

ANGUS COUNCIL

ROADS COMMITTEE

11 JUNE 1998

TRAFFIC ORDERS - PROCEDURE

REPORT BY THE DIRECTOR OF ROADS

ABSTRACT

This report proposes changes to the procedures for processing of traffic regulation orders in order to reduce the overall time required.

1 RECOMMENDATION

It is recommended that the Committee agree that:-

- (i) the current procedure for processing permanent traffic regulation orders should be modified at the consultation stage in order to reduce the timescale, and
- (ii) the Standing Orders of the Council 'Scheme of Delegation to Officers', Section 17 (9) (a) be altered at the first opportunity.

2 INTRODUCTION

Report number AC97/96 'Traffic Regulation Orders - Angus' which detailed the procedures involved in implementing a Traffic Regulation Order was noted by the Roads Committee of 28 February 1996. The current procedure and timescale is summarised in Appendix 1. For some time there has been concern expressed at the length of time it takes to process an order, particularly when there is an urgent need

for, say, a speed limit or waiting restrictions. Consideration has therefore been given to the procedure to see how the timescale can be reduced.

3 DETAILS

In looking at the overall procedure involved in progressing a traffic regulation order, it is felt that a significant saving in time could be made at the formal 'consultation' stage. At present, the consultation period is six weeks. This period was originally established to allow District councils to consider the matter at Committee level and report back to the Regional Council. It also allowed Community Councils to consider the proposed order at their normal 'monthly' meeting. Following this consultation period Angus Council then tries to resolve any adverse comments received, which may involve protracted correspondence. Thereafter a report is drafted for the Roads Committee which meets on a six weekly cycle, before agreement is given to 'advertise' the order.

The main purpose of the formal consultation exercise is to allow the Council to refine its views before public advertising. Any party is still entitled to object at the public advertising stage and any unresolved objections are reported to the Roads Committee. It is therefore suggested that the consultation period should be reduced to four weeks. This may mean that Community Councils may have to set up a small sub-committee to consider such matters as and when they arise. All comments received could then be considered by the Director of Roads, Chief Constable and the Convener of the Roads Committee and the order amended as appropriate for advertising without entering into detailed correspondence and without reporting back to Committee at this stage.

In this way, the broader views of the community can be taken on board and incorporated into the order but the timescale will be reduced. Any subsequent objections will still be considered in the same manner and if unresolved, reported to committee.

In addition it is proposed that within Stage 3, 'Draft Order Preparation and Internal Circulation Stage', the time allowed for comments from the relevant departments should be cut from six weeks to four.

The proposed procedure is shown in appendix 2.

4 **FINANCIAL IMPLICATIONS**

There are no financial implications arising from these proposed changes to procedure.

5 **CONSULTATION**

The Chief Executive, the Director of Law and Administration, and the Director of Finance have been consulted in the preparation of this Report.

6 **CONCLUSION**

In order to speed up the procedure for making traffic regulation orders, whilst still ensuring that all views are properly considered, a modification to the current procedure is proposed.

Dr Bob McLellan
DIRECTOR OF ROADS

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

Road Traffic Regulation Act 1984

The Local Roads Authorities Traffic Orders (Procedure) (Scotland) Regulations 1987.

Report No. AC97/96 - Traffic Regulation Orders - Angus - Roads Committee - 28 February 1996.

DAM/PP
14 May 1998
REPORTS/traffic.proc

APPENDIX 1 - TRAFFIC REGULATION ORDERS : CURRENT PROCEDURES

	TYPICAL TIME SCALE
<p>STAGE 1 - INITIATION AND COMMITTEE REPORT INITIAL REQUEST FOR ALTERATIONS TO ROADS AFFECTING A CURRENT ORDER OR REQUIRING A NEW ORDER. INVESTIGATION OF REQUEST BY ROADS DEPT / POLICE. CONSIDERATION OF REQUEST AT TRAFFIC CO-ORD MEETING. APPLICANT ADVISED IF TO PROCEED OR NOT. IF TO PROCEED THEN DIRECTOR OF ROADS SUBMITS REPORT TO ROADS COMMITTEE RECOMMENDING THE PROMOTION OF AN ORDER.</p>	10 WEEKS
<p>STAGE 2 - REQUEST FOR INFORMATION DIRECTOR OF LAW AND ADMIN REQUESTS INFORMATION FROM ROADS TO PREPARE ORDER. (ie PLANS, SCHEDULE OF AFFECTED ROADS, STATEMENT OF REASONS FOR MAKING ORDER.) DIRECTOR OF ROADS FORWARDS RELEVANT INFORMATION TO DIRECTOR OF LAW AND ADMIN.</p>	4 WEEKS
<p>STAGE 3 - DRAFT ORDER PREPERATION AND INTERNAL CIRCULATION. LAW AND ADMIN PREPARE DRAFT ORDER AND FORWARDS COPIES TO POLICE, FIRE AND WATER AUTHORITIES AND ROADS, PLANNING (TRANSPORT) AND EDUCATION DEPTS FOR COMMENT WITHIN 6 WEEKS. ANY COMMENTS PASSED TO ROADS AND POLICE FOR CONSIDERATION. ROADS AND POLICE RESPOND TO LAW AND ADMIN WHO RESPOND TO COMMENTS. IF APPROPRIATE LAW AND ADMIN AMENDS DRAFT AND RECIRCULATES.</p>	12 WEEKS
<p>STAGE 4 - FORMAL CONSULTATION LAW AND ADMIN CIRCULATES DRAFT ORDER TO CONSULTEES (i.e. ROAD USER ORGANISATIONS COMMUNITY COUNCILS, STATUTORY UNDERTAKERS, ETC.) WITH 6 WEEKS REPLY PERIOD. LAW AND ADMIN PASSES ALL COMMENTS TO DIRECTOR OF ROADS AND POLICE FOR CONSIDERATION. DIRECTOR OF ROADS AND POLICE RESPOND TO LAW AND ADMIN WHO RESPOND TO COMMENTS. ON THE BASIS OF COMMENTS RECEIVED ROADS RECOMMEND THAT ORDER BE ABANDONED OR PROCEED TO ADVERTISING STAGE AS DRAFTED OR AMENDED. DIRECTOR OF LAW AND ADMIN SUBMITS REPORT TO ROADS COMMITTEE WITH RECOMMENDATIONS AS ABOVE.</p>	15 WEEKS (DEPENDING ON LEVEL OF OBJECTIONS)
<p>STAGE 5 - FORMAL ADVERTISING DIRECTOR OF LAW AND ADMIN PUBLISHES ORDER INVITING OBJECTIONS WITHIN 21 DAYS OF ADVERTISING. LAW AND ADMIN PASSES ALL OBJECTIONS TO DIRECTOR OF ROADS AND POLICE FOR CONSIDERATION. DIRECTOR OF ROADS AND POLICE RESPOND TO LAW AND ADMIN WHO REPLY TO OBJECTIONS INVITING THEM TO WITHDRAW THEIR OBJECTIONS. ROADS SUBSEQUENTLY RECOMMEND THAT ORDER BE ABANDONED OR PROCEED TO MAKING AS DRAFTED OR AMENDED. (AT THIS STAGE THE ORDER CAN BE RELAXED BUT CANNOT BE MADE MORE SEVERE). DIRECTOR OF LAW AND ADMIN SUBMITS REPORT TO ROADS COMMITTEE WITH RECOMMENDATIONS AS ABOVE.</p>	15 WEEKS (DEPENDING ON LEVEL OF OBJECTIONS)
<p>STAGE 6 - MAKING OF ORDER AND IMPLEMENTATION. ROADS COMMITTEE RECOMMENDS ACTION TO FULL COUNCIL WITH IMPLEMENTATION DATE NOTE :-ACTUAL PAINTING OF LINES AND ERECTION OF SIGNS ETC ARE SUBJECT TO CONTRACTOR AVAILABILITY AND WEATHER CONDITIONS. ie ORDER MADE IN NOVEMBER MAY NOT BE OPERATIONAL UNTIL APRIL.</p>	10 WEEKS TOTAL 66 WEEKS

APPENDIX 2 - TRAFFIC REGULATION ORDERS : PROPOSED PROCEDURES

STAGE 1 - INITIATION AND COMMITTEE REPORT		TYPICAL TIME SCALE
<p>INITIAL REQUEST FOR ALTERATIONS TO ROADS AFFECTING A CURRENT ORDER OR REQUIRING A NEW ORDER. INVESTIGATION OF REQUEST BY ROADS DEPT / POLICE. CONSIDERATION OF REQUEST AT TRAFFIC CO-ORD MEETING. APPLICANT ADVISED IF TO PROCEED OR NOT. IF TO PROCEED THEN DIRECTOR OF ROADS SUBMITS REPORT TO ROADS COMMITTEE RECOMMENDING THE PROMOTION OF AN ORDER.</p>		<p>10 WEEKS NO CHANGE</p>
<p>STAGE 2 - REQUEST FOR INFORMATION DIRECTOR OF LAW AND ADMIN REQUESTS INFORMATION FROM ROADS TO PREPARE ORDER. (ie PLANS, SCHEDULE OF AFFECTED ROADS, STATEMENT OF REASONS FOR MAKING ORDER.) DIRECTOR OF ROADS FORWARDS RELEVANT INFORMATION TO DIRECTOR OF LAW AND ADMIN.</p>		<p>4WEEKS NO CHANGE</p>
<p>STAGE 3 - DRAFT ORDER PREPERATION AND INTERNAL CIRCULATION. LAW AND ADMIN PREPARE DRAFT ORDER AND FORWARDS COPIES TO POLICE AND FIRE AUTHORITIES AND ROADS, PLANNING (TRANSPORT) AND EDUCATION DEPTS FOR COMMENT WITHIN 4 WEEKS. ANY OBJECTIONS PASSED TO ROADS AND POLICE FOR CONSIDERATION. ROADS AND POLICE NOTE COMMENTS AND RESPOND TO LAW AND ADMIN ADVISING IF DRAFT TO BE AMENDED. LAW AND ADMIN ADVISE OBJECTORS ACCORDINGLY.</p>		<p>8 WEEKS SAVING OF 4 WEEKS</p>
<p>STAGE 4 - FORMAL CONSULTATION LAW AND ADMIN CIRCULATES DRAFT ORDER TO CONSULTEES (i.e. ROAD USER ORGANISATIONS COMMUNITY COUNCILS, STATUTORY UNDERTAKERS, ETC.) WITH 4 WEEKS REPLY PERIOD. LAW AND ADMIN PASSES ALL OBJECTIONS TO DIRECTOR OF ROADS AND POLICE FOR CONSIDERATION. DIRECTOR OF ROADS AND POLICE RESPOND TO LAW AND ADMIN AND ON THE BASIS OF OBJECTIONS RECEIVED ROADS RECOMMEND THAT ORDER BE ABANDONED OR PROCEED TO ADVERTISING STAGE AS DRAFTED OR AMENDED. IF TO BE ABANDONED LAW AND ADMIN SUBMIT REPORT TO ROADS COMMITTEE. IF TO PROCEED LAW AND ADMIN PUBLISHES ORDER AS DRAFTED OR AS AMENDED. LAW AND ADMIN ADVISE OBJECTORS ACCORDINGLY.</p>		<p>7 WEEKS (DEPENDING ON LEVEL OF OBJECTIONS) SAVING OF UP TO 8 WEEKS</p>
<p>STAGE 5 - FORMAL ADVERTISING DIRECTOR OF LAW AND ADMIN PUBLISHES ORDER INVITING OBJECTIONS WITHIN 21 DAYS OF ADVERTISING. LAW AND ADMIN PASSES ALL OBJECTIONS TO DIRECTOR OF ROADS AND POLICE FOR CONSIDERATION. DIRECTOR OF ROADS AND POLICE RESPOND TO LAW AND ADMIN WHO REPLY TO OBJECTORS INVITING THEM TO WITHDRAW THEIR OBJECTIONS. ROADS SUBSEQUENTLY RECOMMEND THAT ORDER BE ABANDONED OR PROCEED TO MAKING AS DRAFTED OR AMENDED. (AT THIS STAGE THE ORDER CAN BE RELAXED BUT CANNOT BE MADE MORE SEVERE). DIRECTOR OF LAW AND ADMIN SUBMITS REPORT TO ROADS COMMITTEE WITH RECOMMENDATIONS AS ABOVE.</p>		<p>15 WEEKS (DEPENDING ON LEVEL OF OBJECTIONS)</p>
<p>STAGE 6 - MAKING OF ORDER AND IMPLEMENTATION. ROADS COMMITTEE RECOMMENDS ACTION TO FULL COUNCIL WITH IMPLEMENTATION DATE NOTE :-ACTUAL PAINTING OF LINES AND ERECTION OF SIGNS ETC ARE SUBJECT TO CONTRACTOR AVAILABILITY AND WEATHER CONDITIONS. ie ORDER MADE IN NOVEMBER MAY NOT BE OPERATIONAL UNTIL APRIL.</p>		<p>10 WEEKS TOTAL 54 WEEKS</p>