**OFFICER DECISION REPORT – TRAFFIC REGULATION ORDER (TRO)**

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**INFORMAL CONSULTATION**

PREPARED BY: Traffic Management Team, Highways and Traffic Group

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| **TITLE OF REPORT:** **PROPOSAL:** **SCHEME REF No:****REPORT AUTHOR:** | **Combe Hay, Speed Restriction** **20mph Speed Limit** **22 – 011****Lewis Cox**  |

**1. DELEGATION**

The delegation to be exercised in this report is contained within **Part 3**, **Section 4** of the Constitution under the **Delegation of Functions to Officers,** as follows:

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| **Section A** | The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility….” |
| **Section B** | Without prejudice to the generality of this, Officers are authorised to:serve any notices and make, amend or revoke any orders falling within his/her area of responsibility. |
| **Section D9** | An Officer to whom a power, duty or function is delegated may nominate or authorise another Officer to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator. |

For the purpose of this report, the Director of Place Management holds the delegated power to make, amend or revoke any Orders.

**2. LEGAL AUTHORITY**

This proposal is made in accordance with the Road Traffic Regulation Act 1984, which under Section 1 provides, generally, for Orders to be made for the following reasons, and in the case of this report specifically for the reason(s) shown below:

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| (a) | 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 | X |
| (b) | for preventing damage to the road or to any building on or near the road, or |  |
| (c) | for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or |  |
| (d) | for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, |  |
| (e) | (without prejudice to the generality of paragraph (d) above) 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 |  |
| (f) | for preserving or improving the amenities of the area through which the road runs, or | X |
| (g) | for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) |  |

**3. PROPOSAL**

Combe Hay currently has a 20mph advisory speed limit through the village, the proposal is to convert the advisory limit to a permanent, enforceable one with a legal Traffic Regulation Order.

**4. BACKGROUND**

A request from the Local Ward Members and Parish Council to convert the advisory speed limit to permanent.

# 5. SOURCE OF FINANCE

This proposal is being funded by the 2022/2023 Transport Improvement Programme

**6. CONSULTATION REQUIREMENT**

Theproposal requires informal consultation with the Chief Constable, Ward Members and the Cabinet Members for Transport.

PROPOSALS APPROVED FOR INFORMAL CONSULTATION WITH THE CHIEF CONSTABLE AND WARD MEMBERS.

Signature: Date: 30th June 2022

Paul Garrod

Traffic Management and Network Manager

**7. INFORMAL CONSULTATION**

**Police:** Speed limits are only one element of speed management and local speed limits should not be set in isolation. They should be part of a package with other measures to manage speeds, which include engineering, visible interventions and landscaping standards that respect the needs of all road users and raise the driver’s awareness of their environment, together with education, driver information, training and publicity.

The police service has to ensure all resources are used effectively in responding to community priorities.

Avon and Somerset Constabulary will support all appropriate speed limits, including 20mph roads, where;

The limit looks and feels like the limit, giving visiting motorists who wish to conform that chance;

the desired outcome has to be speeds at the limit chosen so as to achieve safe roads for other and vulnerable users, not high speeds and high enforcement;

the limit is self-enforcing ( with reducing features) not requiring large scale enforcement;

the limit is only introduced where mean speeds are already close to the limit to be imposed, (24mph in a 20mph limit) or with interventions that make the limit clear to visiting motorists;

speeding problems identified in an area must have the engineering, site clarity and need re-assessed, not simply a call for more enforcement.

Enforcement will be considered in all clearly posted limits, given other priorities, and this will be by:

Targeted enforcement where there is deliberate offending and the limits are clear;

Where limits are not clear ( that is they don’t feel like or look like the limit or are on inappropriate roads), they will not be routinely enforced, only targeted where there is intelligence of obvious deliberate disregard which may result in increased threat, harm or risk to other road users.

Deliberate high harm offenders will always be targeted and prosecuted whereas enforcement against drivers who simply misread the road may not be appropriate.

None of the above should in anyway leave the impression that we will not enforce the law.  As with all speed limits, and other enforcement work, we will use evidence to ensure that our resources are allocated in the most appropriate way using appropriate tactics. Enforcement of limits that do not comply with the above representations could lead to mistaken offending and could risk the loss of public support.

Enforcement cannot and must not take the place of proper engineering and or clear signing.”

We do not, as part of this consultation, check the accuracy or validity of what is being proposed but we do consider implications for road safety and enforcement. We always expect that:

a) the powers being exercised are available to you as traffic authority, are valid and are appropriate for the proposals;

b) the descriptions of the lengths of road, the road names, the road numbers and any directional descriptions are correct and accurate;

c) where any proposals replace existing restrictions or prohibitions, that the previous orders are adequately revoked or varied;

d) the mandatory traffic signs giving legal effect to the order will be fully TSRGD compliant, will give drivers adequate guidance and will placed to accord to the descriptions in the order.

We have worked on the assumption that, by submitting this TRO for consultation, you are also confirming the above points and that subject to consultation process, the order will be made. Any enforcement action taken by the Police will be based on this and, should this transpire not to be the case, Avon & Somerset Constabulary will not accept any liability – financial or otherwise – arising as a result.

**Parish Council -** Thank you for the TRO report. Just thinking it might be good to have the start/end/repeater signs on the map in order to show the other Parish Councillors the agreed sites.

Assistant Engineer – Email response sent with another proposed plan with signage location points.

**Cllr Butter** – Looks fine to me.

**Cllr McCabe** - This looks to be exactly what we agreed with the Parish Council representative. I am happy for it to proceed.

**Executive Member for Transport Cllr Rigby** - I am very happy to see this scheme progress and fully support it.

**8. RECOMMENDATION**

As no significant objections and/or comments have been received following the informal consultation described above, the Traffic Regulation Order process (public advertisement of the proposals) should commence.

 Date: 5th July 2022

Paul Garrod

Traffic Management & Network Manager

**9.** **DECISION**

As the officer holding the above delegation, I approve the progression of this Traffic Regulation Order.

In taking this decision, I confirm that due regard has been given to the Council’s public sector equality duty, which requires it to consider and think about how its policies or decisions may affect people who are protected under the Equality Act.

 Date: 24/08/22

Chris Major

Director of Place Management