

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__

THE GLASGOW CITY COUNCIL (IBROX STADIUM) (EVENT DAY EMERGENCY ROUTES AND PARKING ZONE) ORDER 20__

Explanatory Note

Changes to the draft notes of the pre-hearing meetings following comments made during the 14-day period

1 This explanatory note applies to the notes of the pre-hearing meetings with respect to both orders, whilst drawing appropriate distinctions where it particularly applies to each order. In general terms, a number of changes have been made for the purposes of clarification, or to correct typographical errors. Some of these are interchangeable with respect to both orders. We do not consider that any further explanation is required with respect to these changes. However, some changes have been made which have a more significant effect on the intended process for the examination of the orders, and an explanation of the reasoning behind such changes is provided below for transparency. This reasoning also refers to such instances where requested changes have not been made.

Introduction

2 Paragraph 1.4 of the note for the Celtic Park and Emirates Arena order has been questioned on behalf of Celtic Football Club, considering it unhelpful for the note of the pre-hearing meeting to include assumptions relative to the background or to reach conclusions on the reasons for the order. We wish to clarify that such assumptions have not been made and such conclusions have not been drawn.

3 This paragraph is simply our understanding (from the background papers) of the council's primary reasons for the promotion of the order, which will be examined at the hearing. The council has not disputed the content of the paragraph. We consider this to be important background information. However, we also consider in the circumstances that an additional sentence is now required in order to explain our intention as to when conclusions will be drawn. This should also be included in the note for the Ibrox Stadium order in the interests of consistency.

Content of the Order

4 As well as making revisions to the note as requested on behalf of Celtic Football Club, we have decided to set out the conclusion of the legal submission in paragraph 2.5 of the note for the Celtic Park and Emirates Arena order. This is to provide the basis for subsequent changes to the note.

Participation in the Hearings

5 Participation in the hearings has been updated where further information has been provided, and this will continue to be updated on the website as and when

more information becomes available. The participation of ScotRail and other public transport providers has been updated (paragraph 5.10). Public safety will be included when examining the capacity of public transport (paragraph 5.8).

6 A comment has been made with respect to the Ibrox Stadium order that the stadium is in Council Ward 5, and that no local members from that ward intend to participate in the hearing. We would also mention that with respect to the Celtic Park and Emirates Arena order, no local council members have stated their intention to participate in the hearing.

7. We do not consider that it is necessary for us to specifically request the participation of local council members in either hearing, but following the note of the pre-hearing meetings, and the notification of the hearings in the local newspaper in due course, should any additional local council members wish to participate in the hearing, accommodation will be made for this.

8 We would clarify that with respect to the 3 community councils' participation in the hearing for the Ibrox Stadium order, all of these community councils will be submitting statements on behalf of residents within their respective areas. Our understanding is that that none of these community councils wish to work together in presenting evidence to the hearing.

Statements and Documents

Indicative timeline for statements

9 We have considered the comments made on behalf of Celtic Football Club, and have decided on balance to accept that it would be more logical, and would be more in the combined interests of all parties, to run the periods for addressing the legal challenge and the preparation of statements consecutively rather than concurrently. This takes into account comments received from the council on this matter. Fully addressing the legal challenge would include our consideration of the legal challenge and the council's response, our recommendations to the council on the matter, and the subsequent decision of the council. The preparation of statements would only commence after all necessary action has been taken following the outcome of the legal challenge, and if and when the council determines that the examination process should continue.

10 We recognise that continuing with the preparation of statements whilst the legal challenge is being progressed may be counter-productive if the challenge is successful. This is largely because the result of a successful outcome to the challenge (paragraph 2.5 of the note) would be a suspension of the examination process for a considerable period of time. Addressing the legal challenge as a preliminary matter would also focus the council's resources as appropriate on that matter without simultaneously having to progress the hearing statement. The outcome of the legal challenge would determine whether the examination should proceed with the programme of statements, or whether, firstly, a revised order would be the subject of a further notification and objection period under the regulations.

11. However, we do not accept the statement on behalf of Celtic Football Club that the current programme would, if adopted, assume the outcome of the legal challenge. Our consideration of the legal challenge will be strictly based solely on the case put forward by both parties. Whether or not the preparation of statements has commenced would have no effect whatsoever on the outcome of the challenge.

12. A further issue to consider is the effect of the legal challenge on the status of the Ibrox Stadium order, owing to the similar format and process of that order. The council has expressed a preference, in the interests of consistency, that the timeline agreed in relation to the Celtic Park and Emirates Arena order should also apply to the Ibrox Stadium order, and we have agreed to implement this.

13. A specific timeline for the hearing process is sought on behalf of Craigton Community Council. We consider that the intention to publish a programme for the submission of statements is likely to meet the request of the community council. However, this will not now be provided until after the sist has ended and the legal challenge on behalf of Celtic Football Club has been fully addressed.

Other Matters

14 Paragraph 8.4 of the note of the pre-hearing meeting for the Ibrox Stadium order refers to a request that the reporters provide an executive summary of the residents who have made representations relating to the order, covering their geographic location and including a map to show this. Both Craigton and Dumbreck Community Council have raised this matter within their comments. We have expanded the note of the pre-hearing meeting for the Ibrox Stadium in order to explain our approach to this, and in particular to emphasise that the council's GDPR policy will be applied to any material of this nature which is in the public domain. Whilst this issue was not raised at the pre-hearing meeting for the Celtic Park and Emirates Arena order, we would mention that the same principles would apply to both orders.

Proposed sist of procedures

15. Whilst we note that on behalf of Celtic Football Club, an initial period of 8 weeks is suggested with respect to the sist, we consider that it is better to retain an initial shorter period of 4 weeks, which can be reviewed and extended if necessary.

Sinéad Lynch and Lance R Guilford
Reporters