

TRAFFIC REGULATION ORDER (TRO) UPDATE

1.0 INTRODUCTION

- 1.1 This report provides Members with an update on the progress of the TRO process, background on the current backlog of Traffic Regulation Orders and impact of the statutory (temporary) Orders on progression of (permanent) TROs.
- 1.2 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.
- 1.3 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 place on Local Authorities to close the road for a specific timescale and often at short notice

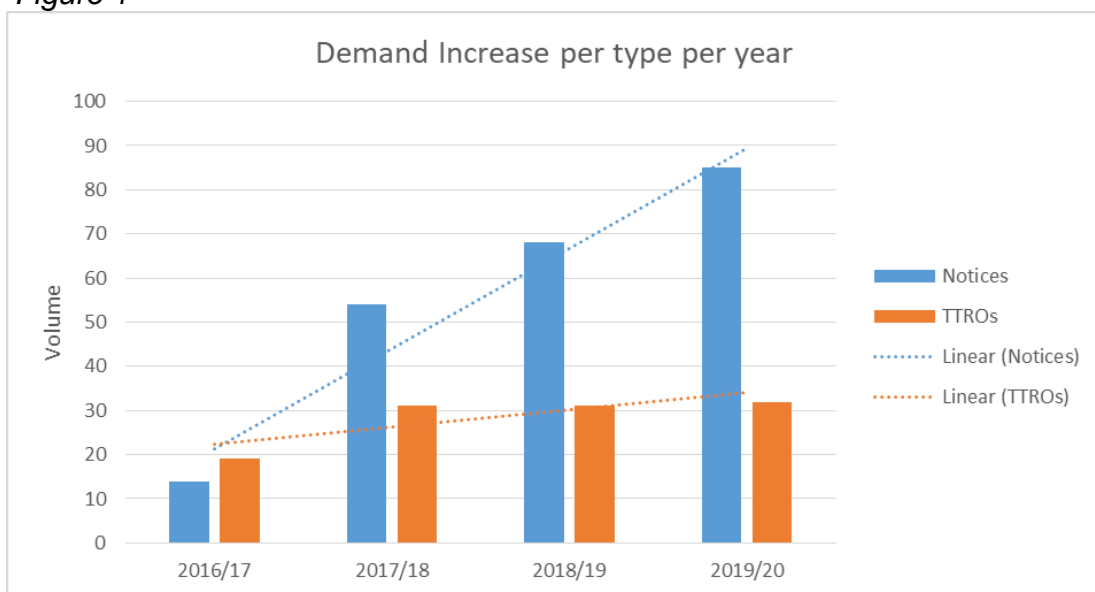
2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Area Committee note and consider the update on TRO progress.

3.0 DETAIL

- 3.1 The processing of Temporary TROs and 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 **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.
- 3.2 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 Notices, however, shows a steep trend line which suggests that demand may continue to increase year on year.

Figure 1



- 3.3 The rise in demand for Temporary TROs and 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.
- 3.4 The volume of Temporary TROs / 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.
- 3.5 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.
- 3.6 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, this in the main will take at least 6 months to progress. Appendix 1 provides a high level view of the TRO process.

- 3.7 To provide additional capacity to enable the team to progress existing TROs across the council area and also to progress TTROs, a temporary resource has been brought in to assist with the backlog and good progress is now being made.
- 3.8 For Mid Argyll, Kintyre and the Islands the following TROs are currently in progress:
 - i. On-street disabled bays
 - a. Previously approved applications for disabled bays are marked on the ground with temporary markings pending process.
 - b. The TRO process will make these markings permanent and enforceable, subject to the normal process including potential objections, is planned to commence joint Consultation 1 & 2 by 27 May 2021.
 - c. It is scheduled to issue Consultation 3 mid to late June 2021.
 - ii. Inveraray off Street
 - a. An Order is being progressed which will incorporate all off-street car parks in Inveraray under a single TRO.
 - b. It is proposed to amend the pay & display car parks from seasonal charges to all year charging in-line with the other Roads and Infrastructure Services Pay & Display car parks.
 - c. Those car parks are currently free to use and will remain so, however the new TRO will allow the Council to effectively manage and control their use.
 - d. Consultation 1 & 2 is complete and Consultation 3 is programmed to commence on 14 May 2021.
 - e. Previous Consultees will receive advance notice on or around 10 May 2021.
 - iii. MAKI off-street Car Parks
 - a. A TRO is being prepared for all MAKI off-off street car parks (excluding Lorne Street and Inveraray Car Parks – a consolidation Order will be processed in the future to combine the off-street car parks under a single TRO). These car parks will remain free of charge under this Order, however the TRO will allow the Council to control their use and to manage the car parks effectively.
 - b. Schedules and plans are being developed. No programmed date for Consultation 1 & 2 (which will be carried out concurrently) has been agreed at time of writing but we expect this is likely to be late May or early June.

4.0 CONCLUSION

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

5.0 IMPLICATIONS

5.1 Policy: none

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

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

5.4 HR: None

5.5 Fairer Scotland Duty: (please refer to guidance on Hub)
none

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

5.5.2 Socio-economic Duty - none

5.5.3 Islands N/A

5.6. Risk Potential reputational damage if the Council is unable to progress requested or needed control orders.

5.7 Customer Service - None

Executive Director with responsibility for Development & Infrastructure Services, Kirsty Flanagan

**Head of Roads and Infrastructure Services Jim Smith
Policy Lead Councillor Rory Colville**

May 2021

For further information contact:

Stuart Watson, Assistant Network & Standards Manager, 01546 604 889

APPENDICES

Appendix 1 – High level TRO process

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Note:

- 1. This process doesn't consider Objections which are referable to a Reporter.*
- 2. Currently we only have one qualified Service officer to carry the TRO process from step 3. If this officer is on leave, certain areas of the process cannot be progressed,*
 - i. Local Traffic & Development Officer (T.O. hereinafter) undertakes initial development work. Schedules/proposals drafted. This may require 2-5 days depending on complexity; for example, in some cases precise measurements will require a site visit.
 - ii. T.O. undertakes Consultation 1 (statutory period of 14 days) and resolves any matters raised by consultees. This period may be extended dependent on the comments submitted by the consultees.
 - iii. Service Officer will undertake Consultation 2 (statutory period of 21 days). This period may be extended dependent on the comments submitted by the consultees.
 - iv. Service Officer prepares draft Order, Statement of Reasons, CAD Plan and Public Notices. For existing TROs which are being amended (other than by Notice) then this may take up to 5 days. For new or complex TROs this may take 3 weeks.
 - v. Service Officer undertakes Public Notification (statutory period of 21 days).
 - vi. At this stage objections may be submitted.
 - vii. If no objections are received, the Order can be signed and Sealed by Legal and Regulatory.
 - viii. If submissions are made the T&D Manager will endeavour to resolve any objections raised during Public Notification. Where there are few objections this can usually be done in less than 5 days, however, where there are significant objections this can take up to 3 weeks plus time (normally 2 weeks) for the objector to respond (regards withdrawing objection or not).
 - ix. Report to Area Committee. May take up to 1 week to draft dependent on the complexity of the TRO proposal and/or Objections. Area Committee meetings are scheduled at key dates during the year, the report would normally be taken to the next AC providing it is submitted on time.
 - x. Members may determine that order should be made without a discretionary hearing. This would be based on advice to the Committee from the Head of Legal and Regulatory Support.

- xi. If the Committee agree that the Order should progress, Order Signed and Sealed by the Head of Service of Legal and Regulatory Support.
- xii. Pause to allow procedural objections (statutory period of 6 weeks). Challenges are submitted to the Court of Session.
- xiii. TRO is implemented