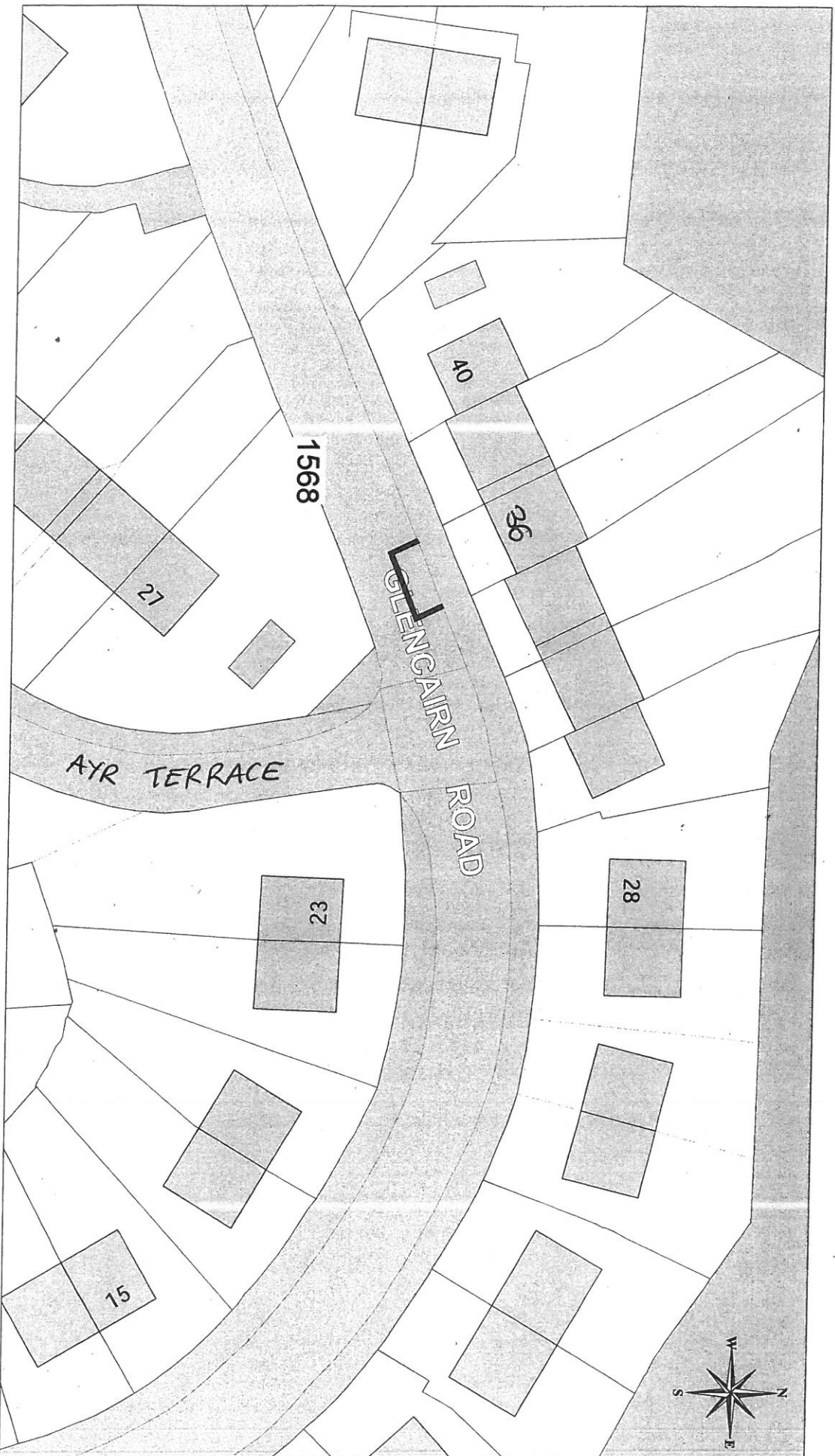


DISABLED PERSONS' PARKING PLACE
7 FINLAYSTONE PLACE, KILMACOLM
PLACE NO. 1555



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

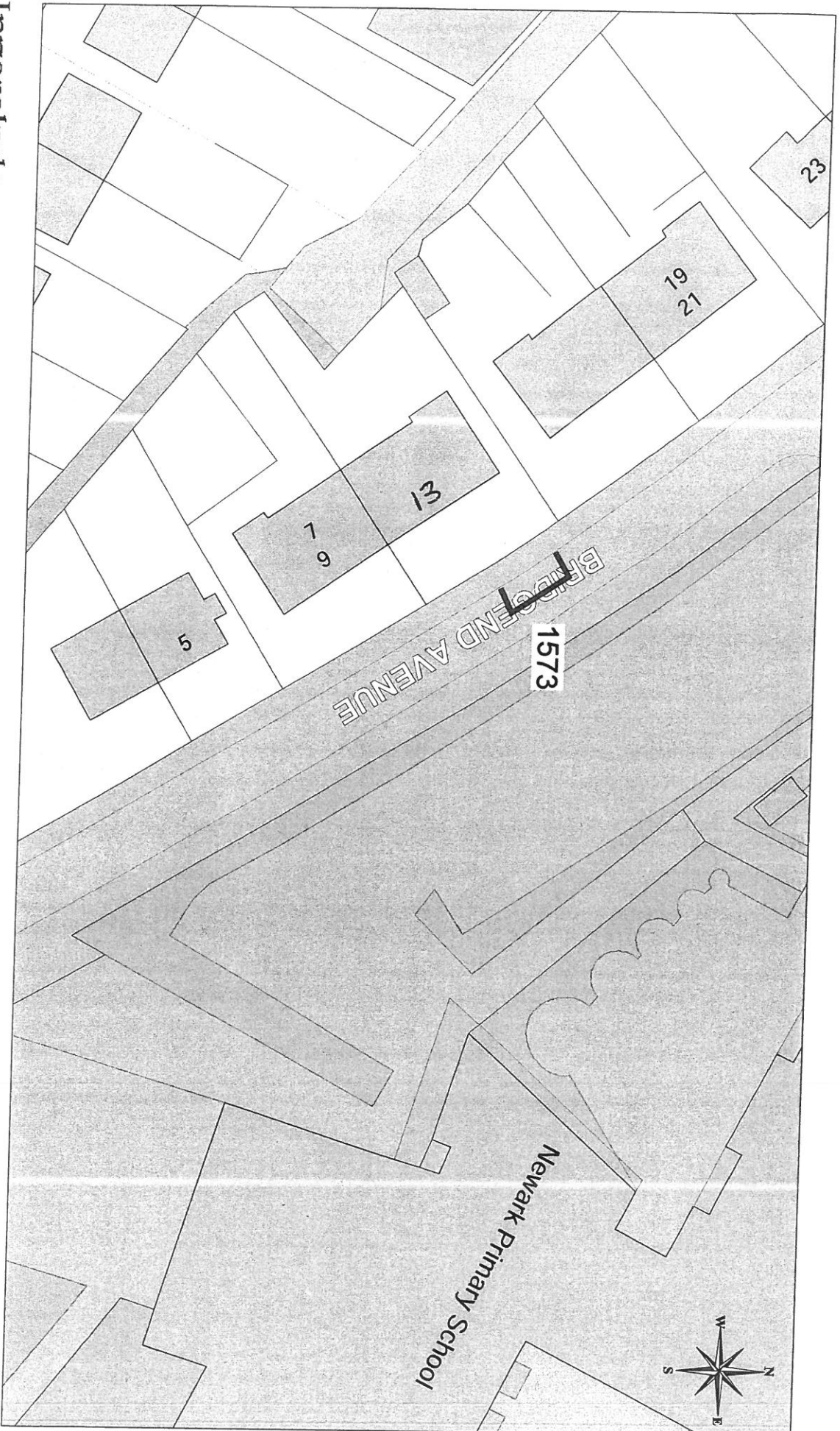
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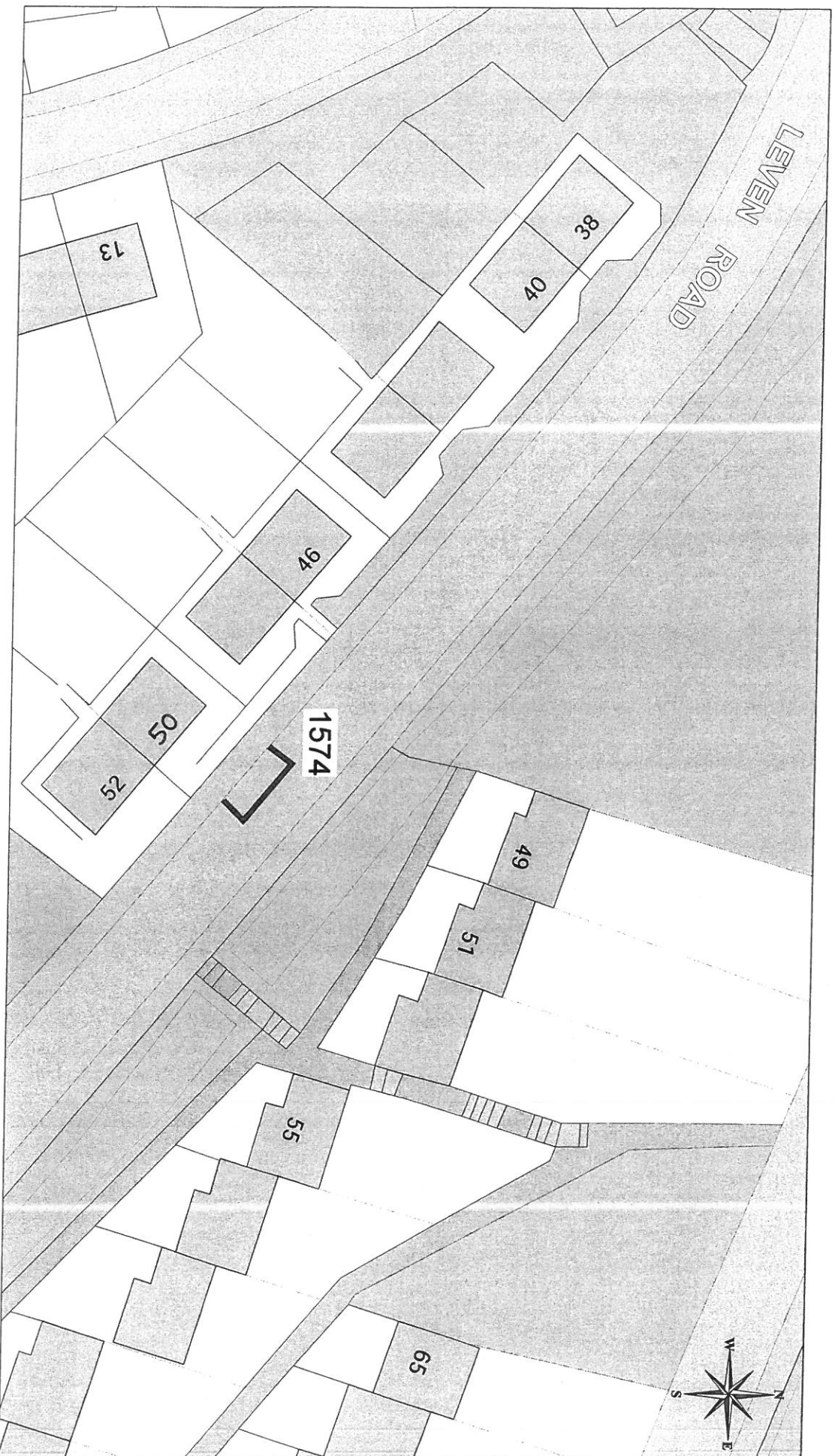
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DISABLED PERSONS' PARKING PLACE
13 BRIDGEND AVENUE, PORT GLASGOW
PLACE No. 1573

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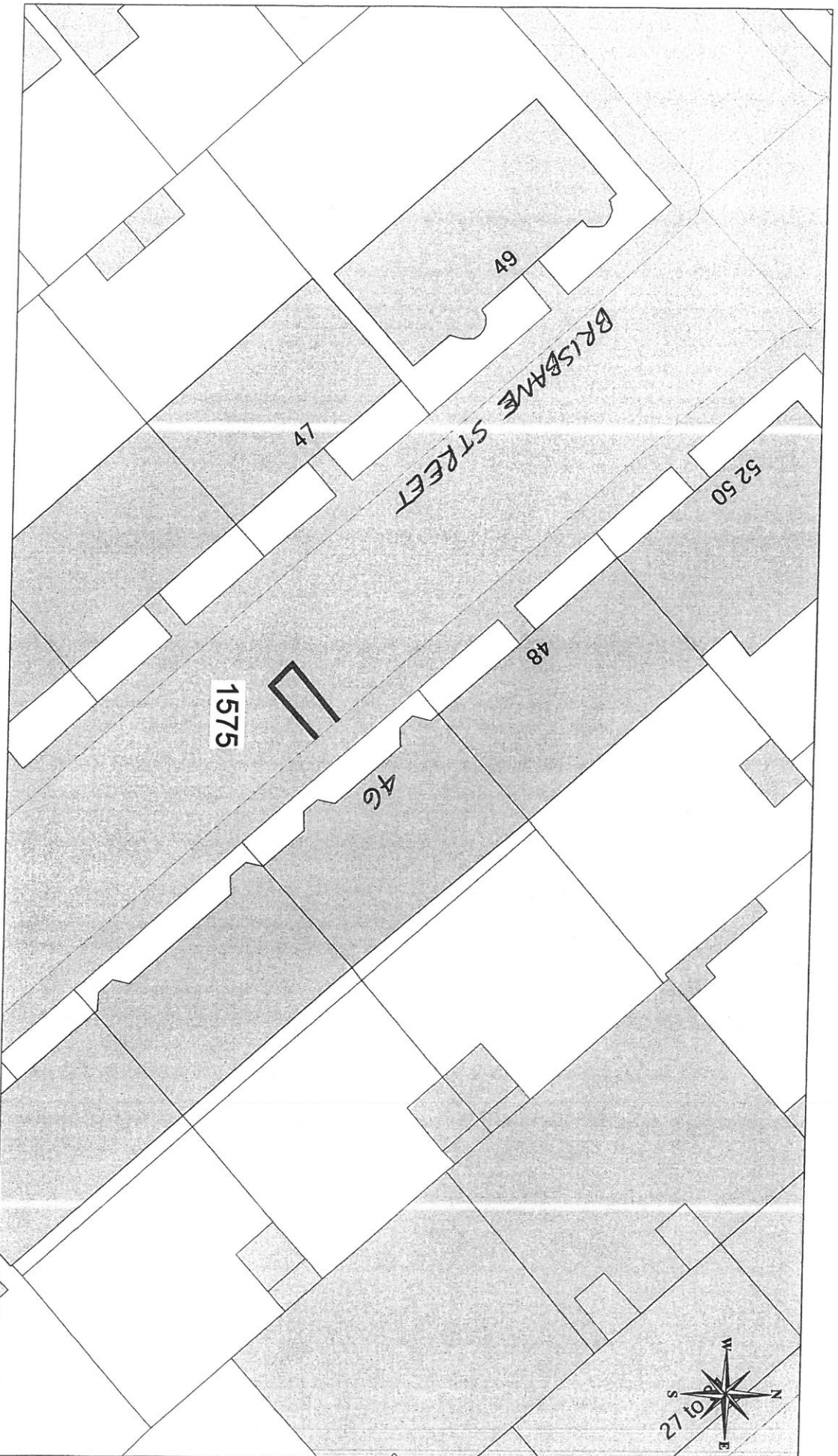
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DISABLED PERSONS' PARKING PLACE
50 LEVEN ROAD, GREENOCK
PLACE NO. 1574

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

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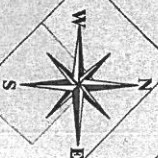
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St Columba's Junior School

Knockbuckle Road

1578

FS



Inverclyde Council Environmental Services

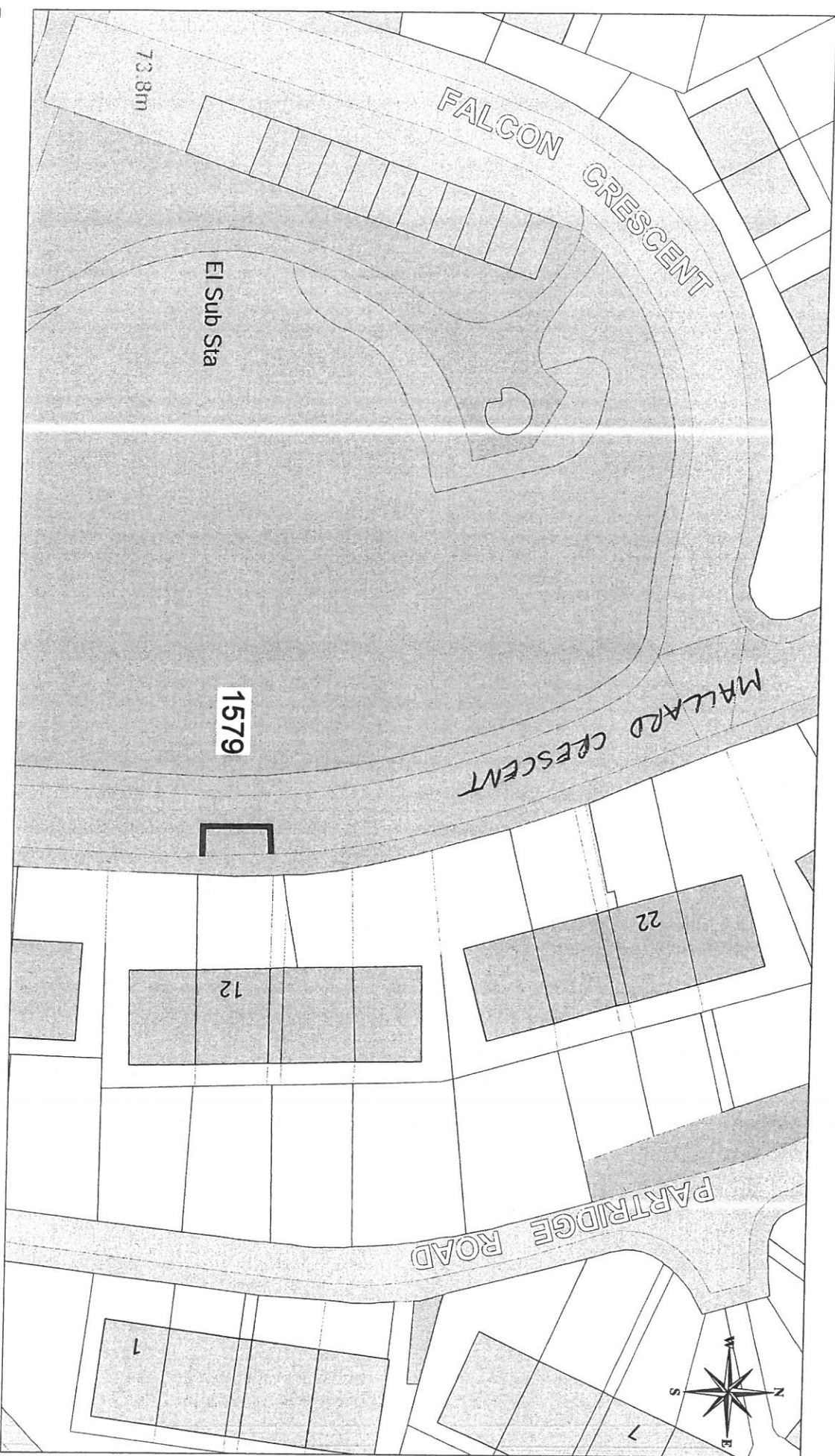
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DISABLED PERSONS' PARKING PLACE
KNOCKBUCKLE ROAD, KILMACOLM
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DISABLED PERSONS' PARKING PLACE
12 MALLARD CRESCENT, GREENOCK
PLACE NO. 1579



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Environmental Services

Council

Corporate Director: Aubrey Fawcett

Clyde Square

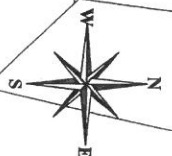
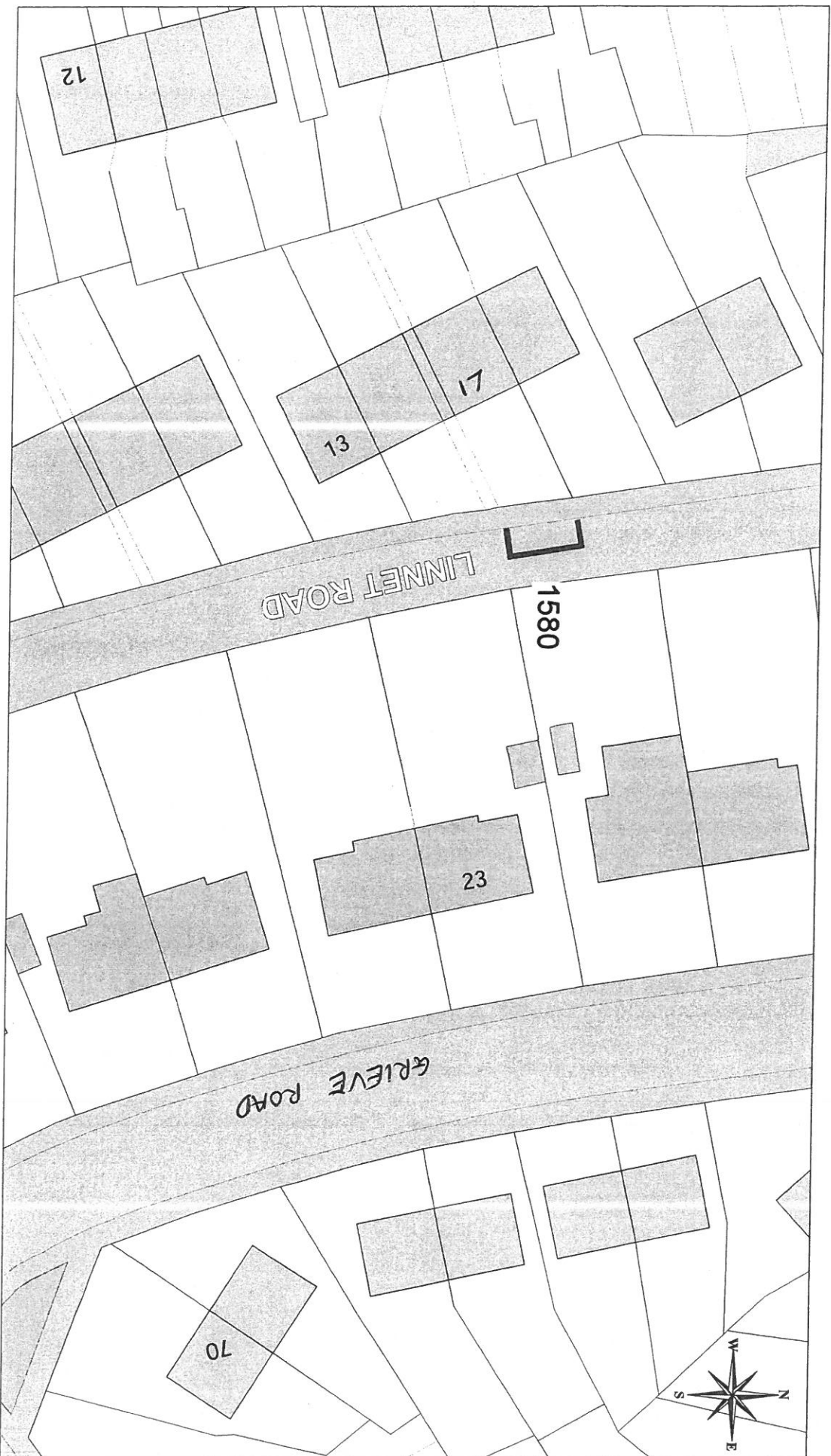
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DISABLED PERSONS' PARKING PLACE

17 LINNET ROAD, GREENOCK

PLACE No. 1580



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



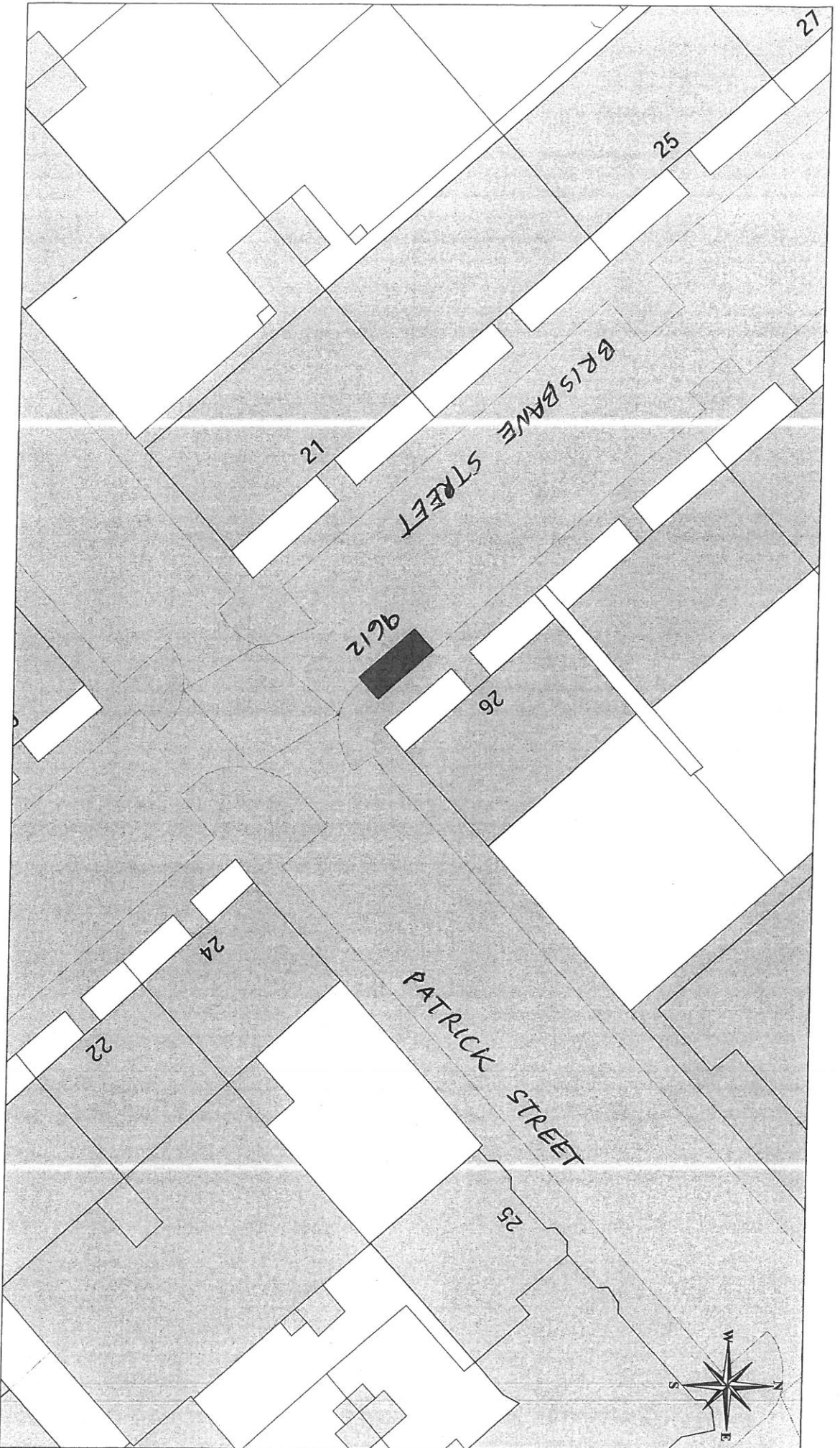
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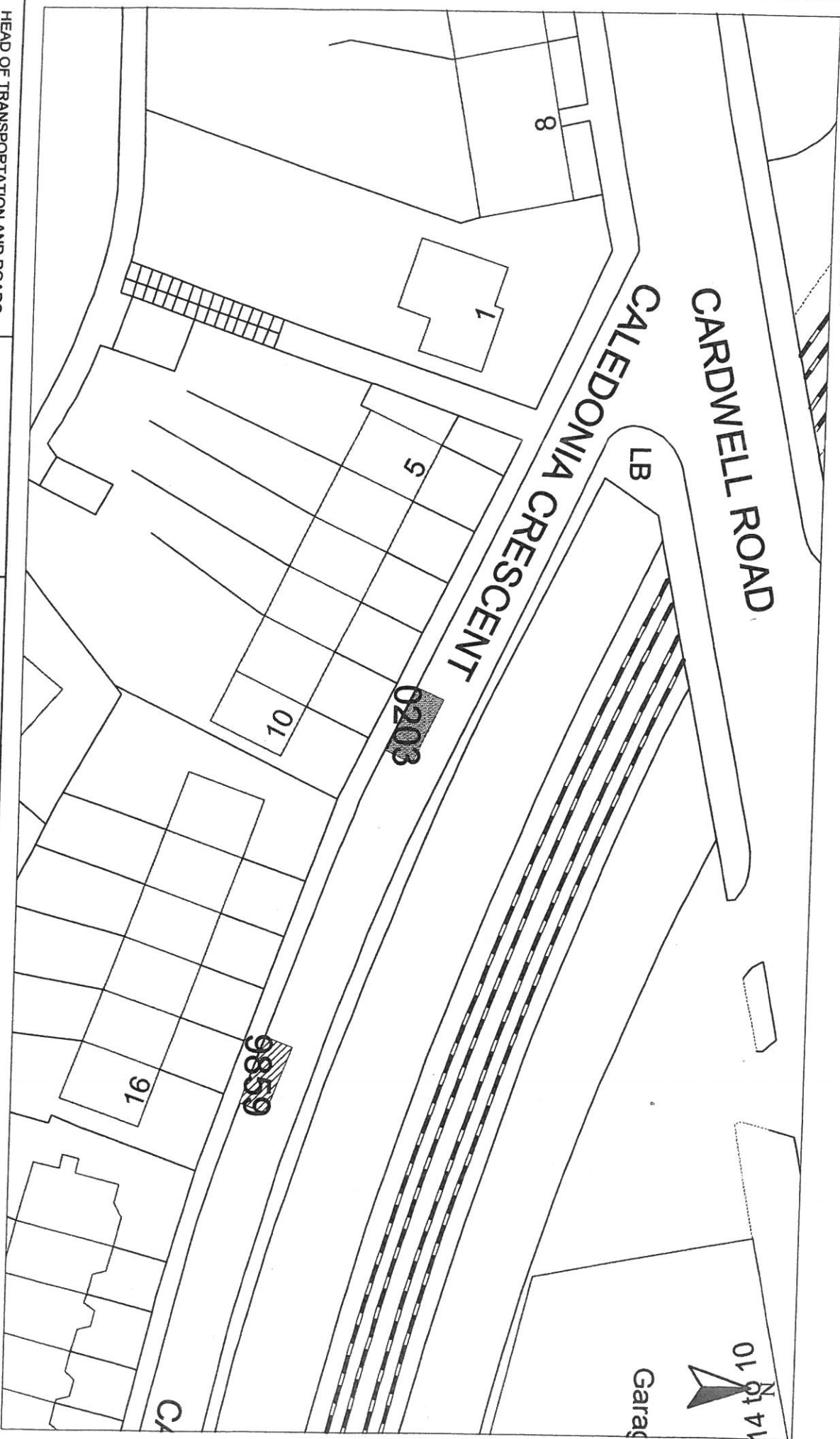


DISABLED PERSONS' PARKING PLACE
26 BRISBANE STREET, GREENOCK
PLACE NO. 9612 REVOCATION

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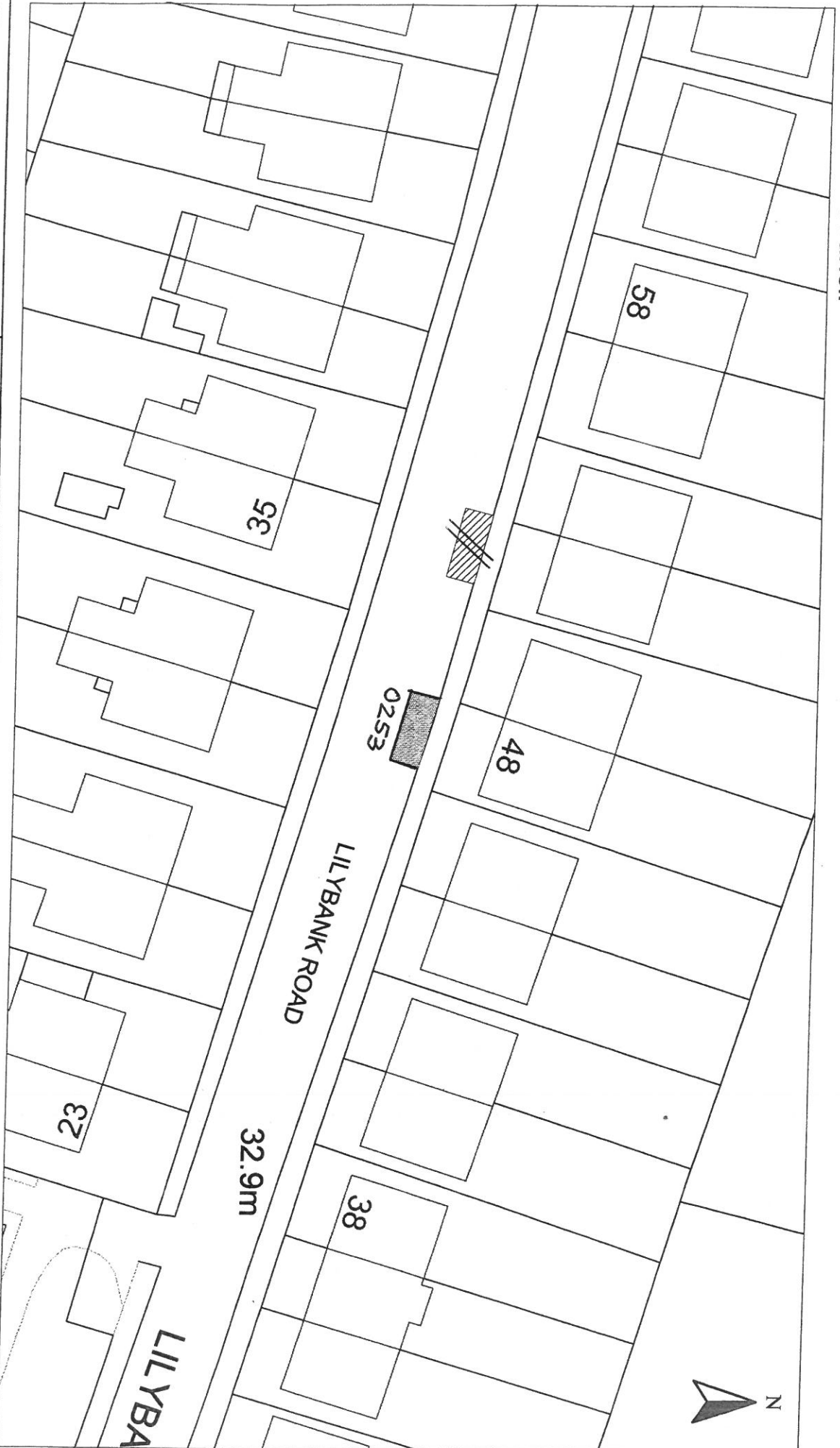
HEAD OF TRANSPORTATION AND ROADS
R.J. SMALL B.Sc., C.Eng., M.I.C.E.

Disabled Bays
71 EAST HAMILTON STREET
GREENOCK, PA15 2UA

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DISABLED DRIVERS 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



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

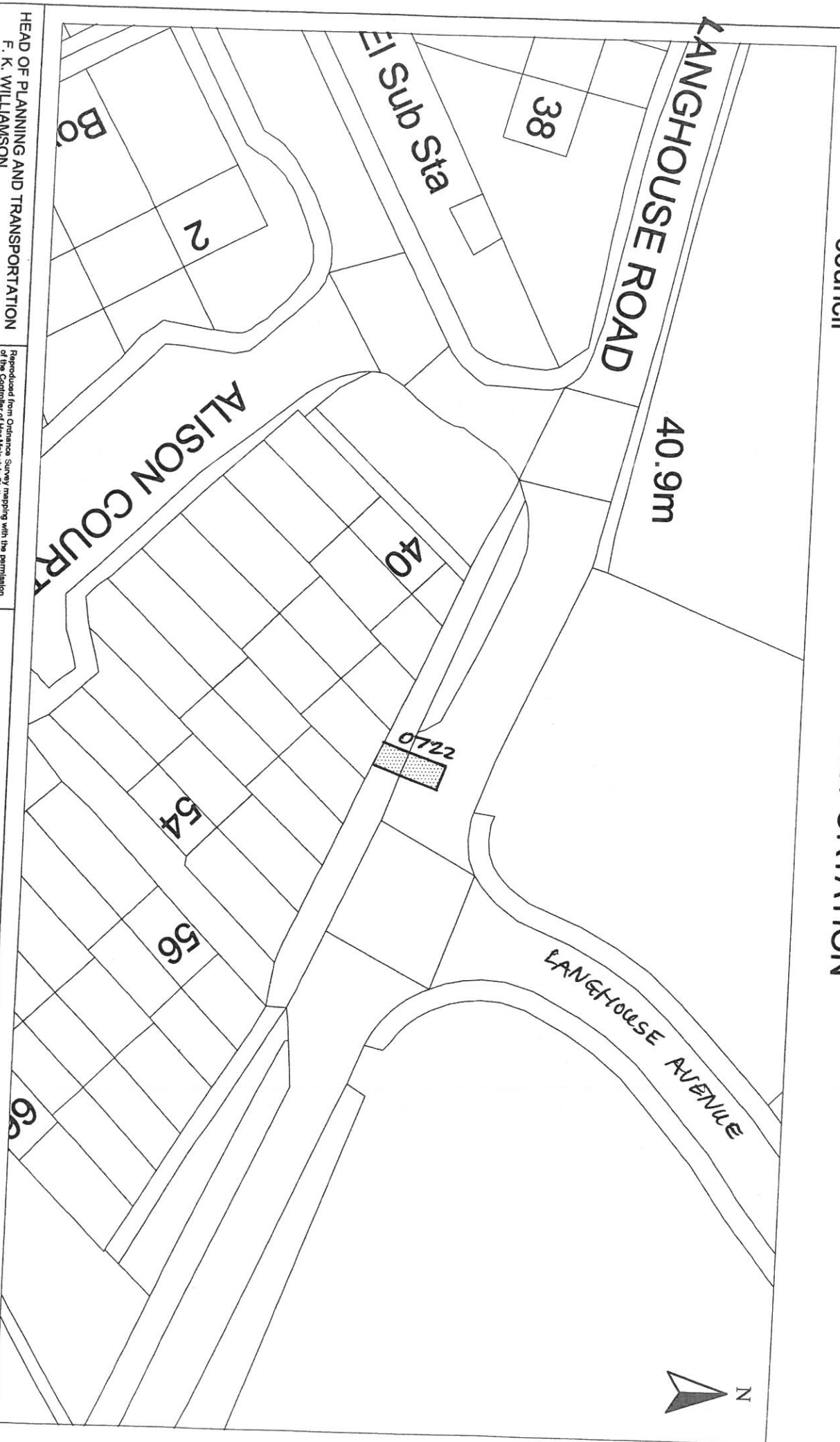
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DISABLED DRIVER'S PARKING BAY
48 LILYBANK ROAD, PORT GLASGOW
PLACE No. 0253 REVOCATION

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

Inverclyde council

PLANNING AND TRANSPORTATION



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	Date :	SEPT 2007
Prepared by :	R. MACKAY	Checked by :	
Drawn by :	R. MACKAY	Approved by :	
Drawing No. :			

Inverclyde council

PLANNING AND TRANSPORTATION



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

Scale : 1:500

Date : SEPT 2007

Prepared by : R. MACKAY

Checked by :

Drawn by : R. MACKAY

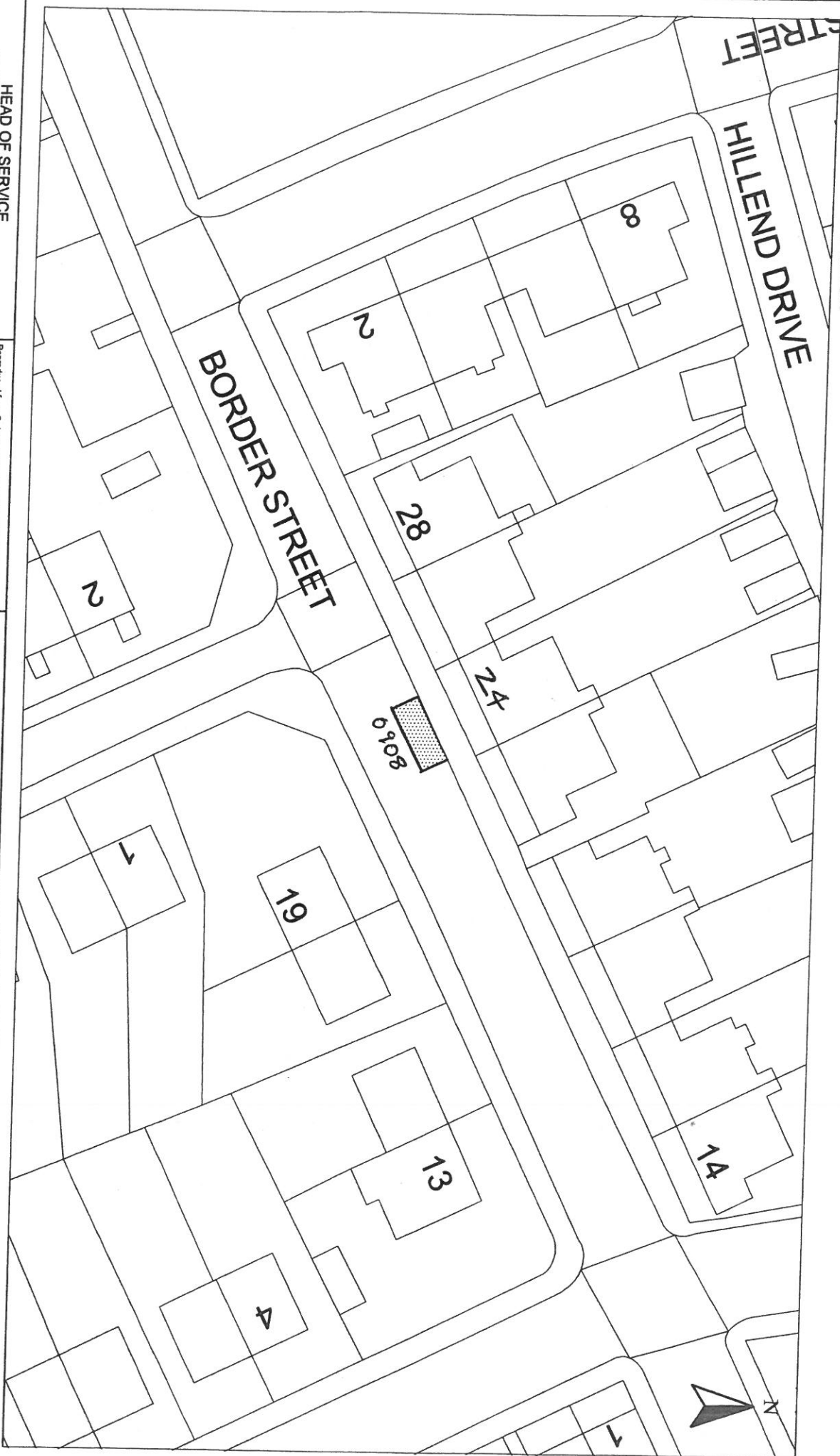
Approved by :

Drawing No. :

File No. :

Inverclyde council

ENVIRONMENTAL SERVICES



HEAD OF SERVICE
ALAN G BARNES MCIMM CENV

Disabled Bays

71 EAST HAMILTON STREET
GREENOCK, PA15 2UA

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DISABLED PERSONS' PARKING PLACE

24 BORDER STREET, GREENOCK
PLACE No. 0908 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : MAY 2009

Checked by :

Approved by :

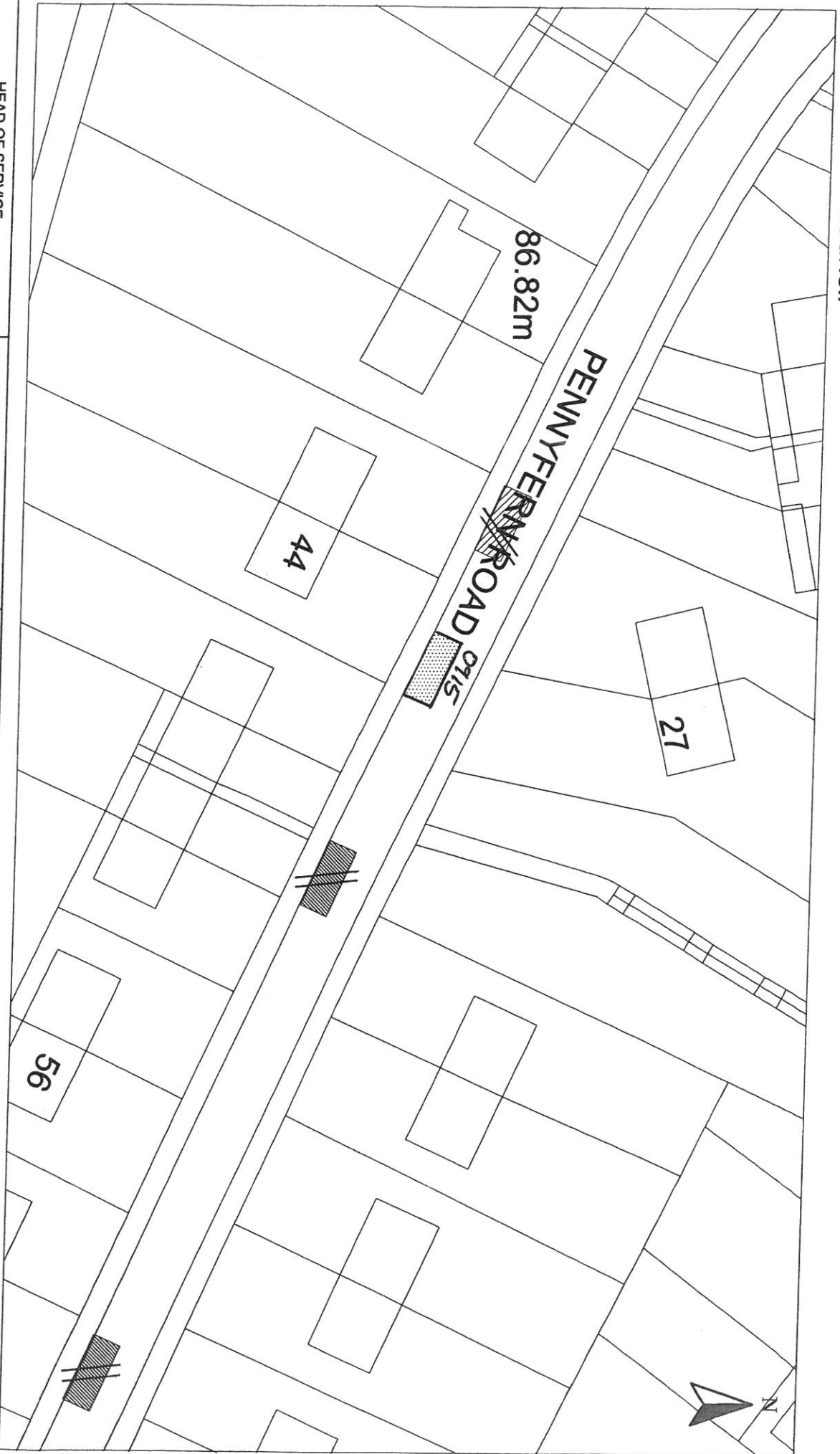
File No. :

19/12

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ENVIRONMENTAL SERVICES



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

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : MAY 2009

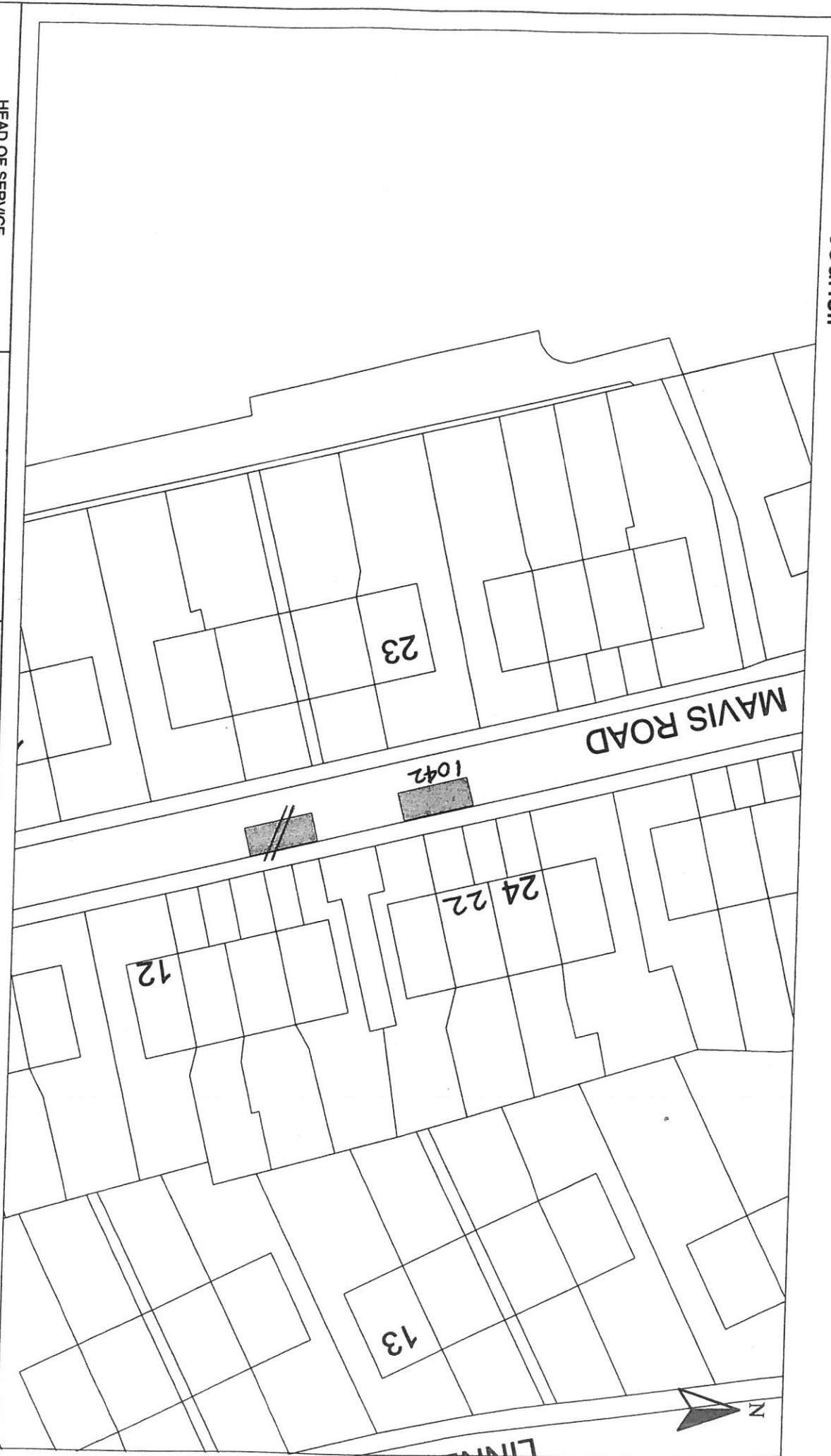
Checked by :

Approved by :

File No. :

Inverclyde council

ENVIRONMENTAL & COMMERCIAL SERVICES



HEAD OF SERVICE

ALAN G BARNES MCIMM CENV

Disabled Bays

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22 MAVIS ROAD, GREENOCK
PLACE No. 1042 REVOCATION

Scale : 1:500

Date : NOV 2010

Prepared by : R. MACKAY

Checked by :

Drawn by : R. MACKAY

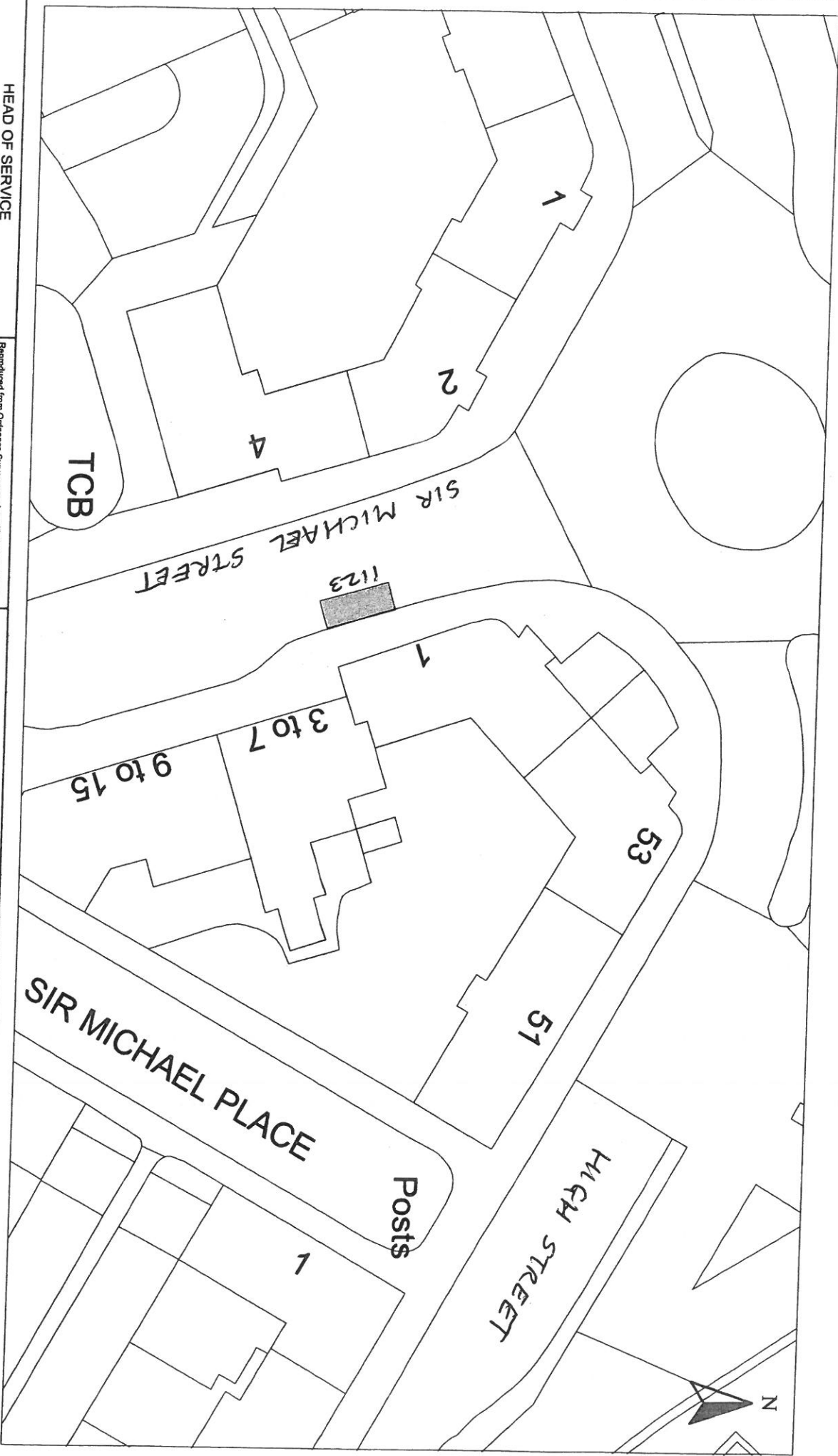
Approved by :

Drawing No. :

File No. : 19/12

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ENVIRONMENTAL & COMMERCIAL SERVICES



HEAD OF SERVICE

IAN MOFFAT

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. :

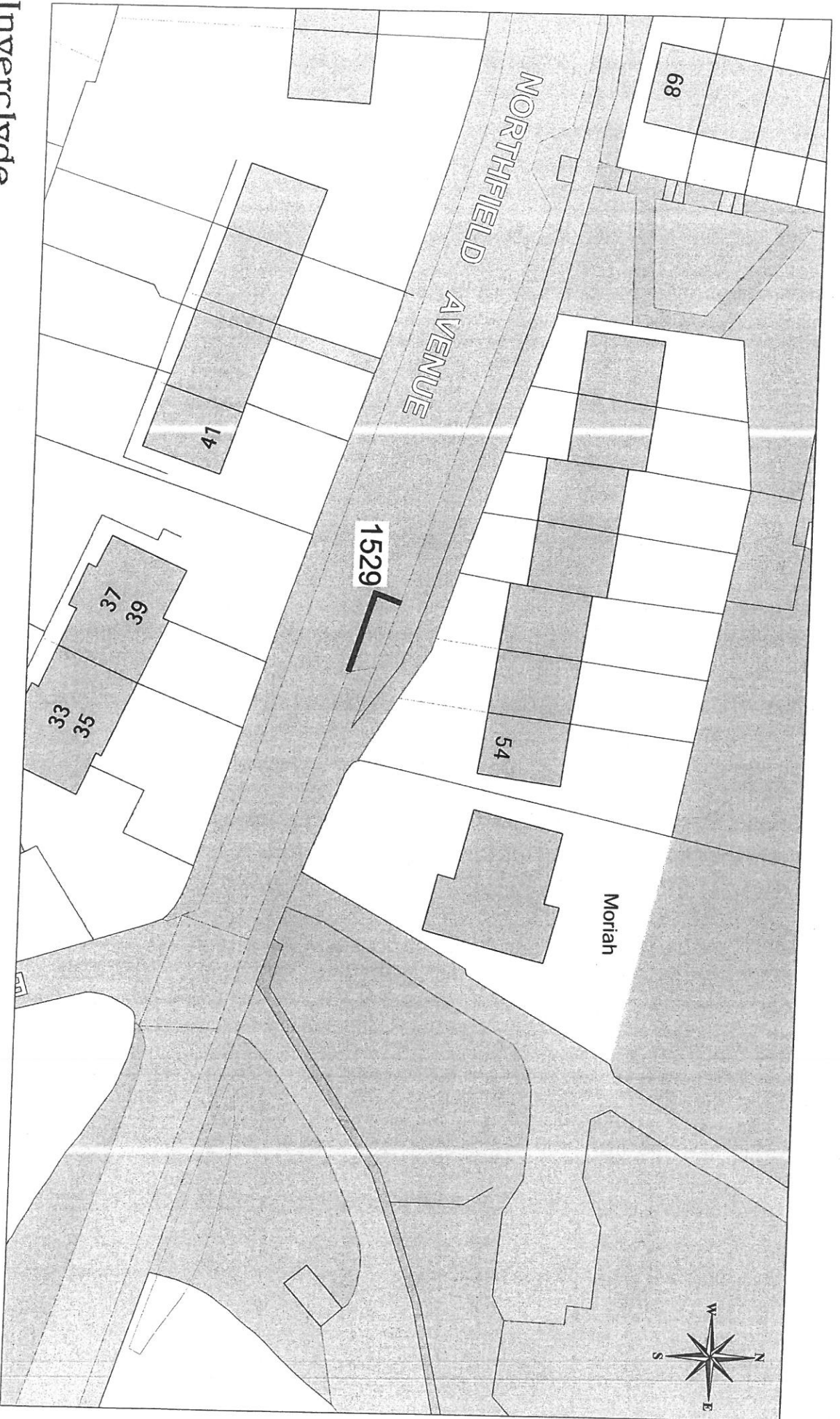
Inverclyde Council

Environmental Services

Regeneration & Environment
Corporate Director: Audrey Fawcett

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DISABLED PERSONS' PARKING PLACE
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PLACE NO. 1529 REVOCATION

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