

## DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO. 15/16 16/17 DE 290

**SUBJECT:** Delegated Authority within Highways Act 1980, Road Traffic Regulation Act 1984 and Town Police Clauses Act 1847 – Permanent, Experimental and Temporary Traffic Regulation Orders.

### **DETAILS**

The Council's Constitution delegates to the Director authority to exercise all the functions of the Council as Highway Authority under the Highways Act 1980 and the Road Traffic Regulation Act 1984.

The making of such orders are regulated by the Road Traffic Regulation Act 1984. Section 1(1) provides that the authority may make an order under this section where it appears to the authority making the order that it is expedient to make it for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preventing damage to the road or to any building on or near the road, or for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicle traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot or for preserving or improving the amenities of the area through which the road runs or for any of the purposes specified in section 87(1)(a) to (c) of the Environment Act 1995 (air quality).

The power is a discretionary power which indicates a wide discretion considering the matters of expediency. Expedient means "advantageous, advisable on practical grounds, suitable, or appropriate".

Section 9 of the Road Traffic Regulation Act 1984 enables the authority to carry out an experimental scheme of traffic control by first making an experimental traffic regulation order. The permitted reasons for making an experimental order are the same as for permanent orders (above).

Section 14 provides for temporary prohibition or restriction on roads if the authority for a road are satisfied that traffic on the road should be restricted or prohibited:-

- (a) because works are being or are proposed to be executed on or near the road;
- (b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or
- (c) for the purpose of enabling the duty imposed by section 89(1)(a) or (2) of the Environmental Protection Act 1990 (litter clearing and cleaning) to be discharged

- the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.

Section 14(3) provides when considering the making of an order or the issue of a notice under the foregoing provisions an authority shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order or notice.

Section 15 limits the duration of such an order in respect of a footpath for not more than six months from the date on which it comes into force and in respect of other provisions on time limits and durations.

Part X deals with general considerations under the Act and section 122 the exercise of functions by the local authority where it shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matter specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

The matters referred to as being specified in subsection (2) are:

- (a) The desirability of securing and maintaining reasonable access to premises;
- (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; This strategy prepared under section 80 of the Environment Act 1995 (National Air Quality Strategy);
- (c) The importance of facilitating the passage of public service vehicles under securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) Any other matters appearing to... the local authority... to be relevant.

Additionally, Section 21 of the Town Police Clauses Act 1847 provides that the authority may make an order where a road closure is required to facilitate 'public processions, rejoicings, or illuminations'. This allows public highways to be closed for street parties, carnivals, running races and other such events.

It is desirable in the interests of the efficient functioning of the Authority that for permanent Traffic Regulation Orders this is delegated to the Highway Manager and for temporary Traffic Regulation Orders this is authorised to the scheme engineer or other relevant officers.

## **DECISION**

1. That the Head of Highways and Transport and the Service Manager listed in the appendix are authorised to exercise the Director's delegated powers to take all steps to process, advertise and implement permanent and experimental Traffic Regulation Orders pursuant to the approved capital and revenue works programme.
2. That the scheme engineers and officers listed in the appendix are authorised to exercise the Director's delegated powers to take all steps to process, advertise and implement temporary Traffic Regulation Orders as necessary in carrying out the functions of the Highway Authority.

**REASONS**


To ensure that decisions are made at the appropriate level so as to reduce unnecessary delays and costs and to improve services to the public.

**OTHER ALTERNATIVES CONSIDERED**

None

**FINANCIAL IMPLICATIONS**

None

Signed  ..... Director of Development and Environment

Dated 1/9/16 .....

## Appendix: Authorisations to Advertise and implement Traffic Regulation Orders

Legislation	Name	Position
Highways Act 1980 and Road Traffic Regulation Act 1984 – Permanent and Experimental Traffic Regulation Orders	Colin Medus Frank Cox Bella Fortune	Head of Highways and Transport. Highway Service Manager. Transportation Service Manager
Highways Act 1980, Road Traffic Regulation Act 1984 and Town Police Clauses Act 1847 – Temporary Traffic Regulation Orders	Adrian Woolacott Alex Fear  Andrew Carroll Billy Halfyard Colin Chandler Darran Mason Darren Fairchild  David Bailey David Fish David Murphy Debbie Quint  Dick Berry Doug Barker Doug Mackay Elaine Bowman George Daly Ian Wilson James Dawson Jason Reading Joseph Burnell Joshua Terry Konrad Lansdown Larry Kirby Liam Abercrombie Mark Cogan Mark Sellick Michael O'Sullivan Mike Herbert Natalie Toseland Paul Watkins Penny Price Peter King Phil Bush Richard Dillon Richard Smith Lucy Nicholson Robert Hanson Freddie Holland Robert Thomson Sarah Vincent  Shaun Chilcott	Access Officer South Bristol Link Project Manager Access Officer Technician Principal Engineer Seafront and Events Officer Seafront and Events Service Manager Senior Engineer Senior Engineer Principal Engineer Senior Streetworks Enforcement Officer Seafront and Events Officer Flood Risk Manager Principal Engineer Senior Access Officer Technician Engineering & Design Manager Engineer Flood Risk Engineer Principal Engineer Engineer Principal Engineer Principal Lighting Engineer Engineer Principal Signal Engineer Senior Engineer Engineer Engineer Technical Officer Network Manager Access Support Officer Engineer Highway Operations Manager Technician Senior Engineer Senior Flood Risk Engineer Flood Risk Engineer Assistant Flood Risk Engineer Engineering & Design Manager Seafront and Events Support Officer Highway Electrical Manager

	<p>Susan Munns Terry Bridgwood Thomas Broadway William Hole Darren Gilbert</p>	<p>Principal Flood Risk Officer Technician Senior Engineer Principal Engineer Highway &amp; Environmental Asset Team Manager</p>
	<p>Paul Stewart  Chandan Bhumpelly Phil Lloyd - Senior</p>	<p>Principal Engineer – Highways Laboratory Principal Structures Engineer Structures Engineer</p>

