

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

CABINET

1 APRIL 2014

CONSULTATION PROCEDURE FOR TRAFFIC REGULATION ORDERS

1. Purpose of Report.

- 1.1 To seek the approval of Cabinet to adopt a revised procedure when consulting formally with Ward Members, individuals and organisations and when giving Public Notice related to permanent Traffic Regulation Orders (TRO's) in order to streamline the process.

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.

- 2.1 The issue of introducing traffic management and road safety measures cross-cuts a number of aims in the Corporate Improvement Plan. This includes Children Today, Adults Tomorrow where our aim *"is for all our children and young people to live healthy and safe lives"* and A Diverse and Sustainable Economy where our aim is *"to make our towns and valleys accessible and safe for all"*. Road safety also forms part of the aims of the Community Strategy to have safer communities where crime levels decline and fear of crime is tackled so that all local people feel safe and secure.
- 2.2 In addition to the above, the Welsh Government in 2013 published their Road Safety Framework setting targets for Casualty Reduction which all partners have a responsibility to work towards.

3. Background.

- 3.1 Traffic Orders can be used for a wide range of purposes. They can be permanent, temporary or experimental, and used for circumstances ranging from temporary closures to enable road works to take place to permanent changes to parking restrictions or road lay-outs. However this report will specifically deal with permanent traffic orders.
- 3.2 An important element of traffic management work is to inform and engage the local community when permanent changes to their road network are planned. In the case of permanent orders, the publicity provides the public with the opportunity to consider proposals, and to make objections if they wish to, which must then be considered by the Council.
- 3.3 The manner in which the Council is required to consult formally or give public notice in relation to permanent TRO's is contained within the Road Traffic Regulation Act 1984 and The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Regulations). This legislation prescribes the statutory process which must be followed before a TRO can be made and implemented.

- 3.2 The installation of certain Traffic Calming and Pedestrian Crossing works have a prescribed consultation process which generally follows that of the traffic order process but does not require an order to be made.
- 3.3 A report was submitted and approved by Cabinet on the 18th October 2011 (CONSULTATION PROCEDURE FOR TRAFFIC MANAGEMENT AND ROAD SAFETY PROPOSALS) which outlined a procedure to be adopted when consulting formally with Ward Members, individuals and organisations when giving public notice in respect of future traffic management and road safety proposals which now needs to be revised. It is now considered that given the requirements of that report are excessively onerous in respect of what is required by the relevant legislation, particularly so due to existing staff shortages, and these requirements are resulting in delays in the order making process.

4. Current Situation / Proposal

4.1 In order to discharge the legal responsibilities to consult and inform, it is proposed to set down and explain a streamlined procedure in comparison to the previous report approved by Cabinet, for permanent traffic orders which is in accordance with the relevant legislation, and should be followed each time schemes of this nature are progressed.

4.2 **Consultation** - Outlined below are the proposed consultation steps to be taken before a permanent TRO can be implemented:

- A preliminary scheme design is produced by the **scheme originator** showing the extent of the proposal
- Consultation correspondence must be sent out by the **scheme originator** to the following:
 - Appropriate Local Ward members (this is not specifically required under the relevant legislation)
 - Chief Constable of Police
 - Freight Transport Association
 - Road Haulage Association
 - Appropriate Ambulance / NHS bodies
 - Fire Service
 - Appropriate Bus Operators if affected by the scheme
 - Other organisations considered likely to be affected by the proposals

4.2.1 A list of individuals and organisations which it is considered meets the consultation requirements are included at **APPENDIX A**.

4.2.3 The **scheme originator** will also have the discretion to consult any additional individuals or organisations as deemed appropriate who may be affected by the proposal.

4.2.4 The **scheme originator** will then consider the responses and this may result in the original proposals being amended if appropriate

4.2.5 Following initial consultation, delegated powers will then be obtained in order to progress to the next stage.

4.3 **Advertisement of Proposed Scheme**

- 4.3.1 When delegated approval has been obtained by the **scheme originator**, a copy of the delegated power, along with a list of all formal consultees, consultation documents, a statement outlining why the order is proposed and a copy of the TRO schedules and any existing Orders to be revoked are sent to the Legal & Regulatory Services Department.
- 4.3.2 The Regulations require that there is adequate publicity of a proposed TRO so that those affected can give full consideration to the scheme. It is therefore necessary that a notice is advertised in the press and, if considered appropriate, the erection and maintenance of street notices for the duration of the advertisement stage, depending upon the type and location of the proposed scheme.
- 4.3.3 From the commencement date of advertisement of a proposed TRO and notification of all relevant persons/bodies as is required by the legislation, a minimum of 21 days must be allowed for the submission of any comments or objections. **All objections** must be made in writing. This period may be increased as necessary, depending on the scope of the proposal and its anticipated impact on the local community. This objection period must be specified in the notice.
- 4.3.4 **Provided that no objections/representations are received**, an Order can be made as soon as the 21 day period has expired. An Order must be made within a maximum of two years of the date that it was first advertised, and a notice confirming that the Order has been made must appear in the local press within 14 days of an order being made. The making of an order should correspond with the modification/introduction of any lining and signing for the new TRO scheme.
- 4.4 **Consideration of Objections** – If objections are received then the process outlined below must be followed.
- 4.4.1 **Any objections** submitted must be taken into consideration prior to an Order being made by the **scheme originator**. In certain specified circumstances, objections must be determined by Public Inquiry i.e. where loading/unloading is prohibited at all times, or for certain parts of the working day and other circumstances as specified in the relevant legislation.
- 4.4.2. **Objections are submitted to Legal Services and are acknowledged by Legal Services and then forwarded to the scheme originator for a formal response or resolution. Legal Services retain a record of all incoming and outgoing objection correspondence.**
- 4.4.3 **Upon consideration of comments and objections** received by **the scheme originator**, it may be appropriate to make minor modifications to the proposed TRO after it has been advertised. In such cases, the minor adjustments can be implemented provided that those likely to be affected by the modifications are notified, and that they are given the opportunity to comment or object in respect of the proposed amendment.
- 4.4.4 If objections cannot be resolved, a report is then prepared and submitted to the **Appeals Panel for determination**.

- 4.5 If **the Appeals Panel** determines that the order should be progressed, the Legal & Regulatory Services Department will then arrange for the Order to be made and also for appropriate bodies/individuals to be notified.
- 4.6 The main changes proposed by this report in comparison to the previous report approved by Cabinet are as follows:
- The removal of the need to use this consultation process when introducing Traffic Calming and formal Pedestrian Crossings.
 - Removal of the requirement to give two weeks prior notice to ward members prior to going to public consultation. Ward members will be consulted however as part of the formal consultation stage and it is likely that members would be aware of the proposals before this stage in any event.
 - **Appendix A h** has been updated as some of the previous consultees no longer wish to be consulted.
 - Rather than prescribe consultees in relation to those premises which abut the section of the highway the report proposes that officers exercise discretion to consult any party they consider may be affected by the proposal.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The change in the proposed approach will have no effect upon Policy Framework and Procedural Rules.

6. Equalities Impact Assessment.

- 6.1 There are no negative equality implications in relation to this consultation process, however, each proposal will have its own equality impact assessment.

7. Financial Implications.

- 7.1 The costs of the proposals will be met fully by the Department or Body requiring the Order unless otherwise agreed.

8. Recommendations

- 8.1 Cabinet is recommended to approve that:
- a) The Cabinet Report dated 18th October 2011 (CONSULTATION PROCEDURE FOR TRAFFIC MANAGEMENT AND ROAD SAFETY PROPOSALS) is superseded by this report.
 - b) For all future traffic management and road safety proposals the procedure set out in this report is adopted when making a Permanent Road Traffic Regulation Order.

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Background documents:

Cabinet Report dated 18th October 2011

APPENDIX A

LIST OF INDIVIDUALS AND ORGANISATIONS TO BE CONTACTED ON TRAFFIC MANAGEMENT PROPOSALS

BCBC Local Member(s) for Ward(s) within which the proposed scheme is located
Clerk to Community/Town Council for area(s) within which the proposed scheme is located
Chief Constable, South Wales Police
Traffic Management Officer, South Wales Police
Chief Fire Officer, S Wales Fire and Rescue Service
Officer in Charge, Bridgend Fire Station
Regional Director, Welsh Ambulance Services NHS Trust (SE Region)
Locality Ambulance Officer, Bryncethin Ambulance Station
Chief Executive, Abertawe Bro Morgannwg University Health Board
Freight Transport Association (Cardiff Office)
Road Haulage Association (Midlands and Western Office)
Head of Public Affairs, Automobile Association (Head Office)
Secretary, Bridgend Driving Instructors Association
Bridgend Visually Impaired Society (when appropriate)
Bridgend Coalition for Disabled People
Sustrans Cymru (Cardiff)
Secretary, Bridgend Civic Trust Society (for schemes within Bridgend Town area only)
Secretary, Porthcawl Civic Trust Society (for schemes within Porthcawl Town area only)
Manager of all Service Bus Operators with services running along roads within proposed scheme
Regional Secretary, Confederation of Passenger Transport (Wales)
Licensing and Registration Officer, Bridgend County Borough Council
Transport Co-Ordinating Manager, Bridgend County Borough Council
Principal Conservation and Design Officer, Bridgend County Borough Council
Group Manager Street Works, Bridgend County Borough Council
Highways Network Manager, Bridgend County Borough Council
Such other individuals or organisations representing persons likely to be affected by the proposals (if any) as officers think it appropriate to consult.