



RHONDDA CYNON TAF

RECORD OF DELEGATED OFFICER DECISION

SUBJECT:

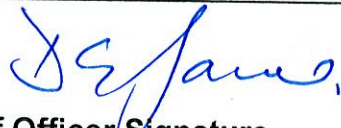
Procedure For Responding To Appeals Regarding Delegated Decisions Made In Relation To Public Notice For Traffic Management Schemes

PURPOSE OF ATTACHED REPORT:

- i. To provide details of a proposed procedure for responding to appeals regarding delegated decisions made in relation to public notice for traffic management schemes
- ii. In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended Decision of the Group Director for Environmental Services.

DELEGATED DECISION (Date):

- i. To adopt the procedure for responding to appeals regarding delegated decisions made in relation to public notice for traffic management schemes, as detailed in this report.

	D.G. Jones	28/11/11
Chief Officer Signature	Print Name	Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

A. Morgan 28/11/2011
CONSULTEE CABINET MEMBER SIGNATURE DATE

 28/11/11
OFFICER CONSULTEE SIGNATURE DATE

Directorate:	Environmental Services
Contact Name:	Jeff Higgins
Designation:	Principal Engineer, Traffic Management
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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2011 - 12

**REPORT TO ACCOMPANY A DECISION OF THE
GROUP DIRECTOR FOR ENVIRONMENTAL SERVICES**

Part 1 (Non-Confidential)	Item No.
PROCEDURE FOR RESPONDING TO APPEALS REGARDING DELEGATED DECISIONS MADE IN RELATION TO PUBLIC NOTICE FOR TRAFFIC MANAGEMENT SCHEMES	

1. PURPOSE OF THE REPORT

- 1.1 To provide details of a proposed procedure for responding to appeals regarding delegated decisions made in relation to public notice for traffic management schemes
- 1.2 In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended Decision of the Group Director for Environmental Services.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 The procedure for responding to appeals regarding delegated decisions made in relation to public notice for traffic management schemes, as detailed in this report is adopted.

3. BACKGROUND

- 3.1. Public Notice is given to traffic management proposals for:
- i. Traffic Regulation Orders (waiting restrictions, one way streets, speed limits, weight restrictions, etc.).
 - ii. Traffic Calming schemes (road humps, speed cushions etc.).
 - iii. Pedestrian Crossings (zebra, pelican, puffin, etc.).
- 3.2 The purpose of giving Notice is to notify the public of the Council's intention to introduce the proposed measures and to invite representations in relation to the proposal, although there is no legal requirement to do so for pedestrian crossings.
- 3.3 If a member of the public wishes to object to the proposal, the representations must be made in writing, stating the reasons for the objection. A three week period is allowed for the receipt of objections, although this can be extended to take into consideration specific circumstances. The objections must be in direct relation to the proposal and must not be of a frivolous nature. If objections to a proposal are

received, these are reported in summary form, together with officers' comments and recommendations to the Group Director Environmental Services (GDES) and the Cabinet Member (CM) for Transport, Customer Care and Emergency Planning for a delegated decision whether to accept or over-rule the objections. The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

3.4 The decision can be:

- i. to not accept the objection and implement the scheme as proposed.
- ii. to accept the objection, and modify it to take account of the representation, or
- iii. to accept the objection and not introduce the scheme.

3.5 Following a decision, the members of the public who have made representations to the Council are notified in writing of the decision and the reasons for it.

3.6 There is no legal basis for an appeal to be made, the delegated decision being regarded in law as the 'final' decision. There is however, the opportunity for objectors to seek a judicial review of the decision, although this can only be made on the grounds that the Council did not properly follow the correct procedures required under law or statutory instrument.

3.7 However, members of the public are sometimes dissatisfied at the decision taken which then results in the proposal proceeding or being withdrawn, and consequently write in appeal against the decision. This paper sets out a procedure for dealing with and responding to appeals from the public.

4. PROCEDURE

4.1 Appeals will be considered if made in writing, within 10 working days of receipt of the Council's notification of the outcome of the Delegated Decision regarding their representations to Public Notice.

4.2 On receipt of an appeal against a delegated decision, the appeal is logged and acknowledged, with an explanation of the procedure to be followed and the likely time scale.

4.3 An officer from the Traffic Management team, independent of the preparation of delegated decision report will consider the appeal. The review will consider:

- Whether all of the relevant points raised in the original representations were reported.
- Whether the points raised were properly considered.
- Whether the representations were accurately reported.

4.4 If the appeal raises new issues (not part of original objections / representations) these cannot be considered as they should have been raised as part of original representations.

- 4.5 A report on the appeal and the outcome of the investigations will be prepared by the Strategic Projects Manager for consideration by the Service Director, Highways, Transportation and Strategic Projects.
- 4.6 If the appeal is allowed, a delegated decision report will be made to the GDES and CM to amend the scheme, including details of any possible requirements for additional statutory procedures.
- 4.7 The appellant(s) will be notified in writing of the outcome of the appeal and the reasons for the decision.
- 4.8 If the appellant remains dissatisfied with the response to their objection, they will be referred to the Council's complaints procedure.

5. RECOMMENDATION

- 5.1 It is recommended that the procedure for responding to appeals regarding delegated decisions made in relation to public notice for traffic management schemes, as detailed in this report is adopted.