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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>6 March 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>ERC/ENV/IM/13.187</b>
<b>Contact Officer:</b>	<b>Ian Moffat</b>	<b>Contact No:</b>	<b>01475 715910</b>
<b>Subject:</b>	<b>Traffic Regulation Order Procedure</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the procedure and decision making process involved in the promotion of permanent Traffic Regulation Orders (TRO).

## 2.0 SUMMARY

- 2.1 The procedures which the Council follows when promoting a TRO are governed by The Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999.
- 2.2 The terms of reference of the Council's Scheme of Administration and Scheme of Delegation (Officers) identify the role of both the Environment and Regeneration Committee and the Head of Environmental and Commercial Services in dealing with TROs promoted by the Council.
- 2.3 To promote a TRO, Environmental and Commercial Services follow established procedures in accordance with the 1999 Regulations and Scottish Government Guidance involving consultations with various public bodies, the emergency services, local members and other interested parties, advertisement of the proposal and making the documentation associated with the proposal available for public inspection.
- 2.4 This report sets out the full TRO procedure and highlights that the processing of permanent TROs has a strict procedure which must be followed. The procedure has numerous consultative and administrative stages involving a variety of Council services and stakeholders, to which it is proposed to add a briefing to all Councillors in the case of TROs which are likely to generate significant public interest.

## 3.0 RECOMMENDATION

- 3.1 It is recommended that the Committee notes the procedure and decision making process involved in the promotion of permanent Traffic Regulation Orders in terms of the Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999 and approves the addition of the proposed briefing to all Councillors in the case of TROs which are likely to generate significant public interest.

**Ian Moffat**  
**Head of Environmental & Commercial Services**

## 4.0 BACKGROUND

4.1 Roads Authorities can place permanent or temporary restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO). The Road Traffic Regulation Act 1984 sets out what TROs may be used for. Examples of permanent TRO restrictions include:

- Waiting and Loading restrictions
- One Way Traffic
- Speed Limits (20mph, 30mph, 40mph, 50mph)
- Weak Bridges

4.2 The Council formally adopted the procedures for the promotion of TROs similar to those operated by the former Strathclyde Regional Council in 1997. The procedure has been adapted over the years to comply with various changes in the relevant legislation and Council and Committee structure. The procedure has worked well over the years. However, given the length of time which has passed since a note of the procedure was presented to Committee, it was felt that this would be a good time to update Committee on the TRO process.

## 5.0 TRAFFIC REGULATION ORDERS – PROCEDURE

5.1 The procedure for making TROs includes several different processes, depending on whether the associated TRO is permanent or temporary. This report focuses on permanent TROs. It should be noted that the Head of Environmental and Commercial Services has full delegated authority to process temporary TROs.

5.2 The procedure and associated processes are largely statutory requirements laid down by the 1999 Regulations and so there is little scope for changing how the Council deals with TROs.

5.3 The key stages in the procedure for making a permanent TRO are set out in Appendix 1. Committee is asked to note the decision making process involved in making permanent TROs.

## 6.0 IMPLICATIONS

### 6.1 Finance

The current approximate annual cost to Inverclyde Council incurred by advertising fees associated with TRO statutory procedure is £11,000.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
Corporate Communications	Advertising	13/14	£11,000	N/A	

### 6.2 Legal

TROs will be promoted in accordance with the terms of the Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999.

### **6.3 Human Resources**

No implications.

### **6.4 Equalities**

No implications.

### **6.5 Repopulation**

No implications.

## **7.0 CONSULTATIONS**

7.1 The Head of Legal and Democratic Services has been consulted on the contents of this report.

7.2 The Head of Finance has been consulted on the contents of this report.

## **8.0 LIST OF BACKGROUND PAPERS**

8.1 None

**ROAD TRAFFIC REGULATION ACT 1984 and THE LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS 1999**

**TRAFFIC REGULATION ORDER (TRO) PROCEDURE**

1. Where Environmental and Commercial Services have determined that a TRO is necessary, an initial consultation stage is undertaken by them. The bodies included in all initial consultations are Police Scotland, Scottish Ambulance Service, Scottish Fire and Rescue Service, the local Ward Councillors, the Convenor and Vice-Convenor of the Environment & Regeneration Committee and the Community Council for the area. For those TROs affecting the whole Inverclyde area or Disabled Parking Places, or which are likely to generate significant public interest all Councillors and Community Councils will be consulted. It should be noted that this list is not exhaustive and will include other bodies depending on the type of TRO being promoted. At this stage, comments made by those consulted are not regarded as objections.
2. The Head of Environmental & Commercial Services will invite all Councillors to attend a specific briefing on those TROs which are likely to generate significant public interest.
3. Presuming that the initial consultees are content with the proposal, the Head of Environmental and Commercial Services then instructs the Head of Legal and Democratic Services to prepare the formal Order and supporting documentation.
4. At this point, all those who were initially consulted at the first stage of the process will be informed that arrangements are being made to advertise the proposed TRO. Copies of the proposed TRO and supporting documentation (Schedule, Statement of Reasons and Plans) will also be passed to these consultees for information.
5. The proposed TRO is then advertised in the local newspaper and this starts the full public consultation process. Any interested party may now write to the Council with an objection to the terms of the Order within 21 days. (28 days if the TRO involves speed restrictions).
6. All documents associated with the proposed TRO will be made available for public inspection in the Customer Service Centre and all relevant libraries. The documents will also be placed on the Council's website.
7. All objections are acknowledged by the Head of Legal and Democratic Services and forwarded to Environmental and Commercial Services to consider.
8. Further explanation or clarification of the proposals in discussion or correspondence with objectors may result in the objection being withdrawn. If the objection cannot be resolved, Environmental and Commercial Services will consider whether the original proposal is capable of amendment in such a way that does not fundamentally alter or increase the severity of the proposed TRO. If so, this amendment will be presented to the objectors so as to attempt to secure the withdrawal of the objection.

## APPENDIX 1

9. Should the amendments increase the severity of or, fundamentally alter, the proposed TRO, then the proposals would require to be abandoned. Any future proposal taking into account the proposed amendments would require to go through the initial consultation and advertising stages once again.
10. On receipt of comments from Environmental and Commercial Services on the objections received, the Head of Legal and Democratic Services will formally respond by letter to the objectors on the basis of these comments. The objectors are given 14 days in which to maintain or withdraw their objection. Failure by the objector to respond within 14 days will be taken to imply that the objection has been withdrawn.
11. If no objections are received, or if all objections made are then withdrawn, the proposal is submitted for the approval of the Environment and Regeneration Committee and thereafter to the full Council.
12. Where objections cannot be resolved through further explanation or alterations to the proposals, the proposal will either be abandoned, a public hearing before a Reporter will be held and/or the matter will be put to the Environment and Regeneration Committee for members to determine how to consider the objections.
13. Should a public hearing be undertaken, notice of a hearing is published in the local newspaper and letters are issued to all of the parties that have maintained their objections. The conduct of the hearing will follow the procedure set out in the 1999 Regulations and will be led by the Reporter.
14. Once the Reporter has made his recommendations these will be submitted to the Environment and Regeneration Committee for a decision on whether to proceed with the TRO. This decision will then be submitted to full Council for final approval.
15. Once final approval of a TRO is given by full Council, the effective date of the TRO is inserted and the TRO as approved is made. This involves the TRO being signed and sealed on behalf of the Council by a Proper Officer. A notice is published in the local newspaper advising of the making of the TRO and of the effective date. A letter is issued to the Police and Procurator Fiscal advising the TRO has been made and enclosing a copy of the final TRO. A copy of the final TRO is made available for public inspection at the same locations as mentioned in para. 5 above. A 6 week period is available for any objections to be raised regarding the process of making the TRO. Any such challenges received are dealt with through the Court of Session.
16. A TRO which requires no changes could be in place within 6 months. An Order with objections which can be resolved as set out in para 8 above can take 9-12 months. A TRO which requires to go through all of the stages set out above could take 18-24 months.
17. A TRO must be complete within a 2 year period from the first date of publication of the proposals – otherwise it cannot be made and would require to go through the whole process as set out above again.