

# Leader Decision Delegated Authority for Making Traffic Regulation Orders

<b>Portfolio Holder</b>	<b>Leader of the Council</b>
<b>Date of decision</b>	<b>8 December 2023</b>
	<b>Signed</b>

## 1. Decision taken

### 1.1 Delegated Authority – Objection Handling and Making of Traffic Regulation Orders

- a. Amend the definition of “minor traffic order” in the Constitution where it appears in Part 2(10), Appendix A, 10.4 Executive Director for Communities, in the table headed “Rights of Way, Traffic Regulation, Planning and Environment” at item 18 to read as below - amendments to existing shown highlighted:

Powers and Duties	Statutory Reference	Type of Function
<p>A “Minor Traffic Order” is one falling into the following categories</p> <ul style="list-style-type: none"> <li>i. No waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals.</li> <li>ii. Introduction or removal of 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 centre line of the road.</li> <li>iii. Introduction or removal of on-street parking places, 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 centre line of the road.</li> <li>iv. Amendments to hours of operation of existing on-street parking places.</li> <li>v. Extension of an existing speed limit on a length of road</li> </ul>	<p>Parts I and II Road Traffic Regulation Act 1984</p>	<p>Executive</p>

<p>extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centre line of the road.</p> <ul style="list-style-type: none"> <li>vi. Extension of an existing speed limit to encompass any new accesses to new development.</li> <li>vii. Waiting restrictions, moving traffic orders, speed limits as recommended by a Road Safety Audit.</li> <li>viii. Waiting restrictions, eligibility for residents parking permits , moving traffic orders, speed limits as an integral component of wider schemes.</li> <li>ix. Structural weight limits as required by load capacity assessments.</li> <li>x. Individual bays for Disabled Badge Holders Only within residential streets which already have on-street parking places.</li> <li>xi. Any other traffic order designated by the Director of Environment, Planning and Transport as such following consultation with the Executive Director for Communities, 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 orders and to amendments to existing orders.</p>		
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- b. Amend the Constitution at Part 2(10), Appendix A, 10.4 Executive Director for Communities, in the table headed “Rights of Way Traffic Regulation, Planning and Environment”, at item 5 to the following:

“5.1 To make temporary traffic regulation orders and experimental traffic regulation orders;

5.2 To propose the making of Minor Traffic Orders (as defined in item 18 of this table below) and, subject to consideration of all objections duly made under the relevant Regulations and not withdrawn (if any), to make the Minor Traffic Orders;

5.3 To propose the making of orders (other than temporary orders and Minor Traffic Orders) relating to road traffic, parking places and speed limits and, in the event of no more than two objections being received (and not withdrawn)

under the relevant Regulations, to make the orders.

- c. Amend the Constitution at Part 2(4) [Delegated Authority for Portfolio Holders] for the Portfolio Holder for Transport and Planning, replace the following text:

“In cases where objections have been received (and not withdrawn) and in consultation with local member(s) the power to determine road traffic management and accident prevention schemes and road traffic regulations.”

With:

"The power to determine proposed road traffic orders (other than temporary orders), parking orders, speed limit orders, road traffic management and accident prevention schemes, in consultation with the local member(s), where:-

- (i) three or more objections have been received under the relevant Regulations (and not withdrawn) to proposed orders which are not “Minor Traffic Orders” as defined in Appendix A to Part 2(10) of this Constitution; or
- (ii) referred by the Executive Director for Communities in any other circumstances.”

1.2 The net result of this would be:

- (a) To broaden the definition of “Minor Traffic Order”;
- (b) To delegate authority to consider and make decisions on objections to the Executive Director for Communities and appointed nominees for all Minor Traffic Orders and in respect of any other types of proposed traffic regulation, parking or speed limit orders attracting no more than two objections; and
- (c) To remove the necessity for the Portfolio Holder to consider all objections received during statutory consultation in the circumstances outlined in (b), with the option available for any scheme to be referred to the Portfolio Holder if deemed necessary.

## 2. Reasons for decisions

- 2.1 The Road Traffic Regulation Act 1984 sets out in legislation the authority for Warwickshire County Council, as traffic authority, to propose and make orders, and the Regulations made thereunder set out the type and scope of consultation, and obliges Warwickshire County Council to give due consideration to any valid objections received.
- 2.2 How objections are considered is not specified in legislation. Currently all proposed orders (other than temporary orders) which receive objections via the

statutory consultation are considered by the Portfolio Holder for Transport & Planning through the ModernGov reporting process, which introduces a minimum of 6 weeks (typically 2-3 months) between the end of the consultation period and a decision to approve, modify, or reject the scheme.

- 2.3 For proposed orders meeting the defined criteria of 'Minor Traffic Orders' as defined in the Council's Constitution (see the table above) delegating the authority to make decisions on all objections received to the Executive Director for Communities and appointed nominees (specifically the Director for Environment, Planning and Transport) would allow decisions to be made on an on-demand basis, removing the need for time delays and officer time associated with the full reporting process, making the order making process more time and resource efficient, and reducing the risk of reputational harm associated with time delays in delivery of essential projects.
- 2.4 For proposed orders not meeting the defined criteria for 'Minor Traffic Orders', the substantial delays in process are still apparent in cases with low levels of public engagement. On multiple occasions schemes have been paused while a single objection is considered. Delegating the authority to make decisions on schemes which have attracted up to two objections would also gain the efficiency savings outlined in 2.3 above.
- 2.5 To replace the Portfolio Holder reporting process for schemes meeting the criteria outlined in 2.3 and 2.4 as above, the advertised documentation and the objections would be presented to the Executive Director for Communities or appointed nominees alongside a form detailing the Officers' response to the objections and recommendations for consideration.
- 2.6 This standardised form, including Director sign-off (where obtained), will be published online (alongside the making of the order in the case of scheme approval), and will be sent to the objector(s), continuing to give an open and transparent line of communication with objectors & documenting the objection handling process.
- 2.7 The current definitions of "Minor Traffic Order" do not fully reflect the scope of work processed by Warwickshire County Council. Expanding the current definitions to include the requirements of wider schemes with prior approval (e.g. specified by Road Safety Audit as an essential safety aspect of a project, specified by the planning process, or as a component to large-scale engineering works via Section 278 agreements) and other schemes such as individual disabled bays would also benefit from the reduced time and resource requirements from a more efficient objection handling process.
- 2.8 Proposed orders which do not fall within the definition of "Minor Traffic Order" attracting up to two objections, and proposed "Minor Traffic Orders" attracting any number of objections, will be considered in the first instance by the Executive Director for Communities and appointed nominees, with the option for them to refer the decision to the Portfolio Holder through ModernGov where considered necessary or appropriate to do so at their discretion.

### 3. Background information

- 3.1 The typical timescale from the close of a formal consultation to a decision is approximately two months, incorporating the writing of the objection report and the review, approvals and publication process via ModernGov.
- 3.2 Another reason for expediting the objection handling process can be seen in the process for making changes to parking restrictions. Requests for changes to parking arrangements (under Civil Parking Enforcement), generally from individual members of the public, residents' groups, businesses and Councillors, run to the hundreds per year – processing these individually would result in excessive time and resources spent on administration, practical issues with enforcement of parking restrictions and defending challenges at Transport Penalty Tribunals, and excessive costs in terms of Legal Services time and newspaper advertising. For these reasons, variations to parking are collated and advertised in groups of typically 10 to 15 schemes (including disabled bays) arranged by District / Borough, with the majority of these falling into the defined category of 'Minor' TROs. Since any objection received is an objection to the Traffic Regulation Order as a whole, the Order for all 10-15 schemes cannot be made and implemented until objections have been considered, even if only one or two of the individual schemes have attracted opposition.
- 3.3 Having objections to 'Minor' TROs heard on an on-demand basis would therefore allow the schemes categorised as 'Minor' to be grouped together, meaning that time delays associated with objections would be minimised; schemes with no objection would not be held up by the administrative process of other schemes contained within the same Variation Order.

### 4. Financial implications

- 4.1 All Traffic Regulation Orders are individually funded as part of:
- (a) Developer funded (Section 106 or direct charge)
  - (b) Local Members' Delegated Budgets
  - (c) Civil Parking Enforcement revenue budgets
  - (d) Capital budgets for engineering schemes (Section 278 or direct charge)
  - (e) External funding from other sources (e.g. Parish Councils)
- 4.2 There are no implications for the sources of funding, but an improved and efficient objection handling process would result in reduced staff time & resources allocated to each project.

### 5. Environmental implications

- 5.1 There are no environmental implications associated with changes to the Delegated Authority for objection handling in the processing of Traffic Regulation Orders.

### Report Author

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<b>Urgent matter?</b>	No
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

### List of background papers

Example Portfolio Holder reports, including timescales from the end of the consultation process to a finalised decision, are available upon request.

### Members and officers consulted and informed

Portfolio Holder for Transport & Planning – Councillor Jan Matecki

Corporate Board – 22/11/2023

Procurement – John Hopper

Legal – Caroline Gutteridge, Serena Cammish

Finance – Andrew Felton

Equality – Delroy Madden

Democratic Services –

Councillors – Leaders of the Party Groups