

# OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

3

## APPROVAL TO PUBLICLY ADVERTISE THE TRO

PREPARED BY: Traffic Management Team, Highways and Traffic Group

<b>TITLE OF REPORT:</b>	<b>Variation for Chew Magna &amp; Midsomer Norton (Leisure Centre) car park TRO removal</b>
<b>PROPOSAL:</b>	<b>Removal of rural car parks no longer under the management or control of the Council from the North East Somerset Off Street Parking Places Order</b>
<b>SCHEME REF No:</b>	<b>25-002</b>
<b>REPORT AUTHOR:</b>	<b>Andrew Dunn, Team Manager - Parking</b>

### 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:

<b>Section A</b>	The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility...."
<b>Section B</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.
<b>Section D9</b>	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 purposes of this report, the Director of Place Management and the Head of Highways Delivery 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 32 provides for Orders to be made to provide off-street parking places.

### 3. PROPOSAL

A variation to the Off-Street Parking Places North East Somerset Order to remove

The Pelican, Chew Magna, and Leisure Centre, Midsomer Norton, car parks from schedule 3.

This will remove all formal restrictions from both car parks and complete the process of handing back full operational responsibility of each site to the respective owners.

#### **4. REASON**

The council no longer has authorisation from the landowner for management or operational control over these privately owned locations.

The Council has had in mind and discharged the duty (as set out in section 122(1) of the Road Traffic Regulation Act 1984) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable. It has also had regard to the factors which point in favour of imposing removing the restrictions from these locations. It has balanced the various considerations and concluded that it is appropriate to promote these proposals. The Council has also considered and discharged its network management duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed removal of these restrictions is consistent with that duty, having regard to its other policies and objectives.

#### **5. IMPACT ON EQUALITIES**

An Equality Impact Assessment has been undertaken in relation to the removal of these restrictions, which is available upon request. The Council has had due regard to the needs set out in section 149(1) of the Equality Act 2010. It considers that the proposed Order is consistent with the section 149 public sector equality duty, which it has discharged.

#### **6. IMPACT ON HUMAN RIGHTS**

The proposals are considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property). However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (in the interests of public safety or economic well-being, to prevent disorder and crime, to protect health, or to protect the rights and freedoms of others), in pursuit of a legitimate aim and proportionate to do so. The proposal(s) within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

#### **7. SOURCE OF FINANCE**

Implementation of this proposal is to be funded from existing revenue budgets.

#### **8. CONSULTATION REQUIREMENT**

The proposal requires consultation with the Chief Constable, Emergency Services, Road Haulage Association, Freight Transport Association (Logistics UK), Parking Services, Waste Services, Ward Members and the Cabinet Member for Highways.

**9. COMMENTS RECEIVED TO DATE**

**Chief Constable**

No comment.

**Emergency Services**

No comment.

**Road Haulage Association**

No comment.

**Freight Transport Association**

No comment.

**Parking Services**

No comment.

**Waste Services**

No comment.

**Ward Members**

**Chew Valley:**

Cllr Anna Box – No comment.

Cllr David Harding – No comment.

**Midsomer Norton North:**

Cllr Michael Auton – No comment.

Cllr Shaun Hughes – No comment.

**Midsomer Norton Redfield:**

Cllr Sarah Evans – No comment.

Cllr Tim Warren – No comment.

**Cabinet Member for Highways:**

Cllr Manda Rigby – No comment.

**10. RECOMMENDATION**

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



Paul Garrod  
Traffic Management & Network Manager

Date: 13<sup>th</sup> March 2025

**11. DECISION**

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



Chris Major  
Director for Place Management

Date: 14/03/25