

Report to Cllr J Dennis, Cabinet Member for Highways and Transport

February 2022

Review of Community Traffic Regulation Order Process

Report by Mr M Davey, Director of Highways, Transport and Planning/Head of Local Highway Operations

Electoral divisions: All

Summary

With the creation of County Local Forums, and the subsequent need for changes to governance, a review of Community Traffic Regulation Orders (TROs) has been undertaken to ensure the way they are prioritised, approved and delivered is fit for purpose and responds appropriately to community demand.

As part of the review, the Assessment Framework used to consider Community TRO applications has been updated. The new assessment considers Safety, People, Access, Costs and the Environment, (SPACE Assessment). Working practices have also been developed to implement a rolling programme approach to the delivery of Community TROs, rather than an annual programme.

Recommendations

The Cabinet Member for Highways and Transport:

- (1) Approves the introduction of the SPACE Assessment to evaluate Community TRO applications.
 - (2) Delegates authority to the Director of Highways, Transport and Planning to progress all applications that score 20 and above as set out in the assessment paragraphs within section 2 of the report. NB If objections are received at the point of advertisement, the TRO will be presented to the Director of Highways, Transport and Planning, (1-5 objections), or the Cabinet Member for Highways and Transport, (>5 objections), in accordance with the constitution.
 - (3) Approves the implementation of a rolling programme for Community TRO delivery from April 2022.
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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 With the creation of County Local Forums, and the subsequent need for changes to governance, a review of Community TROs has been undertaken 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

- 1.4 Community TROs are:
 - Non-complex,
 - Non contentious, and
 - Cost less than £3,000 to physically implement, (signs & lines).
- 1.5 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.
- 1.6 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.

How Community TROs are processed in West Sussex

- 1.7 Requests for Community TROs are submitted via an online form that records all the information necessary to complete an Assessment considering Safety, Traffic Conditions, the Environment and People, (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.
- 1.8 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 could be selected for delivery. Once the CLCs had 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.

- 1.9 The current process allows any TROs not prioritised by the CLC or Cabinet Member to be delivered as a '3rd Party TRO' if the applicant is willing to fund the cost of the delivery.
- 1.10 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 whole process can take between 1 and 2.5 years to implement.

2 Scope and findings of the review

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

Governance

- 2.2 The review considered future options for programme delivery and two options were considered in detail: a six-month programme and a rolling programme.
- 2.3 Both options would deliver improvements for the applicant, but the rolling programme provided a much shorter timeframe for works delivery. This is because programmes would not need to be approved by the Cabinet Member every six months and any TRO applications that scored a required threshold assessment score would be progressed immediately as part of the rolling programme.

Delivery Options (inc. resourcing)

- 2.4 The work activities and timescales associated with the delivery of a TRO as part of a rolling programme have been mapped and are shown as Appendix 1. If this new approach was adopted, it would take between 7 and 11 months to implement a Community TRO.
- 2.5 If a rolling programme was adopted, all applications that met an agreed threshold score would be delivered. This could increase the size of the programme as previously CLCs and the Cabinet Member have selected schemes for delivery.
- 2.6 Over the past few years, the number of TROs that met the threshold score, but were not prioritised by the CLC or Cabinet Member were minimal (varying between 3 and 7). When compared to the actual spend in those years, it has been concluded that the current budget provision is suitable.
- 2.7 The introduction of a new rolling programme in April 2022 would require new schemes to be delivered in addition to the already agreed 2022/23 programme. The additional temporary resource required to complete this work has been factored into the budget calculations.

Assessment

- 2.8 As part of the review, the current STEP Assessment has been updated to ensure it is fit for purpose and aligns with wider County Council objectives.
- 2.9 The new Assessment considers five areas:
- Safety – the impact the TRO will have on safety issues in the area.
 - People – those who will be affected by the TRO (positively and negatively) and the levels of stakeholder support.
 - Access – to services (shops etc), from services (waste collection, ambulances etc), congestion, journey times and displacement of parked vehicles.
 - Cost – available external funding and cost of ongoing maintenance.
 - Environment – impact on surrounding area and opportunities for increased use of sustainable modes of transport.
- 2.10 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.
- 2.11 The new 'SPACE' Assessment also includes Parish/Town/Neighbourhood Council support as a key requirement, where they exist. The applicant would not be expected to seek support from the Borough or District Council.
- 2.12 The new Assessment removes the need for '3rd Party TROs' as all applications that make sense in terms of safety and network management will reach the threshold score and be delivered. Applications that have funding attached to them will be awarded additional points and be more likely to meet the threshold for delivery.
- 2.13 Having tested the new assessment framework with past TRO applications, it has been concluded that future application must meet a threshold score of 20 to be progressed. This score ensures that TROs will deliver wider community benefit, are technically sound with regard to safety and traffic management and improve access.

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

- 2.14 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.
- 2.15 The review has identified improvements to the webpages and work is being undertaken to develop guidance for County Councillors, Parish/Town/Neighbourhood councils and staff.
- 2.16 In the future, there will be one online form to submit an application to make a change on the highway. Officers will then assess the application and the applicant will be provided information on how the scheme will be progressed, including timescales.

3 Proposal details

- 3.1 It is recommended that from April 2022 all Community TRO applications be assessed using the new the SPACE Assessment and any that meet the threshold score of 20 be implemented using delegated powers via a rolling programme.
- 3.2 If objections are received at the point of advertisement, the TRO will be presented to the Director of Highways, Transport and Planning, (1-5 objections), or the Cabinet Member for Highways and Transport, (>5 objections), in accordance with the constitution.

4 Other options considered (and reasons for not proposing)

- 4.1 A six-month programme was considered and evaluated against the rolling programme option. As shown below, it was discounted as the rolling programme was more favourable in terms of staff resourcing and TRO delivery timescales:

	Six-month programme	Rolling Programme
Staff resourcing (programme governance)	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
Staff resourcing (delivery of TRO)	No change	No change
Timescales for delivery (currently 1 – 2.5 years)	12-16 months	7-11 months
Local Member consultation	No change	No change
Opportunity for wider County Councillor involvement	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

5 Consultation, engagement and advice

- 5.1 A presentation was made to the Communities, Highways and Environment Scrutiny Committee in November 2021. The Committee supported the implementation of a rolling programme with the new SPACE Assessment and welcomed the reduced delivery timescales.

6 Finance

- 6.1 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, approved as part of the interim 2021 arrangements. To cover the staff resource and capital works required to deliver the new schemes, and free up resources to manage new Community TRO requests, £54,000 additional capital funding is required.
- 6.2 It is anticipated that, to cover the additional £54,000, a capital budget underspend resulting from this year's reduced Community TRO programme will be slipped into 2022/23 and the remainder met from the Highways Transport and Planning Delivery Programme 2022/23.

7 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

8 Policy alignment and compliance

- 8.1 The implications of the proposal have been considered against County Council Policies and legal responsibilities as set out below.
- 8.2 Our Council Plan includes a commitment to help people and communities to fulfil their potential. This proposal allows people and communities to have an influence on the highway network where they live. Businesses can also apply for Community TROs to address parking needs of their customers.
- 8.3 Legal Implications – all TROs will be advertised in accordance with statutory requirements.
- 8.4 Equality Duty and Human Rights – this will be considered as part of the implementation of individual TROs at specific locations.
- 8.5 Climate Change – The updated SPACE Assessment gives credit to proposals that would encourage and enable more sustainable modes of transport.
- 8.6 Public Health – The updated SPACE Assessment gives credit to schemes that encourage use of sustainable modes of transport which can support healthy choices. It also credits schemes that improve access to services such as GP surgeries, hospitals, green and blue spaces.
- 8.7 Social Value – Not applicable. Social Value was considered in the procurement of the framework used to deliver TRO works.

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Appendices

Appendix One – Community TRO Process (rolling programme)

Background papers

None