



Pinsent Masons

BY E-MAIL TO TROCELTICPARKANDEMIRATESARENA@GLASGOW.GOV.UK

Programme Officer Team
Glasgow City Council
City Chambers
Glasgow
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Your Ref:
Our Ref: [REDACTED]

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30 July 2021

Dear Sir/Madam

Comments on behalf of Celtic plc ("Celtic") in response to 'Reporters' statement – revised timeline' dated 30 June 2021

1. Introduction and context

We continue to act on behalf of Celtic in respect of the proposed Glasgow City Council (Celtic Park and Emirates Arena) (Event Day Emergency Routes and Parking Zone) Order 20__ (the "TRO").

Celtic have had the opportunity to consider the '*Reporters' statement – revised timeline*' dated 30 June 2021.

The Reporters have asked for comments on the programme for the submission of statements, and / or the subsequent hearing process.

2. The proposed programme

The Reporters' statement notes:

"We recognise that it may be difficult at this stage for other parties to determine how long they may need to respond to the council's statement and any proposed modifications."

Celtic agree with the Reporters observation and share the Reporters' concern about the feasibility of the proposed programme and the difficulties it entails. We also consider it to expose a more fundamental problem, namely the fact that it is not possible in the current circumstances properly to examine the TRO.

[REDACTED]



The estimate of approximately two months for Celtic's statement cannot be assessed as reasonable and, given the circumstances, there is every likelihood that it will not be adequate. Subject to review when the Council statement is produced we suggest a period of **four months**.

Pre covid data cannot be relied upon as representative of the current or future position and the assessment of likely impact cannot be based on previous transport patterns or usage. It is likely to take some time before analysis can conclude when a settled position has or will be reached in terms of traffic patterns, public transport use and parking patterns. It is not suggested that a 4 month period will permit the necessary data to be secured or a settled position to be reached but it is likely to be necessary to review and respond to the Council's Statement given that the changed circumstances in which it is now promoting the order.

The difficulty of framing a suitable timetable in the current circumstances is a consequence of the more fundamental problem that it is not possible properly to examine the TRO or its impact in the current circumstances. So far as we are aware, the Council has not offered any explanation as to why it does consider the examination possible or appropriate in these circumstances. While long term transport use patterns, parking and public transport provision remain uncertain the Reporters simply cannot assess the issues either for or against the TRO. Further, parties cannot analyse impact or frame evidence when baseline conditions cannot yet be observed or measured.

This is not just an issue of identifying the appropriate procedure to deal with the situation but, rather, raises the basic ability to assess the relevant issues. It is unfair and prejudicial to parties including the time and cost commitment for the Council to insist that the procedure continue when it cannot properly achieve what it is intended in the proposed time frame.

Any issue or comment about procedure and timing should, therefore, be read without prejudice to our overall position that it is not appropriate for the examination to proceed at this time.

3. **The nature of the hearing**

Celtic have previously made comments on the suitability of a virtual hearing (see submission dated 21 January 2021). These are not repeated here but our experience remains that the preparation work for an entirely virtual process differs from an in-person hearing and the nature of the evidence, including maps, tables and schedules, will be difficult to share and communicate virtually. That issue is likely to impact disproportionately on unrepresented parties who wish to participate. Celtic remain willing to do what it can to assist the Reporters to identify whether a satisfactory virtual process can be achieved.

4. **Extensions available under The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 (the "Regulations")**

In the Council's email to the Reporters on 3 March 2021 they stated:

"The Council officers have been in dialogue with the Scottish Government in relation to the timescales for making the proposed Orders under The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 ("the Procedure Regs"). Through this dialogue it has been clarified that there are actually 5 six monthly extensions permitted for making the Orders and not the 4 six monthly extensions as previously suggested. This means that the final deadline for making these Orders is actually around November 2022 rather than May 2022."

In their statement – suspension of the hearing process to end of August 2021 dated 31 May 2021, the Reporters requested the Council:

"to respond to the outstanding request for information on:

....



- *the periods of extension allowed under the Regulations*".

By email dated 29 June 2021, the Council responded by saying:

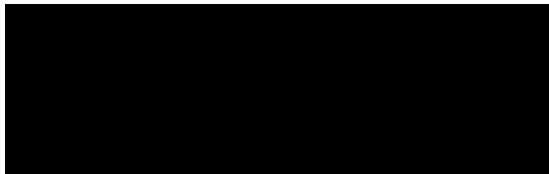
"The Scottish Government has confirmed that, given the circumstances pertaining to these hearings, the Scottish Government will be minded to grant all the 6 monthly extensions permitted under the TRO Procedure Regs for the making of these orders. Those extensions mean that the (current) deadlines for making these Orders will be 27 October 2022 for the Ibrox Stadium Order and 4 November 2022 for the Celtic Park Order."

With respect to the Council, from the information available online there has not been any substantiation of the interpretation of the Regulations. The Council should be invited to provide copies of any note or guidance from the Scottish Government as to their interpretation of the Regulations so as to allow five extensions to the time for making the order before parties are asked to proceed further. Celtic reserve its position in relation to the proper interpretation of the Regulations.

5. **Conclusion**

The Reporters' examination cannot properly assess how the TRO will operate or its impacts in circumstances where the factual backdrop does not reflect the situation in which the TRO was intended to operate. The current backdrop does not allow the Reporters to assess the TRO in the situation they are being asked to by the Council.

Commencement of a timetable towards hearing against that backdrop of uncertainty runs the risk of parties being asked to participate in a process for the confirmation of the TRO without any party having the complete information against which the confirmation, or otherwise, of the TRO is being considered.



Yours sincerely

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for Pinsent Masons LLP

