

CABINET

Date of Meeting	Tuesday, 22 nd September 2020
Report Subject	Revised Consultation Process for the Progression of Traffic Regulation Orders and Welsh Government Grant Funded Schemes
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Due to the current physical distancing restrictions associated with the on-going Covid 19 pandemic, concerns have been raised regarding the Council's ability to fulfil its statutory duty of consultation, both for the progression of Welsh Government (WG) annual grant schemes and also the implementation of Traffic Regulation Orders (TRO's).

Whilst the ability to progress TRO's has since been addressed through the issuing of revised legislation by WG (detailed within this report for information), the purpose of this report is to seek Cabinet approval for the introduction of a revised process of consultation to progress the Council's WG Annual Grant Transport Schemes for the 2020/21 financial year.

RECOMMENDATIONS

1	That Cabinet acknowledge the restrictions associated with conducting consultation events during the Covid 19 pandemic and approves the implementation of the revised consultation process for the 2020/21 WG Transport Schemes.
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REPORT DETAILS

1.00	BACKGROUND
1.01	Legislation requires the Authority to have consultation processes in place for the progression of statutory Traffic Regulation Orders (TRO's) and national policy stipulates the need for public engagement for the progression of Welsh Government (WG) grant-funded transport schemes.
1.02	The current process for consulting on TRO's and Grant-Funded Schemes was presented to Cabinet on 29 th September 2015 in the report ' <i>Review of the Consultation Process for Introducing Traffic Calming and Other Highway Traffic and Safety Features on the Highway</i> ' and has been included within <u>Appendix 1</u> for information.
1.03	Physical distancing guidelines, introduced as a result of the Covid-19 pandemic, has led to the Council postponing schemes and TRO consultation events. Whilst revised legislation has since been introduced enabling the recent recommencement of the TRO process (described below), the Council's current policy of consultation in respect of WG grant funded transport schemes remains unsuitable, and therefore, it is now necessary to revise the consultation process to avoid large gatherings and exposure for high risk and vulnerable groups.
1.04	<p><u>Traffic Regulation Orders:</u></p> <p>Pre-Covid, the current process for progressing TRO's would require Officers to engage with the respective Local Member(s) in order to ascertain approval for the proposal. Should the scheme receive the support of the Local Member, proposals would then be subject to a full 21 day Statutory Consultation Process which would include the erection of Public Notices on site, copies of the proposal placed on deposit for public viewing at the Council's Principal Office (Alltami Depot) and designated locations (local Library / Connects Centre), advertisements placed within the local press and proposals displayed on the Flintshire County Council website.</p>
1.05	Given it was not possible for the Council to satisfy the statutory consultation requirements by placing the documents on deposit for public viewing, a decision was made to suspend the advertisement of TRO's in order to avoid potential challenge. This situation has however, recently been alleviated following Welsh Governments recently published draft legislation "The Traffic Orders Procedure (Coronavirus) (Amendment) (Wales) Regulations 2020" which came into force in July 2020. The revised legislation provides an alternative means of publicising Orders in circumstances where it is not reasonably practicable to follow previous requirements. The revised legislation also simplifies the procedure for making temporary traffic Orders that are made for purposes relating to Coronavirus.
1.06	In light of this pending legislation, the Council has since reviewed its TRO consultation procedure in respect of the depositing of information for public viewing. Whilst it remains a requirement for documents to be viewed at the Principal Office, documents are now displayed within an area of designated window space at Alltami Depot only, thus alleviating the need for members of the public to enter both the Council's Depot and other public

	buildings. In addition to the above, the Council will continue to utilise site notices and newspaper advertisements with virtual documents being made available on the Council's webpage.
1.07	In the event that an enquirer is unable to visit the Principal Office or access the information online, an offer will be made to dispatch a hard copy by post. Also, to ensure that there is no prejudice, the department will continue to work with other agencies to ensure that an enhanced level of engagement is available to the elderly or others with special needs requirements.
1.08	<p><u>WG Annual Grant Schemes:</u></p> <p>Pre-Covid, the process for progressing the Council's WG transport funded schemes, would in the first instance, require Officers to obtain the support from the respective Local Member(s), for whom will seek the views and support of the respective Town / Community Council. This may involve the consideration of a number of scheme options, however, upon the agreement of a preferred option, Officers will then submit an application to WG for funding. Should the application be successful, a wider consultation exercise with the local community would then be undertaken. This would involve the undertaking of a letter drop inviting residents to attend a number of Public Consultation events where Council Officers will be present to talk through the proposals and to answer any questions or concerns. Should elements of the proposals require the introduction of a TRO, the process described above would be followed.</p>
1.09	Despite the gradual relaxation of physical distancing guidelines and shielding requirements for those most at risk from Covid, there is still a desire to reduce the need for large gatherings and indoor meetings and events. In order for the Council to adhere to its statutory duty of consultation for the progression of Transport Schemes, the following amendments to the consultation process are proposed;
1.10	Having received the approval of the respective Local Member and upon successful award of grant funding, it is proposed that a letter drop to all properties within the extents of any given scheme will be conducted in the first instance, inviting residents to view the proposals on-line via the Council's website. This will also provide residents with an opportunity to view 'Frequently Asked Questions' (FAQ's), however, in the event that the FAQ's do not address particular concerns, residents will also have the option to submit questions to a central email address which can be accessed by the Officers concerned. For residents that do not have on-line access, a call-back option (detailed within the initial letter) can also be requested via the 'Streetscene General Enquiries' telephone number.
1.11	In the event that matters cannot be addressed or resolved via the above process and until such time that indoor events can resume, outdoor 'pop-up' consultation events can be arranged for a limited number of residents at any given time in order to comply with current social distancing requirements. Such events would take place in a nearby outdoor space and will require attendees to pre-book an appointment where residents would again be given the opportunity to view proposals and to discuss matters with Council Officers.

2.00	RESOURCE IMPLICATIONS
2.01	Should the Authority not seek to adopt an amended process during the period of the pandemic, the Council run the risk of either not adhering to its statutory duty of consultation, or, failure of its responsibility to deliver required infrastructure improvement works as defined within the Active Travel Act / Road Safety Framework for Wales.
2.02	Whist the Council have enjoyed great success with the acquisition of Welsh Government grant funding, the progression of the Council's transport strategy as a whole will be dependent on the ability to adequately consult with key stakeholders. Failure to deliver in-year schemes may also impact on the Councils ability to successfully acquire future Welsh Government Grant funding.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT	
3.01	Long-term	<p>Positive – The adoption of a revised process of consultation will not only enable the progression of in-year schemes but will also enable the progression of the Council's transport strategy as a whole.</p> <p>The Council's ability to introduce low carbon sustainable transport options aligns itself with the long term aspirations of The Environment (Wales) Act, The Well-Being of Future Generations (Wales) Act & The Air Quality Standards (Wales) Regulations. The concept is also strongly endorsed within the Council's Council Plan under the priority of a 'Green Council' for which is reinforced by the Council's approach to integrated and sustainable transport.</p>
	Prevention	<p>Positive – The adoption of a revised process of consultation will safeguard the County's most vulnerable groups, thus limiting potential exposure to Covid 19 and controlling the spread of infection amongst the local population.</p> <p>The revised process will also enable the delivery and progression of the Council's in year schemes, thus maintaining the confidence of Welsh Government for future funding.</p> <p>The continuation of the Council's Integrated Transport Strategy will reinforce the Council's commitment to climate</p>

	change whilst also facilitating a vision for a zero carbon future as defined within WG legislation. Implementation of the required infrastructure will provide reliance to County's highway network and also boost the Council's status as a 'key player' within the region thus reducing the risk of public abandonment in terms of tourism, residential and business growth.
Integration	Positive – The continued development and delivery of multi-modal integrated transport options is key to the success of a sustainable, integrated transport network.
Collaboration	<p>Positive – The adoption of a revised process of consultation will enable the Council to engage with Key groups including the County's most vulnerable who may otherwise, be prevented / discouraged from attending events through fears of personal risk & exposure.</p> <p>The continual development of a fit for purpose Integrated Transport Strategy will enable FCC to work with local authorities across the region in order to standardise the provision of infrastructure.</p> <p>The nature of this approach recognises the importance of strategic cross-border movements to the local economy in terms of commuter movements, business and tourism.</p>
Involvement	Positive – Implementation of successful transport interventions thus far demonstrates the Council's engagement with key stakeholders both cross border and within WG.
Well-being Goals Impact	
Prosperous Wales	<p>Limiting the spread of Covid 19 will greatly assist the Welsh economy in the forthcoming economic recovery.</p> <p>The continuation of the Council's Integrated Transport Strategy will boost the Council's status as a 'key player' within the region thus reducing the risk of public abandonment in terms of tourism, residential and business growth.</p>

Resilient Wales	<p>Positive - The continuation of the Council's Integrated Transport Strategy and ability to deliver required infrastructure improvement works (as defined within the Active Travel Act / Road Safety Framework) is key to the success of a sustainable, integrated transport network.</p> <p>The provision of a revised process of consultation will improve the resilience of the local population, not only in terms of assisting economic recovery, but also facilitating increased confidence amongst service users.</p>
Healthier Wales	<p>Positive – The adoption of a revised process of consultation will enable the County's most vulnerable groups to actively engage during the consultation process without fears of personal risk & exposure, thus limiting the spread of Covid 19.</p> <p>The ability to promote and develop active and sustainable transport modes provide obvious benefits to air quality through the reduction of Co2 emissions. This will also greatly assist the Council to achieve decarbonisation targets set within Central and WG legislation.</p>
More Equal Wales	<p>Positive – The adoption of a revised process of consultation will enable the County's most vulnerable groups to actively engage during the consultation process without fears of personal risk & exposure, thus limiting the spread of Covid 19. Vulnerable groups may include disabled residents, those with underlying health conditions and also residents from ethnic minority backgrounds.</p> <p>Improved connectivity through the implementation of required infrastructure will benefit tourism, residential and business growth. Health benefits obtained from improved air quality and increased levels of exercise will benefit the Council's most deprived communities, often associated with densely populated areas.</p>
Cohesive Wales	<p>Positive – The visible presence of active and sustainable transport options within the County will have a positive effect on</p>

		public awareness whilst displaying the Council's outward commitment to climate change.
	Vibrant Wales	Positive – The continued development and implementation of active and sustainable transport modes will improve the quality and sustainability of the natural environment whilst providing benefits to the local and regional economy in terms of tourism, residential and business growth.
	Globally Responsible Wales	Positive – The adoption of a revised process of consultation will safeguard the County's most vulnerable groups, thus limiting potential exposure to Covid 19 and controlling the spread of infection amongst the local population and beyond into neighbouring Counties. The continuation of the Council's Integrated Transport Strategy will reinforce the Council's commitment to climate change whilst also striving to achieve a zero carbon future as defined within Central and WG legislation.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	With Cabinet Member (Streetscene and Countryside).
4.02	With EMRT.

5.00	APPENDICES
5.01	Appendix 1: Review of the Consultation Process for Introducing Traffic Calming and Other Highway Traffic and Safety Features on the Highway.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Stephen O Jones, Chief Officer, Streetscene and Transportation Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>Coronavirus: Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus which has been designated as a World Pandemic.</p> <p>Traffic Regulation Orders: Traffic Regulation Orders: (TROs) are legal agreements which Local Authorities or the Police to enforce regulations including on-street parking and speed limits. Most TROs are created with input from local communities and the Police in order to address specific traffic congestion, concerns of safety or quality of life issues.</p> <p>Flintshire County Council Integrated Transport Strategy: An integrated strategy aiming to provide long term sustainable transport solutions through the successful integration of all modes of transport, which links to all of Flintshire and the wider region.</p> <p>Active Travel (Wales) Act: A statutory document introduced in 2013, its purpose is to enable more people to undertake active travel for short journeys instead of using motorised vehicles where it is suitable for them to do so. An active travel route must be within a designated locality in a local authority area.</p> <p>Road Safety Framework for Wales: The Framework sets out Welsh Government's priorities for road safety, with an emphasis on casualty reduction. The framework aims to regulate the approach of all Partners (which includes Local Authorities) by working towards the key objectives and vision of Welsh Government.</p>