

28 June 2017

Environment & Enforcement Committee

Traffic Regulation Orders - Byways

Report of: Dawn Taylor – Business Support Services Manager

Wards Affected: All wards

This report is: Public

1. Executive Summary

- 1.1 At the Environment and Housing Management Committee 9 March 2017, it was recommended that Essex County Council (ECC) was contacted with a view to imposing a temporary Traffic Regulation Order (TRO) on Public Byway 55 – Navestock, Brentwood.
- 1.2 Essex County Council have responded – letter 9 June 2017- and indicated that this option would only be considered to facilitate the removal of fly-tips.

2. Recommendation(s)

- 2.1 That the Committee continue to liaise with Essex County Council in order to seek closure or the regulation of byways.**

3. Introduction and Background

- 3.1 The Chair has requested that the issue of seeking closure or TROs for byways is brought to the attention of the Committee.
- 3.2 ECC were contacted concerning the request for a TRO to be considered for Byway 55. This was as a result of ongoing fly-tipping issues.
- 3.3 Cllr Ian Grundy – Cabinet Member for Highways – responded 9 June 2017 and has indicated that a temporary TRO would be perfectly reasonable for the purpose of ensuring the safety of the public whilst fly-tipping is there and to allow for the safe removal of the material. The duration of the Order would only extend for the period of time it would take

to assess the type of material, what is needed to remove it and the actual removal process.

- 3.4 Further the ECC Highways team has confirmed that the statutory basis for making a TRO to temporarily close a byway is limited to specific provisions contained in the Road Traffic Regulation act 1984. In meeting these conditions, the reasons for the closure must be without any ambiguity and must satisfy entirely the relevant material grounds, in particular the reasoning in relation to S122 of the Act.

4. Issue, Options and Analysis of Options

- 4.1 Fly-tipping is an issue on many of Brentwood's byways, which are proving expensive to deal with as well as being detrimental to the local environment.
- 4.2 The letter from Cllr Ian Grundy – Cabinet Member for Highways – acknowledges that fly-tipping is an increasing problem, which has become particularly apparent at various byways on the Brentwood Borough.
- 4.3 ECC have indicated that the issue of a temporary, or permanent closure, is complex and there would be a number of issues of law to address.
- 4.4 ECC have indicated that they will discuss the feasibility of an Order, which will facilitate the removal of fly-tips, that restricts motorised axled vehicles, without restriction on motor bikes and non-motorised users with the Trail Riders Fellowship in July 2017. ECC Officers will provide further advice after this meeting.

5 Reasons for Recommendation

- 5.1 Members are reminded that fly-tipping is an issue along the rural byways of Brentwood and despite the complications of meeting the legal requirements of regulating byways, Brentwood Borough Council should continue to liaise with ECC, and other groups, to seek resolutions to the abuse of the byways.

6 References to Corporate Plan

- 6.1 The approval of the recommendations will benefit the street scene and environment. The Council is committed to providing an efficient, cost effective and responsive Street care service to residents aimed at keeping our street clean and creating a clean, green and sustainable environment to make the Borough an even better place to live, work and visit.

7 Implications

Financial Implications

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Deputy S151 Manager)

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7.1 No direct financial implications.

Legal Implications

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7.2 A temporary closure order may be made under section 14 (1) Road Traffic Regulations Act 1984 which enables a local authority to make such an order in certain circumstances. In this instance section 14 (1) (c) would apply as it enables such an order for the purpose of enabling the duty imposed by section 89 (1) (a) or (2) of the Environmental Protection Act 1990 (litter clearing) to be discharged.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.3 None

8 Appendices to this report

- None

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