

REPORT TO: POLICY & RESOURCES COMMITTEE – 9 DECEMBER 2013
REPORT ON: SCHEME OF DELEGATION - TRAFFIC REGULATION ORDER
REPORT BY: DIRECTOR OF CITY DEVELOPMENT
REPORT NO: 465-2013

1 PURPOSE OF REPORT

1.1 This report is to make recommendations concerning the amendment of the Council's Scheme of Delegation in the relation to the management of Permanent Traffic Regulation Orders (TRO's).

2 RECOMMENDATION

2.1 It is recommended that:

- i. The Committee adopts the Scheme of Delegation outlined in this report in accordance with the provisions of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.
- ii. The Committee delegates to the Director of City Development, in consultation with the Head of Democratic and Legal Service, authority to execute all functions regarding progressing Permanent Traffic Regulation Orders through the statutory procedure in terms of paragraph 4.11.
- iii. The Head of Democratic and Legal Services be remitted to amend the Council's Scheme of Administration - Delegation of Powers to Officers to give effect to the terms of this report;

3 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications as a result of this report.

4 BACKGROUND

4.1 TROs are the key means of enforcing road regulations and an essential component of traffic management including parking restrictions, one way orders, traffic calming orders, stopping up orders, speed limits as well as weight, height, length and other restrictions.

4.2 To implement a new or to vary an existing TRO requires significant consultation and approval from elected members of the City Development Committee as well as external consultees.

4.3 Currently there are three stages to progressing the statutory procedure for a TRO.

a Consultation Stage

City Development Committee are asked to authorise the preparation of a TRO. Once this authority is given the draft TRO is consulted through statutory consultees including emergency services, local bus operators and local councillors.

Local groups such as residents, traders and community groups who are likely to be affected by the proposals may also be consulted where appropriate.

Any comments received are considered and thereafter, if deemed necessary, the draft order may be amended.

b Publication / Advertisement Stage

Committee is advised of any changes to the draft TRO as a result of the consultation stage and is then asked to authorise the publication of the proposed TRO to the public. The public is then given 21 days to object to the proposed TRO.

c Making of the Order Stage

After the period in which objections can be made has expired, it is necessary to seek committee approval before proceeding. If there are no objections outstanding from the publication / advertisement stage then committee is advised of this and asked to authorise the making of the TRO. If there are any objections that cannot be resolved by officers of Dundee City Council then these are brought to the attention of the City Development Committee and the committee is as asked to consider these objections and to thereafter decide whether to authorise the making of the TRO.

- 4.4 With authority from the City Development Committee, the Head of Democratic and Legal Services will then place a Public Notice (currently in a local newspaper) to advise that the TRO has been made and intimating the date upon which the TRO takes effect.
- 4.5 In recent years there has been a significant increase in the volume of TRO reports and of these the vast majority pass through the system with no comments from consultees. The current process introduces significant delay to the progression of urgently needed traffic management measures as each stage highlighted in 4.3 introduces a four to eight week delay (preparation time to have report ready for City Development Committee).
- 4.6 The increased volume of TRO workload has lead to a significant lengthening of implementation performance with commencement of the TRO process to implementation extending to in excess of twelve months. There have also been concerns raised to officers from elected members and members of the public that the complex iterations of reporting and volume of TROs (many with no comments) are resulting in objections not always being fully apparent or fully considered.
- 4.7 To address the concerns of delay and lack of clarity, a streamlining of the TRO process has been investigated to allow non contentious TROs to proceed seamlessly and without referral to the City Development Committee unless objections were raised and maintained.
- 4.8 The statutory requirements of Consultation and Publication and Advertisement must be maintained, however it is proposed to remove the requirement to seek City Development Committee approval to proceed between stages unless objections are raised and maintained. The City Development Committee will still be required to

authorise commencement of the preparation of all TROs which will maintain transparency in what TRO issues are arising.

- 4.9 To maintain accountability and to improve the tracking of the TRO process, a new web page within Dundee City Council's web site will be developed to highlight the various stages of TRO preparation summarised by the eight wards. This will track progress from preparation through to date of implementation on the road network and will be continuously updated by officers. An annual report will also be presented to the City Development Committee detailing the annual breakdown of TRO activity across the City of Dundee.
- 4.10 Where an objection is made and maintained, the City Development Committee will be asked to consider the facts and whether the TRO process should proceed.
- 4.11 Therefore the proposed new TRO process will be;

a Consultation Stage

City Development Committee are asked to authorise the preparation of a TRO. Once this authority is given, the draft TRO is consulted through statutory consultees including emergency services, local bus operators and local councillors.

b Publication / Advertisement Stage

If there are amendments to be made to the draft TRO as a result of comments received during the consultation stage, then a report will then brought to the City Development Committee and the members will be asked to give permission to proceed to advertise the amended TRO to the public.

If there are no changes required as a result of the consultation stage, then the TRO will then progress to be advertised to the public without further reference to the Committee.

c Making of the Order Stage

Any maintained objections that cannot be resolved by officers of Dundee City Council, will then brought to the attention of the City Development Committee and the committee will be asked to consider these objections and to decide whether to make the TRO or not.

If no objections are raised and maintained, then the TRO process will allow officers to make the order without further reference to the Committee.

- 4.12 For all TROs that have reached the stage of Making of the Order, the Head of Democratic and Legal Services will place a Public Notice (currently in a local newspaper) to advise that the TRO has been made and confirming the date upon which the TRO becomes effective.
- 4.13 These proposed changes to the Scheme of Delegation will allow TRO preparation to be reduced to under three months where no objections are raised and to remove unnecessary confusion regarding the process. At the same time the improved on

line reporting systems would provide simplification in tracking of progression of the TRO process.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 There are no background papers of relevance to this report.

Mike Galloway
Director of City Development

Neil Gellatly
Head of Transportation

MPG/NHG/LG

24 October 2013

Dundee City Council
Dundee House
Dundee