



- Finance  .....
- Other Chief Officers  .....
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Cabinet - 7th September 2006**

**The Delegation of Powers for Determining Contested  
Minor Traffic Regulation Orders**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the functions set out in **Appendix A** be delegated to the Strategic Director for Environment and Economy and the Strategic Director of Performance and Development respectively.

**1. Introduction**

- 1.1 This report deals with two similar issues. Firstly, it proposes delegation to the Strategic Director for Environment and Economy of the power to determine minor Traffic Regulation Orders when objections have been received. Secondly, it proposes delegation to the Strategic Director for Environment and Economy to convert footways to shared use as footways and cycleways for minor schemes. These proposals require an amendment to the County Council's scheme of delegation to officers.

**2. Background**

- 2.1 At its meeting on the 26th May 2005 Cabinet approved the Final Report of the Best Value Review of Traffic Management and the Outline Service Improvement Plan.
- 2.2 The Review was conducted under the aegis of the Council's Environment Overview and Scrutiny Committee. The approved Service Improvement Plan included the following in Action B:-

“Draft proposals for consideration by the Committee for the development of ‘fast track’ procedures for the implementation of ‘minor’ projects, within the overall context of an annual planning process, ensuring that consideration is given . . . . .to the delegation to officers of the powers to determine contested Traffic Regulation Orders of purely local interest . . .”

- 2.3 Existing powers delegated to the Strategic Director for Environment and Economy are limited to determining Traffic Regulation Orders when no objections have been received.

- 2.4 Initial proposals for the delegation of broader powers to determine minor traffic regulation orders were reported to Environment Overview and Scrutiny Committee on 8th November 2005. Following further work on the Actions of the Service Improvement Plan a further report from the Strategic Director for Environment and Economy was presented to Environment Overview and Scrutiny Committee on 27th April 2006. This report contained clarification of the proposals for delegated powers. The Committee agreed to formally conclude the Best Value Review when the Action to delegate powers was complete.
- 2.5 Whilst the Best Value Review did not consider the issue of converting footways to shared use for footways and cycleway, officers have identified this as an additional area where there could be a “fast track” procedure for the implementation of schemes where the local Member does not object.

### **3. Proposed Delegation of Powers to Determine Contested Minor Traffic Regulation Orders**

- 3.1 The County Council’s Constitution (Part 2 Section 10) currently gives the Strategic Director for Environment and Economy the delegated power to propose the making of orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, to make the orders.
- 3.2 No such delegated power currently exists when objections are received. In these circumstances the matter must be reported to the appropriate Area Committee for a decision. This procedure is considered to be entirely appropriate for substantial traffic management schemes or proposals which are of more than purely local significance. However, there can be a perception of poor service when minor proposals (e.g. double yellow lines on corner radii at junctions) are delayed by this process.
- 3.3 It is proposed to define a “minor traffic order” as one falling into one of the following categories:-
- (i) No waiting at anytime restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals.
  - (ii) Waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road.
  - (iii) Extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road.
- 3.4 It is proposed that the maximum lengths of roads which come within the definition of a minor traffic order apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.

- 3.5 It is proposed that the Strategic Director of Performance and Development be empowered to vary the definition of a minor traffic order in consultation with the relevant Portfolio Holder and the Chair of the relevant Overview and Scrutiny Committee.
- 3.6 It is proposed that the definition in 3.3 above will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders.
- 3.7 It is not proposed for this to apply to:-
- (i) New speed limit orders.
  - (ii) Weight or width restriction orders.
- 3.8 Where objections are received to minor traffic orders, it is proposed that the Strategic Director for Environment and Economy be given delegated power to make the Orders subject to having considered the views of the appropriate local Member(s) and provided that the local Member does not object.
- 3.9 These proposals require an amendment to the County Council's scheme of delegation to officers.
- 3.10 Involving the local Member(s) will be crucial when developing proposals for the "fast track" process. The onus will be on the officer concerned to consult the local Member(s) when minor traffic orders are being considered and to take into account the views of the local Member(s) on the proposals. The officer will advise the local Member(s) regarding any objections received and consider and record the Member(s) view as to whether the Order should be made. This view will inform the Strategic Director's decision as to whether to approve the making of the Order.
- 3.11 These proposals will not affect the current powers of Area Committees. They will result in the power to determine minor traffic orders being enjoyed simultaneously and independently by both the Strategic Director for Environment and Economy and the Area Committees.

#### **4. Proposed Delegation of Powers to Convert Footways to Shared Use as Footways and Cycleways**

- 4.1 Section 65 of the Highways Act 1980 authorises the creation, removal or alteration of a cycle track. Section 66 authorises the creation, removal or alteration of a footway. When the Council as highway authority wishes to convert an existing footway to shared use as a cycleway and a footway, it does so using both sections. There is no delegation to the Strategic Director for Environment and Economy to determine whether to construct a cycle track for a shared footway/cycleway even for schemes where there are no objections. All such matters must be reported to the appropriate Area Committee for a decision. This procedure is considered to be entirely appropriate for substantial schemes. However, it is not considered appropriate for relatively minor schemes where for example a toucan crossing is being installed and conversion of just a small area of footway either side of the crossing is required.

- 4.2 It is proposed that the Strategic Director for Environment and Economy be given the delegated power to decide whether to convert the footway to a shared footway/cycleway subject to having considered the views of the appropriate local Member(s) and provided that the local Member does not object.
- 4.3 These proposals also require an amendment to the County Council's scheme of delegation to officers.
- 4.4 These proposals again will not affect the current powers of Area Committees. They will result in the power to make these decisions being enjoyed simultaneously and independently by both the Strategic Director for Environment and Economy and the Area Committees.

## 5. Conclusion

- 5.1 These proposals form an important part of the service improvements emerging from the Best Value Review of Traffic Management. If implemented they will help to expedite the making of minor traffic orders and conversion of footways particularly when the local Member(s) is keen for this to happen. The proposals incorporate an important safeguard giving the local Member the right to object to the order. Cabinet is therefore asked to delegate the functions set out in **Appendix A** to the Strategic Director for Environment and Economy and to the Strategic Director of Performance and Development accordingly.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

24th August 2006

Cabinet – 7th September 2006

The Delegation of Powers for Determining Contested  
Minor Traffic Regulation Orders

Powers and Duties	Statutory Reference	Type of Function
<p>*To propose the making of orders relating to minor road traffic orders provided that the local Member does not object.</p>	<p>Parts I and II Road Traffic Regulation Act 1984</p>	<p>Executive</p>
<p>A "minor traffic order" is one falling into one of the following categories:-</p> <ul style="list-style-type: none"> <li>(i) No waiting at anytime restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals.</li> <li>(ii) Waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road.</li> <li>(iii) Extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road.</li> <li>(iv) Any other traffic order designated by the Strategic Director of Performance and Development as such following consultation with the relevant Portfolio Holder and the Chair of the relevant Overview &amp; Scrutiny Committee</li> </ul> <p>The maximum lengths of roads which come within the definition of "minor traffic order" apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p> <p>The above definition of a "minor traffic order" will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders.</p>	<p>Parts I and II Road Traffic Regulation Act 1984</p>	<p>Executive</p>

To construct, alter or remove a cycle track provided that the local Member does not object.	Section 65 Highways Act 1980	Executive
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The \* signifies that the Strategic Director of Performance and Development or his/her nominee is the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of that function.