

# Workings of Highways and Traffic Orders Committees



# The Workings of the Highways and Traffic Orders Committees

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- Constitution
- Terms of reference
- Scheme of Delegation

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## 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.

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## 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.

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## 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.

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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.

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## 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.

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## 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.



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## 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.

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## 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.

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## 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.

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## 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.

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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.

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## 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.

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## 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.

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## 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.



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## 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.

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## 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.

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## 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

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## 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