

TORRIDGE HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

21 June 2021

Present:-

Councillors L Hellyer, D McGeough, J Morrish, A Saywell and J Wilton-Love

Torrige District Council

Councillor J Mckenzie

Apologies:-

Councillors R Wiseman and R Cragie

* **1** **Election of Chair and Vice Chair**

RESOLVED that Councillor L Hellyer be elected Chair and Councillor A Saywell be elected Vice Chair for the ensuing year.

* **2** **Minutes**

RESOLVED that the Minutes of the Meeting held on 5 March 2021 be signed as a correct record.

* **3** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **4** **Member Training**

The Committee received a presentation from the Head of Highways, Infrastructure Development and Waste on the workings of the Committee. The presentation covered the Committee's Constitution; its Terms of Reference; and Scheme of Delegation (presentation attached to these minutes).

Officers answered Members' questions on the details of the scheme of delegation, quiet lanes designations (which were very limited); and reporting processes for Members where highways issues had been identified. The designated local Neighbourhood Highways Officers were a good point of contact for Members and issues could also be reported via the County Council's website: [Report a parking problem - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk/roads-transport)

Parking enforcement matters could also be directed to the Civil Enforcement Officers' (CEOs) e-mail box on which information would be provided.

* **5** **A39 Bucks Cross Safety Assessment**

The Committee noted the Report of the Head of Planning, Transportation and Environment (PTE/21/21) on a Safety Audit following requests from the Woolsery Parish Council considered at the June 2019 meeting for a crossing point and a 40 mph speed limit.

Validated personal injury data now showed there had been no reported collisions in the vicinity of the section of altered road at the location at the Atlantic Academy for the 24 months in 2019 and 2020. There was therefore no requirement to progress to a stage 4 audit in line with Road Safety Audit requirements.

* **6** **Requests for Updates: Bideford East Division**

(In accordance with Standing Order 23(2) Councillor Hellyer had asked that the Committee consider the following requests)

(a) Traffic counts for Meddon Street, Old Town, Pitt lane and the High Street and request for a review following incidents in Meddon Street

The Neighbourhood Highway Manager undertook to discuss the matter further with the local Highways Neighbourhood Team for report to the Local Member.

(b) Report on a piece of land in Meddon Street to facilitate access across to a residential property

The Neighbourhood Highway Manager reported that this would be resolved subject to the confirmation of the ownership of the parcel of land.

(c) New double yellow lines in a stretch of Torrington Lane to reserve the visibility splay

This request would be referred to the Neighbourhood Highways Team for inclusion in the Waiting Restrictions Review.

(d) Information on a waiting restrictions (double yellow lines) previously authorised in Northam Road, adjacent to the Kenwith Valley reserve

These restrictions had been approved and were programmed for implementation by the new Highways Maintenance contractor and subject to the usual legal process and also to prevailing weather conditions.

(e) Information on an authorised new sign in Monkleigh paid via the Local Member's Budget which has not been erected

The Local Member reported that the sign had now been erected.

(f) Use of the Dragon Patcher to be based in Copstone and assurance that the jobs previously requested would be prioritised e.g. The Pill, Bideford

The Neighbourhood Highways Manager reported that a Dragon Patcher had been moved to Copstone.

(N.B. It was subsequently confirmed to the local Member that the main issue was the storage of materials for the Dragon Patcher at the right temperature, so it may not be remain there all through the winter).

(g) Proposal for new Tactile Slabs to be installed by the Lundy building on the Bideford Quay similar to those previously installed on the other side by the HSBC

The Neighbourhood Highway Manager undertook to investigate and report back to the Local Member.

* **7** **Delegated Powers**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/21/32) on actions taken under delegated powers since the last meeting.

* **8** **Dates of Future Meetings**

8 October 2021 and 3 February 2022

[N.B. confirmed dates of committee meetings available on the website: [Browse Meetings, 2000 - Democracy in Devon](#)]

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.15 am

Workings of Highways and Traffic Orders Committees

The Workings of the Highways and Traffic Orders Committees

- Constitution
- Terms of reference
- Scheme of Delegation

The Workings of the Highways and Traffic Orders Committees



Constitution

- To cover the District Council/City Council area.
- To meet 3 times a year.
- Chair and Vice-Chair being County Councillors.
- To operate in accordance with the County Council's Constitution, Policies and Strategies.
- Membership of the HATOC is all County Councillors for the area plus a pre-determined number of District Councillors, and a non-voting representative of the Devon Association of Local Councils.

The Workings of the Highways and Traffic Orders Committees

Constitution continued

- A quorum of three Councillors of whom two shall be County Councillors.
- District/City representatives having the right to put an item on the agenda, subject to 8 working days notice.
- A District/City or a Town or a Parish Councillor is able to attend a meeting and speak to an agenda item, subject to 24 hours notice.
- Press and public admitted to meetings.

The Workings of the Highways and Traffic Orders Committees

Constitution continued

- Public Participation Scheme in relation to any traffic regulation proposal to be considered by the committee at the meeting subject to 4 working days notice to Committee Secretariat and limited to 3 minutes for each objector or supporter; and if a large group, a spokesperson to be nominated.

The Workings of the Highways and Traffic Orders Committees

Terms of Reference - (within the available budgets)

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

- 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.

Terms of Reference continued

- 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.
- 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.

The Workings of the Highways and Traffic Orders Committees

Terms of Reference continued

- 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.

Terms of Reference continued

- 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.

The Workings of the Highways and Traffic Orders Committees

Terms of Reference continued

- 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.

Terms of Reference continued

- To make all the Orders required to implement a highway or transportation scheme approved by the Cabinet recognising that if, following public advertisement of such an Order, a HATOC has concerns about a proposal it should refer it to the Cabinet for final determination.
- To make Gateway Orders under the Clean Neighbourhood Act 2005.

The Workings of the Highways and Traffic Orders Committees

Terms of Reference continued

The Committee has no formal powers to comment on highway matters in relation to planning applications.

The County Council response as the Highway Authority to the Local Planning Authority is from Development Management Officers and from where local members would have the opportunity to comment.

The Workings of the Highways and Traffic Orders Committees

Scheme of Delegation – to the Chief Officer for Highways, Infrastructure Development and Waste, and County Solicitor, in respect of Highways and Traffic Orders Functions

- To consult on traffic requests in the compilation of TROs.
- To advertise TROs after consultation with elected members.
- To implement TROs where there have been no significant objections.

The Workings of the Highways and Traffic Orders Committees

Scheme of Delegation continued

- 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.

The Workings of the Highways and Traffic Orders Committees

Scheme of Delegation continued

- To consult on the schemes in the agreed programme in conjunction with local member.
- To receive petitions and undertake consequent investigations/actions thereon as they may relate to TROs.

Scheme of Delegation continued

- 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.

Scheme of Delegation continued

- To make improvements within or adjoining the highway up to a value of £25,000 (works) including land acquisition..... and all maintenance works and markings.
- To express a technical view when consulted by other organisations on minor issues e.g. Pavement Café licences.

Scheme of Delegation - to the Head of Planning Transportation and Environment

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

The Workings of the Highways and Traffic Orders Committees



Operating Processes for the Implementation of the Local Transport Plan

Schemes over £250,000

Cabinet approve

Schemes between £25,000 and £250,000

HATOC approve

Schemes below £25,000

Delegated to Chief Officer HID&W

The Workings of the Highways and Traffic Orders Committees



Operating Processes for the Implementation of the Local Transport Plan

Advertisement and Determination of Traffic Regulation Orders

- ❖ Advertisement for schemes under £250,000 – Chief Officer in consultation with the local County Councillor and HATOC Chair

Responsibility for determination

Schemes over £250,000

Chief Officer HID&W in consultation with Cabinet member for Infrastructure Development & Waste, or Cabinet if significant objections

Schemes under £250,000

Chief Officer HID&W in consultation with local County Councillor and HATOC Chair, or HATOC if significant objections