

**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\_\_**

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

Legal submission (relating to the Celtic Park and Emirates Arena Order) on behalf of Celtic Football Club, dated 7 April 2020, and the response on behalf of Glasgow City Council dated 11 December 2020.

Timeline for the hearing process and report to the council with respect to both orders

**1 Preamble**

1.1 This statement provides our current thoughts relating to the legal submission on behalf of Celtic Football Club (with respect to the Celtic Park and Emirates Arena Order), and we then examine the timeline for both orders, taking into account the effects resulting from the Covid-19 pandemic.

1.2 We provide a “best-case scenario” timeline to meet the ultimate deadline for the orders, which we understand to be May 2022, taking into account the maximum number of extensions allowed under the Regulations. However, we find this timeline to be very challenging, and we set out our current thoughts with respect to each stage of the timeline below, followed by our recommendation to the council.

**2 Summary of the legal submission and the council’s response**

2.1 A legal submission on behalf of Celtic Football Club has been made, raising a preliminary matter which the club considers ought to be addressed at this stage, before the submission of statements and the hearing take place.

2.2 It is submitted that the council has not complied with the requirements of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 with respect to the preparation and notification of the order as required by the regulations.

2.3 In particular, it is submitted that the relevant map contains significant discrepancies from the order and schedules, to the extent that the map does not sufficiently communicate the effect of the order. Specific streets are included in the schedules but are not properly designated on the map as to the effect of the order on those streets. Examples are given in the submission.

2.4 Furthermore, it is submitted that there is no statement of general effect in the notice, and that there is no specification either in the notice of proposals or in the draft order of the period over which the order would be effective.

2.5 The submission concludes by inviting the council to amend the materials relied upon in support and notification of the draft order to comply with the terms of the Regulations and, thereafter, follow the publication and notification provisions of the Regulations in reliance of the corrected information.

2.6 The council has responded to the effect that the council maintains that the notification and other relevant requirements of the Regulations have been met. 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.

2.7 The notice of proposals also makes clear that some of the restrictions are to be permanent, while others are to be in effect on event days. 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 submitted that it is not possible to be more precise than that.

2.8 With respect to the relevant map, and on a more general point, Celtic Football Club appears to be questioning the council's overall approach to the event day restrictions, in showing a zone boundary rather than a specific designation for each of the affected streets. If so, it is our understanding that the council would maintain that designating a zone boundary is an appropriate mechanism for showing the event day restrictions on the relevant map.

2.9 However, with respect to more specific points, the council acknowledges that there are discrepancies between the schedules and the relevant map. Whilst the council regrets that these discrepancies have occurred, and that parties with an interest in the affected streets may have been inconvenienced, the council proposes that steps be taken to ensure that no one will have been prejudiced as a result of these discrepancies.

2.10 Investigation has revealed that the schedules include streets which it is not now intended to apply restrictions/control measures to; or alternatively, 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. The reasons for this are given in the council's response. In addition, 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. As such restrictions already exist, it is unnecessary for them to be replicated in the proposed order.

2.11 In all of these instances it is maintained that the relevant map correctly indicates the restrictions which the council now actually intends to impose. The council therefore intends to address the discrepancies by modifying the schedules accordingly in the event that (following the hearing and the recommendations of the reporters) the council intends to proceed with the order. Addressing the Clyde Gateway duplication would also require the relevant map to be updated. These would constitute modifications 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).

2.12 Following on from the above, we understand that whilst the council proposes to amend the materials relied upon in the draft order, the council has declined the invitation to follow the publication and notification provisions of the Regulations in reliance of the corrected information, for the reasons given above.

2.13 A copy of the full legal submission on behalf of Celtic Football Club, and the council's response to this, are provided opposite (on the Celtic Park and Emirates Arena Order webpage only). The council's response usefully sets out the text of the legal submission before responding to the individual points.

### **3 Reporters' current thoughts on the legal submission**

3.1 Firstly, we would clarify that we are not a court of law, and that we have no remit to make a formal determination as to whether or not the council has complied with the provisions of the Regulations. Unless Celtic Football Club intends to challenge the council's process through the courts at this stage, it is a matter for the council to determine whether or not to publish and notify a revised order under the terms of the Regulations.

3.2 Whilst we may have recommended a specific course of action if it appeared to us that there was a clear breach of the Regulations which needed to be resolved, in the circumstances our current thoughts are that whether or not any prejudice would result from the discrepancies and the proposed modifications is difficult to ascertain, and we therefore consider that it would be inappropriate for us to express a view at this stage as to what the outcome of any formal challenge would be.

3.3 In the context of the above, we would at this point clarify that we have been appointed by the council to hold a hearing and report to the council with respect to this draft order, and the similar draft order relating to Ibrox Stadium. Our remit is to examine the issues raised in the objections lodged pursuant to Regulation 7 in this regard. In order to properly and thoroughly examine the issues raised in the objections, we have also decided to hear evidence from parties supporting the order, and from specialist consultees who have expertise in the issues raised. This is set out in the note of the pre-hearing meeting.

3.4 However, we recognise that there may be legal submissions made at the hearing with respect to our examination of the draft order and the content of our report to the council. All such legal submissions should be clearly set out in the statements to be lodged before the hearing takes place. We will consider all matters raised in legal submissions before drawing our conclusions and making our recommendations to the council. Legal challenges may then be made through the courts by aggrieved parties in the event that the council decides to make the order.

3.5 We therefore at this stage note that the council is satisfied that the terms of the Regulations have been met by the publication and notification procedures already carried out, and that the council proposes to modify the order (in the event that it is pursued) following our report. We consider that the process for the hearing,

as set out in the note of the pre-hearing meeting, should commence when the current suspension of procedures ends, subject to the council's further consideration of the matters raised below with respect to the timeline for the overall process. The process commences with the preparation of the council's hearing statement.

3.6 Since the council proposes to make modifications to the schedules and the relevant map, the council should submit these as "proposed modifications" under Regulation 13. They should be included as a document with the council's statement for examination at the hearing.

3.7 The council should also confirm whether or not a similar process is required with respect to the Ibrox Stadium Order. In any event, we note that the council is keen that a consistent approach is taken with respect to both orders. The timeline below is therefore set out on the basis that it would apply to both orders.

#### 4 Timeline for the hearing process and report to the council

4.1 We provide what we consider to be a "best-case scenario" timeline in the table below. This extends from the period the suspension of procedures is projected to end, to the ultimate deadline for the orders which we understand to be May 2022. We also understand that no further extension of the orders can be granted after this date, and that (if the council decides to proceed after this time) new orders would then require to be made, following the procedures set out in the Regulations. We have annotated what we consider to be the main challenges arising at each stage of the process, and then set out our current thoughts on this following the table.

Table 1 – timeline for the hearing process and report to the council

Stage	Due date	Notes
Council statement	March 2021	This is based on the council's expected date for the completion of its modifications relating to the Celtic Park and Emirates Arena Order. However, it is dependent upon the council's ability to justify the order in changed circumstances
Others' statements	April 2021	Likely to require an extension to enable other participants to familiarise themselves with the council's proposed modifications and respond to them
Rebuttal statements	May 2021	One month remains feasible for rebuttal statements
Hearings	June 2021	A virtual process may be required as a result of Covid-19 restrictions. This may extend the period required for the hearings. In addition, there may be programming delays resulting from complex organisational requirements
Site inspections	October 2021	We consider that at least 4 months may be required to enable accompanied and unaccompanied site inspections to take place. Highly dependent both upon the timing of football matches and also upon Covid -19 restrictions
Report to council	February 2022	This estimate is based upon our current assessment of the material we are likely to have to examine. It could be significantly longer if additional evidence is led at the hearing, and/or if we decide to recommend making the order, but with modifications beyond those proposed by the council
Council decision on orders	May 2022	3 months may be available for this in the best-case scenario, but this is entirely dependent upon earlier process

4.2 We consider that achieving the above “best-case scenario” timeline would be very challenging, and we set out our concerns with respect to each stage of the process in more detail below. We recognise of course that this is only critical if the council decides to make the order following our conclusions and recommendations. Our recommendations may extend from making the order as it is proposed in draft form, through making the order but with modifications, to not making the order at all.

4.3 The first challenge is the ability of the council to submit its statement and documents by March 2021. We consider that this would essentially require the current suspension of procedures to end on 21 January 2021, or shortly thereafter.

4.4 In this matter we are conscious of the council’s reasons for requesting the suspension of procedures for a period of 6 months. These are set out on the web pages in the email to parties who have expressed an intention to participate in the hearings, and they primarily relate to the uncertainty with respect to attendance at football matches and the use of public transport. We do not consider that these uncertainties have changed since the council set out its reasons for requesting the suspension of procedures. The council would therefore have to change its intended approach to preparing its statement in order to meet this element of the timeline.

4.5 We cannot at this stage judge exactly how long would be needed for parties to become familiar with the councils proposed modifications, and indeed it may be argued that they cannot determine this until the modifications are available to them. We suspect that the time required would at least be doubled to 2 months.

4.6 The period for rebuttal statements and the period required for the hearings themselves may still be feasible as set out in the above table. However, the hearings may be dependent upon the willingness of parties to accept a virtual process. In addition, the period required for the hearings may need to be extended in order to accommodate the interests of all participating parties in a virtual process.

4.7 Furthermore, investigating how such a process may be arranged and managed is likely to be complex with respect to both orders. This would commence as soon as the suspension of procedures ends, but there may be resulting delays in the programming of the hearings which cannot be anticipated at this stage.

4.8 The period for site inspections is the most challenging element of the timeline. Setting aside 4 months may be inadequate. We consider that it will be necessary to view the site and surrounding area with respect to a Celtic/Rangers football match at both Celtic Park and Ibrox Stadium, in order to assess the physical impact of the associated parking (including buses), and in order to assess the current demands on the public transport infrastructure and its capacity to cope with these demands.

4.9 It is also essential to view these elements without any restrictions on the attendance at football matches as a result of the Covid-19 pandemic. We cannot at this stage know whether this would be possible by October 2021. The programme for matches is also something which would have to be factored into the timing of the site inspections. We therefore consider that the difficulty of arranging site visits may on its own, and even without any other delays, be fatal to the council’s ability to make the orders (should the council so decide) by May 2022.

4.10 We have retained our intended report preparation period generally as originally proposed. However, the complexities resulting from the council's proposed modifications (and any additional modifications we may wish to consider) and the unknown stance of other parties with respect to these may give rise to a more complicated picture than would otherwise be expected. There also remains the uncertainty with respect to the extent of the evidence to be led on each of the issues to be examined at the hearings.

4.11 In overall terms, we consider that there is considerable uncertainty with respect to the timeline for the hearing and report process, and that a decision by the council whether or not to make the orders may not be possible by May 2022.

## **5 Consultation**

5.1 We consider that our current thoughts on all of the above matters require to be the subject of consultation with all the parties who have indicated an intention to participate in the hearing. We are therefore arranging for this statement to be circulated to all those parties, and published on the website, with a request for any views to be submitted to the programme officers, if possible, by 21 January 2021, when the current suspension of procedures ends.

## **6 Recommendation to the council**

6.1 We recommend that the council considers all of the above matters, including the responses made by parties intending to participate in the hearings, before determining how it intends to proceed with respect to the above orders. We would then request a response by the council at the earliest appropriate opportunity following its consideration of these matters.