

## **EAST AYRSHIRE COUNCIL**

### **SPECIAL DEVELOPMENT SERVICES COMMITTEE - 29 JUNE 2004**

#### **ADOPTION OF REVISED PROCEDURE – TRAFFIC REGULATION ORDERS**

##### **Report by Acting Executive Director of Corporate Support**

#### **1. PURPOSE OF REPORT**

- 1.1 To submit for approval revised procedures to be followed when members of the public are invited to address the Development Services Committee in support of their objections to proposed Traffic Regulation Orders.

#### **2. BACKGROUND**

- 2.1 The Council, as Roads Authority, is promoting a Traffic Regulation Order namely the East Ayrshire Council (Various Roads, Kilmarnock) (Waiting and Loading Restrictions and Designated Parking Places) Order. Four unresolved objections to the proposed Order remain and the Committee on 21<sup>st</sup> October 2003 agreed that these objectors may address Committee in support of their written objections. New regulations have been issued by the Scottish Executive since the last time objectors were invited to address the Committee, see below, therefore it is considered appropriate to review the current procedures.
- 2.2 The proposed procedures are contained within Schedule 1 annexed to this report.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 Nil.

#### **4. LEGAL AUTHORITY**

- 4.1 The Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987 have now been superseded by the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. The 1999 Regulations indicates those types of Orders that require to be heard by a Scottish Executive Reporter if objections remain outstanding. When the roads authority are promoting an Order that does not require a hearing before a Reporter, there are no specific procedures that the authority requires to follow if they decide to allow objectors to address the Committee before determining the Order.

5. **CONCLUSIONS**

- 5.1 It is considered appropriate that the procedures be up-dated to regulate public participation and take account of the new regulations.

6. **RECOMMENDATION**

- 6.1 It is recommended that the Committee approve the revised procedures contained in Schedule 1 annexed hereto.

David Mitchell  
Acting Executive Director of Corporate Support

14 June 2004  
KMCL/FV/SB

**LIST OF BACKGROUND PAPERS**

1. Report by Director of Support Services dated 14th January 1999 (“Adoption of Hearings Procedure – Traffic Regulation Orders”)
2. Report by Director of Development Services dated 3rd October 2003 – On Street Parking, Kilmarnock Town Centre

Any person wishing to inspect the background papers listed above should telephone Karen McLeod of Legal Services – telephone number 01563-576220

***Implementation Officer: David Mitchell***

**SCHEDULE 1**  
**PROCEDURE - OBJECTIONS TO A PROPOSED TRAFFIC REGULATION ORDER**  
**(Please also read notes overleaf)**

The Administration Manager or representative will seek confirmation that the participants understand the procedures.

Hearing Begins

1. The Head of Roads and Transportation or representative will introduce the proposed Traffic Regulation Order.
2. The objectors and/or their Agents will present their objections to Committee in support of their written objection(s), in the order determined by the chair of the Committee. Each objector will normally be given five minutes and, in cases where there are in excess of six objectors, parties are asked to collectively speak up to a maximum total of thirty minutes or such other period as the Committee may agree.
3. Members of the Committee may ask questions of the objector(s) on submissions made.  
*This is not to be taken as an opportunity to comment on the merits or otherwise of the proposed Traffic Regulation Order.*
4. The Head of Roads and Transportation or representative will respond to the submission(s) made by the objector(s) within a time limit to be agreed by the Committee.
5. Members of the Committee may ask questions of the Head of Roads and Transportation or representative on the submission made.  
*This is not to be taken as an opportunity to comment on the merits or otherwise of the proposed Traffic Regulation Order.*
6. The objectors will be given an opportunity to sum up.  
*This is not an opportunity to raise new issues or repeat, in full, the objection to the Order.*
7. The Head of Roads and Transportation will be given an opportunity to sum up.  
*This is not an opportunity to raise new issues or repeat, in full, the case in support of the proposed Order.*

Hearing Closes

*All parties will be asked to withdraw to the public gallery and the Committee will consider the application.*

Committee Decision

8. Committee discussion, motions and decisions.
9. The Administration Manager or representative will report the decision of the Committee to those parties present.

NOTES TO PARTICIPANTS

1. Please make sure your name is recorded by the Administrative Officer(s) present.

2. When you are called forward to speak, please move to the table marked "Objector" or "Roads" as appropriate. Unless otherwise advised, after you have spoken remain in your seat as Members of the Committee may wish to ask you questions. After the hearing has closed you will be asked to return to your seat in the public gallery.
3. Please present your points within the agreed time limits which are to ensure all parties involved are given an opportunity to present their case.
4. In your address, please avoid repeating points made in earlier submissions. You can indicate support for earlier comments and concentrate on any new points.
5. A spokesperson can speak on your behalf.
6. Members' questions shall be directed through the Chair and he/she shall direct the process in accordance with the procedure note (overleaf).