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To: Selection and Member Services Committee – 5 October 2012

Subject: Regulation Committee – Terms of Reference

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Summary: This report invites the County Council to consider a change to the Terms of Reference of the Regulation Committee to enable the Committee to consider opposed Traffic Regulation Orders (TROs) relating to Public Rights of Way (PRoW)

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## **1. Introduction**

(1) In recent years, the Countryside Access Service has introduced a number of permanent Traffic Regulation Orders (TROs) on public rights of way. These specifically relate to regulating motor vehicle use on byways open to all traffic (BOATs). In all cases, the TROs introduced have in some way restricted motor vehicle access to BOATs to preserve the character and amenity of the area and prevent damage to the highway. The majority are seasonal, e.g. closures preventing unsustainable use through the winter months, allowing access by permit only, a system that has proved effective in reducing trespass and nuisance associated with motor vehicle use.

(2) BOATs tend to be of a very different nature to those affecting the road network, such as speed limits or parking restrictions; as a result, they are subject to scrutiny from knowledgeable and well resourced interest groups. Statutory consultations on proposed BOATs frequently draw objections and representations that must be considered by the County Council before reaching a decision about the making, or otherwise, of the TRO.

## **2. Traffic Regulation Orders**

(1) Currently, if objections have been received to proposals to introduce TROs, then they are reported to the Portfolio Holder and considered before reaching a decision on whether to make an opposed TRO. The Executive decision has generally followed the drafting of the TRO by an officer under delegated powers.

(2) It is considered appropriate that there should be clear separation in terms of decision making between any Executive decision to introduce an experimental scheme of traffic regulation and any decision subsequently made by the County Council to abandon or make permanent the scheme.

(3) Decisions on the TROs made in respect of rights of way would be of a similar nature and complexity to the decisions made in respect of other opposed public rights of way orders and commons and village greens applications. The Regulation Committee currently determines such matters.

(4) The proposal is to extend the terms of reference of the Regulation Committee to enable it to consider opposed TROs affecting public rights of way, including enabling a panel of the Regulation Committee to hear evidence from those supporting or opposing orders. It would improve transparency around the decision making process, provide the opportunity for representations to be heard, short of holding a non-statutory Public Inquiry, and provide appropriate safeguards in weighing all representations. In providing a clear route for future decisions that it would also improve efficiency in processing TROs.

### **3 Recommendation**

The Committee are asked to recommend to the County Council to extend its terms of reference of the Regulation Committee to enable it (or a Regulation Committee Member Panel) to consider Traffic Regulation Orders relating to public rights of way, where such orders are opposed.