



Report to Policy Committee

Author/Lead Officer of Report: *(Andrew Butler, Transport Projects Service Manager)*

Tel: 0114 205 3470

Report of: *Executive Director of City Futures*

Report to: Transport, Regeneration and Climate Policy Committee

Date of Decision: *13th March 2024*

Subject: *Digitisation of the database management of Traffic Regulation Orders and associated delegated decision making.*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? (xxx)				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

Purpose of Report:

To inform Committee about an initiative to introduce a digital platform for the database management of Traffic Regulation Orders (TRO’s) and to seek Committee approval to delegate determination of any objections received in relation to the making of the TRO associated with the move.

The Council is working towards the introduction of a digital traffic order management system and as part of this move it is necessary to advertise a notice which proposes the making of a TRO. The TRO is intended to consolidate extant TROs in the city into a version which is capable of being managed digitally using this system.

Ordinarily the consolidation process does not invite objection or comment from the public, as the Council simply replicates the contents of the original TROs into a consolidated version. However, a review of the current TRO’s has identified a number of restrictions which are marked and signed on street with an incorrect

order to support them. The consolidation process therefore presents an opportunity to address anomalies with existing traffic orders such that the made order will more accurately represent what is on site. This is a change to the order and therefore the Council is required to follow the full traffic order making process.

Recommendations:

That the Transport, Regeneration and Climate Policy Committee:

- Endorses the move to a digital platform for the management of TROs; and
- Approves the delegation of the decision whether to make the proposed consolidated TRO to the Director of Investment, Climate Change and Planning subject to their following the process outlined within this report (including the consideration of any objections received).

Background Papers:

Appendix A: DfT Reform of Traffic Regulation Orders - [consultation-on-reform-of-traffic-regulation-orders.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671117/consultation-on-reform-of-traffic-regulation-orders.pdf)

Appendix B: DfT Policy Paper Automated Vehicles Bill: Policy scoping notes - [Automated Vehicles Bill: policy scoping notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/671117/Automated_Vehicles_Bill_policy_scoping_notes.pdf)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Adrian Hart
		Legal: Richard Cannon
		Equalities & Consultation: Ed Sexton
		Climate: Mark Whitworth
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Kate Martin
3	Committee Chair consulted:	Cllr Ben Miskell
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Andrew Butler	Job Title: Transport Projects Service Manager

1. PROPOSAL

1.1 Background

1.1.1 In 2018 and early 2019 the Department for Transport (DfT) commissioned consultants to undertake research and consultation on the making and management of Traffic Regulation Orders (TRO's). The findings of this exercise can be found in the DfT document: Reform of Traffic Regulation Orders produced in March 2022 attached as Appendix A.

1.1.2 To summarise some of the most pertinent points the consultants identified:

- *'that significant amounts of local authority data is not currently available to the public or easily accessible.'*
- *'publishing open transport data offers potential commercial and societal benefits'*

1.1.3 The initial research recommended changes should be considered such as:

- *'the process of applying for TRO's and temporary TRO's is quick consistent and avoids any unnecessary costs that may be passed onto tax payers or bill payers'*
- *'data users could have access to high quality, timely and accurate TRO data so they can apply it for purposes such as reliable navigation and provision of digital services'*

1.1.4 Following on from this the DfT carried out further consultation and engagement with affected stake holders. One of the key recommendations of this work was that

- *'TRO data should be consistent and made available for anyone to access, use and share'.*

1.1.5 During the period of the Covid pandemic the way Traffic Authorities, such as Sheffield, could make TRO's was amended to remove the requirement to post notices in the press and instead greater use could be made of digital media to publicise proposed TRO's.

1.1.6 The effect of this was to highlight to Government the need to review and ultimately recommend change to the way TRO's are made. Officers determined that the best approach would be switch to a digital platform for the management of TROs which would fulfil the goals identified by the consultation. The Council is still required to advertise the making of orders in the local press.

1.1.7 In anticipation of this move to a digital based means of managing TRO's, officers within the Transportation team reviewed all products on the market to establish which would provide the best value for money whilst

satisfying the needs of the DfT and the wider interest groups such as the public and statutory undertakers.

1.1.8 Software developed by a company called 'Appyway' was identified as the preferred provider. They already operated in a number of Transport Authorities within the UK for example North Yorkshire, Harrogate and Harringey.

1.2 Current Position

1.2.1 The switch to the new system requires that the Council consolidate its existing TROs into one single order. Due to the number of traffic orders affected, officers have split the task into 2 work streams; static restrictions such as yellow line waiting restrictions and moving restrictions such as bus lanes, speed limits and one way streets.

1.2.2 Officers have reviewed all static restrictions for the purposes of them being consolidated into one order. In doing so, they identified some anomalies between what is in the orders versus what is signed and marked on street. Officers have determined that the best approach toward rectifying this would be for the order to represent what is currently on the ground. This requires minor changes to some of the existing traffic orders, which can be achieved at the point of consolidating them into one single order.

1.2.3 This review has taken much longer than originally anticipated and has had a consequential effect on the making of any static restrictions, the last TRO made was in October 2023. The last time the all of the traffic orders were consolidated was 2008 good practice would suggest that orders are consolidated more frequently than this. There is a significant backlog of work and further delay will exacerbate this and will also adversely affect the making of orders associated with key projects such as 'Transforming Cities' funded projects in the City Centre and Nether Edge. It is also adversely affecting orders associated with developer funded projects.

1.2.4 In accordance with the Traffic Orders Procedure regulations, making the minor changes which are intended for inclusion in the consolidated order requires the publication of a notice proposing the making of a new order. It is anticipated that the notice to publicise the order will be published in early April 2024 with a 3 week objection period.

1.2.5 Per the requirements of the Council's constitution, ordinarily all objections to TRO's are considered by this Committee before a decision is made by it as to whether an order should be made. An alternative process is proposed for this order. This order will only have the effect of:

- a) Consolidating the existing static restrictions in TROs across the city; and
- b) Addressing any restrictions signed and marked on street which are not included in any existing orders.

- 1.2.6 Consequently it is felt that it is appropriate that this decision be delegated to the Director of Investment, Climate Change and Planning. This is deemed to be an appropriate level of seniority for a decision which, for the reasons outlined above, should also be capable of being made more quickly than if it was subject to the committee timetable (and therefore addresses issues relating to further delays to related projects in the city).
- 1.2.7 It is recognised that the Committee's decision making process imparts transparency and rigour. It is proposed that the process for the consideration of objections by an officer should follow a similar process to that when reporting to Committee, with a report prepared by officers outlining the issues raised and a recommended way forward. The 4 (currently) group spokes people of the Transport, Regeneration and Climate Committee will be briefed about the results of the statutory consultation. The report and decision will be made available on the Council website.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The move to a digital map based database of traffic order information will make access to the orders made by the Council easier for internal and external people and organisations to access.
- 2.2 The Council will be working towards meeting the aims of the Department for Transport with regards to the digitisation of traffic orders.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There hasn't been any consultation undertaken with regards to the move to a new system of data management. The Council is required to follow the statutory procedure associated with the making of traffic orders when addressing changes to existing orders. Consequently there will be consultation with statutory bodies such as the emergency services as well as a notice in the Sheffield Telegraph. The proposal will also be publicised on the Council website.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There will be no adverse impact with regards to the decision being delegated to a senior officer rather than the Members of the Committee. A report will be submitted to the senior officer and this report will follow the same format as that for a Committee decision. If there are significant unforeseen objections then the determination of these will be referred to Committee.

4.2 Financial and Commercial Implications

- 4.2.1 None

4.3 Legal Implications

4.3.1 The making of a Traffic Regulation Order which has only the effect of consolidating other, existing orders into one order would not ordinarily require the publication of notices in advance of it being made, nor would the public be given an opportunity to make representations in respect of that order (regulation 21, the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations")).

4.3.2 However, as the consolidation order mentioned in this report would also have the effect of amending the provisions of those existing traffic regulation orders so as to ensure that they accord with what is currently signed/marked on street, the statutory procedure associated with the making of a new TRO must be followed. This is because the changes it would introduce may be regarded as "changes of substance" beyond those which are included in Part 1 of Schedule 4 to the 1996 Regulations.

4.3.3 Part 3c of the Council's constitution stipulates that matters which have drawn objections from the public and which relate to functions arising from the Council's roles as highway authority and traffic authority are reserved to the Transport, Regeneration and Climate policy. A decision whether to make a proposed TRO which has received objections would therefore ordinarily be included and the reservation would apply. However, paragraph 3.3 states that "unless otherwise stated, a Committee may further delegate to a [...] Council Officer [...]" In the absence of a further statement to the contrary, it is therefore an option for the committee to delegate this reserved matter to an officer.

4.3.4 As the order making authority, the Council is required to consider all duly made objections before an order can be made per regulation 13 of the 1996 Regulations. However, there is no requirement under those regulations that the objections be considered by a policy committee. It is therefore possible for the committee to delegate to an officer both the consideration of objections received in respect of a TRO, and the decision whether to make that order. As has been recommended in this report, the delegation may be made subject to the consideration of objections within the usual report format to ensure compliance with the 1996 Regulations.

4.3.5 Accordingly, any objections received to the proposed TRO will be contained in a later, forthcoming report for officer consideration, as will the legal implications associated with a decision whether to make that order.

4.4 Climate Implications

4.4.1 None

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 The only other option considered which would still allow the Council to proceed with the proposal to consolidate its TROs and switch to the new system was to follow the current procedure i.e. objections considered by this Committee. This is not considered viable, for reasons of easing the burden on Committee (by not, for example, holding an extraordinary meeting outside of the schedule purely so as to expedite the making of

the order as quickly as possible) while still also ensuring any objections are fully considered. The recommended course of action was consequently deemed the preferred way forward.

6. RECOMMENDATIONS

It is therefore recommended that Committee:

- Endorses the work undertaken to move to a digital platform for the management of traffic regulation orders; and
- Approves that the delegation of the decision whether to make the proposed consolidated TRO to the Director of Investment, Climate Change and Planning subject to following the process outlined within this report.

This page is intentionally left blank