

Why We Consult

Consulting allows us to make more informed decisions, builds understanding and helps address the needs and interests of current and future residents of Middlesbrough.

Middlesbrough Council's Transport and Infrastructure Service wants to ensure that its consultations are simple, clear and easy to respond to. We are aware that some schemes can be complex and technical by nature. However, we aim to present them as clearly as possible for their intended audience and make them as succinct as possible.

Our four guiding principles are:

- The proposals must still be at a formative stage (when the responses to the consultation can still influence the outcome);
- There must be good reasons for particular proposals;
- There must be adequate time for consideration and response; and
- Responses must be consciously taken into account.

A consultation exercise may also set out a number of options and explain preferences between the different options. Our improvement schemes can affect many people and businesses, and it is essential that we have a clear picture of the likely impact on all interested parties before a decision is made on whether to implement them. Consulting allows us to do this fairly, transparently and openly, so that we can proceed with a balanced view based upon all of the available evidence.

Who We Consult

The extent of any consultation exercise will depend on the type, size and scale of the proposed scheme. Consideration will always be given to the stakeholders directly affected by a scheme and their proximity to the proposed works.

In cases where there are a number of potential options, the affected stakeholders will be consulted and provided with an opportunity to review all of the potential options and submit their comments. In cases where only one solution is apparent, consultation will be undertaken on that specific scheme.

When We Consult

We will generally consult at a stage when there is still scope to influence the outcome and/or scheme design. Considering stakeholders' views as early as possible in the process promotes debate and helps ensure that we explore all of the available options.

It is important that we consult at the right time – for example, when we have clear proposals to put forward – so that your response is as helpful for us as it is useful for you to understand our plans.

The length of the consultation period will depend on the type of scheme. **Table 1** below shows the typical consultation period in each case:

Table 1

Scheme Type	Consultation Period	Decision Maker
Major issues of wide interest	13 weeks (this is the maximum)	Executive Member for Economic Development and Infrastructure or Head of Transport and Infrastructure
Issues with narrower impact and of more specific interest	4 weeks	Head of Transport & Infrastructure
Minor changes to existing infrastructure, or if we need to comply with another organisation's timetable, licence, or other regulatory or statutory requirement	2 weeks (this is the minimum)	Principal Engineer/Engineer

Please note that we may not be able to comply with the above timetable or consult at all if the issue is urgent, or where a delay would put the safety of road users at risk.

Sometimes there will be consultations that follow on from earlier ones, or are a result of them. We will try to minimise this, but they are sometimes unavoidable. We will try to restrict such consultations to a two-week time period, unless the matter is significant or there is a major issue that needs to be addressed.

If a consultation period overlaps with a designated holiday period, it will be extended so that those affected have a reasonable time period in which to respond.

We will not carry out major consultations during Purdah (typically the six-week period prior to local and general elections) unless it is absolutely urgent – for example in situations affecting public safety or the safety of road users.

There may be other factors that force us to amend the consultation timetable. In such cases we will set out the revised timetable clearly, and explain the reasons for this change.

Details of the carriageway, footpath and verge maintenance programmes are published on the Council website on an annual basis. The ranking of the individual schemes within each programme is based on assessment against a specific set of criteria. For this reason, formal consultation on each scheme is not necessary.

How We Consult

We are always looking at how we can make our consultation exercises more accessible and easier for people to respond to. This means making them concise and engaging, and giving affected residents and businesses enough time to respond (please refer to **Table 1** above for typical consultation periods). We have set up a dedicated e-mail address that allows anyone to contact us: transportconsultation@middlesbrough.gov.uk.

Our consultations don't always involve technical documents and, where appropriate, we will engage with you in less formal ways such as inviting you to workshops, ward surgeries, or to participate in online surveys.

Examples of communication include:

- Press notices;
- TV interviews and programmes;
- Newspaper advertising;
- Community press information;
- Local and national surveys;
- Community and Parish Councils;
- Business forums and focus groups;
- Social media;
- Public Exhibitions;
- Newsletters, leaflets, and brochures;
- Direct written letters and telephone calls; and
- Council published documents.

Pre-Consulting and Research

Before a formal consultation exercise is undertaken, we may hold meetings or attend the relevant Community Council(s) to identify the most appropriate form that the consultation should take. Research designed to help us better understand the area that we are consulting on may also be undertaken concurrently, for example by means of surveys or focus groups.

Although there is no formal legal requirement to consult people who may be affected by an improvement scheme proposed within the adopted highway, we may do so in order to ensure fairness during assessment or if there is a legitimate expectation that we should do so. Such an expectation may arise when:

- There is enough interest in a matter to warrant such an expectation (for example where a radical change is proposed, or where a large number of people are likely to be significantly affected, or perhaps where a small number of people are likely to be severely affected to their detriment) – i.e. a failure to consult would result in unfairness;
- We have promised to consult on the particular issue; or
- We have previously carried out consultations in similar circumstances.

Responses and Decisions

We will consider all responses that are received before the consultation deadline, focusing in particular on evidence provided by consultees. We will also take account of comments made during workshops, seminars or other meetings that we may hold during the consultation process.

Our default medium for responses is via email, at:

transportconsultation@middlesbrough.gov.uk. You are also welcome to send general feedback about the consultation to the same address.

We accept all responses and feedback, although if they relate to a particular consultation exercise your comments will not be considered if they are submitted after the consultation

deadline. We cannot guarantee a reply to every submission, but we will demonstrate how policy is shaped as a result of consultation when we come to issue our decision. This may include a consolidated response, with recommendations and outcomes of a consultation published on the Council's website.

What we do next will depend on many factors, including how complex the issue is, any other issues raised during the consultation that we hadn't previously anticipated, or unforeseen or dramatic changes in external circumstances. This may include amending or restarting the consultation process in the case of contentious issues.

Planning Applications

Highway mitigation measures and/or improvement schemes that are secured through the granting of planning consent are not covered by this guidance, as they are considered as part of the development control process. Consultation in such cases is not mandatory, although it may be carried out if appropriate to ensure that the occupiers of properties directly impacted by a proposed scheme are aware of it and are able to comment upon it before a decision is made.

Data Protection

The Council uses your information to help deliver services to you and to comply with its statutory obligations and duties. The data held about you (the 'Data Subject') will include facts about you, and will be held either electronically or in paper format. The Council always complies with the eight data protection principles, which state that data must be:

- Used fairly and lawfully;
- Used for limited and explicitly stated purposes;
- Adequate, relevant and not excessive;
- Accurate;
- Kept no longer than necessary;
- Processed in accordance with the Data Subject's rights;
- Held securely; and
- Not transferred to other countries without adequate protection.

The Transport and Infrastructure Service keeps all consultation documents in line with the Council's Data Protection Policy, which is aligned with the Data Protection Act 1998. We adhere to the Act at all times, and you can review a copy of the Council's Data Protection Policy via the Council website.

When carrying out consultation we will keep your response confidential, but we may publish the number (although not the authors) of any confidential responses that we receive.

We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits, without undermining your confidentiality rights.

Other Guidance

Most of our activities are based upon statutory powers and duties contained in legislation and precedents developed over time as a result of claims and legal proceedings. We have a general duty of care to users and the community to maintain the highway in a condition fit for its purpose.

Below is a list of some of the legislative documents that guide us in carrying out this duty:

- The Highways Act 1980.
- The New Roads and Street Works Act 1991.
- The Traffic Signs Regulations & General Directions 2016.
- The Road Safety Act 2006.
- Road Traffic Regulation Act 1984.
- Road Traffic Act 1991.
- Road Traffic Reduction Act 1997.
- The Local Authorities (Transport Charges) Regulations 1998.
- The Transport Act 2000.
- Traffic Management Act 2004.
- Railways and Transport Safety Act 2003.
- National Parks and Access to the Countryside Act 1949.
- Countryside Act 1968.
- Wildlife and Countryside Act 1981.
- The Environmental Protection Act 1990.
- The Weeds Act 1959.
- Ragwort Control Act 2003.

- Control of Pesticides Regulations 1997.
- Hedgerow regulations 1997.
- Occupiers Liability Act 1957.
- Rights of Way Act 1990.
- Countryside and Rights of Way Act 2000.
- European Water Framework Directive 2000.
- The Clean Neighbourhoods and Environment Act 2005.
- The Environmental Assessment of Plans and Programmes Regulations 2004.
- The Health and Safety at Work Act 1974.
- Management of Health and Safety at Work Regulations 1999.
- Construction (Design and Management) Regulations 2007.

This is not an exhaustive list. Other legislation may be relevant depending on the nature of the scheme that we are proposing to introduce.