



Meeting or Decision Maker:	Councillor Melvyn Caplan, Cabinet Member for City Management and Customer Services
Date:	21 September 2016
Classification:	General Release
Title:	Traffic Management Act 2004: Appointment of statutory Traffic Manager
Wards Affected:	All
City for All:	“We will protect and enhance Westminster’s unique heritage so that every neighbourhood remains a great place to live, work, invest in, and visit, both now and in the future.”
Key Decision:	No
Financial Summary:	There are no financial implications associated with this report as long as a statutory traffic manager is appointed. The Secretary of State for Transport could appoint a traffic manager if the City Council fails to do so and seek reimbursement of the costs incurred from the City Council.
Report of:	Executive Director of City Management and Communities

1. Executive Summary

The Traffic Management Act 2004 requires the appointment of a person (to be known as the “traffic manager”) to perform such tasks as the authority consider will assist them to perform their network management duty under section 16 of the Traffic Management Act 2004.

2. Recommendations

- 2.1 That the Head of Road Management in the City Management and Communities Department be appointed as the City Council’s statutory traffic manager with effect from 1 October 2016 to continue the statutory functions currently performed by the City Transport Advisor who leaves the City Council on 30 September 2016.
- 2.2 That the Head of Road Management be authorised to take such actions as may be necessary to assist the City Council to perform its network management duty under section 16 of the Traffic Management Act 2004 in consultation with the Cabinet Member for City

Management and Customer Services and the Executive Director of City Management and Communities.

3. Reasons for Decision

The City Council needs to appoint a traffic manager to replace the City Transport Advisor who currently performs the role, and the Head of Road Management has the necessary skills and experience to fulfil the role, having worked closely with the current traffic manager since 2005.

4. Background, including Policy Context

- 4.1 The Traffic Management Act 2004 requires the appointment of a person (to be known as the “traffic manager”) to perform such tasks as the authority consider will assist them to perform their network management duty as set out in section 6 of this report.
- 4.2 The City Council has worked closely with TfL, the London Boroughs and utilities to try and ensure that the City Council meets its network management duty.
- 4.3 The Head of Road Management has worked closely with the City Council’s first traffic manager since 2005 and is well placed to take over this statutory role from the City Transport Advisor on 1 October 2016.
- 4.4 The Head of Road Management will be joining the National Traffic Managers’ Forum to represent the Local Government Technical Advisers Group (TAG) at its next meeting due to be held on 29 September 2016 when the City Transport Advisor steps down as its current Chairman. This will help the City Council ensure that it is involved in changes in policy and procedures, which are developed nationally.

Proposed transfer of powers relating to the network management duty to the Head of Road Management

- 4.5 It is proposed that the Head of Road Management is also made directly responsible for undertaking all statutory street works authority functions and the making of all experimental, permanent and temporary traffic regulation orders and notices. It is also proposed that Head of Road Management is made directly responsible for the issuing of all temporary and permanent highway licences.

The Head of Road Management has been given delegated authority to undertake street works functions, issue temporary traffic regulation orders and temporary traffic regulation notices and highway licences under Martin Low’s name since 2010 or earlier. He has also made Anti-Terrorism temporary traffic regulation notices in the name of the City Transport Advisor. He would take on the consultation with the Cabinet Member for Public Protection and is already fully aware of the process.

There are sound procedures in place for making experimental and permanent traffic regulation orders. These have been used for many years with good support from the City Council’s external provider, WSP Parsons Brinkerhoff that has a dedicated traffic order making team currently based on the 10th floor in City Hall.

The current arrangements include consultation with relevant Cabinet Members and these have recently been reviewed so that the Cabinet Member for City Management and Communities has an overview of decisions due to be taken under delegated authority as his portfolio is responsible for the network management duty.

Most delegated authority reports are associated with ad hoc changes to parking controls or moving traffic controls, but some are associated with public realm schemes or other schemes.

The Deputy Cabinet Member for Sustainability and Parking deals with most changes to parking controls on behalf of the Cabinet Member for Sustainability and Parking.

The Cabinet Member for Built Environment deals with public realm schemes and if involved has two deputies who also get consulted. The Cabinet Member for City Management and Customer Services and his deputy are consulted on changes to moving traffic controls.

The delegated authority reports are either seeking approval to consult on the draft traffic regulation order or considering the results of the public consultation. If no comments are received a report is signed noting no comments have been received and confirming that the order will be made in its advertised form.

Some Cabinet Member reports give approval to advertise the making of traffic regulation orders required for schemes and so delegated authority reports are then only drafted to consider the results of the statutory consultation.

Parking Services is consulted on all traffic regulation orders as it is responsible for the enforcement of contraventions of both parking controls and moving traffic controls. Those arrangements will continue, but with the involvement of the Head of Road Management as the statutory traffic manager.

5. Financial Implications

- 5.1 There are no financial implications associated with this report as long as a statutory traffic manager is appointed. The Secretary of State for Transport can appoint a traffic manager if the City Council fails to do so and seek reimbursement of the costs incurred from the City Council.

6. Legal Implications

- 6.1 Sub-section 2 of section 17 of the Traffic Management Act 2004 requires the appointment of a person (to be known as the “traffic manager”) to perform such tasks as the authority consider will assist them to perform their network management duty under section 16 of the Traffic Management Act 2004, which is set out as follows:

“(1) It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—
(a) securing the expeditious movement of traffic on the authority's road network; and
(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
(2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing—
(a) the more efficient use of their road network; or
(b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).”

7. Staffing Implications

- 7.1 There are no significant staffing implications arising from this report as there are only three meetings held each year and they are held in London.

8. Consultation

- 8.1 The Local Government Technical Advisers Group (TAG) has approved the proposal from the City Transport Advisor that the Head of Road Management represents that body on the National Traffic Managers' Forum.

**If you have any queries about this Report or wish to inspect any of the
Background Papers please contact:**

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Department**

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BACKGROUND PAPERS: Traffic Management Act 2004

NB: For individual Cabinet Member reports only

For completion by **Councillor Melvyn Caplan, Cabinet Member for City Management and Customer Services**

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

State nature of interest if any
.....

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

Traffic Management Act 2004: Appointment of statutory Traffic Manager and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for City Management and Customer Services

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.