

# COUNTY COUNCIL LOCAL COMMITTEE FOR EDEN

Meeting date: 15 November 2022

From: Executive Director – Economy and Infrastructure

## **PENRITH TRAFFIC REGULATION ORDER - CONSOLIDATION**

### **1.0 EXECUTIVE SUMMARY**

- 1.1 *This report seeks approval from Eden Local Committee to consolidate the Traffic Regulation Orders referred to at paragraph 3.1 of this report.*
- 1.2 *This report also seeks approval from Eden Local Committee to carry out an informal consultation on the introduction of the Penrith Parking Protocol, a draft of which is attached as Appendix 1 of this report, so as to inform the new Westmorland and Furness authority of the outcome post vesting day 2023.*

### **2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

- 2.1 *The introduction of Traffic Regulation Orders is a devolved function of this Local Committee and helps support the County Council objective of meeting its Casualty reduction targets and its delivery of Community Strategy and Cumbria Agreement outcomes and Council Plan priorities, which are*
- *To safeguard children, and ensure that Cumbria is a great place to be a child and grow up*
  - *To enable communities to live safely and shape services locally*
  - *To provide safe and well maintained roads and an effective transport network*
  - *To promote sustainable economic growth, and create jobs*
  - *To be a modern and efficient council*
- 2.2 *Members are advised that generally the measures contained in the proposals contribute to these commitments by continuing to ensure that the council can provide an effective and safe Highway Network.*

### **3.0 RECOMMENDATION**

- 3.1 ***That the Local Committee agree that The County of Cumbria (Various Roads, District of Penrith) (Consolidation and Provision of Traffic Regulations Order 2023 (“the Consolidation Order”) be brought into operation, the effect of which is to consolidate the provisions of the following Orders: -***
- (i) The County of Cumbria (Various Roads, District of Penrith) (Consolidation and Provision of Traffic Regulations Order 2021; and***
- (ii) The County of Cumbria (Various Roads, Penrith) (Consolidation and Provision of the Traffic Regulations) (Order 2021) Variation Order (No. 1) 2022.***
- 3.2 ***That the Local Committee give consent to Officers to progress with the informal consultation on the introduction of the Penrith Parking Protocol (“the Protocol”), a draft of which is attached as Appendix 1, with the intention that the representations received through that informal consultation are brought to the attention of the new Westmorland and Furness Members following vesting day for their involvement in progressing the Protocol and agreeing to the statutory procedures to incorporate the Protocol into the relevant Traffic Regulation Order.***

### **4.0 BACKGROUND**

- 4.1 In order to ensure all Cumbria County Councils Traffic Regulation Orders are consolidated ready for Vesting Day 2023 Officers seek approval for the Orders referred to in paragraph 3.1 above to be consolidated into one Order (“the Consolidation Order”).
- 4.2 Members will recall in the September 2021 Local Committee meeting that approval was given to the draft Penrith Parking Protocol, which is attached as Appendix 1, being progressed to informal consultation.
- 4.3 Unfortunately, it has not been possible for this to progress as yet and as a result Officers are hereby requesting approval, through this report to progress with the informal consultation but for the representations received through that consultation to be brought to the Westmorland and Furness authority to consider whether approval should be given to progress to statutory consultation and advertisement via amendment to the relevant Traffic Regulation Order
- 4.4 This then enables the new Authorities’ Members to be involved in the decision process and seeing this improvement introduced.

## **5.0 OPTIONS**

5.1 That the Local Committee approves the recommendations set out in paragraph 3.1 and 3.2 of this report

5.2 That the Local Committee does NOT approve the recommendations set out in paragraph 3.1 and 3.2 of this report.

## **6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

6.1 As the restrictions in the Consolidation Order are already in place, there will be no costs occurred other than the advertisement costs associated with making the Consolidation Order. The cost of the advertisement will be approximately, £1500.00, which will be paid for from the Eden Annual Review of Signs, Lines and TROs 2022/23 budget allocation

## **7.0 LEGAL IMPLICATIONS**

7.1 The County Council, as Traffic Authority, must take into consideration the matters contained in section 122(2) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) detailed below, in considering whether it is expedient to agree to the implementation of the Consolidation Order detailed in this Report for the reasons specified at sections 1(1) of the 1984 Act, namely:

(a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

(b) for preventing damage to the road or to any building on or near the road, or

(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f) for preserving or improving the amenities of the area through which the road runs [; or] <sup>2</sup>

- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
- 7.2 Under Section 122(2), the matters which must be taken into account in exercising that duty are: -
- (a) The desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on amenities of an area;
  - (c) the national air quality strategy prepared under section 80 of the Environment Act 1995;
  - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - (e) any other matters appearing to the authority to be relevant.
- 7.3 Local Committees may, pursuant to Part 2D, paragraph 5.1.2 g), of the Constitution, approve the making of traffic regulation orders in accordance with powers under Parts I, II and IV of the Road Traffic Regulation act 1984, **except** for the making of Traffic Regulation Orders which involve the introduction for on-street residents permits, which are delegated to the Executive Director – Economy and Infrastructure subject to a decision of the appropriate member body to introduce such charges. (KB – 7.11.2022)

## **8.0 CONCLUSION**

- 8.1 That the Local Committee agree the Recommendations at paragraphs 3.1 and 3.2 of this report.

**Angela Jones**

Executive Director - Economy and Infrastructure.

*November 2022*

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## **APPENDICES**

### ***Appendix 1 – Draft Penrith Parking Protocol***

Electoral Division(s): Penrith East, Penrith West, Penrith North and Penrith Rural

Executive Decision	<input type="text" value="Yes*"/>
Key Decision	<input type="text" value="No*"/>
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="text" value="N/A*"/>
Is the decision exempt from call-in on grounds of urgency?	<input type="text" value="No*"/>
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="text" value="N/A*"/>
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="text" value="No*"/>
Has an environmental or sustainability impact assessment been undertaken?	<input type="text" value="No*"/>
Has an equality impact assessment been undertaken?	<input type="text" value="No*"/>

**PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**

*Penrith Consolidation Order – 10 March 2020*  
*Penrith Variation Order – 15 November 2021*  
*Penrith Parking Protocol – 30 September 2021*

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

*Not considered by Overview and Scrutiny*

**BACKGROUND PAPERS**

*No background papers*

**REPORT AUTHOR**

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