

Leicester
City Council

WARDS AFFECTED: ALL

Cabinet

24th January 2005

Traffic Management Act 2004 – Implications of Network Management Duty

Report of the Service Director, Highways and Transportation

1 Purpose of Report

- 1.1 The report outlines the implications for the City Council of the provisions of Part 2 of the Traffic Management Act 2004. The Act places a duty on authorities to manage highway networks effectively to keep traffic flowing.

2 Summary

- 2.1 Local Authorities have a range of powers and duties under which they maintain and improve the highway network and manage its uses and the activities taking place on it. The Traffic Management Act 2004 adds to these powers. It also adds (under Part 2 of the Act, the subject of this report) a network management duty and requires the authority to appoint a Traffic Manager. The Network Manager has authority to perform tasks that the authority considers necessary to keep traffic flowing.
- 2.2.1 This report informs Members about the requirements of the Act and the scope of the Traffic Management duties covered by the Act. It outlines improvements already in place in the Highways and Transportation Division following the Best Value Review of 2002.
- 2.3 The measures contained in the Act will give Leicester City Council better powers to manage many of its highway duties as the legislation is gradually implemented over the next 2 years.

3 Recommendations

- 3.1 Cabinet are recommended to:
- (i) Note that the Corporate Director Regeneration and Culture will determine which existing member of staff would be best suited to being designated Traffic Manager for the purposes of the Act. (Paragraphs 3.1-3.4 of the supporting information).
 - (ii) Agree the financial implications of the Act (Section 4 below)

- (iii) Agree to receive further reports when other secondary legislation is introduced.

4 Financial and Legal Implications

4.1 Financial Implications

4.2 An assessment of the initial resource implications has been carried out. This has identified the requirements for setting up a robust inspection, enforcement and enhanced traffic management role, which will be essential for introducing effective management of the network.

4.3 Government guidance on the impact of the new legislation on local government finances states that the new act is expected to be cost neutral. This however will only be the case when the regime for issuing permits and enforcing the legislation is in place. Funding will be required to engage staff to set up the new arrangements for traffic management and street works enforcement.

4.4 The funding implications which are based on the appointment of two staff in 2000/06 and an appointment in 2006/07 and 2007/08 are shown in the table below.

4.5

Current Budget	<u>2005/06</u> <u>£000s</u>	<u>2006/07</u> <u>£000s</u>	<u>2007/08</u> <u>£000s</u>
Amount of Growth	50k	75k	100k
Future Income	20k	50k	100k
Net Costs	30k	25k	0
Staffing Implications			
Extra Posts	2	1	1

Staff costs will need funding during 2005/06 with a net cost of £30k. In 2006/07 those net costs will be 25k but will become self-financing in 2007/08.

The Department proposes that the net costs in 2005/06 and 2006/07 be funded initially from the Highways Maintenance budget prior to becoming self-financing in 2007/08.

Sally Upton

1 November 2004

4.6 Legal Implications

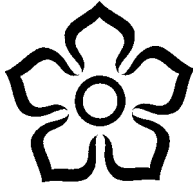
4.7 The Act places a network management duty on the council to keep traffic flowing, taking account of its duties and responsibilities, and to co-operate with other authorities to achieve this.

4.8 As part of the arrangements for delivering the network management duty, the Act requires the council to appoint a " traffic manager". The council will need to exercise all of those functions that have an impact on traffic flows in a more co-ordinated way.

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Cabinet



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Traffic Management Act 2004 Implications of Network Management Duty

Report of the Service Director Highways & Transportation

1 Background

- 1.1 This report outlines the implications for the City Council of the provisions of Part 2 of the Traffic Management Act 2004. The Act places a Traffic Management duty on authorities to manage highway networks effectively to keep traffic flowing.
- 1.2 The implications of the other parts of the Traffic Management Act, will be the subject of further secondary legislation and will be reported to members in due course.
- 1.3 The Traffic Management Act received Royal Assent on Thursday 22nd July 2004. The Act provides the basis for better conditions for all road users through the proactive management of the national and local road network.
- 1.4 The Act is an enabling Act and allows for the introduction of secondary legislation through statutory instruments, regulations and codes of practice. The Government intend that secondary legislation will be introduced, following public consultation, over the next 2 years.
- 1.5 The six key provisions in the Act are:

Content		Comment
Part 1	Establishment of highways Agency Officers	Applies to Motorways and Trunk Roads
Part 2	Local road network management	Subject of this report
Part 3	Permit Schemes for Highway and Streetworks and other activities	Future orders
Part 4	Greater control of streetworks	Future orders
Part 5	Designation of strategic roads in London and some highway activities	Future orders
Part 6	Civil enforcement of parking and some moving parking offences	Future orders
Part 7	Miscellaneous and general	Future orders

Further details and an overview of the Act are included in Appendix 1 to this report.

- 1.6 The Commencement Order for Part 2 came into effect on 4th January 2005. This Order places a duty of Network Management on local authorities to keep traffic flowing and co-operate with other authorities to the same end.

2. The Act

Network Management Duty

- 2.1 Part 2 of the Act sets out the arrangements a local traffic authority must make to manage its own network. These include:

- appointing a Traffic Manager.
- Establishing processes to identify and, where reasonably practicable, deal with things that could cause congestion and disruption.
- Determining specific policies and objectives for the different roads in the network.
- Monitoring the effectiveness of these arrangements and actions in meeting the duty.

Strategic Overview

- 2.2 Network management is one element of an authority's transport activities and should complement other policies and actions. The government expect that local transport authorities will incorporate desired outcomes and appropriate policies and plans under the network management duty in Local Transport Plans to achieve a coherent approach to traffic management.

- 2.3 Local Authorities should have a clear understanding of the problems facing different parts of the network and the needs of different road users, along with balanced policies for addressing them. Making sure this happens needs a structured approach to the allocation of road space that takes into account other traffic management initiatives such as traffic calming, improving town centres, public transport priority and the authority's road safety plan.

A whole authority approach

- 2.4 The guidance notes issued with the act state that the Network Management Duty requires authorities to consider anything that affects the flow of traffic, and not just the activities of the highways department and associated third parties.

- 2.5 In Leicester City Council's case, this could mean that we would need to think about the effect of, for example, street cleaning and refuse collection on main routes at rush hours.

- 2.6 The guidance notes advise that the authority will need to ensure that all departments are aware of the new traffic management duties.

Managing works on street

- 2.7 Works by utilities, developers, and the local authority on the road network have a significant impact on traffic. Under the duty, an authority will need to ensure that works are carried out with sufficient urgency, given the congestion and disruption they cause. Works should not be looked at in isolation. Authorities must lead by example applying the same standards and

approaches to their own activities as to those of others ensuring parity in their approach.

- 2.8 Authorities already have power in this area under the 1991 New Roads and Street Works Act. The new act strengthens the powers available to them and builds the existing regulatory framework relating to the co-ordination of excavations and directing works to minimise disruption.

Monitoring and Evaluation

- 2.9 Local Traffic Authorities are required to monitor the effectiveness of their processes and assess the implementation of procedures and strategies in managing the road network. This is so that they can improve the network performance indicators relevant to the network will need to be identified by the Authority to measure performance.
- 2.10 Clearly the performance of networks will be affected by many factors including some outside the control of the authority. Some may be influenced by the authority's own wider policies and responsibilities such as development control, local safety initiatives, public transport priorities etc. As a consequence monitoring and evaluation will need to cover a broad field relevant to the authority's specific circumstances, and include as appropriate indicators being developed for the Local Transport Plan process.
- 2.11 The Government hopes that the Network Management Duty itself will be sufficient for all Local Transport Authorities to manage their networks effectively. But given the importance of getting this right, the act does contain powers for the Secretary of State to intervene where an authority is failing to meet its duty.
- 2.12 The Secretary of State will be publishing guidance about the criteria he proposes to apply for the purpose of deciding whether or not to formally intervene under the power of the Act. This will set out in more detail the monitoring and evaluation requirements, along with advice on the choice of indicators.

3 Implications for the Council

Traffic Manager

- 3.1 There are a number of implications for Leicester City Council in this new legislation. The first impact is the requirement under Part 2 of the Act for the City Council to appoint a Traffic Manager.
- 3.2 The guidance issued by the Department for Transport allows the Council to decide on the seniority and the precise duties of the Traffic Manager.
- 3.3 Given the duties and responsibilities outlined in paragraph 3 relating to the role of the Traffic Manager it is clear that the appointment would be best placed at senior level. This will give the postholder the ability to influence all of the functions that could have an impact on traffic movement.

3.4 In assessing these issues, the Corporate Director of Regeneration and Culture will consider which officer would be best suited to carry out the duties included in the Act and be designated Traffic Manager accordingly.

Street works Co-ordination

3.5 At present the coordination of roadworks is managed in the Transport Systems Section of the Highways and Transportation Division. The work was transferred to this section following the Best Value Review in 2002. That review identified the need strengthen the Division's role in dealing with disruption due to roadworks. The section also operates the Urban Traffic Control computer system that coordinates the operation of traffic signals to better manage traffic flows throughout the city.

3.6 Leicester City Council is already well placed to handle the provisions of the Act in relation to Network Management and Streetworks. The reorganisation carried out in 2002 has resulted in a more robust coordination process with the utilities and the Council's own works programme. However, we do not have enough capacity to deal effectively with the inspections and enforcement already required by the existing legislation. This issue needs to be addressed before the provisions of the Act come into effect so that the Council benefits from the new powers under the Act. The department proposes to enhance the current establishment by the provision of additional support over the next 3 years. Details of how it is proposed to fund the shortfall are explained in the financial implications section (Section 4) of the covering report.

4 Timetable for implementation

4.1 The Traffic Management Act 2004 received Royal Assent on 22nd July 2004, and the first commencement order relating to specific issues on Motorways, Trunk Roads, London Strategic Roads and some miscellaneous items came into effect on 4th October 2004

4.2 The Commencement Order for Part 2 came into effect on 4th January 2005. This Order places a duty of Network Management on local authorities to keep traffic flowing and co-operate with other authorities to the same end. Local traffic authorities will have a period of 12 weeks to notify the Secretary of State that an appointment to the role of Traffic Manager has been made.

5 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	Yes	2.3
Policy	Yes	2.2
Sustainable and Environmental	Yes	2.4
Crime and Disorder	No	
Human Rights Act	No	
Older People on Low Income	No	

5.1 Risk Assessment Matrix

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1	The City Council fails in its Traffic Management duty leading to intervention by the Secretary of State.	Low	High	<p>Following the Highways and Transportation Best Value Review in 2002 the Division was reorganised to put in place a more robust co-ordination process with the utilities and the Council's own works programme.</p> <p>The report recommends enhancing the resources available to ensure effective management of the network.</p> <p>Regular reviews of the effectiveness of network management operations, once performance criteria are published by the Department for Transport.</p>

L - Low
M - Medium
H - High

L - Low
M - Medium
H - High

6 Background Papers - Local Government Act 1972

Traffic Management Act 2004

7 Consultations

Consultee

C&R Head of Finance
C&R Head of Highway Management
RAD Head of Legal Services

Date Consulted

1 November 2004
29 October 2004
22 October 2004

Overview of the Act

1 Part 1 - Highways Agency Traffic Officers

- 1.1 Part 1 of the Act enables some traffic management functions on motorways and other trunk roads currently carried out by the police to be carried out by uniformed traffic officers. Traffic officers to have powers to stop and direct traffic, and place and operate traffic signs to deal with incidents and keep traffic moving
- 1.2 .A national network of Regional Control Centres. will be established to monitor and manage traffic on the network. The Regional Control Centres will be operated by the Highways Agency in partnership with the Police,

2 Part 2 Network Management by Local Authorities and Traffic Managers

- 2.1 Part 2 of the Act places a network management duty on local authorities to keep traffic flowing, taking account of their other duties and responsibilities, and to co-operate with other authorities.
- 2.2 As part of the arrangements for delivering the network management duty, the Act requires that all traffic authorities appoint a "Traffic Manager". The authority will need to exercise all of those functions that have an impact on traffic flows in a more co-ordinated way, but the precise duties and responsibilities of the traffic manager, will be for the authority to decide.
- 2.3 The Secretary of State will be issuing statutory guidance to local traffic authorities on the network management duty in October following public consultation.
- 2.4. If it can be demonstrated that an authority is failing with regard to its network management duties, then the Act provides for the Secretary of to appoint a "Traffic Director" for that authority. Different levels of intervention will be possible; at one level there could be a relatively hands-off monitoring of what the authority was doing. At a more serious level a more hands-on approach would be appropriate, and the government has indicated that the traffic director could take over responsibility for some of the authority's traffic functions.
- 2.5. Guidance on the criteria used to determine whether intervention is necessary. is currently being developed and will also be subject to a public consultation.

3 Part 3 Permit Schemes for Roadworks

- 3.1 Part 3 of the Act provides for the creation of "permit schemes" under which utilities and highway authorities wishing to dig up roads will have to apply for permission to carry out works. Authorities operating permit schemes will be able to attach conditions to the grant of a permit with a view to reducing the

disruption and inconvenience which roadworks cause. Local authorities will have to treat their own works on an equal footing to those carried out by others in deciding whether to issue a permit and what conditions to attach. The details of how permit schemes would operate will be set out through regulations which will be introduced in 2005.

4 Part 4 new measures to control utility works

- 4.1 Part 4 of the Act includes a range of other new measures to control utility works. At present, authorities can direct utilities not to carry out works at particular times of day. The Act provides authorities with further powers to direct utilities not to carry out their planned works on particular days, and where appropriate, to tell them that their works should avoid certain routes where it is reasonable to do so.
- 4.2 Currently, authorities can place a 12-month embargo on any more works taking place on a road on which major road works have just been carried out. The Act will allow authorities to apply similar embargoes after major utility works, and will allow the maximum length of the embargo to be changed through regulations (eg increasing it to 3 years).
- 4.3 The Act will allow authorities to direct utility companies, in certain circumstances not only to resurface the parts of the road that they had dug up, but to resurface the entire lane or width of the road. This would address the problem of the appearance and surface of some roads being scarred, and the structure weakened, by a series of trenches.
- 4.4 The Act will allow a more effective regime to be developed for inspecting the works carried out by utilities. The aim would be to target poor performance so as to improve the quality of works and reduce the amount of remedial works and repairs and the unnecessary disruption that they cause.
- 4.5 The existing enforcement regime is only of limited effectiveness. The Act raises the levels of fines payable by utility companies who commit offences related to their street works. At the moment the maximum fines are £1,000 - the Act will raise these levels, in some cases £5,000. More importantly the Act also allows for authorities to issue offenders with Fixed Penalty Notices which will make it much easier for authorities to take action against offenders and to collect fines.

5 Part 5 Applies to London and some highway matters

- 5.1 A section in this part of the act allows "lane rental" and overstaying charging powers to be extended to the owners of skips, scaffolding and other items such as building materials that are left in the road.
- 5.2 Another section in this part will require authorities to keep records of their apparatus in the road, bringing highway authorities into line with the existing requirements on utilities. The duty on authorities to co-ordinate their own and utility works is extended to encompass other activities which occupy the road.

6 Part 6 Civil Enforcement of Driving and Parking Offences

- 6.1 Part 6 of the Act enables the consolidation, of civil traffic enforcement legislation covering parking, bus lanes, and some moving traffic offences. It extends the scope for local authorities to take over enforcement of traffic contraventions from the police. The Act includes a reserve power to enable the Secretary of State to direct authorities to apply for civil parking enforcement powers

7 Part 7 Parking surpluses & Blue Badge Inspection Power

- 7.1 Part 7 will contain general and miscellaneous provisions, including provision relating to Blue Badges (although it is not known at present what the precise details will be), for the application of surplus income from parking places, and financial provision for the establishment of traffic officers.