

Record of officer decision

Decision title:	Consolidation of Map Based Scheduling for Speed Limit Orders and Moving Traffic Orders
Date of decision:	6 th January 2022
Decision maker:	Interim Service Director for Highways, Environment & Waste
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 23 December 2021</p> <p>Directorate: Economy and Place, section 75.</p> <p>To act on behalf of the council in respect of the legislation specified in the foregoing:</p> <p>Traffic Management Act 2004, Road Traffic Act 1988, Cycle Tracks Act 1984, Highways Act 1980, National Parks and Access to the Countryside Act 1948, New Roads and Street Works Act 1991, Road Traffic Regulation Act 1984, Town and Country Planning Act 1990, Town Police Clauses Act 1847, Traffic Calming Act 1992, Wildlife and Countryside Act 1981</p>
Ward:	All Wards throughout Herefordshire County
Consultation:	The proposed Map Based Scheduling Project was sent to the Traffic Management Advisor for West Mercia Police who was approached for comment, who has no concerns.
Decision made:	<p>(a) To move from the existing paper based Traffic Regulation and Speed Limit Orders to Mapped Based Scheduling; and</p> <p>(b) To approve and to seal the consolidation order required in relation to Speed Limit Orders and Moving Traffic Regulation Orders into single, separate County-Wide Traffic Orders.</p>
Reasons for decision:	To implement the consolidation of existing Speed Limit Orders and Moving Traffic Regulation Orders throughout the Herefordshire County Council (The Highway Authority) maintained Highway Network.
Highlight any associated risks/finance/legal/equality considerations:	<p>Key considerations</p> <ol style="list-style-type: none"> 1. Balfour Beatty Living Places, on behalf of Herefordshire Council, have been commissioned to carry out a feasibility study to look at options for introducing map-based scheduling (MBS) to support TRO's within the County. 2. Herefordshire Council have a legal duty to put in place Traffic Regulation Orders where the need arises to manage both moving restrictions and speed limits. 3. Having accurate, reliable, well documented Traffic Regulation Orders allows enforcement agencies such as the Police and Herefordshire Councils Civil Parking Enforcement Team to carry out their duties and to take action against those who breach restrictions. 4. Historically within Herefordshire Council (or as part of highway partnerships), the Traffic Management Team have utilised text-based scheduling to describe regulation within Traffic Orders. 5. These orders have been recorded in different forms, with a very high number of orders related to often minor schemes or regulations, with a limited referencing system. This significantly impacts on productivity and the integrity of the overall framework of regulations. 6. A move to Map Based Scheduling was subsequently agreed with Herefordshire council for delivery back in 2018 in order to streamline the process for the way Traffic Orders are

- documented, processed, stored and viewed in the future.
7. In order to modernise the current system, the scope of the project was to survey and digitally map what is on the ground for the whole county, identify and fix maintenance discrepancies, revoke all existing orders and make a consolidation order for each of the three types of order (Static, Moving & Speed Limits) to cover the whole county.
 8. The orders then refer to the digital maps as the schedule. There would be a need to identify any particular articles within current orders and make a decision as to whether to include them in the general order or not, which has been done through various meetings and discussions between BBLP's Traffic Management Team, Herefordshire Councils, Civil Parking Enforcement, Legal Services and Highways & Transport Teams along with expert advice from the Survey company, Buchanan Computing.
 9. Buchanan Computing were awarded the contract following a tender review in which they were the only company to return a tender.
 10. It was agreed that following the surveys, a consolidation order would be most appropriate to seal orders as per the existing conditions 'on-the-ground'. This way, any anomalies to things such as unenforceable speed limits, due to signs positions being incorrect, for example, would be captured and made legal once the orders have been sealed, providing that the correct signing or lining was in place.
 11. Future amendments to Traffic Orders or new Traffic Orders can be inputted into the system and viewed as proposals prior to 'going live' on the Network.
 12. All Traffic Orders and associated restrictions are recorded on the software and can be viewed at any time, in line with the restrictions, marking and signing as located on the ground.
 13. All data associated with this software and Traffic Orders are stored on a cloud-based service which allows users to download/amend remotely.
 14. Any changes to the Network are required to still go through the full, lawful TRO Process before being finalised and implemented 'on-the-ground'.

Community impact

The recommendation to move to Map Based Scheduling will have no impact on the local community.

Environmental Impact

1. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public, and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
2. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.
3. The adoption of the proposals will have no negative impact on the environment.

Equality duty

1. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of

policies and in the delivery of services.

2. The recommendation to progress with the proposals is considered to be low impact with regards to equality. The restrictions aim to improve road amenity and safety, thus paying regard to the council's duty according to the Equality Act 2010 as set out below.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
3. Any impact as a result of the scheme will be equal to all parties.
 4. See Appendix C of this report for Equality Impacts and Needs Assessment (EINA).

Resource implications

1. The Map Based Scheduling project is funded from existing budgets specifically allocated to the project.
2. There are minor requirements for rectification such as replacement signs, this will be managed and resourced through the Annual Plan process.

Legal implications

1. The introduction of a consolidation TRO is recommended as part of these proposals. The Council has the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to The Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation Order (Section 1 of that Act).
2. There are no further legal implications in making the TRO, even if objections are made. It is at the discretion of the Council as the Highway Authority whether to make a TRO dependant on the justification for doing so.
3. Regulation 21 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations") sets out the procedure for the making of a consolidation order. The provisions of Parts 2 and 3 of the 1996 Regulations do not apply to consolidation orders. The Council can therefore proceed to making the Order. In accordance with Regulation 21(4) of the 1996 Regulations the Council shall within 14 days of the making of the Order publish a notice of making of the Order in a newspaper circulating in the area of the road or place to which the Order relates. The Order cannot come into force before the notice of making is published.
4. The orders relating to these orders will be made by The Council in exercise of its powers under the following legislation:
 - Speed Limits: Sections 84 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act of 1984 (referred to as "the Act") and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Paragraph 20 of Part III of Schedule 9 to the Act.
 - Moving: Section 1, 2, 3, 4, 19, 65(1) and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("The Act of 1984") as amended and of all other enabling powers, and having regard for Section 122 of The Act of 1984 and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of The Act of 1984.

	<p>Risk management</p> <p>The Local Transport Plan sets out to reduce the number and severity of casualties on the highway network in Herefordshire and provide a highway network that is safe and efficient. A Key Performance Indicator is contained in this Local Transport Plan and details a locally set target for a reduction in fatal or serious injuries on the highway network. The adoption of the recommendations in this report would have no impact on these objectives in the Local Transport Plan</p>
Details of any alternative considered and rejected:	<p>Not to implement any changes to the Traffic Order processes or the way that information is documented and stored. This is not recommended as Map Based Scheduling will benefit the way that Herefordshire Council or those acting on their behalf can make amendments to existing Traffic Orders as well as all orders being kept up to date. This eradicates the possibility of the potential for Traffic Regulation or Speed Limit Orders, being invalid and unenforceable.</p>
Details of any declarations of interest made:	N/A

I am an officer delegated to make the decision

Signed:

Print Name: Phil Crossland

Job Title: Interim Service Director – Highways, Environment & Waste