

**COUNCIL CONSTITUTION UPDATE 2025**

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**1. INTRODUCTION**

- 1.1 This report advises on changes to the Council Constitution in respect to Roads and Infrastructure Services.

**2. RECOMMENDATIONS**

- 2.1 The Council is invited to agree to the adjustments to the Constitution as set out in paragraphs 3.2, 3.3 and 3.4 hereof.

**3. DETAIL**

- 3.1 The proposed changes to the Constitution are to clarify delegated authority for orders made in terms of regulations made under s.12 of the Road Traffic Act 1988, decisions made under the Disabled Persons' Parking Places (Scotland) Act 2009 and to allow officers to carry out enforcement activities and propose exemption orders under the Transport (Scotland) Act 2019, Part 6.
- 3.2 The Environment, Development and Infrastructure Committee, at its meeting held on Thursday 20th June 2024, agreed to the introduction of enforcement of the prohibitions set out in the Transport (Scotland) Act 2019 (Part 6), in relation to pavement parking, parking at dropped kerbs and double parking and to commence this once the associated back-office system was upgraded. The timescale was amended to introduce the enforcement from 3rd March 2025 at the Committee meeting held on 19th December 2024.

To enable officers to enact the Council decision and enforce the legislation, it is proposed that the following is added to the Delegations for the Executive Director with Responsibility for Roads and Infrastructure:

In Part C – Scheme of Administration and Delegation, at an appropriate point, add the words; “To carry out any function conferred on the Council by or under the Transport (Scotland) Act 2019 (Part 6, Parking Prohibitions) save for the making, amendment and revocation of exemption orders under s.51 and s.52 of the said Act which shall be a function reserved to the Environment, Development and Infrastructure Committee”.

**3.3** It is proposed that the following is added to the Delegations for the Executive Director with Responsibility for Roads and Infrastructure:

In Part C – Scheme of Administration and Delegation, at an appropriate point, add the words; “To make decisions in relation to Disabled Persons’ Parking Spaces under the Disabled Persons’ Parking Spaces (Scotland) Act 2009”.

This will clarify the process for officers in relation to the designation of disabled parking spaces.

**3.4** It is proposed that the following is added to the Delegations for the Executive Director with Responsibility for Roads and Infrastructure:

- In Part C – Scheme of Administration and Delegation, at paragraph 37 on page 109, after “1984;” where it appears in the second line thereof, add the words; “Regulations made under s.12 of the Road Traffic Act 1988;”

This will clarify and facilitate the granting of orders in terms of the Acts and Regulations for the temporary closure of a road by notice where there is no period for objection and the matter is intimated by notice with no notification period required. This is similar in nature to other delegated powers already extant.

## **4. CONCLUSION**

**4.1** The proposed changes to the Constitution will clarify the delegated authority in terms of the functions set out.

## **5. IMPLICATIONS**

- 5.1 Policy – none**
- 5.2 Financial – none**
- 5.3 Legal – the proposed changes ensure that the Council’s Constitution reflects recent decisions.**
- 5.4 HR – None**
- 5.5 Fairer Scotland Duty - None**
  - 5.5.1 Equalities - protected characteristics – None**
  - 5.5.2 Socio-Economic Duty - None**
  - 5.5.3 Islands - None**
- 5.6 Climate Change - None**
- 5.7 Risk – None**
- 5.8 Customer Service – None**
- 5.9 The Rights of the Child (UNCRC) - None**

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**30<sup>th</sup> January 2025**

**For further information please contact**

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