

## TRAM OPERATION GROUP

Meeting Minutes 28 April 2008

### **1.1 Extended hours of working**

It is noted that the minutes of the above meeting states that the Council has granted permission for the working hours to be extended to 7.00am to 7.00pm from Monday to Saturday and 8.00am to 1.00pm on Sundays.

A protocol has been prepared by the Council setting out the procedure for obtaining approval to work outwith the hours set down in the Code of Construction Practice. Currently the hours agreed are 0700 to 1900 Monday to Friday and 0800 to 1300 on Saturdays.

This protocol sets down a hierarchy for extended hours as follows:-

- 1 Saturday Midday to 19.00
- 2 Sunday 10.00 to 18.00
- 3 Sunday 0800 to 10.00
- 4 Evenings 1900 to 2200
- 5 Overnight

Working during each of these categories will only be granted by the Council if it can be demonstrated that undertaking the works during the lower category would result in an unacceptable level of disruption to public.

It should be noted that working between 0800 and 1000 on Sundays is deemed less acceptable than 10.00 to 1800 on Sundays.

If the contractor wishes to work during the hours under categories 2 to 5 then a method statement, setting out the reasons why the work must be carried out at this time along with the steps which will be taken to reduce noise levels to a minimum, must be submitted to the Council.

If the method statement is approved by the Council then the Council will support the works if complaints are received from the public.

In conclusion the Council is responsible for enforcing the national legislation. It is therefore extremely unlikely that an extension of the working hours would be granted for the whole of the city in advance of the contractor tabling method statements as detailed above. In view of this if works are progressed without the protocol being followed and complaints are received from the public, then the Council will have no option but to stop the works.

#### **1.1 (iv) Relaxation of parking on single yellow lines**

Dundas & Wilson were consulted on the legalities of setting up parking on single yellow lines to compensate for the parking places lost as a result of the temporary traffic measures.

Their response was as follows:-

‘The Section 14 ( Road Traffic Regulation Act 1984) powers in relation to TTROs relates to a temporary prohibition or restriction of traffic on a road - that is, the power to restrict or prohibit temporarily the use of a road by vehicles/pedestrians.

On the other hand, the Section 45 power is to designate parking places on roads with a discretionary power to make charges for vehicles left in a designated parking place.

D& W do not see how the positive designation of parking places and the imposition of a charge – even on a temporary basis – can reasonably be construed as falling within the scope of Section 14. While in practical terms the P& D bay is only being transferred, from a legal perspective the new part of the road will have a new designated parking place and there is no provision for transferring arrangements from one part of the road to another- the public right of free passage over the road can only be controlled by the due process of a permanent Order made under the relevant power.

The suspension of parking control and other restrictions would allow parking to take place but in an uncontrolled way with potentially no turnover – no doubt giving a few lucky commuters free parking for the duration of the works.’

The legislation relating to temporary traffic regulation orders does not therefore provide the scope to introduce formal parking bays with time constraints which can be imposed through enforcement by parking wardens. The legislation only permits the suspension of parking controls which would then allow uncontrolled parking.

**1.1 (v) The principles of adopting extra parking opportunities in streets adjacent to tram works should be agreed by the TOG for implementation by tie**

The scope for introducing additional off-road parking provision along the route of the tram is currently under investigation. The results of this exercise will be reported to the next meeting of the TOG.