

Meeting of the Cabinet - 15th February 2024

Report of the Acting Service Director - Neighbourhood Delivery

Traffic Regulation Order Process Review

Purpose of report

1. This report outlines proposed changes to Dudley's existing Traffic Regulation Order Policy. The purpose of the proposed changes is to update the assessment process in line with current transport priorities. The changes will reduce the length of time taken for requests to be assessed, advertised and implemented, thus improving the customer experience. Changes are also proposed to the advertising process to make street notices more user-friendly, accessible and inclusive for members of the public. If approved, the policy will be implemented immediately and used for all future Traffic Regulation Order requests.

Recommendations

2. That the Cabinet be recommended:-
 - To note the information provided in Appendix C (Technical note Dudley TRO Process Review) and support the recommendations in the report in relation to requests for Traffic Regulation Orders (TRO's).
 - To adopt the proposed new Traffic Regulation Order process (Appendix A), and authorise for the following actions be conducted:
 - i) All new requests for TROs be directed through a revised process which takes place three times a year, instead of annually, except for Developmental, Temporary, Emergency/Urgent or Experimental Orders and disabled parking bays, which are dealt with by separate processes.

- ii) All new requests are acknowledged and then undergo an initial 'feasibility check' to ensure they meet key criteria. Unsuccessful requests will be discounted, and the requestor advised as soon as practical.
 - iii) Predefined scoring process is used to prioritise requests, and ward members being notified of TRO's being proposed prior to public consultation.
 - iv) That the website is update with information on the new assessment method and expected timescales.
- To approve the revised format of site notices as recommended in Appendix A, to make them more visible and easier to access the relevant TRO information.

Background

3. The current DMBC policy for the method of assessment of Traffic Regulation Orders requests was approved in 2014. The policy was amended following a scrutiny review (Appendix D).
4. The current system works on an annual basis with requests being accepted between 1 October and 30 September each year. Requests are then ranked using a scoring based on physical and environmental factors.
5. Part of the reason for the annual programme was to avoid conflict with elections and purdah. However, this has resulted in a very lengthy process. The entire process can take up to two years between receiving a request and a decision being made.
6. The current system has been unchanged for over 10 years, and needs to reflect changes in government transport policy, as well as regional and local strategies as part of a wider network management.
7. An external consultant conducted a review of the existing TRO policy. This looked at the guidance and legislation for traffic regulation orders and processes used by other local authorities across the country. The review then made recommendations regarding timescales, assessment criteria and communication / decision process which would improve Dudley Council's existing TRO policy.

8. The review has also considered the request process and legal notification procedure to identify any improvements that can be made to assist the customer in making their request, as well as improvements to the layout of on-site notices to ensure they can be accessed and understood more easily.

Proposed Process

9. **Quarterly Programme** - It is proposed each year to assess requests every three months instead of the current annual assessment. The three-month period between March and May will be emitted to avoid conflict with local elections. This will lead to smaller more frequent traffic regulation orders (10 locations each quarter instead of the current 30 on the annual programme). Any requests which are not straight forward or need revising can be carried over to the next cycle to avoid delaying the overall TRO programme.
10. **Feasibility Check** - Each request will undergo an initial feasibility check to ensure the request is reasonable and supports the highway needs of the surrounding area. The reasons for the request will be checked against criteria set out in Section 3 of the Road Traffic Regulation Act 1984. The road layout of the location will be checked to confirm that the request could be accommodated. Finally, there will be a check to determine if the request can be incorporated into any approved/planned schemes.
11. Requests that do not meet the feasibility check will be discounted at this stage, and the requestor notified of the decision.
12. **Full Assessment** - Any requests that meet the feasibility check will then be fully scored against criteria which support the Dudley Council Plan and the current West Midlands Local Transport Plan (see Appendix B). Criteria being considered will be based on environmental and physical factors, such as road type, proximity to trip generators such as local centres, schools, hospitals, and the impact of the issues on the highway network and the local area.
13. **Customer Expectation and Timescales** - Customers will be advised of the application process on receipt of a request. It is anticipated a decision being made on the outcome of a request within 12 weeks under the new process.

Finance

14. The current traffic regulation order programme is financed through the capital programme from the integrated transport block allocation. Future programmes will continue to be financed from the existing budget allocation.
15. The advertising of legal orders varies depending on the size of the order. Smaller, traffic regulation orders will cost less to advertise, but the overall annual cost may increase if orders are created more frequently. However, with smaller more frequent orders, the expectation is that any additional cost will be offset by combining the advertising of TRO notices with other notices that are advertised throughout the year as part of the current works programme. An example of this is the current 'housekeeping' TRO, which is currently advertised separately to the annual programme, but can be incorporated into the quarterly cycle.

Law

16. Traffic regulation orders are made under powers contained in section one of the Road Traffic Regulation Act 1984 subject to regulations laid down by the Secretary of State. The procedure for creating an order is set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
17. The Council conducts its functions to provide, improve and maintain highways under Sections 24, 41 and 62 of The Highways Act 1980 and exercises traffic regulatory powers under Sections 1 and 84 of the Road Traffic Regulation Act 1984.
18. The provision of a Local Transport Plan is a requirement of The Transport Act 2000.
19. The Council's budgetary process is governed by Local Government Finance Acts 1988 and 1992, the Local Government and Housing Act 1989, and The Local Government Act 2003.

Risk Management

20. No significant risks have been identified under the Risk Management Framework.

21. **Political risk (Lack of member support for a scheme).** This has been mitigated by including informal discussion with the portfolio holder for Highways and Environmental Services as part of the decision-making process. Ward Councillors for each proposed request will be consulted prior to any notice being advertised.
22. **Management / Financial risk (Affordability / capacity to deliver).** This is mitigated through regular Project Implementation Meeting with finance and Senior Managers throughout the year.

Equality Impact

23. An Equality Impact Assessment has been completed and submitted to the People and Inclusion Team.
24. The application process will incorporate online, telephone and written applications. Where possible, this will be integrated with existing services, such as MyDudley and signposting to translation services as required.
25. The size, style and wording of street notices will be reviewed to provide a simpler, more understandable format. Focus groups will be consulted on proposed changes to legal notices to ensure they are appropriate.
26. The proposed scoring process includes specific provisions to benefit pedestrians and other vulnerable users of the highway, assist social inclusion and the mobility of the less able, together with measures to improve access for young people to schools and education. No equality impacts have been identified.
27. Individual consultation will take place with residents and local business, where appropriate, each being asked to comment on the proposals to ensure the potential of each scheme is maximised and incorporates the needs of all users. Consultation will be in line with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Human Resources/Organisational Development

28. Staff resource costs associated with the assessment/delivery of TRO works are included in the Transport Capital Programme. There are no further human resource or transformation implications associated with this report.

Commercial/Procurement

29. Procurement – Works are implemented using existing framework agreements.

Commercial – There are no commercial implications associated with this report.

Environment/Climate Change

30. *The proposed changes support the Council Plan and the West Midlands Local Transport Plan (see section 15 below).
The proposal support Climate Change, our Net Zero target by 2030 and the United Nations sustainable development goals. Specifically:*
- 3. Good Health* – the criteria prioritise air quality corridors, trip generators such as hospitals and collision hotspots
 - 7. Affordable & Clean energy* – the criteria consider EV charging needs
 - 9. Industry, Innovation & Infrastructure* – the criteria considers congestions hotspots and key commuter routes.
 - 10. Reduced Inequalities* – The application / notice changes are more inclusive.
 - 11. Sustainable Cities & Communities* – The criteria consider local centres and all travel modes
 - 13. Climate Action* – the criteria priotises congestion hotspots, air-quality corridors and modal shift.

Council Priorities and Projects

31. The programme meets the following Council priorities:

Council Vision

- A home of warm welcomes and close-knit communities
(A place of healthy, resilient, safe communities with high aspirations and the ability to shape their own future).
- A home to world-leading transport Innovation
(Better connected with high quality and affordable transport, combining road, tram, rail, and new cycling, and walking infrastructure.

Council Plan 2022-25

- A safe and healthy borough
- The borough of opportunity
- The borough of ambition and enterprise

The emerging West Midlands Local Transport Plan 5

- Behaviour change
- Accessible and inclusive places
- Walk, wheel, cycle, and scoot.
- Public transport and shared mobility
- Safe, efficient, and reliable network
- Green transport revolution



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Appendices

Appendix A - Dudley MBC Traffic Regulation Order Process Map
Appendix B - Dudley MBC Traffic Regulation Order Score Sheet
Appendix C - Technical Note Dudley TRO Process

List of Background Documents

Appendix D - Previous Scrutiny Report