

TRAFFIC REGULATION ORDER (TRO) UPDATE

1.0 EXECUTIVE SUMMARY

This report provides Members with an update on the progress of the Traffic Regulation Order (TRO) process, background on the current backlog of Traffic Regulation Orders, impact of the statutory temporary Orders on progression of permanent TROs and the setting of pay & display charges.

Recommendation:

That Members note:

- the cross department progress on the TRO Process Review;
- that there is a significant backlog of permanent Traffic Regulation Orders and that these may take a substantial timescale to progress
- the impact of Temporary TROs & Notices (statutory function of the Roads Authority) on the ability to progress TROs timeously;
- the need for a review of how the asset is grouped and pay & display charges set.

TRAFFIC REGULATION ORDER (TRO) UPDATE

2.0 INTRODUCTION

- 2.1 This report provides Members with an update on the progress of the TRO process, background on the current backlog of Traffic Regulation Orders, impact of the statutory (temporary) Orders on progression of (permanent) TROs and the setting of pay & display charges.
- 2.2 A **Traffic Regulation Order** (TRO) is a legal **order** made by a Local Authority which manages the behaviour of all road users (Note that trunk roads remain the responsibility of the Secretary of State). Traffic Regulation Orders (TROs) impose traffic restrictions such as road closures, introduction or varying of speed limits, prohibition of turns (such as right turns and u-turns) and introduction of waiting or loading restrictions. Traffic Regulation Orders are governed by the Road Traffic Regulation Act 1984 and for Scottish Local Authorities made under The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.
- 2.3 Traffic Regulation Orders are legal documents and can be supported by statutory processes. They are made up of three types of order or notice:
- **Traffic Regulation Order** – A permanent Order which is in the form of a legal document.
 - **Temporary Traffic Regulation Order** – Statutory Duty placed on a Local Authority which is often time constrained and must be carried out within any timescales or the Local Authority will be in breach of legislation. Mostly linked to Utility Companies work and events. TTROs can only be in place for up to 18 months (with 6 month extension by permission from Scottish Ministers).
 - **Traffic Notice** - Statutory duty placed on Local Authorities to close the road for a specific timescale and often at short notice

3.0 RECOMMENDATIONS

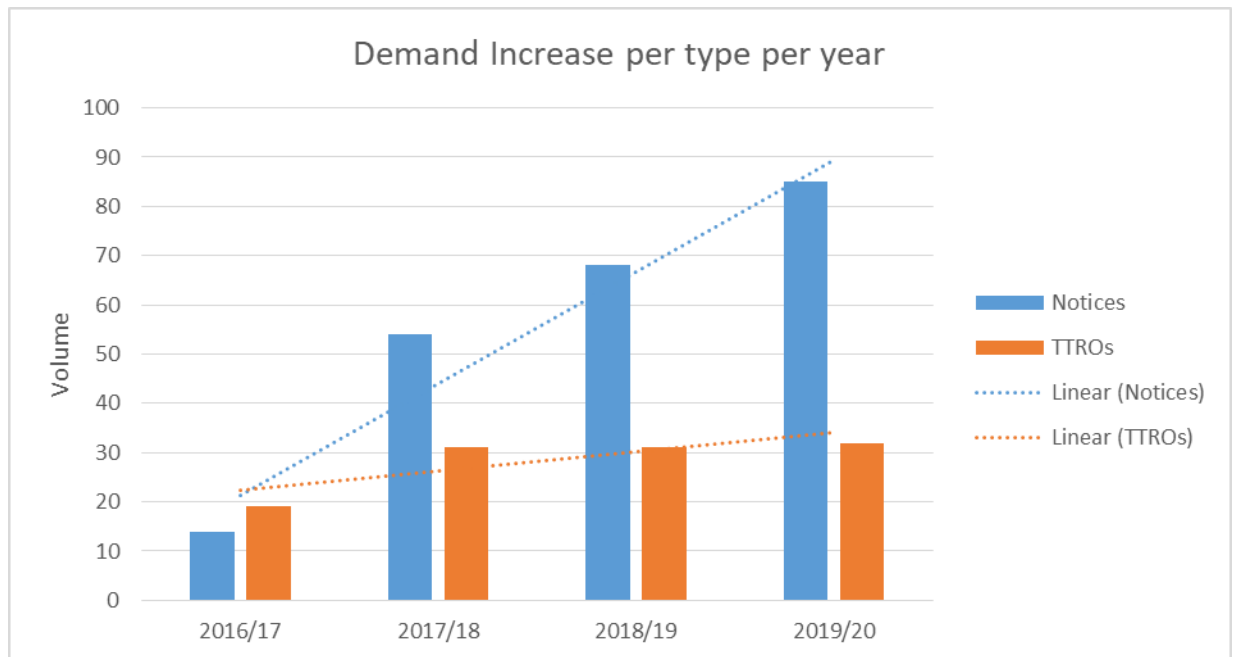
- 3.1 That Members note:

- the cross department progress on the TRO Process Review;
- that there is a significant backlog of (permanent) Traffic Regulation Orders and that these may take a substantial timescale to progress
- the impact of Temporary TROs & Notices (statutory function of the Roads Authority) on the ability to progress TROs timeously;
- the need for a review of how the asset is grouped and pay & display charges set.

4.0 DETAIL

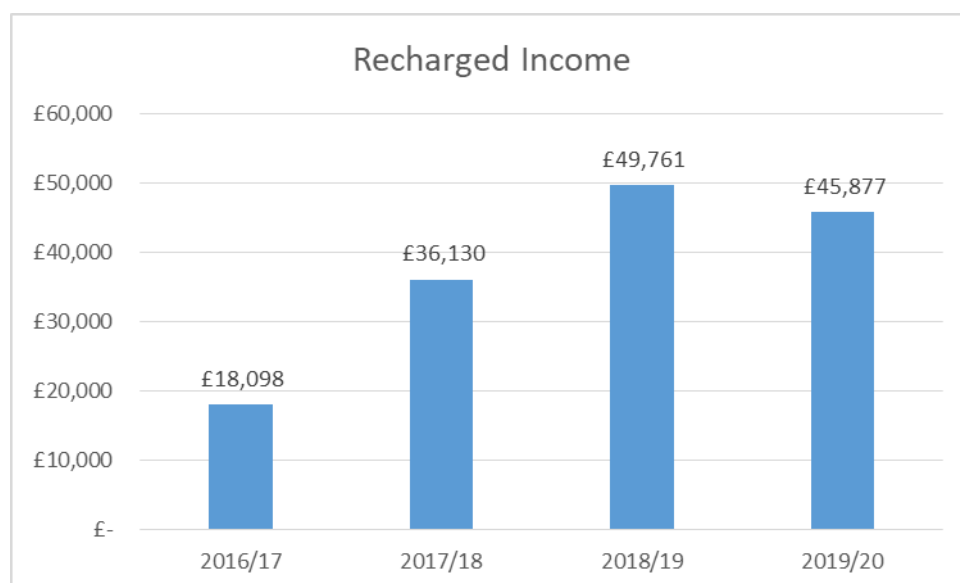
- 4.1 The Council has recently carried out a review of Traffic Regulation Orders (TROs). The reviews primary focus was to consider, amongst other things, whether there was adequate validation and quality assurance of technical inputs in the TRO process; whether future TROs should be on a multiple geographic basis; and how further meaningful community engagement will be undertaken prior to any future TRO.
- 4.2 The review was considered by the Audit and Scrutiny Committee meeting on 17 March 2020 <https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=595&MId=10627&Ver=4> under Item 16.
- 4.3 As noted in the Audit & Scrutiny Committee Report, the processing of Temporary TROs and Traffic Notices has become an increasing resource pressure on Roads and Infrastructure Services. The current workload specifically in relation to **Temporary** Traffic Regulation Orders (TTROs) and **Traffic Notices** has increased from 33 in 2016/17 to 117 in 2019/20 [a 354% increase]. Notices and Temporary TROs are a statutory duty and are often time constrained, this significant increase in demand has made it extremely challenging to process TROs.
- 4.4 Figure 1 below shows the increase in demand by order type from 2016/17 to 2019/20. The demand for Temporary TROs increased suddenly between 2016/17 and 2017/18 but has held steady at that rate since. The demand for Traffic Notices, however, shows a steep trend line which suggests that demand may continue to increase year on year.

Figure 1



- 4.5 The rise in demand for Temporary TROs and Traffic Notices is driven by a number of factors; these include the withdrawal of Police Scotland’s traffic management of events and an increase in the formalisation of road or lane closures by Public Utilities.
- 4.6 The costs of promoting Temporary TROs and Traffic Notices are made of two main parts; staff resource and advertising costs. In financial year 2019/20, the income from recharges was £45,877. Whilst the advertising costs do need to be considered as well, the staff cost element of the service is cost neutral to the Council at this time. Figure 2 below illustrates the increase in income over the last full four financial years.

Figure 2



- 4.7 Notwithstanding the above, the volume of Temporary TROs / Traffic Notices now processed by the service leave very little time to allow the progression of permanent TROs. Appendix 1 contains the current programme list of outstanding TRO's; Members should note that the service has been unable to progress a disabled bay TRO within the last 2 years due to competing demands.
- 4.8 The current TRO programme list contains proposals ranging from control of off-street car parks, introduction of speed limits, disabled bays and on street restrictions (including road safety issues arising from irresponsible parking). There are, at this time, 29 outstanding TROs listed in the programme.
- 4.9 The timescale to progress a single TRO varies depending on the complexity of the proposals and the number and type of objections submitted. As a minimum timescale, it is estimated that a TRO which receives either no objections or has easily resolved objections will take at least 6 months to progress. Appendix 2 provides a high level view of the TRO process.
- 4.10 Consideration is being given to reallocating a resource to assist with the progress of TROs. This is likely to include bringing in some specialist support to deal with the current backlog.

Off street charging regime

- 4.11 Members had requested consideration be given to possible changes in the charging model for off street car parks to reflect the demands across the various areas within Argyll and Bute. There are a number of options in regards to this although it has not been possible to make any substantive progress on a model simply because of the focus for the Service during COVID on the continued delivery and support of frontline services. Very briefly, the following provides examples of some of the options identified to date:

1. Maintain current standard rate model.
2. Create a model based on demand (e.g. 3 levels low, medium and high).
3. As above but including an urban/rural differential.

4.12 Noting the above, there are a number of other points to consider. It is considered to be a sound asset management principle that the overall car park asset group should be self-sustaining [covering current and future costs on the asset itself and associated assets e.g. parking machines, EV chargers etc] and not be a burden on other Council budgets. This could mean, for example, that rates are set such that the high demand car parks pay for the low demand assets.

4.13 Secondly, consideration needs to be given to how the asset could be sustainably grouped. For example, should each asset be self-sustaining within the Councils Admin areas (B&C, H&L, MAKI and OLI), east/west/islands, whole asset or another option. It should be noted that charges require to be justifiable therefore, it is important to have a solid rationale supporting any proposed pay & display charges.

4.14 A further report will be brought to a future EDI Committee providing more detail on possible charging models. As detailed above, this exercise has been delayed due to reprioritising various tasks as a result of Covid.

5.0 CONCLUSION

5.1 This report provides an update on the progress of the TRO review.

6.0 IMPLICATIONS

6.1 Policy: none

6.2 Financial: Increased establishment costs but long term the increased income derived from DPE and parking is expected to be of benefit to the Council.

6.3 Legal: Road Traffic Regulation Act and The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 apply.

6.4 HR: None

6.5 Fairer Scotland Duty: None

6.5.1 Equalities - protected characteristics - Currently unable to progress disabled bay TROs.

6.5.2 Socio-economic Duty - None

- 6.5.3 Islands N/A
- 6.6. Risk Potential reputational damage if the Council is unable to progress requested or needed control orders.
- 6.7 Customer Service None

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APPENDICES

Appendix 1 – Outstanding TROs

Appendix 2 – High level TRO process