
OBJECTIONS TO TRAFFIC ORDERS IN DIRECT DISTRICTS

1 SUMMARY

- 1.1 Following the receipt of a letter from Essex County Council, this report seeks Members views on the future arrangements for dealing with Traffic Orders in the District. Responses are required by 18 December 2000.

2 CURRENT ARRANGEMENTS

- 2.1 As a result of the new structure of the County Council, County Members have requested clarification of the existing arrangements for the consideration of objections to statutory notices and orders.
- 2.2 The existing arrangement, approved by the County in 1995, is for the Direct Districts to consider any objections to a proposal at their appropriate committee meetings. However, the Direct Districts do not have delegated agency arrangements and are not the order making body. The Regulations in relation to these orders expressly state that objections should be considered by the order making body.
- 2.3 The orders and notices that are subject to these arrangements are:
- Traffic Regulation Orders
 - Speed Limit Orders
 - On-street Parking Orders
 - HGV Parking Areas
 - Notice of intent to install road humps
 - Cycle Track Orders
- 2.4 The existing procedure is that schemes are prioritised after close liaison between the district staff and the Area Highways Office. Scheme design and informal consultation is then undertaken by the engineering staff of the Area Office. The orders are then prepared by the County Secretary, and whilst objections are considered by the district committee, the final decision and issue of the order is down to the County as the responsible authority.

3 PROPOSED CHANGES

- 3.1 In order to facilitate the district being able to properly consider the objections to any order, it is proposed that changes be made to the procedure after informal consultations have been undertaken by the Area Office staff.

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- 3.2 The County Secretary would still prepare the notices and orders, but with the appropriate district identified as the agent in the opening paragraphs, the orders being signed and sealed by the appropriate officers/Members.
- 3.3 The Area Office staff would prepare a report on the objections, and this would then be considered by the appropriate district committee. If the recommendation was to proceed, the County Secretary would forward a fully drafted order to the district for signing and issuing.

4 DISCUSSION

- 4.1 The existing procedure has generally proved to be reasonably successful. It certainly allows a valuable input into decisions in respect of traffic orders. However, the County Council always makes the final decision on these matters.
- 4.2 The new arrangement does not appear to have any significant resource implications since the preparation, drafting of the notice and consultation would be undertaken by County officers.
- 4.3 The key difference is that when orders are considered by the district committee, their decision is final, and there would be no consideration of the matter by a County committee as happens at present.
- 4.4 Given the controversy that can arise from the making of a traffic order, Rochford Members have regularly expressed concern that, the current arrangement for considering objections leaves the final decision with the County Council. It is considered that this proposed arrangement merits support given that the responsibility for the final decision will rest with the District.

5 RESOURCE IMPLICATIONS

- 5.1 The details received to date indicate there would be no significant resource implications for the authority, though funding for the implementation of the new traffic order arrangements might come from the Locally Determined Budget.

6 LEGAL IMPLICATIONS

- 6.1 In agreeing to a change to the current procedures, the District would need to be satisfied about the arrangements for dealing with any liabilities should problems arise. In particular, it will be important to clarify that the County will provide an unconditional indemnity.

7 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

That Essex County Council be informed that Rochford Council supports in principle the proposed changes for dealing with Traffic Orders, but would wish to see full details of the scheme and be satisfied about the legal aspects, before making a final commitment. (HPS)

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Background Papers:

Letter from the County Council dated 21 September 2000

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