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**Programme Officer Team
Celtic Park & Emirates Arena Traffic Regulation Order
Glasgow City Council**

11 December 2020

Dear Sir/Madam

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

This is the response on behalf of City of Glasgow Council (the "Council") to the submissions by Pinsent Masons LLP on behalf of Celtic PLC ("Celtic") dated 7 April 2020 regarding the Council's compliance with certain procedural requirements for making the TRO.

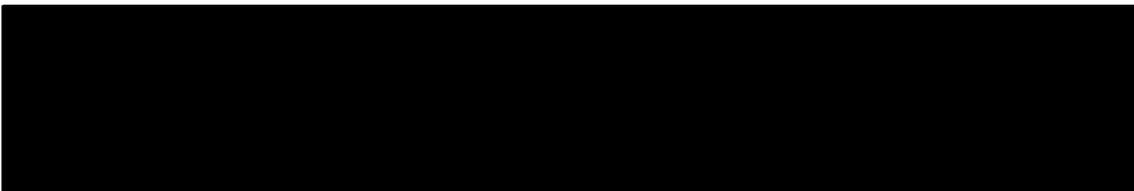
In view of the nature of the issues raised in the Celtic submissions and the way those submissions are structured, the Council's response is presented as comments against the relevant paragraphs of the Celtic submissions. This approach both avoids the Council's response having to paraphrase the Celtic submissions and the response having to cross refer to paragraphs which are not always numbered. Celtic's submissions are in blue, and the Council's responses are bold black below.

At the pre-hearing meeting on 10 March 2020 it was agreed that Celtic plc ("Celtic") would provide further detail of the issues raised on their behalf in relation to Glasgow City Council's (the "Council") compliance with the procedural requirements for making the TRO. Celtic's submission in relation to the procedural requirements is summarised in this letter.

This submission relates to a preliminary issue that Celtic consider can, and ought to be, addressed at this stage. However, this submission is made without prejudice to further review of, and submission on, the competence of the TRO and its terms, and on its compliance with relevant statutory provisions. Submission on those matters might be necessary once further information has been provided, process undertaken, and the Council's evidence in support of the TRO better understood.

1 Procedural Requirements – The Local Authorities' Traffic Orders Procedure (Scotland) Regulations 1999 (the "Regulations").

1.1 Introduction



Celtic, do not consider the Council to have demonstrated compliance with the notification procedure required in terms of the Regulations.

For the reasons set out below, the Council remains of the view that the notification and other relevant requirements of the Regulations have been met.

In terms of paragraphs 4, 5 and 6 of the Regulations (as supplemented by the various Schedules) certain compulsory measures require to be adopted by the Council to consult on a draft order and, thereafter, to publicise and notify the proposed order. The notice requires both to be publicised and to be sent to parties consulted by the Council in terms of paragraph 4 of the Regulations. Celtic were consulted by the Council prior to publication and notification of the proposals.

The statutory requirement for the Council to consult on a draft order and thereafter publicise and notify the proposed order in terms of the Regulations is acknowledged, and the Council remains of the view that this requirement of the Regulations has been met. Although Celtic is not a statutory consultee, Celtic was consulted prior to publication and notification of the proposals.

The order to be publicised and notified is the order the Council proposes to make (Regulation 2). The Council is not entitled, subsequently, to propose to make a different order not notified or publicised.

That is not accurate. Paragraph 13(1) of the Regulations makes it clear that an order can be made with modifications from the order which was publicised and notified, albeit subject to the limitations set out in that paragraph. As explained further below, the Council intends making modifications but considers that these modifications would be fully within the relevant limitation (i.e. 13(1)(c) which prohibits modifications which extend the application of the order or increase the stringency of any prohibitions or restrictions contained in it.)

The notification requirements, in respect of the proposed order, must be undertaken before making that order. It follows, therefore, that an order cannot competently or properly be made unless and until these requirements are met.

As noted above, Regulation 13(1) allows for modifications to be made, subject to limitations. Provided that such modifications are within those limitations, and the Council considers that the intended modifications outlined in this response would be fully within the relevant limitations, there is no statutory requirement that the Council notify and publicise the order in its modified form. As such, the Council considers that the notification requirements have been met.

1.2 Pre Hearing Meeting

One of the points raised at the pre hearing meeting was that the order proposed to be made by the Council (the "Draft Order") available to consultees and interested members of the public, did not contain the information necessary to provide the Draft Order with content or notice of the Council's proposals. The Schedules appended to the Draft Order which ought to

specify the restrictions proposed by the Draft Order were not populated with details of affected streets.

Further, as was also indicated at the pre-hearing meeting there are, in Celtic's submission, additional failings in the notification process and, in particular, the Map relied on by the Council in that process.

The Council has subsequently stated (email from ██████████ on behalf of the Council dated 18 March) that the Draft Order made available for public inspection did, in fact, contain the necessary information. Celtic must accept the Council's statement in that regard.

At the pre-hearing meeting on 10 March 2020, Celtic's legal representative first intimated that Celtic intended challenging the notification process undertaken by the Council on the TRO on the basis that in Celtic's view the Council had not complied with certain procedural requirements.

Following the pre-hearing meeting, the Reporters requested via an e-mail from the Programme Officer Team dated 16 March 2020 that there be a brief preliminary process between the Council and Celtic regarding one particular issue arising from Celtic's criticism of the Council's approach (whether the version of the draft order then published on the website was the same as the version which was placed on deposit for public inspection.)

The Council's Legal Manager, ██████████ responded by e-mail on 17 March 2020 to confirm that the version of the draft Order then published on the website was indeed the same as the version which had been placed on deposit. ██████████ explained that due to an administrative error an incorrect skeleton version of the draft Order had been published on the website from 27 January 2020 to 7 February 2020. There was further correspondence dated 18 and 20 March 2020 between the Council's legal representative, ██████████ of Harper Macleod LLP, and Celtic's legal representative to try to establish whether the explanation provided by ██████████ was sufficient to address Celtic's concerns. By e-mail dated 23 March 2020, Celtic's legal representative, ██████████ of Pinsent Masons LLP, wrote to the Programme Officer Team to advise that in Celtic's view the information was not sufficient to address Celtic's concerns. Copies of the said e-mails by ██████████ dated 18 March and ██████████ dated 20 March are attached for completeness. The Reporters will already have the other correspondence referred to as the Programme Officers were party to that correspondence.

However, they make the point also that engagement with the Council's TRO process and with the information relevant to the proposed TRO is more typically secured through access to online materials rather than by visiting a public office as necessary to view the Draft Order. The Notice of Proposals itself refers readers to the Council's website. The material made available online was inaccurate.

As per the e-mail dated 17 March 2020 from ██████████ referred to above, the draft order available on the Council's website from 7 February 2020 to date is exactly the same version as that which was placed on deposit for public inspection. Due to an administrative error, a skeleton version of the draft Order was uploaded to the website

on 27 January 2020 by the Programme Officer Team. That skeleton version was not however the version which had previously been placed on public deposit in accordance with the procedures set out in the Regulations. The error was noticed on 7 February 2020 by the Council team promoting the TRO whereupon the incorrect version of the draft Order was removed and replaced by the correct version (i.e. the one which had been on public deposit.)

Schedule 3 of the Regulations specifies the requirements as to the availability of documents for inspection. This only requires that the specified documents be made available for inspection at the Council's offices during normal office hours. There is no requirement for documents to be published on a website or elsewhere.

In addition to meeting the statutory requirements of Schedule 3, at the same time as hard copies of the relevant documents were available for inspection, the Council published some of the documents, but not the draft Order, on the website. That approach reflects the Council's longstanding practice. We refer to Council document 28, which is the Council's guidance from 2015 on Traffic Regulation Orders. Section 11 of that guidance specifically states that draft Orders are not made available online. Council document 14 explains what messages and documents appeared on the Council's website throughout the process. You will see from the list of documents under the 4 May 2018 entry that this did not include the draft order. When the notice of proposals was first published in May 2018, the notice of proposals was published on the Council's website which stated where a copy of the draft order could be viewed and at what times. The press Notice of Proposal (document 12) and the on-road Notice of Proposals (document 13) are also referred to. These list the documents which were on deposit and which could be viewed (including the draft order) and those which were made available on the website (not including the order.)

On the basis of this material, the Council rejects Celtic's assertion that the material made available online was inaccurate and the assertion that the Notice of Proposals was misleading.

The Council has also suggested that criticism of the Relevant Map (as hereinafter defined) does not impact on the competency of the notification process because paragraph 1(3) of Schedule 5 provides that where a discrepancy arises as between the Map and the Order, then the Order should prevail. Celtic does not accept that provision addresses the point in issue for the reasons set out below.

This seems to refer to the comments made in [REDACTED] email to Pinsent Masons of 18 March. As explained in that e-mail, the comment was made on the basis of the Council's then understanding of Celtic's criticism of the Relevant Map, which understanding was based on very limited information then provided by Celtic. The criticisms which have now been articulated by Celtic are different to the concerns as understood by the Council on 18 March.

The submissions on the remaining points of challenge are detailed below.

1.3 The Relevant Map

The Council is obliged to prepare a map of the proposals in terms of paragraph 15 of the Regulations:-

"The relevant map

15. The authority shall prepare and keep in connection with the order a map in accordance with the requirements set out in Schedule 5."

Schedule 5 paragraph 1 (a) provides that:

"The map shall clearly indicate by distinctive colours, symbols or markings –

(a) each road to which the order relates....."

The Council is obliged, after consultation and before making an order, to undertake publication and notification of the proposed order (paragraphs 5 and 6 of the Regulations). The publication and notification requires a Notice of Proposals.

The requirements of the Notice of Proposals are specified in Part 1 of Schedule 1 to the Regulations. The Notice of Proposals requires that the Map (the "Relevant Map") be made available for inspection along with the Draft Order.

"PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the authority.

2. The title of the order.

3. A statement of the general nature and effect of the order.

.....

7. Each address at which a copy of the order, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the times when inspection can take place at each such address....."

Schedule 3 to the Regulations further mandates the Council to make the Relevant Map available for inspection as part of the publication and notification process.

"Schedule 3

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection at the authority's offices during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine, the following documents:-

(a) a copy of the order as drafted or made, as the case may be;

(b) a copy of the relevant map;....." [Our emphasis]

The Relevant Map is, accordingly, an integral part of the notification and publication of the Draft Order. That notification and publication is intended to provide the information required to inform response and objection to the Draft Order (see paragraph 7 of the Regulations) and the content of the Relevant Map, as noted above, mandated by the Regulations. The objection period commences with publication or notification (as referred to above).

The Council has not complied with this requirement.

Drawing No. EDPC/CP/001 (dated May 2018) is the only map available in respect of this Order and in relation to the notification of this order.

The other maps available in relation to the order (numbered 1-6) are extracts from that larger map and form part of the larger map. We refer to drawing EDPC/CP/001 (dated May 2018) as the "Map".

The Council doesn't understand Celtic to be suggesting that the other maps should not be taken account of, and instead understands Celtic's comment to merely be pointing out that the other maps are extracts from the main overview map, drawing number EDPC/CP/001). For the avoidance of doubt, the Council's position is that the relevant map for these purposes comprises drawings EDPC/CP/001, EDPC/CP/002, EDPC/CP/003, EDPC/CP/004, EDPC/CP/005, and EDPC/CP/006 (all dated May 2018). This is important as some of the detail revealed in the extracts may not be immediately apparent from the main map when viewed at its original scale.

The Map does not "clearly indicate by distinctive colours, symbols or markings...each road to which the order relates.....". That is clear from a review of the Map alongside the list of controls proposed in the various Schedules of the Draft Order. The list of roads and control measures specified in the Schedules to the Draft Order does not accord with the symbols and markings on the Map which, in Celtic's submission, suggests significantly more modest effect than the terms of the Order as expressed in the Schedules. A review of the list of streets and areas of restriction specified in the Schedules is more extensive than the roads and restrictions shown on the "Map" (i.e. the "relevant map").

All of the restrictions now actually intended by the Council (to be given effect to by the intended modifications to the proposed order described in this note) are accurately reflected in the relevant map.

Investigating the example discrepancies highlighted by Celtic as discussed further below has however revealed that in some cases the schedules: (1) include streets which it is not now intended to apply restrictions/control measures to; and (2) list whole streets when the intention is now for the restriction/control measure to only apply to a specified part or parts of that street.

In the early stages of the evolution of the event day and related parking restrictions proposed for the environs of Celtic Park and the Emirates Stadium, the Council originally considered restrictions covering an area more extensive than the area now covered by the proposed order. The area originally contemplated was reflected on a map and the affected streets were listed in schedules. The area to be covered by the restrictions was changed prior to consultation and publication of the proposals. While the relevant map was updated to accurately reflect the changed area, the schedules listing the streets were not updated. This means the schedules in the draft order still include a number of streets for which restrictions are no longer proposed.

Some of the proposed restrictions and control measures are now only intended to apply to sections of roads. For example, the no waiting at any time restrictions proposed in Schedule 1 (coloured purple on the maps) mainly apply to road junctions and are designed to preserve visibility for safety and traffic management reasons.

While some of the street descriptions in the schedule accurately describe the section of the street at the junction in respect of which it is intended to apply the restriction (and thereby reflect the sections indicated on the relevant map), in other cases the whole of the street has been listed. This issue also arises with schedule 5 (disabled vehicle parking spaces.)

Separate from the discrepancies between the schedules and the relevant map described above, the Council has also identified that the proposed order duplicates certain traffic restrictions and control measures which are already in place through The Glasgow City Council (Clyde Gateway Area) (Traffic Regulation) Order 2015. This duplication covers all of the streets listed in schedule 7 and schedule 8, and some of the streets listed in schedule 1 and schedule 2. As such restrictions already exist, it is unnecessary for them to be replicated on the proposed order.

If following the hearing and the Reporters' recommendations the Council intends proceeding with the TRO, before making the order the Council intends update the schedules to remove streets which are not intended to be restricted, change the street descriptions where it is only intended for the restriction to apply to part of a street, and remove those restrictions which are already covered by the 2015 Clyde Gateway TRO. Addressing the Clyde Gateway TRO duplication will also require the relevant map to be updated. This would constitute a modification to the proposed order which would reduce, rather than extend, the application of the Order and as such could be competently done in terms of Regulation 13(1).

In the Council's view, making a modification as described above (as opposed to formally changing the proposals at this stage) would be the correct procedure under the Regulations. In the interest of clarity, by no later than submission of the Council's statement of case, the Council will however produce updated schedules and an updated relevant map. The updated schedules will be provided in both clean and tracked formats, with the tracked versions showing changes made from the existing schedules. It had been hoped that the updated schedules could have been provided alongside this response, but unfortunately that has not been possible. Removing streets which are no longer to be subject to restrictions and updating the relevant map to remove the duplications arising from the Clyde Gateway TRO are relatively straightforward administrative processes. However, changing references from whole streets to parts of streets can only be done once point to point surveys have been carried out on each the affected streets to measure the length of the relevant part. Based on the number of streets involved, this will likely take until approximately three months from now.

We have identified some examples simply for illustration. The points made are repeated across the area of the proposed TRO. We would invite the Reporters to compare the Map with the Order and the Schedules. In relation to the streets listed below, we have appended extracts from the various plans referred to in the hope that will assist.

□ Claythorn Street. The Notice of Proposals lists Claythorn Street (which is located in extract Plan 1). Claythorn Street is included in Schedules 1 (no waiting at any time) and 5 (disabled vehicle parking places) to the Draft Order. However, there are no annotations at all in respect

of Claythorn Street on extract Plan 1. Further, Claythorn Street is outside the broken blue line indicating the proposed Event Day Parking Zone.

The Council confirms there is now no intention to introduce these restrictions on Claythorn Street and the intention is to remove Claythorn Street from the extent of the Order before the Order is made. This would constitute a modification to the proposed Order which would reduce, rather than extend, the application of the Order and as such could be competently made in terms of Regulation 13(1).

□ **Mountainblue Street.** This street is located in extract Plan 2. In the terms of the Draft Order Mountainblue Street is included in Schedules 1, 3 (no waiting during relevant events, except permit holders) and 5. Plan 2 does not show the restrictions purported to be introduced by Schedules 1 and 3.

The current reference to Mountainblue Street in Schedule 1 of the draft order is incorrect (as without qualification that reference would be taken to apply to the whole of Mountainblue Street.) The Council intends to modify the order so that Schedule 1 restrictions only apply to Mountainblue Street to the extent of the short sections at its junctions with Yate Street and Yate Road indicated by purple lines on Plan 2.

The reference to Mountainblue Street in Schedule 3 (No waiting during relevant events, except permit holders) of the draft order is correct, as the Order is intended to cover the whole of both sides of Mountainblue Street (from the extended west kerblines of Yate Street to the extended west kerblines of Overtown Street) and this restriction is correctly shown within the event day parking zone as delineated by a broken blue line on Plan 2 and the Overview Plan.

□ **Quarrybrae Street.** This street is located in extract Plan 3 of the Map. Schedules 1, 3 and 5 contain various measures and restrictions affecting the length of this street. However, that is not indicated on the Map (Plan 3).

The unqualified reference to Quarrybrae Street in Schedule 1 is incorrect. The Council intends to modify the Order so that these restrictions apply only to the short sections of Quarrybrae Street at its junction with Muiryfauld Drive where indicated by purple lines on Plan 3.

Regarding Schedule 5, the Council can advise there is now no intention to introduce these restrictions on Quarrybrae Street and the intention is to remove Quarrybrae Street Schedule 5 of the Order before the order is made.

The reference to Quarrybrae Street in Schedule 3 (No waiting during relevant events, except permit holders) of the draft Order is however correct, as the order is intended to cover the whole of both sides of Quarrybrae Street (from the extended east kerblines of Pharonhill Street to the extended west kerblines of Muiryfauld Drive.) Those sections of the street are correctly shown within the event day parking zone as delineated by a broken blue line on Plan 3 and the Overview Plan.

□ **French Street.** This street is located in extract Plan 4 of the Map. Schedules 1, 2 (no waiting and no loading or unloading at any time), 3 and 5 contain various measures and restrictions effecting, in some cases, the length of this street. French Street is also outside the

broken blue line indicating the proposed Event Day Parking Zone. The Map (Plan 4) does not indicate the restrictions in relation to this street.

The reference to French Street in Schedules 1, 3 and 5 is incorrect. The Council can advise that there is now no intention to introduce these restrictions on French Street and the intention is to remove French Street from the extent of Schedules 1, 3 and 5 of the order.

The reference to French Street in Schedule 2 (No waiting at any time, no loading or unloading at any time) is correct in so far as the description of the relevant sections of French Street in Schedule 2 accurately reflect the sections indicated by orange lines on Plan 4 and the Overview Plan. That said, French Street is one of the streets where there is duplication with the restrictions which already exist through the Clyde Gateway TRO. The references to French Street will be amended to avoid such duplication.

□ **Potter Grove.** This street is included in Plan 6 (shown in extract Plans 5 & 6). Potter Grove is included in Schedules 1, 3 and 5. That is not indicated on the Map.

The references to Potter Grove in Schedules 1 and 5 are incorrect. The Council can confirm there is now no intention to introduce these restrictions on Potter Grove. The Council would remove Potter Grove from the extent of Schedules 1 and 5 before making the order.

The reference to Potter Grove in Schedule 3 (No waiting during relevant events, except permit holders) of the draft order is however correct, as the order is intended to cover the whole of both sides of Potter Grove (from the extended south kerbline of Potter Place to its southern extremity) and the order is correctly shown within the event day parking zone as delineated by a broken blue line on Plan 6 and the Overview Plan.

As this is the third example where Celtic's submission asserts that the restrictions for certain streets included in Schedule 3 (i.e. No waiting during relevant events, except permit holders) are not reflected on the relevant map, but where such streets clearly fall within the event day parking zone indicated by the blue broken line, the Council wonders whether Celtic's submission intended to make another, more subtle, criticism of the Council's approach which the Council hasn't picked up on.

While we appreciate that the Council will have the opportunity to respond following upon the receipt of this submission we refer to the Council's comment that Paragraph 1(3) of Schedule 5 to the Regulations provides an answer to the criticism of the Relevant Map. That paragraph states that:-

"1(3) Where the relevant map is neither specifically referred to in the text of the order nor made a part of the order, the map shall be for purposes of illustration only and the matter indicated on it shall not prevail over the actual text of the order in the event of any discrepancy between the map and the text...."

The reference above to the Council's comments is understood to relate to the comment made in [REDACTED] email to Pinsent Masons of 18 March. As stated above, and as explained in that e-mail, the comment was made based the Council's then

understanding of Celtic's criticism of the relevant map based on very limited information then provided by Celtic. The Council's position on the criticisms which were subsequently articulated by Celtic are set out in this response.

That provision is not relevant to the point in issue. The issue under consideration is the adequacy of notification and whether the Regulations have been complied with in that regard.

The question of whether or not the Relevant Map prevails if there is a subsequent discrepancy between the Relevant Map and the Order once the Order is in place is not the point. This is not an issue as to the interpretation of the Draft Order post making, but whether its terms have been adequately publicised and notified. The relevance of the Relevant Map in the notification requirements cannot be dismissed. Further, the post implementation interpretation of the substantive order will be presumed to follow a competent notification process. The notification process requires that a map showing specified information is provided.

There are specific notification requirements in relation to the Relevant Map which are intended to inform consideration and response to the order. Those requirements are not optional; they are, as referred to above, compulsory. This notification process did not comply with those requirements.

It is, in our submission, unnecessary to say more to challenge the competency and adequacy of the notification procedure. However it is, nevertheless, worth noting that the absence of the required information has an adverse impact on the sufficiency and quality of the notification process. A review of the Relevant Map, which should be a more accessible document than the lengthy text of the Schedules, goes nowhere near communicating the proposed effect of the Order. Further, it is also worth noting that the information lacking in the Relevant Map does not relate to minor discrepancies but to a significant disconnect between the terms of the Schedule and the terms of the Relevant Map. That will, in our view, be obvious to the Reporters on a comparison of both.

The Council is aware of the requirement in terms of Regulation 15 to prepare and keep in connection with the order a map in accordance with the requirements specified in Schedule 5 of the Regulations. Such a map was prepared and was made available for inspection at Council offices, and details of how to inspect the map were publicised in the press, on the Council's website and by on-street notices.

As explained above, the Council acknowledges certain instances of discrepancies between the relevant map and the schedules. In all of these instances, the relevant map correctly indicates the restrictions which the Council now actually intends to impose. The discrepancies arise because the schedules include streets or parts of streets over which the Council does not propose restrictions. The Council intends to address this by modifying the schedules.

While it is regrettable that these discrepancies occurred, and that individuals or groups with an interest in the affected streets may have been inconvenienced, in view of the corrective steps to be taken by the Council as explained above, no one will have been prejudiced as a result of these discrepancies. In all instances, the discrepancies arose because the schedules included streets or parts of streets over which restrictions are not now actually proposed. At worst, although this is not evident from the objections

received, individuals may have understood from the notification process that their street was to be subject to certain restrictions when in fact no such restrictions will now be taken forward.

1.4 No Statement of General Effect

The Notice of Proposals requires to provide a "*statement of the general nature and effect of the order*" (paragraph 3 of Part I of Schedule 1 to the Regulations). In our submission the Notice of Proposals fails to do so.

This is a complex order comprising multiple control measures which apply in different combinations to different streets. The TRO proposes different types of control and a number of different measures within those categories of control.

It is not possible to ascertain even the general effect of the Draft Order in relation to the streets affected from the terms of the Notice of Proposals. The effect of the Draft Order cannot be ascertained from the Notice of Proposals; it is simply a list of different possible measures and a long list of streets with no way of ascertaining what the general effect of the order will be. It begs the question whether the general effect is to apply all measures to all streets or some measures to some streets. That difficulty aggravates the failure of the Map to indicate the effect of the proposed Order.

The Council published its notice of proposals in the form of a newspaper advert in the Evening Times, as well as making the notice of proposals available online. The Notice of Proposals published in relation to the draft order contains all of the information which the Council would usually publish in a Notice of Proposals.

The Council strongly rejects the contention that the Notice of Proposals in relation to the order failed to meet the requirements of the Regulations. The Council is confident that the said notice complies with each of the requirements set out in Schedule 1 Part 1 of the Regulations. The Celtic submission refers specifically to Schedule Part 1 paragraph 3, the requirement to provide a statement of the general nature and effect of the Order, and so we will address compliance with that requirement specifically.

Firstly, paragraph 3 doesn't go any further than requiring that the notice of proposals must include "a statement of the general nature and effect of the Order". The Council's published notice of proposals contains the following:

- **Notification that some of the restrictions are to be permanent whilst others are to relate to event day parking;**
- **Reference to the Event Day Parking Zone;**
- **A general boundary description of the area to be covered by the Order;**
- **A list of every road affected by the Order**
- **A general description of the nature of the restrictions to be introduced by the Order;**
- **Reference to parking permits and how these will operate;**
- **Details of how further information about the Order can be viewed;**
- **Details of how to object to the Order.**

The Council considers that the information provided is comprehensive and exceeds what is required in order to comply with the requirements for a notice of proposals set out in Schedule 1 Part 1 of the Regulations. The Celtic submission states that it is not possible to ascertain whether the order will apply all measures to all streets or some measures to some streets. It is not a requirement in terms of the Regulations to be able to ascertain this from the notice of proposals.

It is acknowledged that it is not possible to ascertain from the notice of proposals alone exactly which restrictions will apply to which streets. However, not only is there no requirement to be able to do so in terms of the Regulations, in this case it would not be feasible to set out that information in the Notice of proposals. The order covers a large number of streets and contains a range of restrictions. In setting out the precise detail of the restrictions which apply in each area, the order itself runs to over 100 pages, so it's simply not possible in giving notice of the proposals to set out which restrictions will apply to which streets in a format which is capable of being published in a newspaper and advertised through on street notices. It would not have been practical or desirable for the Council to provide more information than it did in the Notice of Proposals.

1.5 No Specification of Duration

The general effect of the Draft Order cannot be ascertained without clear indication of the periods during which it will have effect. There is no specification either in the Notice of Proposals or in the Draft Order of the period over which the Order will be effective or how that can be ascertained.

As pointed out, the Notice of Proposals makes clear that some of the restrictions are to be permanent, while others are to be in effect on event days. The draft order itself specifies, in the Articles pertaining to each Schedule detailing restrictions on specified roads, whether any particular restriction is applicable "at any time" or is applicable "during relevant events". In relation to those restrictions which apply at any time, it is evident that these are full time, permanent restrictions. In relation to those restrictions which apply during relevant events, it is of course not possible for the Council to publicise within the order itself precisely when these restrictions will be in force. However, the draft order contains a definition of "Relevant Event" which establishes that those restrictions will be in force during any sporting, social, entertainment or similar event held at Celtic Park and the Emirates Arena, and that includes periods prior to, during, and after the event which have been identified as requiring traffic management. It is not possible to make the draft order more specific about the times during which the restrictions will be in force, nor is there any statutory requirement for the order to be any more specific.

2. Effect of Notification Failures

The notification of the Draft Order is a pre-requisite to its making. We submit that, in light of the above issues, that the Council is required to undertake again the notification and publication obligations (as required in accordance with paragraphs 5 and 6 of the Regulations and associated Schedules) and must do so before proceeding further with the Order.

Similarly, the notification of the Hearing process ought to be accompanied by appropriate information which, for the reasons specified in this submission, has not been provided.

For the reasons outlined above, in particular as a result of the proposed modifications to the order which will ensure that no restrictions will be brought into effect which were not shown on the relevant map, the Council considers that all of the notification requirements in relation to the map have been duly met.

Further, and separately, not only is the notification of updated information as required by the Regulations necessary to comply with them, it is also appropriate to allow confidence in the procedure adopted. Celtic expect that the Council will not wish to proceed with the traffic regulation order unless and until the public and consultees can be clear on the terms of the proposed order and confident that the correct information has been made available to those with an interest. As matters stand the information is unclear, the material placed on the website has been incorrect and the terms of the proposed order confusing.

The Council is, accordingly, invited to amend the materials relied upon in support and notification of the Draft Order in order to comply with the terms of the Regulations and, thereafter, to follow the publication and notification provisions of the Regulations in reliance of the corrected information.

Until those steps are taken the making of the proposed Order and the Hearing should not be progressed.

As previously stated, it is accepted that there are certain restrictions which were listed in the proposed Order but which were not shown on the relevant map. The Council is currently in the process of preparing a revised, tracked version of the draft Order which will show these restrictions which are to be removed from the extent of the Order. This will provide clarity as to which restrictions of the original draft Order are to be taken forward and which are not. However, the Council does not view this as constituting a failure to comply with the notification requirements set out in the Regulations, since all of those streets which will ultimately be subject to restrictions under this Order were listed in the draft Order, were shown on the Relevant Map and were listed in the notice of proposals which was made available online, in the press, and by on street notices.

I trust this adequately answers the various points arising from the Celtic submission, but if the Reporters require any clarification please let me know.

Yours sincerely



Harper Macleod LLP