

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 21 JULY 2009

TITLE	Petitions in relation to Traffic Regulation Orders	ITEM NO.
REPORT OF	Head of Democratic Services	9

PURPOSE	To request the Advisory Group to consider an amendment to Part A4 of the Constitution regarding the consideration of petitions relating to Traffic Regulation Orders.
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RECOMMENDATION:

That the Advisory Group consider whether petitions relating to Traffic Regulation Orders should continue to be submitted to the Executive or should be considered at meetings of the Safer and Stronger Communities Portfolio holder when dealing with Traffic Regulation Orders.

SUPPORTING INFORMATION

1. The Council was advised at its Annual Meeting held on 18 June 2009 that the Leader of the Council had approved a delegation to the Portfolio holder for Safer and Stronger Communities as follows:-

Function

To carry out the functions of the Council as Traffic Authority under the Road Traffic Regulation Acts, traffic management under the Management Act 2004 and also its functions relating to road safety and on-street and off-street parking , including implementation of arrangements for civil parking enforcement, where significant objections to the application, proposal or matter concerned arise.¹

Limits and Qualifications if any

- (a) In reaching decisions, the Portfolio holder shall have regard to the views of ward members who will be invited to attend any meeting at which a decision is to be made.
- (b) Decisions to be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules.
- (c) The public participation provisions in Appendices A and B to Part A4 of the Constitution shall apply to meetings at which a decision is to be made.
- (d) In the event of the Portfolio holder having a conflict of interest, this shall be dealt with as set out in paragraph 4.3 of the Executive Procedure Rules.

¹ A significant objection is defined as an objection from a parish council, ward member or local landowner

2. The Advisory Group will be aware that there is a specific procedure in Part A4 of the Constitution relating to consideration of petitions. This procedure was designed to try, as far as possible, to prepare for the requirements likely to be imposed on local authorities as set out in the Local Democracy, Economic Development and Construction Bill. It was recognised that this procedure might need to be amended in the light of experience of operation, particularly the low threshold adopted for constituting a valid petition (presently 10 signatures).
3. The procedure within the Constitution provides for petitions to be presented to the Council, the Executive or a Committee.

4. Members will have seen from the agenda for the meeting of the Executive on 21 July that a significant number of petitions have been included which relate to road traffic regulation orders or other highways related matters. Whilst this number may be abnormally high (some of the petitions having been held in abeyance pending the elections), Members may wish to reflect upon whether such petitions should continue to be submitted to the Executive, given that the Leader has now set in place separate arrangements for consideration of traffic regulation orders as indicated above.
5. The Constitution as presently drafted does not permit such petitions to be referred to the meetings of the Safer and Stronger Communities Portfolio holder, and thus an amendment would be required to Part A4 of the Constitution.
6. Members are reminded that the meetings of the Safer and Stronger Communities Portfolio holder are open to the public and that public participation is permitted.
7. Members' views are therefore sought on whether such petitions should continue to be submitted to the Executive or the Constitution should be amended to permit their consideration at meetings of the Safer and Stronger Communities Portfolio holder when dealing with traffic regulation orders etc.

Contact Officer Details:	Key Background Papers:
Kathrin John – 0300 300 4033	Part A4 of the Constitution