

## ED2. EXECUTIVE DECISIONS BY A CABINET MEMBER OR AN OFFICER

<b>A. Report Title: Devonshire Road</b>	
<b>B. Report Author(s): E M Vokes</b>	<b>Tel: x2091</b> <b>E-mail:</b> <b>evokes@thurrock.gov.uk</b>
<b>C. Decision Maker: Cllr T Hipsey</b>	
<b>D. Position held: Leader of the Council</b>	
<b>E. Key decision: YES</b>	<b>F. Delegation ref:</b>
<b>G. Is the decision urgent? YES</b>	
<b>H. If yes, state why.</b> The current weight restriction on the route is deemed to be unenforceable and therefore requires early resolution in the interest of local residents, businesses and Essex Police who are responsible for traffic enforcement. There is no Cabinet meeting to consider this matter until June 2008.	

<b>I. DECISION (strike out whichever does not apply) :</b>	
1. I agree the recommendations in the attached report for the reasons given in the report; <b>OR</b>	
2. *My decision is:	
*The reason for my decision is:	
* Continue overleaf or on an additional sheet if necessary.	
<b>Signed: T. Hipsey</b>	<b>Date: 9 April 2008</b>

### URGENCY

Democratic Services will arrange for the completion of the following:	
<b>J. I confirm that in my opinion a decision on this matter is urgent and cannot reasonably be delayed:</b>	
<b>Signed:</b>	<b>Date:</b>

*To be completed by Democratic Services*

<b>Date decision received by Dem. Services:</b> 9-4-2008	<b>Date decision published:</b> <b>10-4-2008</b>
<b>Implementation date:</b>	16-4-08

<b>Relevant O &amp; S Committee:</b>	

## **A GUIDE TO THE PROCEDURE FOR MAKING AND RECORDING DECISIONS BY A CABINET MEMBER OR AN OFFICER**

### **INTRODUCTION**

The essential principle is that a decision by a Cabinet Member or an Officer takes the place of a conventional decision taken by full Cabinet. It must therefore be based upon an **Officer report** following the usual requirements for both content and consultation with other Heads of Services, including the Legal and Finance teams.

The report should contain a clear recommendation in the form of a resolution or minute.

The correct template should be used and is accessible through J:\Thurrock\Corporate Templates - Delegated Decision Proforma.

### **A and B. TITLE AND AUTHORS OF THE REPORT**

These should be the same as in the accompanying report and the Officer's contact details included.

### **C. NAME OF DECISION TAKER**

Name and initial

### **D. POSITION AND RESPONSIBILITY HELD**

This will be the area of responsibility for a Cabinet Member or the job title of an officer.

### **E. KEY DECISION**

There are procedures for Key Decisions. If in doubt, consult the Legal Section.

### **F. DELEGATION REFERENCE**

If the decision is being made by a Cabinet Member, the delegation will appear under the name/title of the Cabinet Member in Part 3.8 of the Constitution, eg "the Leader: Delegation (m)".

If the decision is to be made by an Officer, quote the relevant number in the Officer Delegation Scheme in Part 3.9 of the Constitution, eg 12.3.68.

### **G and H. URGENCY**

Yes or No should be deleted as appropriate.

A "No" indicates that the normal call in rules will apply and the decision, once made, cannot be implemented for 5 working days.

If "Yes" is indicated the reason for the urgency must be stated. Democratic Services will contact the Chairman of the relevant Overview and Scrutiny Committee or the Mayor to agree that the matter is urgent and that, therefore, the usual call-in provisions will not apply.

## **I. DECISION**

For completion only by the person making the decision. If the recommendations in the accompanying report are correctly drafted, the decision will in the great majority of cases accord with the recommendation.

## **J. OVERVIEW AND SCRUTINY CHAIRMAN**

Democratic Services will consult the Chairman of the Overview and Scrutiny Committee or Vice-Chairman (or if they are unavailable the Mayor) to agree that a matter is urgent and cannot await call-in and scrutiny.

## **ACTION REQUIRED**

An Officer seeking a decision from a Cabinet Member or an Officer with the Delegated powers to make a Key Decision shall send a copy of the report together with Form KD to Democratic Services.

Democratic Services will check that it complies with procedures and then send two copies to the decision-maker (one for the decision-maker's retention) together with a return envelope and circulate the report in accordance with Administration Rules 11 and 12. The decision-maker will be asked not to make the decision until five clear days have passed (to allow time for representations) unless the special urgency procedures apply.

On receiving a signed decision from the decision-maker, Democratic Services will publish it. The implementation date (subject to call-in) will then be a further 5 working days later. The Officer seeking the decision will be notified as soon as the decision is cleared for implementation.

**Please note that taking a delegated decision should always be done in consultation with legal services – no delegated decision should be taken without their advice.**

**(Form ED2 can be found on J:\Thurrock\Corporate Templates)**

<b>April 2008</b>	<b>ITEM No.</b>
<b>Cabinet</b>	
<b>DEVONSHIRE ROAD</b>	
<b>Portfolio Holder:</b> Cllr T Ojetola – Highways & Transport	
<b>Report Author:</b> E M Vokes – Transportation Manager	
<b>Accountable Head of Service:</b> A Millard – Head of Strategic Planning & Delivery	
<b>Accountable Director:</b> B Newman – Sustainable Communities Directorate	
<b>Purpose:</b> To consider an Experimental Traffic Regulation Order to prohibit traffic over 7.5 tonnes on Devonshire Road.	
<b>Wards affected:</b> Chafford & North Stifford, Grays Riverside, West Thurrock & South Stifford	<b>Key decision:</b> Yes
This report is Public	

**1. RECOMMENDATIONS:**

**1.1 That an Experimental Traffic Order be made to prohibit traffic over 7.5 tonne from using Devonshire Road for a period of 12 months.**

**1.2 That a review of future land use and transport requirements in the vicinity of Devonshire Road be undertaken to inform a further report at the end of this period.**

**2. INTRODUCTION:**

**2.1 Chafford residents living near to Devonshire Road are currently requesting that measures be implemented on the road to reduce the impact of traffic on their properties.**

**2.2 There have also been enquiries from Ward Members and businesses at the southern end of Devonshire Road enquiring as to the status of the 3.5 tonne weight limit that is signposted for the road.**

**3. BACKGROUND:**

- 3.1 Devonshire Road was completed in 2003 as the eastern element of the West Thurrock Regeneration Ring Road, as established in the Thurrock Local Transport Plan 2001-2006. The road was developed to enable traffic, and HGVs in particular, to access the West Thurrock industrial areas and avoid the South Stifford and West Thurrock residential areas and Grays Town Centre. The road is classified within the emerging Local Development Framework as an “Urban Distributor” road.
- 3.2 The initial rationale for a West Thurrock Ring Road was linked to the lack of east-facing slip roads when the A13 / A126 Lakeside junction was developed in the mid 1990s. The proximity and elevation of the railway line is the main constraint to resolving this situation. East facing slips at A13 Lakeside junction will enable vehicles to access Lakeside, West Thurrock and the riverside from the A13 without the need to pass through Junction 30. As well as alleviating J30, east facing slip roads will affirm the A126 / West Thurrock Way as the principle means of access between the M25 / A13 and riverside industrial areas for freight traffic, reducing the volume of traffic on Devonshire Road in particular. The Thames Gateway South Essex Partnership is currently modelling the potential traffic impact of the slip roads.
- 3.3 3.5 tonne weight limit is currently signed for Devonshire Road. This was applied to the route at the time of opening in order to prevent heavy traffic from the A13 using Devonshire Road and thence London Road to access Stoneness / Oliver Road until such time as the West Thurrock Regeneration Ring Road was completed with the construction of a link south of the railway between Hedley Avenue and Wouldham Road.
- 3.4 The application of a 3.5 tonne weight limit requires bespoke approval from the Department of Transport (DfT). For reasons that are apparently unknown, this approval has to date not been sought and as such the weight limit is considered by Essex police to be legally unenforceable. Ward Members, the Police and local businesses are currently seeking clarification on this matter. Seeking approval from the DfT at this stage for the 3.5 tonne weight limit could be protracted and the outcome uncertain were there to be significant objections.
- 3.5 There are two junctions along Devonshire Road. There are no direct property frontages. Drake Road is one of the major routes into Chafford Hundred and is joined by a junction with a right turning lane. Drake Road is the most northerly junction and residences are well shielded from Devonshire Road. From Drake Road towards Sachfield Drive the residential area on the west becomes physically and visually closer to Devonshire Road. Approaching Sachfield Drive the properties openly face Devonshire Road. Sachfield Drive serves a small residential development parcel without direct road connection to the rest of Chafford Hundred. It is joined to Devonshire Road by a junction with a right turning lane.

#### **4. ISSUES AND/OR OPTIONS:**

- 4.1 The current status of development proposals in the South Stifford area has evolved since the link was originally proposed in 2000. Permission has been granted for residential development on the site of the Askews Farm Industrial area adjacent to the southern end of Devonshire Road. The industrial activity will be moved northwards towards the Tank Farm, which will have its own access on to Devonshire Road, as part of a development agreement. Heavy vehicle access will therefore need to be provided to this part of Devonshire Road in the future.
- 4.2 The Development Corporation has published residential proposals for the Fiddlers reach site, directly accessed by Hedley Avenue / Wouldham Road. This is reflected in the Preferred Option of the Local Development Framework. Whilst there may still be a need for a link road through the site to relieve pressure on other routes such as London Road, the future demand for industrial traffic in the area is uncertain.
- 4.3 The swiftest measure to resolve the uncertainty over the existing 3.5 tonne weight restriction at the same time as responding positively to some of the Chafford residents' concerns is to make an Order under the Road Traffic Regulation Act 1984 to restrict traffic over 7.5 tonnes on Devonshire Road.
- 4.4 This could either be a Permanent (Section 1), Temporary (Section 14) or Experimental (Section 9) measure under the terms of the Act. A report proposing a Temporary Order has previously been circulated to Ward Members (dated 13 February), citing grounds of likelihood of danger to the public. In response to concerns raised by Members it is accepted that there is insufficient evidence to support this way forward, therefore it is recommended that an Experimental Order be made in the interest of resolving the issues referred at Section 2 of this report.
- 4.5 An Experimental Order would last for 12 months, and would act as a period of consultation, enabling the Council to receive views on the matter. An Experimental Order will additionally allow the longer-term land use and traffic management issues in the area to unfold and be studied. A Permanent Order may require the road to be reclassified within the emerging route hierarchy.
- 4.6 A 7.5 tonne limit does not require reference to the DfT, however making the Order requires the Council to conform to the Local Authorities' Traffic Regulations Act (Procedure)(England & Wales) Regulations 1996. This establishes that consultation should be undertaken with the police and the fire service. Public Notices are required to be published in the local press, as well as either ends of the route at the Council's discretion.

## **5. IMPACT ON CORPORATE PRIORITIES:**

- 5.1 The making of the Order impacts upon the Council's priority for creating a built environment that meets peoples' needs.

## **6. OVERVIEW AND SCRUTINY:**

- 6.1 This matter has not been considered by Overview & Scrutiny.

## RELEVANT POLICIES

## FINANCIAL IMPLICATIONS

(Prepared by: **Tim Madden**

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The costs associated with implementing the Experimental Order (replacing road signs, publishing order etc) will not exceed £5,000, and can be borne from within the existing budget for Highways & Transportation.

## LEGAL IMPLICATIONS

(Prepared by: **Lyn Meadows**

**01375 652822)**

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Section 9 of the Road Traffic Regulation Act 1984 enables the Council to make an experimental traffic regulation order containing any of the provisions which may be included in a traffic regulation order. An experimental order may not last for a period exceeding 18 months.

Prior to making an experimental traffic order the Council must carry out consultation and give notice in a local newspaper that an order is to be made. The order will not come into effect until 7 days after it has been advertised, but there is no right to object to the order. During the 12 month period proposed for the order, the Council will carry out consultation and will evaluate the effectiveness of the order.

Persons concerned about the impact of the order will have the opportunity, during the experimental period, to make representations about why the order should not become a permanent order.

Although the Council can make a temporary traffic order in some circumstances, it is not possible to impose a weight restriction on heavy commercial vehicles, i.e. those over 7.5 tonnes in weight, under a temporary order.

## DIVERSITY & EQUALITY IMPLICATIONS

(Prepared by: **Samson De Alyn**

**01375 652472)**

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There are no direct diversity implications noted in this report.

**OTHER IMPLICATIONS**

**BACKGROUND PAPERS**

Local Transport Plan 2001-2006

Local Transport Plan 2006-2011

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