

GOVERNANCE COMMITTEE

9 MARCH 2016

Subject Heading:	Review of the Operation of the Highway Advisory Committee
CMT Lead:	Andrew Blake-Herbert, Deputy Chief Executive, Communities and Resources
Report Author and contact details:	David Pritchard (01708) 433132 david.pritchard@havering.gov.uk
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 (HAC) currently reviews the vast majority of traffic proposals often resulting in these proposals being considered multiple times. It is the aim of this report to re-categorise the types of requests made for traffic order changes and when they are reported to HAC. These changes will maintain Members ability to review all requests and call them in for consideration by HAC.

RECOMMENDATIONS

That the Committee **recommend to Council** that it authorises the deletion of the existing Committee Procedure Rules as set out in Part 4 (Rule of Procedure) (Committee Procedure Rules) Para. 15 (Highways Advisory Committee); and replaces them with the following:

15 *Highways Advisory Committee*

- (a) *The Highway Advisory Committee will consider proposals for a material parking change which meets any of the criteria listed in 1) to 6) below (except for those which are subject to officer delegation as outlined elsewhere in the Constitution):*
- 1) *an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions*
 - 2) *the introduction of single scheme involving 3 or more roads*
 - 3) *the introduction of paid for parking not being amendments within an existing scheme, or*
 - 4) *the introduction of new permit parking not being amendments within an existing scheme.*
 - 5) *the introduction of new bus stop accessibility locations.*
 - 6) *proposals with a multi-ward impact*
- (b) *Any other proposal which will result in a material parking change other than those outlined in 15 (a), will be notified to Members via CalBrief and be available for call-in to HAC by the Ward Councillor for consideration at any stage prior to the final approval of the proposed measures by the Ward Councillor.*
- (c) *Ward Councillors will be given a 7 day period following notification of the final design during which they may refer an item to HAC. If no request to refer to HAC is received, the item will proceed through delegated powers for advertising.*
- (d) *Any request for call-in must be received by the Head of Service in writing (to include email and fax) during the Calbrief stage (as outlined in Appendix 1). If no such request is received by the CalBrief deadline the Head of Service may determine the proposal in agreement with the Cabinet member.*

- (e) *Referring schemes to HAC*
 - i. *A Ward Councillor should be able to call in any application advertised in CalBrief within their ward citing their reasons for 'call-in.*
 - ii. *Following the scheme's design, a ward councillor will be shown the design. The Ward Councillor is then entitled to refer the scheme to HAC for consideration if they so choose.*
 - iii. *Any non-Ward Councillor can call in any application across Havering where it is felt by the Cabinet Member or the Head of Service that these objections raise issues in need of advice from HAC/ are issues of material concern (In line with regulatory services - planning)*
- (f) *A Ward Councillor calling-in a proposal should attend the Highways Advisory Committee or appoint a substitute to explain the reasons for the call in.*
- (g) *A Ward Councillor calling-in a proposal on an item shall be limited to four minutes in addressing the Committee.*
- (h) *Where public representations have been received to a scheme which is before the Committee for consideration, one objector and one supporter shall have an opportunity to address the Committee. The addressees shall not exceed six minutes (which means that each addressee shall not exceed three minutes) or such lesser time as the committee by resolution, either generally or in relation to a specific scheme, may agree.*
- (i) *The Chairman may use his/her discretion to allow more than one objector and/or one supporter to address the Committee.*

In addition, that the Committee recommend to Cabinet that it delegate additional powers to the Head of StreetCare to agree all schemes which are not designated as a "major scheme" as defined in paragraph 14 of this report.

REPORT DETAIL

1. Following the formal consultation and irrespective of whether there are any objections, the results of the formal consultation are always reported back to the Committee. There are circumstances where the Committee, having approved a proposal will, following the consultation request unilateral

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changes. This often necessitates a fresh round of formal consultation with a further final report back to Committee.

2. Proposals may be presented at least three times before a formal decision is made where issues are often localised with a limited geographical impact
3. Traffic order changes are an 'executive' matter which can only be formally determined by Cabinet, a Cabinet Member or an officer under delegated powers.
4. Certain 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 delegated powers are:

- To approve local highway management schemes in principle for public consultation.
 - 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.
5. The Council receives a substantial number of requests for schemes, usually local waiting restrictions and/or parking issues. All requests receive a brief assessment from staff and are placed on either the HAC list or Calendar Brief (CalBrief) before being presented to the Committee for consideration.
 6. Those requests accepted are then designed in detail and presented to HAC for consideration as a proposal. Approval to formally consult is then obtained through a subsequent Executive Decision Report.
 7. It is considered that this level of committee oversight is excessive and results in a substantial amount of staff time being used to assess schemes and draft Committee papers for proposals that have a relatively minor impact or little or no likelihood of proceeding.

Proposed Changes to HAC

8. 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.

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9. It is important that the Committee are clear with the classification of what constitutes a minor scheme as it is these proposals that will not be automatically presented to them.
10. It is the aim of this report to give Councillors a clear framework to identify major schemes based on their size and their impact in respect of geographical scope, cost, safety and other impacts. Because of this a comprehensive Ward Councillor call in process will be available as set out below. This will allow for all proposals to be referred to HAC on request if considered appropriate.
11. Traffic Order proposals arising from the criteria below at 1 to 6 would be considered a major scheme. The list is designed to identify the general impact arising from proposals and is not intended to be prescriptive:
 - 1) an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions
 - 2) the introduction of single scheme involving 3 or more roads
 - 3) the introduction of paid for parking not being amendments within an existing scheme, or
 - 4) the introduction of new permit parking not being amendments within an existing scheme including changes to the times of operation.
 - 5) the introduction of new bus stop accessibility locations.
 - 6) proposals with a multi-ward impact
12. Minor issues will consist of local variations to existing restrictions being any proposal that has a limited and localised impact on residents, businesses or the provisions in the surrounding highway. Each of these proposals will be open to the Ward Councillor call in process and will include such measures as:
 - 1) Double yellow lines
 - 2) Single yellow lines
 - 3) Loading bays
 - 4) Disabled parking bays
 - 5) Localised amendments to permit bays
 - 6) Localised amendments to pay for parking bays
13. Where proposed changes are the result of an approved Planning Application, the details relating to any traffic order changes will be treated as minor issues and processed through the delegated process.
14. The following proposals are put forward regarding the use of HAC:-

General

- (a) That all proposals will be investigated by StreetCare officers and outline proposals circulated using the existing Calbrief system, alerting all ward councillors of an impending issue.

- (b) That a call in procedure will be available providing Ward Councillors the opportunity to request all items be placed before HAC either at the Calbrief stage or ahead of the final design being approved.
- (c) That for delegated changes, a further referral to HAC may be requested following objections, where the Lead Member or Head of Service feel it appropriate.
- (d) That Ward Councillors requesting that a proposal not classed as major be referred to the HAC for consideration make it in writing during the Calbrief stage to the Head of Service (as outlined in Appendix 1).
- (e) That unless Ward Councillors are in favour of the formal consultation of the scheme Ward Councillors they may defer schemes to HAC at any point before the final design.
- (f) That the HAC call-in procedure will reflect that followed by Regulatory Services (ie. Planning) Committee as outlined in this report.

Major Schemes

- (a) Where schemes are considered as major listed in 13, initial investigations and design will be carried out and where necessary, informal consultations conducted before a report is submitted to HAC for its consideration prior to authorisation to advertise.
- (b) In cases relating to schemes that would automatically be reviewed by HAC, it will only be consulted following any initial consultations and the preparation of a draft design.
- (c) That the major category schemes are automatically reported to HAC following the initial investigations for their comment prior to approval to officially consult, and where no objections are received the order be made without further reference to HAC.

Minor Schemes

- (a) That greater use is made of delegated powers, providing a more efficient approach when dealing with minor, localised changes to traffic management Orders as listed in 14.
- (b) Minor schemes may still be referred to HAC if the Ward Councillor feels this is needed at either the Calbrief stage or ahead of the final scheme approval.
- (c) Minor schemes may still be referred to HAC if objections have been received following the formal consultation and it is felt by the Lead Member or the Head of Service that the objections raise issues in need of advice from HAC.
- (d) As for the major issues, once approved these proposals will be formally advertised and if there are no objections then made without any further delay, unless specifically requested by the Head of Service or the Lead Member.

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15. The objective is to use HAC for issues that have a more strategic impact on residents and businesses.
16. These measures will not reduce the local democratic input as members will be included in all Delegated Authority approvals being sought through the Calbrief process. If a Ward Councillor feels that any particular issue within their ward were better raised at HAC then they will be able to request that the matter be deferred to HAC for consideration.

Constitution Amendment

17. That the following be deleted from the Committee Procedure Rules for the Committees

Part 4: Committee Procedure Rules

Rules for specific meetings

15 Highways Advisory Committee

- (a) *The Highways Advisory Committee will consider any proposals for a parking scheme which is referred to it by a member within the 7 day consultation of the request being notified to members via Calendar Brief. This will not apply to schemes which are not subject to officer delegation as these will be placed before HAC.*
- (b) *Where representations have been received to a scheme, one objector and one supporter shall have an opportunity to address the Committee. The addresses shall not exceed six minutes (which means that each address shall not exceed three minutes) or such lesser time as the committee by resolution, either generally or in relation to a specific scheme, may agree.*
- (c) *The Chairman may use his/her discretion to allow more than one objector and/or one supporter to address the Committee.*
- (d) *A councillor calling-in a scheme or speaking as a Ward Councillor shall be limited to four minutes in addressing the Committee.*

And the following revised procedure rules for discussion be inserted in their place

Part 4: Committee Procedure Rules

Rules for specific meetings

15. Highways Advisory Committee

- (a) *The Highway Advisory Committee will consider proposals for a material parking change which meets any of the criteria listed in 1) to 6) below (except for those which are subject to officer delegation as outlined elsewhere in the Constitution):*

- 1) *an integrated scheme such as new Controlled Parking Zones that result in changes other than amendments to existing restrictions*
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 - 6) *proposals with a multi-ward impact*
- (b) *Any other proposal which will result in a material parking change other than those outlined in 15 (a), will be notified to Members via CalBrief and be available for call-in to HAC by the Ward Councillor for consideration at any stage prior to the final approval of the proposed measures by the Ward Councillor.*
- (c) *Ward Councillors will be given a 7 day period to following notification the final design during which they may refer an item to HAC. If no request to refer to HAC is received the item will proceed through delegated powers for advertising.*
- (d) *Any request for call-in must be received by the Head of Service in writing (to include email and fax) during the Calbrief stage (as outlined in Appendix 1). If no such request is received by the CalBrief deadline the Head of Service may determine the proposal in agreement with the Cabinet member.*
- (e) *Referring schemes to HAC*
- i. *A Ward Councillor should be able to call in any application advertised in CalBrief within their ward citing their reasons for call-in.*
 - ii. *Following the scheme's design, a ward councillor will be shown the design. The Ward Councillor is then entitled to refer the scheme to HAC for consideration if they so choose.*
 - iii. *Any non-Ward Councillor can call in any application across Havering where it is felt by the Cabinet Member or the Head of Service that these objections raise issues in need of advice from HAC/ are issues of material concern (In line with regulatory services - planning)*

- (f) *A Ward Councillor calling-in a proposal should attend the Highways Advisory Committee or appoint a substitute to explain the reasons for the call in.*
- (g) *A Ward Councillor calling-in a proposal on an item or a councillor from the Ward where the proposal has been made shall be limited to four minutes in addressing the Committee.*
- (h) *Where public representations have been received to a scheme which is before the Committee for consideration, one objector and one supporter shall have an opportunity to address the Committee. The addressees shall not exceed six minutes (which means that each addressee shall not exceed three minutes) or such lesser time as the committee by resolution, either generally or in relation to a specific scheme, may agree.*
- (i) *The Chairman may use his/her discretion to allow more than one objector and/or one supporter to address the Committee.*

Likely savings

- 18. 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.
- 19. 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 by expanding the scope of this more streamlined process.
- 20. 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, be able to comment on the proposal and be able to pass this information on to their constituents.
- 21. With the proposals outlined in this report it is hoped that up to 70 days can be saved from the overall implementation time involved in minor schemes.
- 22. For major schemes, where the initial design has been carried out before reporting to HAC and where a further report will only be submitted if objections are made a saving of up to 35 days may be possible.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no direct financial implications

Legal implications and risks:

There are no Legal implications arising from this report

Human Resources implications and risks:

There are no direct human resource implications

Equalities implications and risks:

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

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

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.

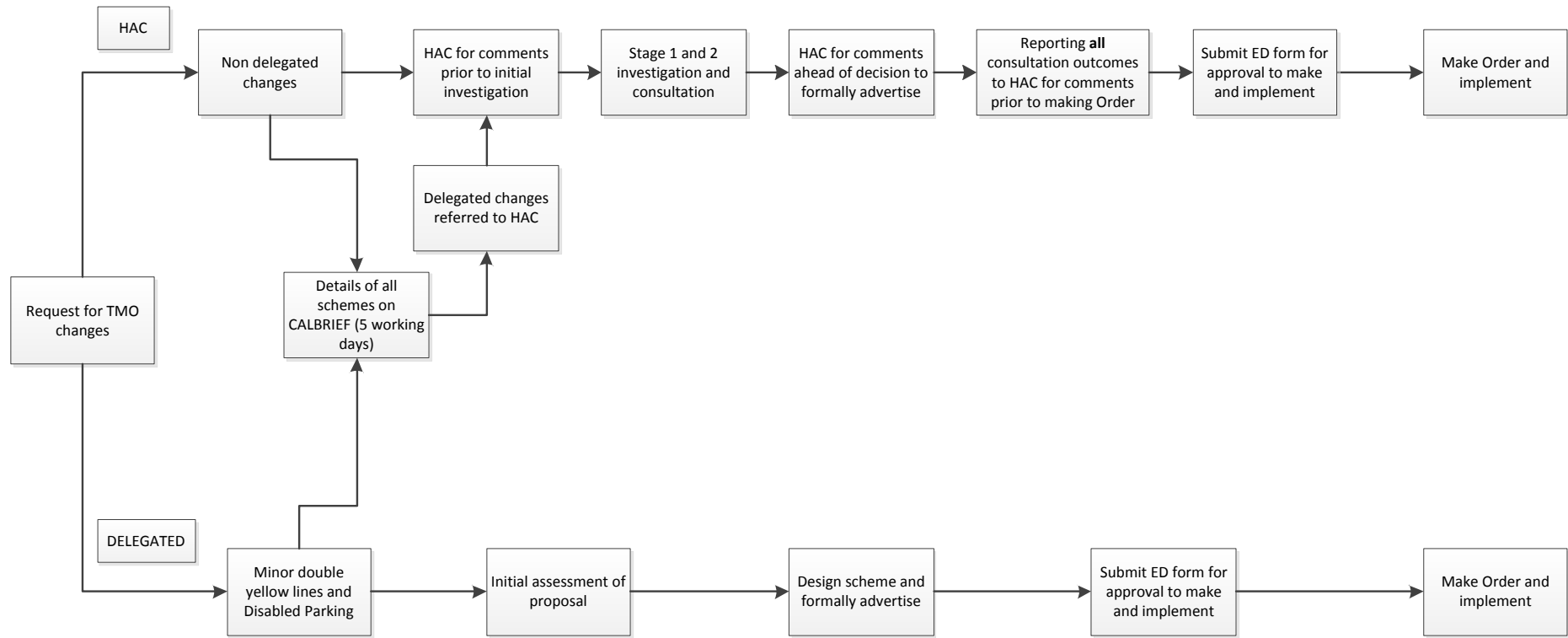
Where infrastructure is provided or substantially upgraded, e.g. where there is some visual impact from required signing and lining works, reasonable adjustments should be made to reduce temporary disruptions and improve long-term accessibility for individuals and groups with protected characteristics (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

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PROCESS CHART FOR EXISTING USE OF HAC/DELEGATED AUTHORITY RELATING TO TRAFFIC MANAGEMENT ORDERS



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INDICATIVE PROCESS CHART FOR FUTURE HAC/DELEGATED AUTHORITY SPLT FOR TRAFFIC MANAGEMENT ORDER ISSUES

