

## APPENDIX 3

### Amendments to the Terms of Reference of the Cabinet Committee, the Traffic Regulations Working Party, the Terms of Reference of the PVX Appeals Panel and the amendments to the Delegations to Officers

#### 1. Cabinet Committee

##### 2.6 Delegation of Executive Functions

(a) The Scheme of Delegation of executive functions to any Committee of the Executive or to an officer (including delegation of some functions to officers to be exercised in consultation with the appropriate Cabinet Members) will be determined by the Council and will be contained in the Constitution. If and to the extent that any executive functions are not included in the delegation scheme then in cases of urgency the Leader may arrange for the discharge of those functions by delegating them to the Chief Executive or the appropriate Executive Director (Neighbourhoods & Environment) to act in consultation with the Leader under Section 15 (3) and (4) of the 2000 Act, subject to review by the Council at the next Annual Council meeting.

##### (b) **Cabinet Committee**

There shall be a **Cabinet Committee** consisting of 3 Cabinet Members appointed by the Leader to carry out the following executive functions in respect of Traffic Regulation Orders and to consider the comments and recommendations made by the Traffic Regulations Working Party on the highways issues referred to it by the Executive Director (Neighbourhoods & Environment)

- To consider the recommendations of the Traffic Regulations Working Party regarding the implementation of Traffic Regulation Orders in circumstances where there are a majority of responses to the Statutory Notice against the proposals and the Council is of the view that the proposals should move forward.
- In such circumstances, the Cabinet Committee will immediately meet to consider the Traffic Regulations Working Party's recommendation to overrule objections and to decide whether to authorise the Executive Director (Neighbourhoods & Environment) to make the Order (with or without modification) or to decide that the Order be not made. This decision will be published in a Digest and will be available for call-in.
- ~~▪ In cases where the Cabinet has not already resolved to publish a proposed Traffic Regulation Order<sup>1</sup>, then the Cabinet Committee will consider an Officer report together with any recommendations of the Traffic Regulations Working Party on the subject and make a decision on whether to publish a proposed Order. This decision will be published in a Digest and will be available for call-in.~~
- ~~▪ If such a proposal is published on the authority of the Cabinet Committee and no objections are received, then the Cabinet Committee may proceed to make the Order (unless the Committee has delegated the function to the Deputy Chief Executive (Place)).~~
- ~~▪ If objections are received to any proposed Traffic Regulation Order, then the Traffic Regulations Working Party (whose membership shall include the 3~~

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<sup>1</sup> When the Cabinet approves a highway project or scheme, it may also authorise the publication of proposed Traffic Regulation Orders.

~~Cabinet Members who sit on the Cabinet Committee) will meet to consider those objections, and also to hear oral representations by objectors and supporters (if any)<sup>2</sup>.~~

- ~~▪ After considering all the representations, the Traffic Regulations Working Party will make a recommendation to the Cabinet Committee on the matter.~~
- ~~▪ The Cabinet Committee will immediately meet to consider the Traffic Regulations Working Party's recommendation and to decide whether to authorise the Deputy Chief Executive (Place) to make the Order (with or without modification) or to decide that the Order be not made. This decision will be published in a Digest and will be available for call-in.~~
- ~~▪ The Cabinet Committee will consider the recommendations from the Traffic Regulations Working Party in respect of exceptional circumstances PVX applications and determine such applications. The decisions will not be available for call-in.~~

### **Substitutes**

Permitted in accordance with Standing Order 31.7

### **Quorum**

The quorum of the Cabinet Committee shall be 2

## **2.7 Status of Meetings**

Open to the public

## **2.8 Reports To**

The Council

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<sup>2</sup>— See Section 6D of **Part 4(a)** of the Council's Constitution regarding public speaking on Traffic Regulation Orders.

## **2. Traffic Regulations Working Party**

### **3.9 Traffic Regulations Working Party**

#### **3.9.1 Membership**

12 Councillors<sup>3</sup>, comprising the 3 Cabinet Members who sit on the Cabinet Committee (one of whom shall be appointed Chair and another Vice-Chair) and 9 Councillors who are not Cabinet Members.

Substitutes: Permitted in accordance with Standing Order 31  
Proportionality: By convention political proportionality shall apply to the 9 Councillors who are not Cabinet Members.

#### **3.9.2 Quorum**

3 (including at least 2 of the Cabinet Members)

#### **3.9.3 Terms of Reference**

- (a) To consider written objections and also to hear oral representations by objectors and supporters (if any) to proposed Traffic Regulation Orders and to make a recommendation to the Cabinet Committee on such proposed Orders. (See Section 6D of **Part 4(a)** of the Council's Constitution regarding public speaking on Traffic Regulation Orders.)
- (b) To consider requests for Traffic Regulation Orders referred to the Working Party by the Council, Cabinet or the Executive Director (Neighbourhoods & Environment) and make appropriate recommendations to the Cabinet Committee on those requests.
- ~~(c) To consider exceptional circumstances PVX applications and hear oral representations by the applicant or their appointed representative and make appropriate recommendations to the Cabinet Committee.~~
- (c) To act as the project board in respect of the Parking Review and undertake a strategic role in the overview and direction of the Traffic and Highway Service.

#### **3.9.4 Status of Meetings**

Open to the public

#### **3.9.5 Reports to**

The Cabinet

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<sup>3</sup> **Note:** No Councillor shall sit on the Traffic Regulations Working Party (whether for the first time or returning to the Working Party after a period of absence), including as a substitute Councillor, without having first attended a training session on the principles of Traffic Regulation Orders.

**3. New Panel to be added to Section 9. Other Forums, Panels and Bodies reporting to the Council or Elsewhere (but not to the Cabinet)**

**9.8 PVX Appeals Panel**

**9.8.1 Membership**

The Head of Traffic & Highways (or in their absence the Executive Director (Neighbourhoods and Environment)), a Council engineer independent of the original decision relating to the PVX in question, the relevant Ward Councillors

Substitutes: Not permitted

Proportionality: Does not apply

**9.8.2 Quorum**

Both Council officers referred to above and at least one Ward Councillor

**9.8.3 Terms of Reference**

To consider written additional evidence from applicants for a Domestic Vehicle Crossing and decide if the Council has correctly applied its policies or if there are sufficient mitigating circumstances to allow a divergence from the Council policy and allow a crossover.

**9.8.4 Status of Meeting**

Private

**9.8.5 Reports to:**

Executive Director (Neighbourhoods & the Environment)

#### **4.15 Delegations to Executive Director (Neighbourhoods & the Environment), and/or relevant Head of Traffic & Highways**

To discharge all of the Council's functions in relation to highway, traffic and parking matters (including the management and enforcement of utility works) with the exception of the following:

- Approval of statutory plans and policy matters (which are generally for Cabinet)
- The agreement of major highway/transport schemes (which are generally for Cabinet)
- Those elements dealing with Traffic Regulation Orders (TROs) that fall with the jurisdiction or remit of the Traffic Regulations Working Party and Cabinet Committee or the new panel to determine appeals on Domestic Vehicle Crossings

That, without prejudice to the delegations set out above (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to the following functions:

- The statutory advertisement of TROs and, where no representations are received, to confirm the TROs
- The implementations of Emergency TROs where required
- The consolidation of existing amendment TROs into a single new Order; the revocation of existing TROs and re-enactment without material change to the measures into a new TRO
- be responsible for enforcement action and all highways related matters on behalf of the Council in relation to traffic & highways.
- be responsible for the Council's functions under the New Roads and Street Works Act 1991
- To either act as the Traffic Manager for purposes of Section 17 (2) of the Traffic Manager Act 2004 or to appoint a person to exercise the Network Management Duty under Section 16 of the Act.
- the functions of the Council under the Highways Act 1980
- the functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984.
- the Council's functions under New Roads and Street Works Act 1991.
- To sign the official traffic regulation orders (sealing is not required.)
- To be responsible for the management of the Council's highways contracts and the delivery of an annual programme of works agreed in consultation with the relevant Cabinet Member.

## **5. Special Schemes of Delegation**

### **5.12 Highways**

(a) The Service Managers for Highways may exercise all the powers of the Executive Director (Neighbourhoods & Environment) and the Head of Traffic & Highways in respect of functions within their remit as defined in 4.15 above.

(b) The following Officers may serve notices and take appropriate action (including but not limited to works in default) under legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):

- Highways Enforcement Officers
- Civil Enforcement Officers
- Highways Inspectors