

ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**Thursday, 3 December 2020**

REPORT TITLE:	NETWORK MANAGEMENT PLAN & APPOINTMENT OF STATUTORY TRAFFIC MANAGER
REPORT OF:	NICOLA BUTTERWORTH, DIRECTOR, NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report provides information to the Committee on the Network Management Plan (NMP) and seeks approval to appoint a statutory Traffic Manager.

The NMP outlines the Council's approach to the network management duty placed upon it by the Traffic Management Act 2004. The aim of the Traffic Management Act is to improve overall network performance. The plan reflects updates to the local network arrangements, changes in national and local priorities as well as legislative changes.

RECOMMENDATIONS

The Environment, Climate Emergency and Transport Committee is requested to:-

- (1) note the report and endorse the Council's approach to its Network Management duty;
- (2) approve the draft Wirral Network Management Plan (NMP) and authorise the Director of Neighbourhood Services to finalise any further minor changes in consultation with the Chair and Spokespersons of the Environment, Climate Emergency and Transport Committee;
- (3) note that the post of Senior Network Manager, Highways & Infrastructure, performs the role of Traffic Manager for Wirral Council under the Traffic Management Act, 2004.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATIONS

- 1.1 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 under section 16 of the Traffic Management Act 2004.
- 1.2 The NMP documents existing procedures and working practices and sets out action plans and improvement areas to enable the authority to comply with the requirements of the Act and the associated Network Management Duty. A copy of the revised NMP is attached as Appendix 1.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council could choose not to operate under a NMP. However, whilst there is no statutory requirement to have a Network Management Plan NMP, it is considered that having such a plan enables the authority to ensure it is actively working to make the most efficient use of its existing road network to support economic and community development across the borough.

3.0 BACKGROUND INFORMATION

- 3.1 On 11th April 2018 the Cabinet Member for Transport and Infrastructure approved the appointment of consultants to produce an updated NMP. The objective of the commission was to undertake two distinct stages of work. This included an audit to review against the current legislation to ensure that Wirral Council is discharging its responsibilities. The second element of the work was to produce an updated NMP utilising the previous NMP produced in 2008, as an initial reference, to produce a new NMP which reflects the current ambitions of the Council, and is set within a Liverpool City Region context.
- 3.2 The Traffic Management Act 2004, Part 2: Network Management by Local Authorities imposes a duty on traffic authorities to secure expeditious movement of traffic on their network and to appoint a Traffic Manager. It is important that the authority undertakes its duties under Part 2 of the Traffic Management Act satisfactorily, and in the event of an authority failing to perform its network management duty the Secretary for State has powers to intervene.
- 3.3 It is recognised that the NMP is a working document and contains a comprehensive action plan to direct future actions and provides a framework for monitoring progress. Annual reports will be submitted to the Environment, Climate Emergency and Transport Committee on progress with the action plan.
- 3.4 The Act also requires that a Traffic Manager be appointed to perform the tasks that an authority considers necessary for meeting the duty. The Traffic Manager is a statutory post.

- 3.5 The current Senior Network Manager in the Highways & Infrastructure, Neighbourhood Services Department has worked closely with the Council's previous Traffic Manager and is well placed to take over this statutory role from decision publication.

4.0 FINANCIAL IMPLICATIONS

- 4.1 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 Council fails to do so and seek reimbursement of the costs incurred from the Council.

5.0 LEGAL IMPLICATIONS

- 5.1 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)."

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Traffic Manager role will be taken on by the existing Senior Network Manager in the Highways and Infrastructure service, Neighbourhood Services directorate. There are no other staffing, ICT and assets implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 Failure to undertake and perform the network management duty in accordance with the legislation could lead to the Secretary of State utilising powers to intervene.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 It is proposed that the draft NMP as shown in Appendix 1 is consulted on with key stakeholders in anticipation of the document being published.

- 8.2 The Wirral Council Corporate Communications Team have been consulted regarding the Communications Plan and the document will be reviewed and approved by the team before being finalised.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 The development of the NMP has been subject to an equality impact assessment. A copy can be found at:
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Increasing vehicular traffic growth, longer journey times, increasing congestion and peak hour spread may result in harmful environmental deterioration as a result of transport-related pollution.
- 10.2 The NMP aims to improve the safety and efficiency of the transport network by improving infrastructure and promoting sustainable travel choices.

REPORT AUTHOR: **Simon Fox**
 (Simon Fox, Interim Assistant Director, Highways & Infrastructure)
 telephone:
 email: simonfox@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Network Management Plan

BACKGROUND PAPERS

Traffic Management Act 2004

SUBJECT HISTORY (last 3 years)

Council Meeting	Date