



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE –

PLACES

DATE

(27/09/2023)

Report of the Executive Director - Place

traffic regulation order project

1. Purpose of the report

1.1 This Project Progress Report provides an overview of:

- How Derbyshire County Council (DCC) currently process Traffic Regulation Orders (TROs)
- The delivery of TRO schemes over the past five-year period
- The existing TRO processing backlog
- Progress of the project to reduce the TRO backlog
- Projected project completion timescales
- Objectives of the project going forward, and the risks associated to delivery of the project goals.

2. Information and Analysis

2.1 Project Objectives

- Reduce TRO Backlog to manageable levels – manageable levels are set at 13 TRO's being processed or awaiting processing; this is based on the average number of TRO's completed over the last four-year period
- Process TRO's within reasonable timeframe – reasonable timeframe is within 18 months.
- Share information with Derbyshire Highways Programme to inform shaping of the new service to account for additional resources required.

- Gain Capitalised funding for TRO processing and construction by 24/25
- Make efficiency improvements to the TRO process

2.2 Background - Traffic Regulation Orders, Types and Processes

TRO's are legal documents that restrict or prohibit the use of the highway network, in line with The Road Traffic Regulation Act 1984.

They help us to manage the highway network for all road users, including pedestrians, and they aim to improve road safety and access to facilities.

Examples of schemes that require a TRO include:

- Speed limits
- On-street parking restrictions
- Weight limits
- One-way streets and banned turns
- Prohibition of Driving

Improvement schemes can have an 'all in' cost of thousands, to tens of thousands, of pounds depending on the size, complexity and level of physical works required.

TRO's follow a statutory process and are a legal document. Communities are often surprised at the length of time it can take to progress a scheme. It is the Authority's responsibility to make sure a fair process is undertaken in determining a TRO, and key to that process is robust consultation.

TRO consultations, combined with statutory processes can mean a typical and often simple TRO can take between 12 and 18 months to deliver. Complex or contentious TROs can take longer.

A typical TRO process includes the following:

- Feasibility and priority assessment consideration
- Proposed scheme design
- **Informal consultation** (21 days minimum for comments to be received)
- Consideration of all comments received
- Amendments and preparation for statutory processes
- **Statutory consultation** (22 days minimum for comments to be received)
- Consideration of all comments received
- Draft all relevant legal documentation ready for formal advertising of the scheme in the media and on the DCC website.
- Consideration of objections (and attempts to resolve them)
- Detailed report or TRO Committed (if unresolved objections)
- Making of the TRO including sealing
- **Implementation** of the TRO (making physical changes on site)

Informal consultation - Derbyshire follows national best practice by carrying out 'pre consultation' on TROs, where appropriate. This process, referred to as informal consultation, can involve initial consultation with formal stakeholders, letter drops to affected businesses/residents or community events where the initial thoughts on the

impact of the TRO can be discussed. Pre consultations are often good at ensuring the scheme proposed is appropriate whilst gathering the views of the locals and gauging the level of support for a scheme. Issues can be addressed in advance of the statutory, formal, process.

Due to the TRO process being reliant on feedback at each stage of consultation, the number and nature of correspondence received at each stage will depend on how the scheme is likely to progress. For example, if a scheme results in numerous complex objections the TRO process will take longer and cost more money due to resource required to consider and respond to the comments.

Consultation is key to achieve community buy-in and for local input to the design process. It can lead us to modify, redesign or even abandon our proposals.

Statutory consultation - DCC are legally obliged to consult with certain stakeholders. Statutory consultees will normally include, but are not limited to:

- Police, Fire and Ambulance Services
- Road Haulage Association, Freight Transport Association
- Public Transport Providers (if affected by proposals)

The formal consultation stage of a TRO is open for all to comment on. The proposed scheme will be advertised in the local press, uploaded to the DCC website and can be made available to view in locally situated public council buildings when necessary. Schemes draw many views from the community. In the case of TRO's there is an advertisement period in which representations can be formally lodged. All comments must be duly considered before a TRO can be made operational and the scheme implemented on site. If significant changes are required following formal consultation, the amendments will need to be re-consulted upon and a further minimum of 22 days given for further comments.

Implementation and enforcement - Once the legal process is complete the scheme can be built using a chosen contractor, either in-house via DCC Construction Services or via one of our delivery partners. The lines and signs of a scheme must comply with the relevant regulations and the Order.

Once a scheme is complete, enforcement is carried out by DCC Parking Services under their powers stated in the Traffic Management Act 2004, or by the Police who have the obligation and power to enforce all moving traffic offences, i.e., speed limits, banned turns, weight limits & prohibition of driving restrictions.

It is important to note that several locations may be included in one Order, i.e., a town wide parking scheme encompassing multiple roads would be covered by one Order (but this would be a much greater task taking more time and resources); DCC TRO's currently awaiting/being processed involve an average number of 7 no. roads/streets.

2.3 Project Progress - December 21 to August 22

Average yearly (2018-2021) TRO processing rate is 13.5 per annum, or 1.1 per month, prior to gaining Dedicated Specialist Agency Resource.

A Dedicated Specialist Resource was brought into the team from September 22 to assist in the processing of the TRO's as a result of the increasing backlog. This constituted 3 no. full time TRO agency specialists as secondees, reducing to 2 no. from May 23. As a result, this has increased the output of TRO's by 56% to date.

In December 2022 there was a processing backlog of 135 no. outstanding TRO Projects, varying in size, type and complexity, some more than two years waiting to be processed.

By redeploying the existing workforce (diverting existing staff from other Traffic and Safety duties), by July 22, the backlog was reduced to 119 no. and, as a result of completing or amalgamating TRO's into combined schemes, by the end of August 22 the back-log was at **89** no. While this reduced the number of schemes in the back-log and made it simpler to process, it created some larger schemes that take longer to process.

2.4 Current position

The TRO Project Backlog currently (August 23) stands at 108 no., an increase of 19 no. over the 12-month period. This is not representative of the overall progress of the project as the individual projects are being progressed though the 18-month process and back-log reduction results are yet to be realised.

In the 12-month period (October 22 – September 23), there have been 52 no. incoming new TRO Projects.

In the same 12-month period, there have been 31 no. TRO Projects completed.

NB. 2 no. schemes have been combined with existing schemes.

2.5 Reporting and Communication

The project information is collected within the Traffic Regulation Orders Spreadsheet kept electronically on the Councils EDRM system and is updated on a regular basis.

Project reporting going forward will be via monthly updates (distribution to be agreed). Further scheme specific information will be available on request.

2.6 Costs

Prior to the start of this project, all TRO processing and installation costs were financed from the Traffic & Safety Revenue budgets and Small Signing and Lining Capital allocation.

In order to provide the additional staffing required to address the back-log, £228,000 Public Service Agreement (PSA) road safety money was made available to engage Specialist Agency Staff – this PSA funding for Agency Staff will be exhausted by January 24.

A request for 24/25 Revenue Funding of £300,000 has been made in conjunction with the Derbyshire Highways project £17M Capital bid, a portion of which will be for TRO projects.

Additional monies if made available would not be realised until the new financial year meaning that existing resources may have to be reduced in number to allow some continuity of service. This will affect delivery timescales.

Recent announcement of the September 23 Emergency Cost Control Measures may impact future spending plans on this project.

2.7 Timescales

At the current processing rates (with the Specialist Agency Resource), backlog reduction targets to manageable baseline levels of TRO's could be achieved by January 25. If Agency Staff are released from September 23, targets would not be realised until circa May 29 (this is also dependent upon the number of incoming TRO's).

Manageable levels of ongoing TRO's that the service can accommodate is based on previous DCC TRO delivery 2018-2021.

3. Alternative Options Considered

3.1 This report is to provide an update on the current project status.

4. Implications

4.1 See **Appendix 1**.

4.2 As TRO's are processed, schemes awaiting Orders will be put forward for construction and benefits identified at the scheme identification stage will be realised to the Customer in due course.

4.3 If TRO's are not processed, schemes that require TRO's to be in place for implementation will not be completed and issues identified (road safety, developer requests, journey time reliability etc.) will not be addressed. Reputational damage may be incurred as a result of failure to deliver on promises made and due to the refusal by the Authority to engage in new TRO schemes.

5. Consultation

5.1 There are a minimum of two stages of consultation to the TRO process, an informal consultation and a formal/statutory consultation (see **2.2 Background - Traffic Regulation Orders, Types and Processes**). Further

consultations can take place during the process dependent upon the type of project/responses received.

6. Background Papers (set out here where documents are kept in respect of this report)

6.1 None

7. Recommendation(s) (set out here what is being asked of the Committee)

That the Committee notes:

- a) How Derbyshire County Council currently process Traffic Regulation Orders
- b) The delivery of TRO schemes over the past five-year period
- c) The existing TRO processing backlog
- d) Progress of the project to reduce the TRO backlog
- e) Projected project completion timescales
- f) Objectives of the project going forward, and the risks associated to delivery of the project goals.

8. Reasons for Recommendation(s)

To advise the Committee of the TRO process and plans in place for reduction of the TRO's Backlog.

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Appendix 1

Implications

Financial

1.1 Traffic and Safety Team are currently Revenue funded and apportion some of this budget to the delivery of TRO's. In addition to this, funds were made available from PSA reserve to engage additional staffing resource to address the TRO back-log.

Legal

2.1 It is a statutory duty of the Highways Authority to provide a safe and reliable network for the travelling public.

2.2 There are clear legal processes that need to be followed while processing TRO's.

2.3 Without the correct TRO's being in place, enforcement of restrictions is not possible.

Human Resources

3.1 There are implications to staffing and delivery in relation to the delivery of TRO's.

Information Technology

4.1 There is specialist IT equipment related to the delivery of TRO's.

Equalities Impact

5.1 There are implications of this project to the Council equality goals - TRO's are linked to On-Street Parking Restrictions and Prohibition of Driving Orders which can affect accessibility.

Corporate objectives and priorities for change

6.1 TRO's support the Councils corporate objectives for:

- Resilient, healthy and safe communities
- High performing, value for money and resident focused services
- Effective early help for individuals and communities
- A prosperous and green Derbyshire