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To: The Members of the West Devon Highways
and Traffic Orders Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 16 July 2021

Contact: Gerry Rufolo 01392 382299

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WEST DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

Monday, 26th July, 2021

A meeting of the West Devon Highways and Traffic Orders Committee is to be held on the above date at 10.30 am at Kilworthy Park, West Devon Borough Council Offices, Tavistock to consider the following matters.

Phil Norrey
Chief Executive

A G E N D A

PART 1 OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Election of Chair and Vice Chair

In accordance with the County Council's Constitution, the Chair and Vice Chair must be County Councillors.

- 3 Minutes (Pages 1 - 2)

Minutes of the meeting held on 22 March 2021, attached .

- 4 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

5 Workings of the Committee (Pages 3 - 22)

Presentation by the Chief Officer for Highways, Infrastructure Development and Waste, attached.

MATTERS FOR INFORMATION

6 Actions Taken Under Delegated Powers (Pages 23 - 24)

Report of the Chief Officer, Highways, Infrastructure Development and Waste (HIW/21/52), attached

*Electoral Divisions(s): Hatherleigh &
Chagford*

7 Dates of Meetings

5 November 2021 (Okehampton) and 25 March 2022 (Tavistock).

Meetings will start at 10.30 am and alternate between Kilworthy House, Tavistock and Town Council Offices, Okehampton.

Confirmation of meeting dates are published on the Council's website: [Browse Meetings, 2000 - Democracy in Devon](#)

PART II - ITEMS WHICH IN THE OPINION OF THE CHAIRMAN MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

Nil

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

MEETINGS INFORMATION AND NOTES FOR VISITORS

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For full details of the Membership of a Committee, please [visit the Committee page](#) on the website and click on the name of the Committee you wish to see.

Committee Terms of Reference

For the terms of reference for any Committee, please [visit the Committee page](#) on the website and click on the name of the Committee. Under purpose of Committee, the terms of reference will be listed. Terms of reference for all Committees are also detailed within Section 3b of [the Council's Constitution](#).

Access to Information

Any person wishing to inspect any minutes, reports or background papers relating to an item on the agenda should contact the Clerk of the Meeting. To find this, [visit the Committee page](#) on the website and find the Committee. Under contact information (at the bottom of the page) the Clerk's name and contact details will be present. All [agenda, reports and minutes of any Committee are published on the Website](#)

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In relation to Highways and Traffic Orders Committees, any member of the District Council or a Town or Parish Councillor for the area covered by the HATOC who is not a member of the Committee, may attend and speak to any item on the Agenda with the consent of the Committee, having given 24 hours' notice.

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The proceedings of any meeting may be recorded and / or broadcasted live, apart from any confidential items which may need to be considered in the absence of the press and public. For more information [go to our webcasting pages](#)

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Filming must be done as unobtrusively as possible without additional lighting; focusing only on those actively participating in the meeting and having regard to the wishes of others present who may not wish to be filmed. Anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance.

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Declarations of Interest for Members of the Council

It is to be noted that Members of the Council must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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Contact Main Reception (Extension 2504) for a trained first aider.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

Alternative Formats

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Induction Loop available



WEST DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE

22 March 2021

Present:-

Councillors P Sanders (Chair), J McInnes, D Sellis

West Devon Borough Council

Councillor T Southcott

Apologies:-

Councillors K Ball and J Goffey (DALC)

* 61

Minutes

RESOLVED that the Minutes of the Meeting held on 5 November 2019 be signed as a correct record.

* 61

Minutes

RESOLVED that the Minutes of the Meeting held on 5 November 2019 be signed as a correct record.

* 62

Items Requiring Urgent Attention

No item was raised as a matter of urgency.

* 63

Local Waiting Restriction Programme

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/21/25) on responses to the statutory consultation on the restrictions proposed in the West Devon area, as part of the local waiting restriction programme.

In early 2020, a list of requests for new or amended waiting restrictions for the West Devon area had been collated and proposals drafted. The respective local County Councillors and Chair/Vice Chair had been consulted prior to advertisement from 21 January 2021 until 25 February 2021.

A summary of the proposals advertised were in Appendix I of the Report with associated plans. Details of the objections received to the proposals, and the County Council's response were shown in Appendix II to this report.

Following advertisement, the proposals which had not attracted objections would be implemented.

It was **MOVED** by Councillor P Sanders and **SECONDED** by Councillor J McInnes, and

Agenda Item 3

2

WEST DEVON HIGHWAYS AND TRAFFIC ORDERS COMMITTEE
22/03/21

RESOLVED that work on the local waiting restriction programme be noted; and that the recommendations contained in Appendix II of the Report be agreed.

* **64** **Other Matters Raised by Members**

(a) Obstruction

Members asked questions relating to enforcement issues where there was alleged obstruction of the footway on which national guidance was awaited. On any local issues Members were advised to approach their local Police Community Support Officer (PCSO).

(b) Speed Limits

Members referred to highways regulations in regard to speed limits in built-up areas (where street-lights were present) which was 30 mph or as otherwise determined by signage. Clarification of the rules were available in the Department of Transport's 'The Highway Code'.

(c) Local Neighbourhood Highways Officer

The local Member for Hatherleigh and Chagford referred to the excellent work of his Neighbourhood Highways Officer who was now moving on and noted that a new appointment had been made.

* **65** **Actions Taken Under Delegated Powers**

The Committee noted the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/21/26) on the actions taken by the Chief Officer under Delegated Powers since the last meeting.

* **66** **Dates of Future Meetings**

16 July 2021, 5 November 2021 and 25 March 2022 (venues to be confirmed).

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 11.10 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.

The Workings of the Highways and Traffic Orders Committees



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.

The Workings of the Highways and Traffic Orders Committees

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.

The Workings of the Highways and Traffic Orders Committees

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.

The Workings of the Highways and Traffic Orders Committees

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

Actions Taken Under Delegated Powers

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the report be noted.

1. Summary

In accordance with Minute *4 of the Meeting of this Committee on 4 July 2017 this report details the actions taken in respect of traffic regulation orders under Delegated Powers since the last meeting.

2. Actions on Advertised Traffic Orders

Since the last meeting of this Committee, a Traffic Order has been progressed in consultation with the Chair and local County Councillors. Details of this matter is listed below.

Location	Proposal	Action
A386, Hatherleigh	Introduction of a 40mph speed limit	Traffic regulation order advertised, no objections, speed limit implemented after consultation with Local County Councillor and HATOC Chair.

Meg Booth
Chief Officer for Highways, Infrastructure Development and Waste

Electoral Division: Hatherleigh & Chagford

Local Government Act 1972: List of Background Papers

Contact for enquiries: Amy Garwood

Room No: M8, Great Moor House, Bittern Road, Exeter

Tel No: 0345 155 1004

Background Paper	Date	File Ref.
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Nil

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