

3.1 The processing of Temporary TROs and Notices has become an increasing

4.0 CONCLUSION

4.1 This report provides an update on the progress of the TRO review.

5.0 IMPLICATIONS

- 5.1 Policy: none
- 5.2 Financial: Increased establishment costs but long term the increased income derived from DPE and parking is expected to be of benefit to the Council.
- 5.3 Legal: Road Traffic Regulation Act and The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 apply.
- 5.4 HR: None
- 5.5 Fairer Scotland Duty: (please refer to guidance on Hub)
none
- 5.5.1 Equalities - protected characteristics
Currently unable to progress disabled bay TROs.
- 5.5.2 Socio-economic Duty - none
- 5.5.3 Islands N/A
- 5.6. Risk Potential reputational damage if the Council is unable to progress requested or needed control orders.
- 5.7 Customer Service - None

Executive Director with responsibility for Development & Infrastructure Services, Kirsty Flanagan

**Head of Roads and Infrastructure Services Jim Smith
Policy Lead Councillor Rory Colville**

May 2021

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APPENDICES

Appendix 1 High level TRO process

Appendix 1 – High Level TRO Process

Note:

1. *This process doesn't consider Objections which are referable to a Reporter.*
2. *Currently we only have one qualified Service officer to carry the TRO process from step 3. If this officer is on leave, certain areas of the process cannot be progressed,*
 - i. Local Traffic & Development Officer (T.O. hereinafter) undertakes initial development work. Schedules/proposals drafted. This may require 2-5 days depending on complexity; for example, in some cases precise measurements will require a site visit.
 - ii. T.O. undertakes Consultation 1 (statutory period of 14 days) and resolves any matters raised by consultees. This period may be extended dependent on the comments submitted by the consultees.
 - iii. Service Officer will undertake Consultation 2 (statutory period of 21 days). This period may be extended dependent on the comments submitted by the consultees.
 - iv. Service Officer prepares draft Order, Statement of Reasons, CAD Plan and Public Notices. For existing TROs which are being amended (other than by Notice) then this may take up to 5 days. For new or complex TROs this may take 3 weeks.
 - v. Service Officer undertakes Public Notification (statutory period of 21 days).
 - vi. At this stage objections may be submitted.
 - vii. If no objections are received, the Order can be signed and Sealed by Legal and Regulatory.
 - viii. If submissions are made the T&D Manager will endeavour to resolve any objections raised during Public Notification. Where there are few objections this can usually be done in less than 5 days, however, where there are significant objections this can take up to 3 weeks plus time (normally 2 weeks) for the objector to respond (regards withdrawing objection or not).
 - ix. Report to Area Committee. May take up to 1 week to draft dependent on the complexity of the TRO proposal and/or Objections. Area Committee meetings are scheduled at key dates during the year, the report would normally be taken to the next AC providing it is submitted on time.
 - x. Members may determine that order should be made without a discretionary hearing. This would be based on advice to the Committee from the Head of Legal and Regulatory Support.

- xi. If the Committee agree that the Order should progress, Order Signed and Sealed by the Head of Service of Legal and Regulatory Support.
- xii. Pause to allow procedural objections (statutory period of 6 weeks). Challenges are submitted to the Court of Session.
- xiii. TRO is implemented