

Meeting:	The Executive Member for Economy and Transport Decision Session
Meeting date:	12/09/2023
Report of:	James Gilchrist, Director, Environment, Transport and Planning
Portfolio of:	Cllr. Kilbane. Executive Member for Economy and Transport

Decision Report: Annual Review of Traffic Regulation Order Requests

Subject of Report

1. Approval is requested to advertise the amendments to the Traffic Regulation Order (TRO) required to introduce the restrictions detailed in Annexes A to U. In addition, if there are no objections raised with regard to the above proposals, approval is requested to implement the amendments to the Traffic Regulation Order.
2. A decision is important as it provides the Council with the opportunity to progress the proposals to the Statutory Consultation for the amendment of the TRO, which is a legal requirement. The Statutory Consultation will allow for the Council to make a balanced decision on the implementation of any restrictions following representations made by relevant stakeholders.

Pros and Cons

3. The pros are that we meet our statutory obligation to consult with relevant stakeholders providing them with the opportunity to voice their opinions and take those forward when reaching a final decision.

The cons are that should we not consult we are breaching our

statutory obligations because of which we may be considered to have acted unlawfully in respect of due process.

Policy Basis for Decision

4. The Councils current Local Transport Plan, places pedestrians at the top of the transport hierarchy followed by cycling, public transport and then cars. The annual review is how vehicles are controlled in very specific locations, the issues within the paper can therefore be considered in the light of the Transport Hierarchy.
5. Considering this matter contributes to the current Council Plan being an open and effective council and making safe communities and culture for all.

Recommendation and Reasons

6. The Recommendations and reasons for each item are listed within the annexes, which are:
 - A. Approve the request and advertise the proposal for Statutory Consultation.
 - B. Take No further action for the proposal.

Reason: Where technical feasible to advertise and seek residents' views.

Background

7. The Council receives a number of non-urgent requests for changes to the TRO each year. Typically, these are for additional "no waiting at any time" (double yellow line) restrictions or minor changes to Residents' Priority Parking (ResPark) Schemes. These requests are considered together on an annual basis; this saves officer time and money, because any changes can all be advertised at the same time, which helps to ensure parity of treatment. In each case site visits are carried out to determine to what extent there is a traffic management or safety problem. The proposals in Annexes A to U have been circulated to Ward Councillor's representatives for their comments. Any Comments received from the Ward Councillors have been included within the Annexes.

8. This report seeks the Executive Members decision on whether to progress to the consultation phase to amend the TRO in relation to each proposal.

Consultation Analysis

9. No consultation has yet taken place, as per 7 above.
10. Changes to the TRO must go through a formal legal process whereby they are advertised for a 3-week period in which time people are able to make a formal representation for or against the proposals.

Options Analysis and Evidential Basis

11. Option 1 - Take no action on an item. Each item in the Annex A to U provides individual evidential basis if this option is proposed.
12. Option 2 - Approve the progression of the statutory consultation process to propose a change to the TRO. Each item in the Annex A to U provides individual evidential basis if this option is proposed.

Organisational Impact and Implications

13. The report has the following implications:
 - **Financial**, - None, the report is requesting approval for Statutory Consultation but should the proposal move on to implementation, then the implementation of any approved restriction will be covered by the signs and lines budget.
 - **Human Resources (HR)**, - None, the report is requesting approval for Statutory Consultation but should the proposal move on to implementation, enforcement will fall to the Civil Enforcement Officers necessitating an extra area onto their work load, although they are already receiving reports of vehicles parked in the area and not currently able to enforce, which is creating work.
 - **Legal**, - The proposals require amendments to the York Speed Limit Order 2014: Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply.

The statutory consultation process for Traffic Regulation Orders requires public advertisement through the placing of public notices within the local press and on-street. It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received after formal statutory consultation, and a subsequent report will include any such objections or comments, for consideration.

The Council has discretion to amend its original proposals if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

Any public works contracts required at each of the sites as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).

- **Procurement** – None, the report is requesting approval for Statutory Consultation but should the proposal move on to implementation in the future any lining works would be undertaken by the Council lining contractor.
- **Health and Wellbeing**, - None.
- **Environment and Climate action**, - None
- **Affordability**, - None.

- **Equalities and Human Rights**, - The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:
 - Age – Positive, the introduction of parking restrictions will remove obstructive parking and conflict of movement, which will make a safer environment for walking and cycling along the riverside path for all age groups;
 - Disability – Positive, the introduction of parking restrictions will remove obstructive parking and increase the available area for use by all user, whilst the introduction of 'No Waiting at any time' restrictions would allow for vehicles displaying a Blue Badge to park to park for 3 hours;
 - Gender – Neutral;
 - Gender reassignment – Neutral;
 - Marriage and civil partnership– Neutral;
 - Pregnancy and maternity - Neutral;
 - Race – Neutral;
 - Religion and belief – Neutral;
 - Sexual orientation – Neutral;
 - Other socio-economic groups including:
 - Carer - Neutral;
 - Low income groups – Neutral;
 - Veterans, Armed Forces Community– Neutral

- **Data Protection and Privacy**, - The request have been received by residents, ward Cllrs and Parish Council but the report does not contain any personable information.

- **Communications**, - None.

- **Economy**, - None.

Risks and Mitigations

14. No detrimental risks have been identified.

Wards Impacted

15. Acomb; Bishopthorpe; Clifton; Copmanthorpe; Dringhouses & Woodthorpe; Fishergate; Fulford & Heslington; Guildhall; Haxby & Wigginton; Heworth; Heworth Without; Holgate; Hull Road; Huntington & New Earswick; Micklegate; Osbaldwick & Derwent; Rawcliffe & Clifton Without; Rural West; Strensall; Westfield; Wheldrake

Contact details

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Background papers

None

Annexes

- Annex A Acomb AR 2021-22
- Annex B Bishopthorpe AR 2021-22
- Annex C Clifton AR 2021-22
- Annex D Copmanthorpe AR 2021-22
- Annex E Dringhouses & Woodthorpe AR 2021-22
- Annex F Fishergate AR 2021-22
- Annex G Fulford & Heslington AR 2021-22
- Annex H Guildhall AR 2021-22
- Annex I Haxby & Wigginton AR 2021-22
- Annex J Heworth AR 2021-22
- Annex K Heworth Without AR 2021-22
- Annex L Holgate AR 2021-22
- Annex M Hull Road AR 2021-22
- Annex N Huntington & New Earswick AR 2021-22
- Annex O Micklegate AR 2021-22
- Annex P Osbaldwick & Derwent AR 2021-22
- Annex Q Rawcliffe & Clifton Without AR 2021-22
- Annex R Rural West AR 2021-22
- Annex S Strensall AR 2021-22
- Annex T Westfield AR 2021-22
- Annex U Wheldrake AR 2021-22