

DRAFT

Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

THE GLASGOW CITY COUNCIL (CELTIC PARK AND EMIRATES ARENA) (EVENT DAY EMERGENCY ROUTES AND PARKING ZONE) ORDER 20__

**Pre-Hearing Meeting – 19:00 on Tuesday 10 March 2020
Exhibition Hall, Royal Concert Hall**

Note of matters agreed at and arising from the meeting

1. Introduction

1.1 Please also refer to the explanatory note enclosed with the agenda for further guidance. For an actual transcript of the discussion at the pre-hearing meeting, please view the webcast on the website. The purpose of this note is to provide a summary of the key points agreed at the meeting, but updated as appropriate by the reporters following further consideration of matters arising from the meeting, particularly given the fast-developing situation relating to COVID-19. This includes a request for a proposed sist of the hearing process which is addressed under agenda item 8 below, (a sist being a formal suspension of the hearing process).

1.2 We are Sinéad Lynch and Lance Guilford, both reporters with the Scottish Government, and we have been appointed by Glasgow City Council to examine the above proposed order. This is one of two orders we are examining, the other one having the same title but in relation to Ibrox Stadium. We have jointly managed both pre-hearing meetings and are jointly responsible for reporting on both orders. Apart from the parties involved and site-specific differences, the orders are similar, and therefore similar issues arise for both orders.

1.3 The order fits into an overall policy framework for the management of parking within the city, and this is set out in committee reports on the website. We intend to examine the order in the context of this policy framework, but only in so far as it is relevant to determining whether the order should proceed or not.

1.4 Following complaints received from the local community about parking availability and obstructive parking, the council proposes to make the order to improve the amenity of residential areas in the vicinity of the stadia and to encourage more sustainable transport to the stadia.

1.5 There is a statutory process which the council must follow in making the order. This provides for appropriate consultation with specific organisations and then the publication of the order allowing a period of 21 days for objections to be made to the order. So, the draft order was published in 2018 in accordance with the regulations, following which approximately 1,200 objections were received to the order. A number of objectors have exercised their right to be heard, which is why we have now been appointed to hold a hearing and report to Glasgow City Council.

DRAFT

1.6 It is for the council (as the promoter of the order) to justify the order through the hearing process. However, the statutory process allows the reporters to hear evidence from anyone with an interest in the subject matter of the order, and we have in the circumstances (with the agreement of the council) decided to also hear evidence from those who have made representations in support of the order. We consider that this is required in order to properly consider matters raised within the objections and form balanced conclusions in our report to Glasgow City Council. We therefore generically refer to the examination of representations when we are referring to the overall process we are undertaking and upon which we are reporting to the council.

1.7 Furthermore, we have specifically decided to request evidence from Police Scotland, Strathclyde Partnership for Transport, Scottish Fire and Rescue Service and Scottish Ambulance Service, because they have management responsibility for transport and health and safety in the vicinity of the proposed order, and therefore potentially have a significant contribution to make in the examination of matters raised within the representations.

1.8 We decided that a pre-hearing meeting was required because of the complexity of the hearing process in this case. A pre-hearing meeting is for those who have made representations and intend to participate in the hearing. This covers those who are not sure, and after the pre-hearing meeting may decide to rely on written submissions.

1.9 With respect to those who decide to rely on written submissions, if we consider there is insufficient information on any particular matter raised, we may write to the parties concerned to seek further information. This would normally just involve whoever is making the representation and the council, but may also involve others if they have an interest in the information being sought.

1.10 A letter dated 7 February 2020 was sent to all those who made representations. We apologise for the confusion which arose from the use of the ticket mechanism which was set up to enable people who had made representations to attend the pre-hearing meeting. This was actually accessed very quickly by a large number of other people (on both sides of the argument) and we had to abandon the process because it had the effect of excluding people who had made representations and intended to participate in the hearing.

1.11 We are satisfied that no prejudice has resulted from the process of advising people about the pre-hearing meeting. All those who have stated that they wished to attend the pre-hearing meeting have been given the opportunity to do so, following the adjustments which were made to the procedure.

1.12 As planned, the pre-hearing meeting was held in public, and we retained provision for people who have not made representations to be able to attend the pre-hearing meeting, subject to the capacity of the venue, by asking them to write to the programme officer team to explain their interest in attending the meeting.

1.13 The hearing itself will of course also be held in public and provision will be made for anyone with an interest in the subject matter to attend. This is further

DRAFT

addressed under agenda item 5. The hearing will need to be undertaken in a structured way but also in a friendly and informal manner. We appreciate the controversial and complicated nature of the subject matter, and that a hearing is essentially an adversarial process. But we are here to get the best evidence and advise the council. At the hearing therefore please show respect to those on the other side of the argument.

2. Content of the Order

2.1 The explanatory note provides background information. The order includes schedules as set out in the explanatory note, and is accompanied by maps which show where the emergency routes and parking restrictions apply.

2.2 We consider that there will need to be time set aside at the commencement of the hearing where council representatives will explain the content of the order with reference to the maps, which can be displayed at the venue.

2.3 A notice of intention to make a legal submission on behalf of Celtic Football Club was intimated at this point by the Club's legal advisors. The submission would be based on information that the order placed on deposit during the period for objections was incomplete, in that there was no content in the schedules, and the period of the restrictions in the order was not provided. It was agreed at the meeting that the legal representatives for Celtic Football Club would make a full submission to the programme officer team about this matter within 14 days. The council would then respond within a further 14 days. These submissions would be uploaded to the website, following which the reporters would consider appropriate action.

2.4 Following a review of the webcast, we instituted a preliminary procedure. It has now been confirmed by the council that the version of the order which is now published on the website, is exactly the same version as that which was placed on deposit for public inspection with respect to the notice in the local newspaper. However, following discussion with the council by email, the Club's legal advisors have intimated that Celtic Football Club considers the relationship between the draft order, the notice and the accompanying maps to be flawed.

2.5 A full submission on behalf of Celtic Football Club has now been received, following which Glasgow City Council has requested a sist in order to be able to respond to this and progress other matters relating to the hearing. The proposed sist is further addressed under agenda item 8 below. Thereafter, we will consider what action requires to be taken with respect to the hearing process.

3. Summary of Representations

3.1 The vast majority of the representations are objections to the principle of the order. These can be split into about 10 or so key issues for examination at the hearing, which are set out in bullet points under paragraph 3.3 of the explanatory note. The 4 bullet points after the first 2 could be considered as sub-headings under a single heading of transport. There is also a possible sub-heading under the first bullet point relating to the permit system. This is mainly for the Ibrox order but the issue would clearly apply to both orders.

DRAFT

3.2 Then there are several key site-specific issues of objection which are listed in paragraph 3.4 of the explanatory note. These do not cover everything, and there are also more detailed individual site-specific objections which will be examined separately, probably mainly under written submissions, and so they may not even be raised at the hearing.

3.3 There are only 6 objections relating to the loading and unloading provisions, and these are individual site-specific objections which will be examined on their merits.

3.4 There are also a number of letters of support for the order from residents who live within the zone, and these are referred to in paragraph 3.5 of the explanatory note. In addition, there are a number of residents who attended the pre-hearing meeting and who have not made representations, but have requested to take part in the hearing. This is further addressed under item 5.

3.5 Since it would be a major task for all parties to read through and assess all of the representations, we have prepared a summary of the matters raised. We think this is a fairly comprehensive overview of the representations. In addition, we have prepared a schedule grouping similar representations together. This is ongoing, and will be developed particularly for the objections in principle to the order as groups of parties working together becomes clearer. This is further addressed under item 5.

4. Format of the hearing

4.1 Section 4 of the explanatory note sets out the main points relating to the format of the hearing. Although informal, the discussion will be led by the reporters and structured in accordance with an agenda issued shortly before the hearing takes place. This agenda will be based on the key topics which we need to examine.

4.2 Whilst this will to some extent depend on the content of the hearing statements, the hearing sessions will be centred on the topics, which will generally be based upon the bullet points listed in section 3.3 of the explanatory note, probably with an introduction explaining the content of the order followed by a strategic session at the beginning, to enable the orders to be examined in the context of the council's overall policy approach. We will also examine the site-specific objection matters under the relevant headings, or at the end. Evidence on behalf of Glasgow City Council, Celtic Football Club other objectors and supporters will be taken as we consider appropriate with respect to each topic. We are likely to ask detailed questions of parties giving evidence, but this will be information gathering rather than cross-examination.

4.3 Given the fairly contentious nature of the subject matter, there will inevitably be an adversarial element to the discussion at the hearing. We recognise that all parties will wish to present their evidence and argue their case in a manner which is advantageous to their position. But we ask everyone involved in this process to respect other points of view, and not to try to seek an unfair advantage by undermining the process we have set out, for example by introducing late evidence which would be a surprise to other parties. The main parties (those who will be

DRAFT

submitting hearing statements) are expected to ensure that their statements are comprehensive.

4.4 On a positive note, there is some common ground among the matters raised by objectors to the order and supporters of the order. For example, some of the objections express sympathy for residents who are affected by the scale of parking on residential streets (on match days), and particularly inconsiderate parking (for example blocking driveways). On the other hand, some residents have expressed sympathy for those visiting the stadia who park considerately on residential streets.

4.5 There is nothing to prevent a movement in position by either side of the argument as the hearing progresses and as further evidence becomes available. In major cases like this, things may develop as the hearing progresses. There isn't anything in the statutory process which requires an adversarial position to be maintained.

4.6 In presenting evidence at the hearing, everyone should remember the alternatives we can recommend to the council; making the order as proposed, making the order but with modifications, or not making the order at all.

5. Participation in the hearing

5.1 Whilst known participation is provided within this note, we recognise that the latest government restrictions, imposed with respect to COVID-19, will prevent any meetings taking place between parties who may wish to group together for the purpose of presenting evidence to the hearing. However, we hope that the exchange of contact information could proceed where this is agreed to, and that discussion could then take place remotely (by email, video link or telephone) between parties with respect to the preparation of hearing statements. Please see agenda item 6 below for more information about the submission of statements.

5.2 We therefore consider that there should be an initial period of **6 weeks** following the receipt of this note of the pre-hearing meeting, within which groups should be formed where this is possible, after which the situation will be reviewed, allowing further time for the formation of groups if necessary. The schedule of objection numbers will be continually updated in this regard.

5.3 Anyone who no longer wishes to take part in the hearing may rely entirely on written submissions. This would comprise the original representation and any subsequent additional written submissions that have been lodged.

5.4 From this point, all those who intend to participate in the hearing will lose anonymity in terms of their name and any organisation they represent.

5.5 Intended participants identified to date are as follows:

Glasgow City Council

Glasgow City Council's External Legal Advisers

DRAFT

Peter Ferguson – Partner, Harper Macleod LLP
Roslyn MacDonald – Senior Solicitor, Harper Macleod LLP

Glasgow City Council Officers

Kevin Hamilton – Head of Roads, Neighbourhoods and Sustainability
Andrew Beglin – Assistant Group Manager - Parking Services, N & S
Helen Morrison – Engineering Officer, Neighbourhoods and Sustainability
Martin McColgan – Legal Manager, Chief Executive’s Department

There may be additional participants on behalf of Glasgow City Council with respect to policy and strategy, public sector equality duty and air quality.

Celtic Football Club

Jaqueline Harris, Stephen Blane (Pinsent Mason)
Michael Nicholson, John Paul Taylor (Celtic Football Club)

There may be additional participants; namely external traffic consultants, senior club officials on aspects of the order, current operations and safety matters, a support and liaison officer, and an external economist. Whilst supportive of SPT participation, there may also be a consultant on public transport matters.

Celtic Football Club would make available all appropriate information it intends to rely on for the benefit of its supporters. However, it expects supporters (or groups) to set out their experiences and concerns about the order in their own right, at the hearing.

Police Scotland

Chief Inspector Michael Duddy, Local Area Commander. There may be another colleague with him to assist in providing evidence on detailed matters relating to the operation of the order.

Strathclyde Partnership for Transport (SPT)

Gordon Dickson, Head of Bus Strategy & Delivery
Donald Booth, Bus Development Manager

Scottish Fire and Rescue Service

Brian Winter and Roddy Keith (area commander) are likely to participate in the hearing.

Scottish Ambulance Service

Neil Mitchell is likely to participate in the hearing.

DRAFT

5.6 The above **four** organisations have a specific role in providing expert advice at the hearing. They are appearing at our request, not because they have made representations about the orders.

5.7 SPT has sent a response relating to its remit in the hearing, which has been uploaded to the website. We are content with the stated remit of SPT, which is essentially to provide strategic advice on how the public transport system relates to the orders.

5.8 We are not examining the effectiveness or otherwise of the public transport system, we are only looking at the capacity of the public transport system to accommodate people who may be dissuaded from travelling by private car, and to what extent the existing or any improved public transport may therefore be a determining factor as to whether or not the order should proceed.

5.9 The same principle will apply to the other 3 organisations providing evidence to the hearing at our request. In particular, Police Scotland will be expected to provide evidence relating to its operations **only** as they would apply to the existing situation in the vicinity of the proposed order, and to its operations as they would apply following the implementation of the proposed order; and to what extent these operations may be a determining factor as to whether or not the order should proceed.

5.10 With respect to the public transport system, individual transport providers may be best placed to quantify the actual capacity and demands on the existing rail and bus infrastructure. Scotrail did not attend the pre-hearing meeting; although they offered to provide further information if requested to do so. We intend to further discuss with Scotrail, and to discuss with First Bus Greater Glasgow (as a major provider of public bus services in the area), the possible provision of evidence to the hearing (or written submission) by them in this context.

5.11 Further intended participants identified to date are as follows.

Village Residents' Group(s)

Ms Eileen Smillie – village residents' group (athletes' village).

This group supports the order except for bus parking within the village area, which constitutes an objection to the order.

Mr Frank Martin has also expressed interest in this group.

There are several residents of new developments at Baron's Vale, and Belvedere View, who have not made representations but wish to take part in the hearing. We intend to hear evidence on behalf of these groups, in terms of supporting the council's position.

Mr Lewis Cole has expressed an interest in leading or becoming involved in groups from these areas.

DRAFT

Furthermore, interest has now been expressed to the extent that all 3 of the above villages could combine together in order to present evidence to the hearing, as most of the matters in support of the order are the same for all 3 groups. The exception would be bus parking in the athlete's village, which would be a separate category. Parties will be discussing their involvement in the next month or so and the group will provide more details to the programme officer team in due course. The information in the schedule of representations on the website will be updated as matters progress.

Gallowgate Parish Church

Mr H Fordyce

The Church will be presenting evidence at the hearing in its own right.

NHS Services Springfield Rd

It is envisaged that Carol Burns and Lesley McGavin and possibly others including a representative of NHS Greater Glasgow and Clyde will present evidence to the hearing on behalf of these local NHS Services.

Individuals who may wish to group together

5.12 This could be groups of football supporters opposing the order or groups of residents supporting it, hopefully with a lead person/spokesperson.

5.13 The pre-hearing meeting is also an opportunity for those who may wish to take part in the process even though they haven't submitted representations – to join in with a group who have.

5.14 Groups are likely to be based on the issues identified in the bullet points in paragraph 3.3 of the explanatory note enclosed with the agenda.

5.15 This is a developing situation and when groups are formed, the information will be provided to the programme officer team, and the situation will then be updated in the schedule of representations on the website.

5.16 Those which have so far been discussed are as follows.

Management of inconsiderate and unsafe parking in residential areas within the proposed zone. This may include groups specific to individual areas

5.17 The Village Residents' Group (above) will cover this matter from the residents' side.

5.18 There are several people on the other side of the argument, covering the view that people generally park considerately, and that there are other ways to enforce inconsiderate/unsafe parking, rather than a blanket restricted parking zone.

DRAFT

5.19 Mr Michael Dwyer has indicated a willingness to lead, or be involved in such a group. Other objectors with a similar interest may contact him through the programme officer team.

5.20 There appears to be some common ground on this issue.

Displacement of parking to areas outwith the zone (may be site-specific)

5.21 There are a number of residents outside the zone who are concerned about this. Mr Stephen Batchen and Mr Christopher Clark are residents who have expressed an interest in this, particularly with respect to the Eastfields Estate, and Mr David McCann is a visitor who has similarly expressed an interest in this matter.

5.22 These are all objections, with differences in the basis for objection obviously, but also some common ground where people might work together. Again, objectors with a similar interest in these matters may contact these people through the programme officer team.

Economic impact, disadvantaged groups and transport related issues

5.23 The majority of those objecting to the proposed order and expressing an interest in participating in the hearing fall under these categories. Mr Brian Gilmour has a specific interest in becoming involved in a group on transport matters.

5.24 Otherwise, no interest has so far been expressed in groups under these categories, but discussion could take place among people attending the pre-hearing meeting (after the hearing) to see if any groups could be formed. The results of this discussion, if any, will be provided to the programme officer team and the details would be updated in the schedule of representations in the next month or so.

5.25 We would like to encourage the formulation of such groups, as this would be more efficient than individual contributions, which would risk more repetition.

Individual contributions at the hearing

5.26 However, in the event that there are people who wish to make individual contributions, we will accommodate this at the hearing. From a show of hands at the pre-hearing meeting, there are a significant number of people who wish to make such contributions to the discussion at the hearing, in the event that they do not join a group for this purpose. The list of such participants will be continually updated prior to the hearing.

5.27 Finally, there will be limited provision for contributions from those attending the hearing who have not made representations and are not covered above. Generally, such people will be regarded as observers of the proceedings, who would not be expected to be submitting evidence. However, this does not preclude people seeking clarification of particular matters or making points of a factual nature.

DRAFT

6. Statements and documents

6.1 Parties who will be submitting hearing statements have so far been agreed as follows:

Glasgow City Council, Celtic Football Club, Police Scotland, Strathclyde Partnership for Transport, Scottish Fire and Rescue Service, Scottish Ambulance Service, Village Residents' Group, NHS Services Springfield Road

Subject to the formation of other groups, we will consider the submission of further statements.

General guidance on statements

6.2 Statements should be accompanied by copies of all documents which that party (whether an individual, group of individuals or organisation) intends to rely upon in the submission of evidence to the hearing (see below). The statement should comprehensively set out all of the matters upon which the party intends to give evidence at the hearing. If any matter raised at the hearing is not included within the statement, we will seek an explanation as to why it was not possible to include this matter in the statement.

6.3 The statement does not need to follow any prescribed format, which will be a matter for the party concerned. The statement must, however, indicate the interest of the party in the order, and provide a reasoned justification for the outcome sought with respect to the order. This reasoning should include, where appropriate, any modifications to the order which would be acceptable to the party concerned.

6.4 The statement should include (where more than one person intends to give evidence on behalf of a group or organisation) a full list of those who will give evidence at the hearing. Where expert witnesses are proposed, relevant qualifications should be provided. Any special access requirements should be indicated in the statement, as well as any constraints which particular persons may have with respect to the timing of the hearing sessions.

6.5 There is no prescribed length for a statement, but it should be as concise as possible whilst setting out all of the matters to be raised. In the event that a statement is particularly lengthy or complicated, we may require a summary to be provided. But this will only be required in exceptional circumstances.

Guidance specifically for Police Scotland, Strathclyde Partnership for Transport, Scottish Fire and Rescue Service and Scottish Ambulance Service

6.6 These organisations are attending the hearings in order to provide expert evidence at our request. They are asked to review the summary of representations on the website, and to prepare statements on the matters raised in so far as they affect their areas of responsibility related to the order.

DRAFT

6.7 Particular attention should be given to the bullet points set out in paragraph 3.3 of the explanatory note, and the statements should cover both pre-order and post-order scenarios, and the potential effect of the order in this regard.

Potential for parties submitting a statement of agreed matters

6.8 The main parties (particularly Glasgow City Council and Celtic Football Club) are asked to ensure that their statements comprehensively set out all of the matters they intend to raise at the hearing, including the full extent of any surveys or impact assessments that are being relied upon.

6.9 Where possible, the reporters encourage additional (or supplementary) statements of agreed matters. These would be particularly valuable with respect to the extent of the factual information being relied upon, and may considerably reduce the amount of time at the hearing needed to discuss such matters.

Documents

6.10 Documents may comprise any written material, photographs, video, or maps and diagrams, which support the reasoned justification set out within the statement. They should be numbered, their source identified if possible and a full list should be provided. They should be in electronic form using a standard available format such as PDF (for uploading to the website). Extracts from published material must indicate their precise content and date for verification purposes. The intended use of power point (or other) presentations must be identified in advance so that suitable arrangements can be made with the venue provider.

6.11 All documents are expected to be submitted at the same time the statements are submitted, and exchanged with all other parties submitting statements, unless prior agreement otherwise has been obtained from the reporters.

Timeline for statements

6.12 The timeline for statements, and the date for the hearing, are likely to be significantly affected by the COVID-19 restrictions, the length of which is uncertain at this stage. We set out a provisional timeline below, which would depend upon the ability of parties, and individuals giving evidence on behalf of those parties, being able to work remotely (by email, video-link or telephone). Our provisional timeline is for the council to submit its statement to the programme officer team within **6 weeks** of the end of the proposed sist referred to under agenda item 8 below.

6.13 All other statements would then be submitted to the programme officer team within a further **4 weeks** from the date of receipt of the council's statement. Following this, any rebuttal statements could be submitted within a further **4 weeks** from the receipt of the others' statements. By this date, any statements of matters agreed by the parties would also be submitted.

6.14 All statements together with all documents being relied upon will need to be exchanged with the other parties submitting statements and will be uploaded to the website. Contact details will need to be submitted to the programme officer team by

DRAFT

all those submitting statements by the due date. Please note that the statutory requirement for statements and documents to be placed on deposit has been temporarily suspended in the context of the Coronavirus (Scotland) Act 2020.

Further written submissions

6.15 Aside from the provisions for statements, any party who wishes to make further written submissions (whether participating in the hearing or relying entirely on written submissions) should submit these to the programme officer team no later than **4 weeks** following the publication of the council's statement on the website.

7. Date and venue for the hearing

7.1 We expect that the hearing is likely to take around 5 days (10 groups of topics with possibly half a day on average for each).

7.2 The date for the hearing will be notified in the Evening Times. However, following the proposed sist referred to under agenda item 8 below, and the provision for statements referred to above, no date for the hearing can be considered at this time. This will of course be kept under review (as will the timeline for statements), and will take full account of any COVID-19 restrictions which remain in place, and any further guidance provided by the Scottish Government and NHS Scotland.

7.3 The venue is expected to be the Royal Concert Hall, Glasgow, which has a number of rooms of different capacity, one of which can be selected at a later date when more details of the expected participation in the hearing is known.

7.4 Each session of the hearing is expected to be webcast live.

8. Other matters

8.1 The note of matters agreed at and arising from the meeting will be sent to all parties who have made representations about the order, and anyone else who has attended the pre-hearing meeting, and will be published on the website. There will be a period of **14 days** for comments to be made. All comments will be taken into account before the note is finalised. This is particularly relevant for people who have not been able to attend the pre-hearing meeting.

8.2 It has been necessary under the COVID-19 emergency to restrict the issue of the note of matters agreed at and arising from the meeting to email transmission. However, consideration will be given to those who do not have access to email, to avoid any prejudice caused by the lack of notification of the procedures involved.

8.3 Glasgow City Council has explained that a current extension of the period for making the proposed order has been granted up to **4 November 2020** under Regulation 16(3) (of the 1999 Regulations), so this may require to be the subject of a further application for extension in due course.

DRAFT

Proposed sist of procedures

8.4 On behalf of Glasgow City Council, we have been advised that, whilst the current restrictions are in place under the COVID-19 emergency, none of the relevant members of the council's technical team are in a position to sufficiently progress matters relating to the hearing while working from home, and they are not permitted to enter the council's offices. The council has therefore requested that the ongoing process be sisted until the lockdown is eased, and the council's technical team are able to return to their office-based duties.

8.5 In the circumstances, we consider that this request needs to be accommodated. Therefore, we intend to sist the hearing procedures for an initial period of 4 weeks, which would be continually reviewed and extended if necessary, based on the most up to date Scottish Government and NHS Scotland advice on the COVID-19 emergency. The sist would commence following the publication of the finalised note of the pre-hearing meeting on the website. The website would then be continually updated as to the progress of the sist and when it ends.

8.6 At the end of the sist, the period for the council's hearing statement would commence, as would the period of 14 days for the council to respond to the legal submission on behalf of Celtic Football Club.

Sinéad Lynch and Lance R Guilford
Reporters

TRO-260-2

13 April 2020