

Economic Development, Transport and Climate
Emergency Scrutiny Commission

Date of meeting: 15th December 2021

**Consideration of Unresolved Objections to Traffic
Regulation Orders by EDTCE Scrutiny Commission**

Lead Director/Officer: Martin Fletcher
City Highways Director

Useful information

- Ward(s) affected: All Wards
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- Report version number: 01

1. Purpose of Report

To brief the EDTCE Scrutiny Commission members on revised arrangements for the consideration of unresolved objections to Traffic Regulation Orders (TRO's).

2. Background

Traffic Regulation Orders are made to legally enforce specified permanent or temporary restrictions on traffic on the highway, for example speed limits, on street parking restrictions, bus lanes, banned manoeuvres and one-way streets. These are subject to statutory consultation with members, the public and other stakeholders.

The Director for Planning Development & Transportation (PDT) is responsible for taking final decisions on whether to approve and implement a TRO or not, taking into account all feedback from the statutory consultation process and member comments.

Previously, TROs that were subject to unresolved public and/or councillor objections following the formal advertisement stage were referred to Planning & Development Control Committee (PDCC) for comment. Any comments were then referred to the Director of Planning, Development and Transportation to make the final decision on a TRO.

Following the decision taken at Full Council on 8th July 2021, TROs that have unresolved objections will no longer be taken through PDCC. When discussed with members it was suggested that an alternative recourse to member scrutiny should be considered, potentially EDTCE Scrutiny Commission.

The revised approach to member oversight by EDTCE Scrutiny has been subject to discussion with City Barrister and Head of Standards and Democratic and Civic Support Manager. They have also been discussed with Executive leads and the Chair of EDTCE Scrutiny. All ward councillors have been informed of the proposals and invited to comment and no adverse comments were received.

3. Consideration of Unresolved TRO Objections by EDTCE Scrutiny

- i. Where TROs are linked to a scheme that is subject to a lead member Executive Decision there is already an opportunity for member call-in under the constitution. These schemes are likely to have been subject to consideration at EDTCE. Development schemes requiring TROs that are considered at PDCC are also subject to member scrutiny.

- ii. Under both above scenarios, TRO implications will be made explicit in reports such that members have clear information at that stage of scheme development to raise any concerns.
- iii. In these circumstances, there is member scrutiny and as such any comments made through these processes on TRO aspects will be considered by the Director in the final consideration of TROs after formal advertisement. Separately and in addition to formal Scrutiny, Ward and other councillors will still be able to make further comments at the formal TRO advertisement stage although in these circumstances there would be no further referral for member scrutiny. These would be considered alongside any other unresolved public objections by the Director in the final TRO determination.
- iv. With regard to TROs that do not fall into the processes referred to above, when members receive usual notification at the formal advertisement stage, they could request consideration of a TRO by EDTCE Scrutiny Commission by agreement with the Chair. Given the intervals between EDTCE meetings and also the need to progress TROs in a timely fashion these can, where required, be special meetings arranged to consider TROs only. Any comments from the commission would then be considered alongside any other unresolved public objections by the Director in the final TRO determination.

4. Process & Approach for TRO's requiring consideration by EDTCE Scrutiny

Officers will prepare a report for consideration by EDTCE Scrutiny. The report will set out the:

- Details of the TRO proposals, including any plans.
- Background information explaining why the council is considering making the TRO.
- The details of the objections received.
- Member and stakeholder comments.
- Officer responses to the objections.
- Details of any objections withdrawn.
- Recommendations.

The Lead Officer will present the report to EDTCE Scrutiny in person.

Scrutiny members will be able to question the Lead Officer on the details.

Scrutiny will have the opportunity to hear representations from affected Ward Members in attendance who may want to speak in support or have concerns about the proposals.

After hearing and considering the TRO details, EDTCE Scrutiny will be invited to make comments on the proposals. This might be to support the scheme, support with any suggested changes, make comments or raise concerns for the Director to take into account in a final decision.