

# **Report to Communities, Highways and Environment Scrutiny Committee**

**24 November 2021**

## **Review of Community Traffic Regulation Orders**

### **Report by Director of Highways, Transport and Planning/Head of Local Highway Operations**

**Electoral divisions: All**

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#### **Summary**

Traffic Regulation Orders (TROs) are legal orders that support the enforceable restrictions and movements on the public highway. In West Sussex, requests for TROs are received from communities to deal with matters such as speed limits, parking controls and moving offences, for example width restrictions and Heavy Goods Vehicles (HGV) restrictions. These requests are known as Community TROs.

Community TRO requests were previously considered and prioritised by CLCs after they had been technically assessed using an agreed framework. The Cabinet Member was then able to add a further 15 TROs to the programme resulting in a programme of up to 38 Community TROs per year.

A Review has been commissioned to examine the way Community TRO requests are assessed, prioritised and delivered. Work has also been completed to examine the information provided on Community TROs to both applicants, County Councillors, other elected bodies and officers.

#### **Focus for Scrutiny**

The Scrutiny Committee is asked to consider the emerging recommendations for future delivery of Community TROs in West Sussex. Views are sought on the potential new governance arrangements, delivery models, assessment framework and guidance outlined in this paper. Specifically,

- a. Programme options – do Members have a preference? (para 3.1 – 3.4)
  - b. The number of objections a TRO should receive before it is referred to the Cabinet Member for a decision (para 3.2 – 3.4).
  - c. The new timeframes for delivering a Community TRO (para 3.5).
  - d. The investment required to implement a new approach (para 5.1 - 5.2).
  - e. The aspects evaluated in the new Assessment (para 3.9).
  - f. Information that would be helpful to include in any future guidance on Community TROs (para 3.14).
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## **Proposal**

### **1 Background and context**

- 1.1 Traffic Regulation Orders (TROs) are legal orders that support the enforceable restrictions and movements on the public highway. In West Sussex, requests for TROs are received from communities to deal with matters such as speed limits, parking controls and moving offences, for example width restrictions and Heavy Goods Vehicles (HGV) restrictions. These requests are known as Community TROs.
- 1.2 In 2016, following an Executive Task and Finish Group review of TROs, a process in which Community TROs were assessed and prioritised, before being considered by County Local Committees (CLCs) was implemented.
- 1.3 This process allowed CLCs to select a defined number of Community TROs within their area for progression, if they were deemed a priority when assessed using an agreed framework. The assessment considered Safety, Traffic Conditions, Environment and Economy and People (STEP Assessment). The Cabinet Member was also permitted to select up to 15 additional TROs annually, in addition to the CLC allocations, for progression.
- 1.4 With the creation of County Local Forums, and the subsequent need for changes to governance, a review of Community TROs has been commissioned to ensure the way they are prioritised, approved and delivered is fit for purpose and responds appropriately to community demand.

#### Definition of a Community TRO

- 1.5 Community TROs must be:
  - Non-complex,
  - Non contentious, and
  - Cost less than £3,000 to implement.
- 1.6 Some examples would include, use of double yellow lines for junction protection, reduction in speed limits along short stretches of highway, or the introduction of HGV restrictions.
- 1.7 Any requests outside of these criteria would be considered a Community Highways Scheme, (CHS), and, if prioritised, would be delivered through the Highways Improvement Programme. This is due to the increased resource requirement associated with more complex designs, wider consultation and the potential need for safety audits.
- 1.8 In the past, some schemes that should have been delivered as CHSs have been processed as a Community TRO and this has led to significant delays as the complexity of the schemes meant they could not be progressed in the most effective manner. A review of the wider Highway Improvement Programme is currently being undertaken and as part of this, consideration is being given to CHSs. In recognition of the frustration that can be caused by 2 to 3 year delivery timeframes for smaller scale CHSs, options are being examined to provide a faster delivery mechanism.

- 1.9 Where an application for parking restrictions extends to more than five roads, the scheme would be processed in accordance with the On Street Parking Framework (subject to Cabinet Member approval Dec 2021).

#### How Community TROs are processed in West Sussex

- 1.10 Requests for Community TROs are submitted via an online form that records all the information necessary to complete a STEP Assessment. Once a year, in August, all requests are assessed by local Traffic Engineers before they are moderated to ensure a consistent approach across the county. As part of this, Local Member support is confirmed for each of the requests.
- 1.11 In the autumn, following moderation, the final list of TRO applications that met an agreed threshold score used to be presented to CLCs so the highest priority TROs can be selected for delivery. Once the CLCs have selected their preferred Community TROs (up to 23 countywide) any remaining were presented to the Cabinet Member and a decision to implement up to an additional 15 was made.
- 1.12 Following the creation of County Local Forums, the decision to approve the forward programme of Community TROs now sits with the Cabinet Member for Highways and Transport. The 2022/23 programme will be considered for approval in December 2021.
- 1.13 The current process allows any TROs not prioritised by the CLC or Cabinet Member to be delivered as a '3<sup>rd</sup> Party TRO' if the applicant is willing to fund the cost of the delivery.
- 1.14 Once the final programme is agreed, Community TROs are developed by the Traffic Engineers (usually at the beginning of the following financial year) before they are passed to the TRO Team who manage the legal process associated with the advertisement and making of the legal order. The TRO team manage the Community TROs alongside all other TROs generated from development in the County, larger highway schemes and parking schemes etc.
- 1.15 Presently there are three Traffic Engineers in Local Highway Operations and two Legal Officers in the TRO team. Up to 38 Community TROs are processed each year alongside the wider TRO programme (the numbers of TROs sealed over the past 3 years were as follows 223 in 2018, 205 in 2019 and 257 in 2020).

## **2 Scope of the review**

- 2.1 A review has been completed covering the following areas:

#### Governance

- 2.2 With the move from CLCs to County Local Forums, an interim arrangement has been put in place for this financial year to ensure a programme of Community TROs is agreed for implementation in 2022/23.
- 2.3 The review has considered future options for programme delivery and two options are now presented to CHESC for consideration.

#### Delivery Options (inc. resourcing and funding)

- 2.4 An assessment has been made of the resourcing required to deliver any new governance arrangements.

## Assessment

- 2.5 The current STEP Assessment has not been updated for a number of years and, although provides consistency of approach, a review has been completed to ensure it is fit for purpose and aligns with wider County Council objectives.

### Clear guidance for County Councillors/officers/communities/members of public

- 2.6 Guidance on the Community TRO process is limited and not available on the WSCC website. The process can seem confusing, and the associated timeframes unclear.
- 2.7 The review will update the webpages and develop guidance for County Councillors, Parish/Town/Neighbourhood councils and staff.

## **3 Initial proposals for consideration/comment**

### Governance

- 3.1 Two models have been assessed: a six-month programme and a rolling programme
- 3.2 A six-month programme of TROs could be developed and approved by the Cabinet Member bi-annually. The programme would include any applications that met a threshold score and had been received over the past six months. Following publication of the decision, TROs would be designed and delivered under delegated powers unless a specified number of objections were received, (currently more than 5), when they were advertised. If this happened, the TRO would be presented back to the Cabinet Member for approval.
- 3.3 A rolling programme would require the Cabinet Member to take a decision to delegate authority to the Director to implement any TRO that met a minimum threshold score (see Assessment below). TROs would only be presented to the Cabinet Member if a specified number of objections were received (currently more than 5) at the formal consultation stage. This would allow TRO requests to be assessed and progressed as soon as the application is made.
- 3.4 The two options were evaluated as shown below.

	<b>Six-month programme</b>	<b>Rolling Programme</b>
<b>Staff resourcing (programme governance)</b>	Increased demand due to requirement for Cabinet Member report biannually rather than annually	Reduced demand as only one decision to delegate authority to Director required
<b>Staff resourcing (delivery of TRO)</b>	No change	No change
<b>Timescales for delivery (currently 1 – 2.5 years)</b>	12-16 months	7-11 months
<b>Local Member consultation</b>	No change	No change

<b>Opportunity for wider County Councillor involvement</b>	Cabinet Member decision call-in – programme approval	None, unless a TRO receives objections at formal consultation and requires either a Director (1-5 objections) or Cabinet Member (more than 5 objections) decision to proceed
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Delivery

- 3.5 The work activities and resources associated with the delivery of a TRO have been mapped and new timescales have been agreed with the appropriate managers and officers. If a rolling programme was adopted, the new Community TRO process will take between 7 and 11 months to implement. This is shown in Appendix 1
- 3.6 The current route a customer might take when applying for a TRO has been mapped and new simpler one developed. Crucially, the ambition is that the applicant will not be required to understand what they are applying for technically i.e., a TRO, CHS or a Parking Scheme. They will simply be required to make one application to make a change on the highway and internally officers will ensure the request is considered as part of the appropriate programme.
- 3.7 The introduction of a new rolling or six-month programme in April 2022 would result in new schemes being delivered in addition to the 2022/23 programme already being agreed as part of the interim arrangement put in place this year. The resource required to do this is detailed below.

Assessment

- 3.8 The current STEP Assessment has been updated and it is recommended that a new Assessment Framework be adopted.
- 3.9 The new Assessment considers five areas:
  - a. Safety – the impact the TRO will have on safety issues in the area.
  - b. People – those who will be affected by the TRO (positively and negatively) and the levels of stakeholder support.
  - c. Access – to services (shops etc), from services (waste collection, ambulances etc), congestion, journey times and displacement of parked vehicles.
  - d. Cost – available external funding and cost of ongoing maintenance.
  - e. Environment – impact on surrounding area and opportunities for increased use of sustainable modes of transport.
- 3.10 Points are allocated according to the contribution the TRO makes to the five areas. For example, credit is given if the TRO improves access to shops or if the applicant can provide funding towards delivery.
- 3.11 The new 'SPACE' Assessment also includes Parish/Town/Neighbourhood Council support as a key requirement, where they exist. If an equivalent

elected body does not exist, the applicant would not be expected to seek support from the Borough Council.

- 3.12 A crucial point to note is that there will no longer be a separate process to deliver TROs that haven't been prioritised but are fully funded by the applicant, previously named '3<sup>rd</sup> party TROs'. The rolling programme will include all TRO requests that meet the SPACE Assessment threshold so all applications will be processed in the same way. Additional credit will be given for 3<sup>rd</sup> party financial contributions and the assessment score increased accordingly, meaning schemes are more likely to meet the threshold. If the proposal does not make sense, with regard to safety or network management, it will not meet the threshold score and the TRO will not be progressed.

### Guidance

- 3.13 Research is being undertaken on information published by other Local Authorities.
- 3.14 Work to simplify the West Sussex County Council web pages will include published timeframes, clear process diagrams and one single way for a community to make an application to make any sort of change on the highway.
- 3.15 Information will be provided to Members, Parish/Town Councils and staff to ensure a good understanding of the new agreed process once implemented in April 2022.

## **4 Consultation, engagement and advice**

- 4.2 The review has been completed in consultation with officers across Highways, Transport and Planning to ensure any recommendations are fit for purpose and built on experience and learning.
- 4.3 County Councillor views on the current Community TRO process have been fed into the review by the Cabinet Member for Highways and Transport and have been considered as part of the development work.
- 4.4 The Communities, Highways and Environment Scrutiny Committee is asked for their feedback on the draft proposals as part of the review.
- 4.5 Specifically, officers would be interested to learn Members' views on:
- a. Programme options – do Members have a preference; the six-month programme or rolling programme?
  - b. The number of objections a TRO should receive before it is referred back to the Cabinet Member for a decision. Currently this is set at five but could be increased.
  - c. The new timeframes for delivering a Community TRO.
  - d. The investment required to cover the new schemes coming forward in the 2022/23 programme and implement a new approach.
  - e. The aspects evaluated in the new Assessment and whether anything else should be included

- f. Information that would be helpful to include in any future guidance on Community TROs

## 5 Finance

- 5.1 The introduction of a new delivery model in April 2022 will result in a pressure as new schemes will be delivered in addition to the current 2022/23 programme which is already being agreed as part of the interim arrangement put in place this year. To cover the staff resource and capital works required to deliver the new schemes, and free up resources to manage new Community TRO requests, £70k additional funding is required.
- 5.2 It is anticipated that, to cover the additional £70k, a budget underspend resulting from this year's reduced Community TRO programme, could be slipped into 2022/23 and the remainder met from the Integrated Transport Block allocation.

## 6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Number of Community TRO requests exceeds the expected levels	Whilst this is not anticipated, as numbers have been declining over the past few years, a six-month review will be scheduled for Sept 2022

## 7 Policy alignment and compliance

- 7.1 The new Assessment Framework aligns to the West Sussex Transport Plan objectives where applicable.

Matt Davey

**Director of Highways, Transport and Planning**

**Contact Officer:** Charlotte Weller, Service Improvement Lead (Highways), Tel 0330 22 26001, [charlotte.weller@westsussex.gov.uk](mailto:charlotte.weller@westsussex.gov.uk)

### Background papers

None