

The Workings of the Highway and Traffic Orders Committees (HATOCs)

Report of the County Environment Director

Recommendation: It is recommended that the Committees note their terms of reference, scheme of delegation and operating procedures.

1. Introduction

This report provides a background to the Highway and Traffic Orders Committees and presents for Members information their terms of reference, the scheme of delegation to officers and operating procedures.

2. Background to HATOCs

Highway and Traffic Order Committees were established in 2003 (Exeter HATOC in 2004). Their constitution provides for all County Councillors within the boundary of local district administrative areas, together with district council Member representatives, to serve on the committees. The constitution is set out in Appendix I to this report.

HATOCs are required to operate within the policies, strategies and operating procedures of the County Council to exercise some powers of the Highway Authority delegated to them by the Executive. The primary purpose of the committees is to contribute to the delivery of the Local Transport Plan.

3. Terms of Reference, Scheme of Delegation, and Operating Procedures

The committees' terms of reference are set out in Appendix II and the scheme of delegation to officers in Appendix III. The operating processes for the implementation of the Local Transport Plan are detailed in Appendix IV.

4. Public Participation

A scheme of public participation is in operation for both objectors and supporters of proposed Traffic Orders. A leaflet explaining the operation of the scheme is enclosed with the agenda papers for this meeting.

5. Strategic Plan 2003 - 2008

The function of HATOCs contribute to the corporate goals of *creating safer and stronger communities on Devon*, and *improving travel and communication in Devon*, as set out in the Council's Strategic Plan for 2003 - 2008.

6. Reason for Recommendation/Conclusion

This report, together with a brief presentation to be made to the committees at their meetings, has been prepared to help Members, particularly those Members recently elected to the County Council, by providing them with background material to the functions of the HATOCs.

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Electoral Divisions: All

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Highways and Traffic Orders Constitution - Constitution

- to cover a District/City Council administrative area;
- to meet four times (Exeter to meet five times) a year in the relevant District/City Council administrative area in accordance with the provisional calendar of meetings circulated at the meeting;
- with the Chairman and Vice-Chairman of the Committee being County Councillors elected at the first meeting of the HATOC;
- to operate in accordance with the County Council's Constitution, Policies and Strategies;
- with all County Councillors for the relevant administrative area serving on the respective HATOC and with the following District/City Council representation:

North Devon 3 representatives
Torrige 2 representatives
West Devon 2 representatives
East Devon 3 representatives
Mid Devon 2 representatives
Teignbridge 3 representatives
South Hams 2 representatives
Exeter 4 representatives

- with a quorum of three Councillors, of whom two shall be County Councillors;
- with District/City Council representatives having the right in accordance with Standing Order 23 to put an item on the agenda for their respective HATOC;
- with a convention that a District/City Councillor who is not a member of a HATOC or a Town or Parish Councillor is able to attend a meeting and, with the consent of the Committee, speak to an item on the agenda;
- with the press and public being admitted to meetings.

**Extract Devon County Council Constitution
Part 3 Responsibility for Functions
Section One - Terms of Reference**

11.8 Highways and Traffic Orders Committees

Within the general strategy, policies and operating procedures of the Council to exercise the following powers of the Highway Authority delegated by the Executive:

- To develop, approve details and monitor and implement the Statutory Devon Local Transport Plan local area improvement programmes, up to a value [works costs] of £250,000.
- To approve details and implement improvement schemes from the Statutory Devon Local Transport Plan countywide, sub-regional and local safety scheme programmes, up to a value [works costs] of £250,000.
- In accordance with the objectives of the Devon Local Transport Plan to approve details and implement Traffic Regulation Orders, and schemes for the control of parking on the highway and to be involved in the development of proposals for park and ride schemes.
- To comment on proposals by third parties to stop up or divert highways and stop up private means of highway access.
- To control the use of highways by the granting of consents, approvals, licences, minor property rights in connection with operations, uses or activities on, under, over or adjacent to the highway.
- To ensure the effectiveness of the maintenance of highways, bridges and street lighting;
- To consider and approve proposals for the making up of private streets.
- To maintain an overview on issues relating to repeated obstruction of the highway and advise when action to enforce public rights of way may be considered appropriate.
- To approve the establishment or deletion of school crossing patrol sites, within the criteria and budget defined by the Council.
- To approve the revocation of New Street Orders.
- To approve applications to the Magistrates' Court for the stopping-up or diversion of a public highway.

**Extract Devon County Council Constitution
Part 3 Responsibility for Functions
Section Two - Scheme of Delegation**

**TO THE COUNTY ENVIRONMENT DIRECTOR AND COUNTY SOLICITOR IN RESPECT
OF HIGHWAYS AND TRAFFIC ORDERS FUNCTIONS**

To consult on traffic requests in the compilation of the Annual Report of Traffic Regulation Orders so as to ensure that this contains proposals of high priority.

To advertise Traffic Orders after consultation with elected members as outlined in the processes for implementation of the Local Transport Plan.

To implement Traffic Orders where there have been no significant objections.

To make temporary road closure orders.

To grant consents, approvals, licences and minor property rights in connection with operations on under over or adjacent to the highway.

To protect the rights of the public to use highways safely.

To implement matters required by an agreement under section 106 of the Town and Country Planning Act 1990 where the cost of the work is to be met by the developer.

To consult on the schemes on the agreed priority list in conjunction with local members prior to bringing forward the schemes for formal approval as necessary.

To administer the Advance Payment Code, the private street works procedure and the making of highway agreements arising from development proposals.

To receive petitions and undertake consequent investigations/actions thereon as they may relate to Traffic Orders, the administration of the Advance Payment Code, the private street works procedure and the making of highway agreements arising from development proposals.

To institute, defend and conduct any legal proceedings, criminal or civil or any process before any court or other tribunal in connection with highway matters and to settle any claim.

To authorise the entry onto land for the purpose of survey or to maintain any structure on, over or under such land.

To make improvements within or adjoining the highway up to a value of £25,000 (works) including land acquisition within specific allocations made to projects in the approved works list, all maintenance works and markings.

To express a technical view when consulted by other organisations on minor issues such as Pavement Cafe licences and to take any necessary administrative action in connection therewith.

Highway and Traffic Orders: Operating Processes for the Implementation of the Local Transport Plan

Programme Approvals.

The countywide, sub-regional and local safety scheme programmes are presented to the Executive Committee each Spring and reported to each HATOC for information. Responsibility for the approval and delivery of each local area programme is delegated to the appropriate HATOC.

Individual Scheme Layout Approvals.

Every scheme with a value over £250,000 is reported to the Executive for approval. The appropriate HATOC should approve items under £250,000, but over £25,000. Responsibility for all schemes with a value under £25,000 are delegated to the County Environment Director or his nominated officer, in close liaison with the local County Councillor.

Advertisement and Determination of Traffic Regulation Orders.

To ensure procedures are as efficient as possible and that any unnecessary delays are eliminated from the processes the format below is used for the publication of traffic regulation orders.

Responsibility for Advertisement:

For schemes under £250,000 - the County Environment Director in consultation with the local County Councillor and HATOC Chairman.

Responsibility for Determination:

For Schemes over £250,000 - The County Environment Director in consultation with the Executive member holding the Environment permit or Executive if significant objections are received.

For schemes under £250,000 - The County Environment Director in consultation with the local County Councillor and HATOC Chairman, or the HATOC if significant objections are received.

Only traffic orders which directly support the LTP will normally be considered (exceptions may include those being funded by developers, town and parish councils, and those with a specific safety objective).

It should be noted that the above delegated powers thresholds relate only to scheme approval stage, and do not involve any change to the tendering regulations.