

GOVERNANCE COMMITTEE

9 MARCH 2016

Subject Heading:	Review of the Operation of the Highways Advisory Committee
CMT Lead:	Andrew Blake-Herbert, Deputy Chief Executive, Communities and Resources
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Policy context:	The decision constitutes a change to the Constitution with the objective of streamlining certain processes relating to Traffic Management Orders
Financial summary:	Cost Neutral

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

The Highway Advisory Committee currently reviews the vast majority traffic management proposals which often results in these proposals being considered multiple times by this Committee. It is proposed in this report to streamline the involvement of the Committee in minor traffic management changes while maintaining a targeted and local representation on consideration of all traffic management proposals.

RECOMMENDATIONS

That the Committee:

Governance Committee, 9 March 2016

1. **Approve** the amendments to the Constitution contained within this report which will permit changes to the range and scope of the Highways Advisory Committee, and
2. **Authorise** additional delegated powers to the Head of Service in approving and progressing relatively minor changes in regard to traffic management orders.

REPORT DETAIL

3. The Highways Advisory Committee (HAC) was created several years ago to provide a forum for the consideration of highway and traffic schemes, in particular representations for objections to detailed proposals and then advise the Cabinet Member with responsibility for making the final decision (currently the member for Environment). This followed the demise of area committees
4. Some decision making relating to traffic orders has been delegated to the appropriate Head of Service with the support and agreement of the Cabinet Member.

The current terms of reference of the Committee are:

- To approve local highway management schemes in principle for public consultation.
- To authorise minor alterations to traffic management orders to enable implementation of approved proposals or continuation of traffic management schemes.
- To amend or suspend any experimental traffic management order.
- To authorise the creation, amendment and removal of disabled persons parking bays, footway parking bays and at any time waiting restrictions at bends and road junctions.
- To exercise all powers and duties under the Highways Act 1980 that is not delegated to the Leader or a Cabinet Member.
- To authorise the issue of temporary traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.

Proposed Changes to HAC

5. A review of the working of the Committee has been undertaken to consider streamlining the process. Currently the Council receives a substantial number of proposals from the public for traffic schemes, usually waiting restrictions and/or parking bays to overcome a recognised local issue. The proposals will have received a brief assessment from staff before being presented to the Committee for consideration, where a substantial majority are rejected. Proposals that are accepted are then designed in detail and re-presented to the Committee for approval and authorisation to conduct the formal consultation.
6. Irrespective of whether there are any objections, the results of the formal consultation are reported back to the Committee. There are circumstances where the Committee, having approved a proposal will, following its consultation request unilateral changes. This necessitates a fresh round of formal consultation with a further final report back to Committee.
7. Once the Committee is satisfied, the proposal is reported to the Cabinet Member for final consideration and decision. Traffic schemes are an 'executive' matter which can only be formally determined by Cabinet, a Cabinet Member or an officer under delegated powers.
8. As can be seen, it is possible for a traffic proposal to be presented to what is an advisory committee at least three times before a formal decision is made. The proposals that are presented are often localised and have a limited geographical impact.
9. It is suggested that this level of member oversight is excessive resulting in a substantial amount of staff time is being deployed to assess schemes and draft Committee papers for proposals that have a relatively minor impact or little or no likelihood of proceeding.
10. The role of the Committee is recognised in being an important forum for the public consideration of representations on major proposals; it is however proposed that the role and function of the Committee should be streamlined whilst maintaining the effective consideration of major traffic schemes.
11. The following proposals are put forward concerning the use of HAC:-
 - (a) Schemes may still be referred to HAC at the request of the Head of Service, the Lead Member or the affected Ward Councillor.
 - (b) Proposals will still be investigated and outline proposals circulated using the existing Calbrief system. This will alert ward councillors of an impending issue.
 - (c) This report is to obtain approval to formally refer larger schemes to HAC. It is intended that where no objections are received the order be made without further reference to HAC. This should prevent unnecessary repetitions of reports.

Governance Committee, 9 March 2016

- (d) It is proposed that only traffic management issues that involve traffic orders meeting the criteria below will be considered a major scheme and automatically presented to HAC
- an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions
 - implementing new paid for parking, or
 - implementing new permit parking.
- (e) That greater flexibility is given through delegated powers, enabling a more comprehensive view of amendments and proposals to traffic management issues.
- (f) That through these delegated powers any traffic management scheme that is not considered being a major scheme will be dealt with, subject to the caveat in 11(a) through the delegation procedure.
- (g) A review of schemes presented to HAC since the beginning of the 2015 has shown that:
- A total of 64 schemes have been presented to HAC,
 - 15 are, due to their cost, extent or sensitivity would have still been submitted to HAC,
 - 49 would be eligible for resolution through delegated authority. These need only be presented to HAC at the specific request of the Ward Councillor, the Lead Member or the Head of Service.
- (h) Those officers within StreetCare collate individual requests and prepare monthly batches of proposed changes. These are audited for suitability by management and are then reported as part of a monthly delegated powers report for authorisation to formally advertise.
- (i) The objective is to; where applicable reduce the need to use HAC therefore saving HAC involvement for issues that have a more strategic traffic management effect on residents and businesses.
- (j) These measures **will not reduce the local democratic input** as local ward members will be included in all Delegated Authority approvals being sought. If a local member feels that any particular issue were better raised at HAC then they would be able to make this request as part of the delegated authority process.
- (k) That the traffic schemes which are fully delegated to the Head of StreetCare be extended to include all variations of restriction together with new traffic orders that fit within the criteria agreed in this report.
- (l) Where schemes fall outside the scope for delegated authorisation initial investigations and design will be carried and where necessary any informal consultations conducted before a report is submitted to HAC for consideration prior to authorisation to advertise.
- (m) In cases relating to schemes that would automatically be reviewed, HAC will only be consulted following any initial consultations and the preparation of a draft design.

- (n) Again as for the delegated issues, once approved by HAC unless specifically requested by the Head of Service or a councillor, these proposals will be formally advertised and if there are no objections then made without any further delay.
- (o) That paragraph (a) of the Committee Procedure Rules for the Committees is amended to *“The Highway Advisory Committee will consider representations on all traffic management orders schemes not subject to officer delegation”*, and that item 15 (a) be amended to read
- *“(a) The Highway Advisory Committee will consider any proposals for a material parking change where*
 - i) an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions*
 - ii) a schemes proposes implementing new paid for parking, or*
 - iii) a scheme proposes implementing new permit parking.*
- (p) That changes are also made to Pages 39 to the constitution relating to delegated functions to the Highway Advisory Committee
- Functions of the Highway Advisory Committee*
- a) To advise the Council’s Executive on local highway and traffic management schemes that fall within the remit of item 15 to this Constitution*
 - b) To consider representations made as a consequence of the public consultation of a proposed scheme to which item 15 (a) applies.*
 - c) To make recommendations to the Cabinet Member for Community Engagement for the implementation of proposed schemes to which item 15 (a) applies.*

Proposed Changes to Legal Services

12. Legal Services currently operate as a final check regarding the translation of schemes objectives into the Traffic Order and Notice formats. They also carry out checks on whether the correct authorities have been obtained through the Executive Decision Form and any minutes from HAC.
13. There is no case being made for such checks not being carried out, however it is proposed that these checks be conducted within StreetCare and approval to proceed be granted by the Head of Service through the Executive Decision Report. By doing this the Council will make additional time savings with the checks being carried out by Senior Engineers and Managers who will have a more detailed knowledge of each schemes content.
14. Proof checks can be dealt with between the Traffic Order writing source (TMO Services for now) and the designer ahead of the details being issued to either Communications or the publications directly.

Likely savings

15. Under the current process the introduction of even the most minor amendment (not being a double yellow line at a junction) can take as long as **33 weeks from start to finish**. This includes minor bay and other restrictions that do not fall within the limited scope of existing delegated powers.
16. Under the proposal it can be seen that the time taken between the initiation of a scheme and its implementation on site can be significantly reduced whilst expanding the scope of this more streamlined process.
17. By adopting a monthly approval procedure as outlined will be easy gains in that rather than proceeding with an unstructured series of consultations, resulting in many different consultation exercises and adverts there will be generally 12 monthly amendments per year.
18. This will have the effect of streamlining report writing and structuring the consultation and implementation programme such that all stakeholders will be aware of the timetable and be able to pass this information on.
19. With the proposals outlined in this report it is intended that up to 30 days can be removed from the process involved in minor schemes
20. It is proposed that the Committee should continue to be consulted on regarding schemes that have a strategic implication as outlined in this report.
21. If the proposed changes to the Legal Services process are adopted further time savings of up to 2 weeks can also be gained by StreetCare self-approving the documentation relating to schemes from the Executive Decision authority to formally consult to the Order being made.

IMPLICATIONS AND RISKS

Financial implications and risks:

22. There are no direct financial implications

Legal implications and risks:

23. Through the proposed changes to the signing and sealing procedure Legal Services will have a much reduced role in the Traffic Order process. Approvals to go ahead and advertise and ensure that all appropriate authorities have been received will instead become the duty of the StreetCare Head of Service.

Human Resources implications and risks:

24. There are no direct human resource implications

Equalities implications and risks:

25. There are no direct Equalities implications arising from this report. However, officers and Members, including those with delegated powers are reminded that when considering proposals/requests, consulting on proposed schemes and making decisions they must have “due regard” to the Public Sector Equality Duty and the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity, and
- Foster good community relations

26. in relation to people who share a relevant protected characteristic and persons who do not share it.

27. Officers and decision makers must carefully consider any issues / concerns raised on Equality and Diversity grounds and proactively explore relevant alternative solutions prior to making a final decision. If after considering the potential/likely equality implications decision-makers conclude that the decision is justifiable and decide to go ahead with the implementation of the proposal, officers must ensure that the effects of the scheme are effectively monitored and any disproportionate impact on protected groups is escalated and addressed.

28. Where infrastructure is provided or substantially upgraded, e.g. where there is some visual impact from required signing and lining works, reasonable adjustments should be made to reduce temporary disruptions and improve long-term accessibility for individuals and groups with protected characteristics (mainly, but not limited to disabled people, children and young people, older people). This will assist the Council in meeting its duty to consider reasonable adjustments under the Equality Act 2010.

BACKGROUND PAPERS

None