

30 May 2022**Agenda Item:****REPORT OF SERVICE DIRECTOR PLACE & COMMUNITIES****OBJECTIONS TO PERMANENT TRAFFIC REGULATION ORDERS AND BUS
STOP CLEARWAYS-UPDATE ON DELEGATION PROCESS****Purpose of the Report**

1. Following the Council's change in governance arrangements, approval is sought from the Cabinet Member for Transport and Environment to update the decision-making protocol for considering objections to permanent Traffic Regulation Orders (TROs) and bus stop clearway restrictions.

Information

2. A TRO is a legal order made under the Road Traffic Regulation Act 1984, which allows the County Council to regulate the speed, movement, and parking of vehicles for the purposes of road safety, traffic management and local amenity. The process of making a TRO requires a formal advertisement of the proposals and Nottinghamshire County Council as Local Highway Authority has a responsibility to consider all objections received before making a TRO permanent.
3. Transport and Highways Committee on the 12th July 2012 approved a streamlined process to consider objections by delegating the authority to consider minor objections to officers. The report detailed exceptions that would still be reported to Committee as follows.
 - Those which have received significant objections from consultees – more than 3 objections from separate properties that cannot be resolved by amendments to the scheme
 - Those which have received objections from the local County Councillor/s, formal decisions of District or Parish Council/s or other local authority
 - Those which have received objections from Public Transport Operators or Associations, Road Haulage Association, Freight Transport Association, Highways Agency, Traffic Commissioner or emergency service

- Those which have received objections by petition
- Those which have been the subject of a public inquiry
- Those which raise issues of regional or national importance

4. Bus stop clearways also follow a similar process of delegation. These are the restrictions adjacent to bus stops that deliver several benefits to public transport.

- Help the bus align with the kerb to enable level access for disabled passengers and pushchair users.
- Ease congestion as a correctly aligned bus will not block the road for other road users.
- Ensure that bus drivers discharge their duty to drop passengers off on the kerb and not on the public highway.
- Ensure that the investment in raised kerbs required under equalities legislation is not negated by indiscriminate parking at bus stops.
- Ensure that bus services operate on time and are not delayed.

5. Bus stop clearways do not though require a TRO to be installed but they are enforceable by both Civil Enforcement Officers and the CCTV cars. The process for introducing them adopted by the Council is similar to that required for TROs; the local Member and other key stakeholders including affected residents are notified.

6. In September 2014, Transport and Highways Committee approved a similar process to that adopted for permanent TROs to streamline any objections received from proposals to introduce bus stop clearways. At that time proposals that would still be reported to Committee would be the following.

- Where significant objections have been received from those notified – more than two objections from separate properties that cannot be resolved by amendments to the scheme.
- Those which have received objections from the local County Councillor/s or notified formal decisions of other Local Authorities.
- Where objections have been received from Public Transport Operators or Associations, Road Haulage Association, Freight Transport Association, Highways Agency, Traffic Commissioner, or emergency services.
- Where objections have been received by petition.
- Those which have been the subject of a public inquiry.

7. Over the last 5 years, using this process, on average annually the Council introduced 105 TROs and bus stop clearways to which objections were received to 33. Of these, on average, 21 were considered by the Group Manager of Highways and Transport and 12 by Committee.
8. It is proposed as part of the recommendations in this report that the process for considering objections to permanent TROs and bus stop clearways are more closely aligned for simplicity and consequently the threshold for reporting bus stop clearways to Cabinet Member for Transport and Environment should be raised to 3 or more objections from separate properties. The combined criteria are detailed in Appendix A.
9. Approval by the Cabinet Member is therefore sought to maintain this efficient process by approving this threshold change for bus stop clearways and delegating the consideration of objections against permanent TROs and bus stop clearways as detailed above.

Other Options Considered

10. To report all objections to bus stop clearways and TROs through the Cabinet Member for a decision. Based on the average figures over the previous 5 years this would significantly increase the number of approvals sought from the Cabinet Member for Highways and Transport, as indicated in paragraph 7 above.

Reason/s for Recommendation/s

11. To maintain and improve the current streamlined and consistent process for considering TROs and bus stop clearways.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

13. The majority of TRO's and bus stop clearways are funded from the Local Transport Plan programme with a small number funded through revenue budgets or paid for by developers when required. The delegation process outlined in the report improves the efficiency of introducing new restrictions but beyond this, there are no direct financial implications from the proposal.

Implications for Service Users

14. TROs and bus stop clearways improve the safety and efficiency of the highway network providing benefits to all users.

RECOMMENDATIONS

- 1) That following the change in governance arrangements for the Council, the Cabinet Member for Transport and Environment approves the updated process for considering objections to permanent TROs and bus stop clearways.

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Constitutional Comments (SJE – 23/05/2022)

15. This decision falls within the Terms of Reference of the Cabinet Member for Transport & Environment to whom responsibility for the exercise of the Authority's functions relating to traffic management including traffic regulation orders has been delegated.

Financial Comments (SES 17/05/2022)

16. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Objections to Permanent Traffic Regulation Orders-Transport and Highways Committee-12th July 2012
- Proposed Change to the Process of Managing Objections to Bus Stop Clearways-Transport and Highways Committee 11th September 2014
- Objections to Permanent Traffic Regulation Orders-update on Service Director Approvals-Transport and Highways Committee 21st September 2016

Electoral Division(s) and Member(s) Affected

- 'All'

APPENDIX A

Criteria for presenting objections to permanent TROs and bus stop clearways to the Cabinet Member for Transport and Environment

1. Those which have received significant objections from consultees – more than 3 objections from separate properties that cannot be resolved by amendments to the scheme.
2. Those which have received objections from the local County Councillor/s, formal decisions of District or Parish Council/s or other local authority.
3. Those which have received objections from Public Transport Operators or Associations, Road Haulage Association, Freight Transport Association, National Highways, Traffic Commissioner, or the emergency services.
4. Those which have received objections by petition.
5. Those which have been the subject of a public inquiry.
6. Those which raise issues of regional or national importance.