

## **WIRRAL COUNCIL**

### **STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE – 23 NOVEMBER 2015**

### **REGENERATION AND ENVIRONMENT POLICY & PERFORMANCE COMMITTEE – 2 DECEMBER 2015**

### **COUNCIL – 14 DECEMBER 2015**

<b>SUBJECT</b>	<b>AMENDMENT TO SCHEME OF DELEGATION – OBJECTIONS TO HIGHWAY PROPOSALS</b>
<b>WARDS AFFECTED</b>	<b>ALL</b>
<b>REPORT OF</b>	<b>MARK SMITH, HEAD OF ENVIRONMENT &amp; REGULATION</b>
<b>RESPONSIBLE PORTFOLIO HOLDERS</b>	<b>CLLR STUART WHITTINGHAM, HIGHWAYS AND TRANSPORT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### **1.0 EXECUTIVE SUMMARY**

- 1.1 This report considers a change to the existing Scheme of Delegation in respect of unresolved objections to traffic management measures, including traffic regulation orders. The report recommends that delegated powers to decide on such objections be devolved to the Head of Service (in consultation with the Portfolio Holder) in cases where the number of unresolved objections is below a set threshold.
- 1.2 The views of the Regeneration & Environment Policy & Performance and Standards and Constitutional Oversight Committee are sought in advance of seeking approval for this change to the Constitution at Council.

#### **2.0 BACKGROUND AND KEY ISSUES**

- 2.1 In relation to this report, “traffic management measures” means all proposed highway and traffic management matters (as outlined in Part 3, Schedule 5 of the current Scheme of Delegation) that require public consultation, objections to which would be considered by Highways & Traffic Representation Panel and/or Regeneration & Environment Policy & Performance Committee.
- 2.2 The current Scheme of Delegation for these issues is covered in Part 3, Schedule 5 of the Council’s Constitution, which is reproduced in Appendix 1 to this report.
- 2.3 In accordance with the current Scheme of Delegation, detailed reports regarding objections are put to the Highways & Traffic Representation Panel, which considers the officer’s report and invites representations

from objectors. Members of the Panel will then reach a decision and will make an appropriate recommendation on the objection to be reported to and considered at a subsequent meeting of the Regeneration & Environment Policy & Performance Committee. The Cabinet Member for Highways and Transport then has delegated authority to approve the recommendation of the Policy & Performance Committee if he/she agrees.

- 2.4 The above process is presently necessary regardless of the scale of objections to a particular proposal, and whether it is a single objection or a petition from many individual addresses.
- 2.5 The current process involves significant Officer resources in discussing concerns with objectors. Officers will try to alleviate objectors concerns such that they feel able to withdraw their objections. If this is not possible, the process of writing a detailed report for Panel can take Officers significant time depending upon the complexity of the issues. The frequency of Panel and Committee meetings means that it can be several months before a decision is reached on a particular proposal.
- 2.6 Due to the delay, proposals can be at risk of non-delivery, jeopardising any associated funding and the identified highway benefits whether driven by highway safety, sustainability or economic regeneration, etc. which the proposal would bring.

### **3.0 PROPOSAL**

- 3.1 It is therefore recommended to alter the Scheme of Delegation in relation to unresolved objections to traffic management measures such that it operates in a similar manner to the Scheme of Delegation for objections to planning applications.
- 3.2 Specifically it is proposed to alter the Scheme of Delegation so that the Head of Service for Environment and Regulation, in consultation with the Cabinet Member for Highways and Transport, would have delegated authority to reach a decision on those proposals which have attracted objections, except those which have attracted a petition of objection containing 25 or more signatories from individual households or alternatively where there are 15 (or more) individual objections in writing.
- 3.3 In addition, Ward Councillors may also request to take out of delegation those proposals within their Ward that have attracted unresolved objections but which have not reached the thresholds above, by giving notice in writing to the Head of Service. Such notice must include a statement why he/she considers it appropriate for the matter to be taken out of delegation and include valid traffic management reasons in support of the objection.

- 3.4 Decisions taken under this amended Scheme of Delegation could be the subject of a short report to a subsequent Regeneration & Environment Policy & Performance Committee for noting.
- 3.5 The proposed amendments to Part 3, Schedule 5 of the Council Constitution are set out in Appendix 2 of this report.

#### **4.0 RELEVANT RISKS**

- 4.1 The current Scheme of Delegation involves significant Officer time in preparing a detailed report for Highways & Traffic Representation Panel / Regeneration & Environment Policy & Performance Committee.
- 4.2 The frequency of Panel and Committee meetings means that it can be several months before a decision is reached on a particular proposal.
- 4.3 Due to the delay, proposals can be at risk of non-delivery, jeopardising any associated funding and the identified highway benefits whether driven by highway safety, sustainability or economic regeneration, etc. that the proposal would bring.
- 4.4 The proposed amended Scheme of Delegation would still require Officers to discuss proposals with objectors, with a view to alleviating their concerns. In addition, reports would still be generated but these could be in the form of a briefing note for those proposals where the number of unresolved objections did not meet the thresholds above. These would then be discussed with the Cabinet Member and, if he/she agreed with the recommendation, would be decided under these delegated powers.
- 4.5 If the Cabinet Member disagreed with the recommendation, or if a Ward Member asked for the matter to be taken out of delegation, or if the number of unresolved objections met the threshold, a full report would be generated and reported to the Highways & Traffic Representation Panel and subsequently the Regeneration & Environment Policy & Performance Committee for their consideration.

#### **5.0 OTHER OPTIONS CONSIDERED**

- 5.1 Retention of the existing Scheme of Delegation in respect of Part 3 Schedule 5 of the Council Constitution as detailed in Appendix 1 of this report.

#### **6.0 CONSULTATION**

- 6.1 There are no specific implications under this heading arising from the recommendation of this report.

## **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

7.1 There are no specific implications under this heading arising from the recommendation of this report.

## **8.0 RESOURCE IMPLICATIONS: FININCIAL; IT; STAFFING; AND ASSETS**

8.1 The proposal will reduce the risk of non-delivery of funded schemes thereby reducing the risk on associated funding and the identified highway benefits (such as highway safety, sustainability and economic regeneration, etc) related to such schemes.

8.2 The proposal would reduce Officer time in dealing with the administration process of unresolved objections.

## **9.0 LEGAL IMPLICATIONS**

9.1 None. The Council would still meet its statutory obligations for consultation if this amendment to the Scheme of Delegation were implemented.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and the impact review can be found at the link below;

Regeneration & Environment

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-regeneration-envir>

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are no specific implications under this heading arising from the recommendation of this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no specific implications under this heading arising from the recommendation of this report.

## **13.0 RECOMMENDATION**

13.1 Members of the Regeneration & Environment Policy & Performance and Standards and Constitutional Oversight Committees are requested to:

(1) Note and endorse the proposed changes to the Council's Constitution outlined in this report;

(2) Recommend to full Council for approval.

#### **14.0 REASONS FOR RECOMMENDATION**

14.1 To streamline the Scheme of Delegation in relation to unresolved objections to traffic management measures.

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#### **APPENDICES**

Appendix 1: Council Constitution - extract from Part 3, Schedule 5

Appendix 2: Proposed Amendment to Council Constitution Part 3, Schedule 5

#### **REFERENCE MATERIAL**

Council Constitution:

<http://www.wirral.gov.uk/my-services/council-and-democracy/how-council-governed/constitution-council>

## **AMENDMENT TO SCHEME OF DELEGATION – OBJECTIONS TO HIGHWAY PROPOSALS**

### **APPENDIX 1**

Council Constitution – Extract from Part 3, Schedule 5;

Functions delegated to the Cabinet Member for Highways & Transport:

(1) To approve the recommendation of the Regeneration and Environment Policy and Performance Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged and where he/she agrees with the recommendation:-

(a) All highway and traffic management matters governed by the Road Traffic Regulation Act 1984, whether subject to a Traffic Regulation Order or otherwise, including (but not limited to) the following:-

- i. waiting and parking restrictions;
- ii. speed limits;
- iii. one way traffic orders;
- iv. weight limits;
- v. prohibiting or restricting the use of heavy commercial vehicles;
- vi. signalised and non signalised pedestrian/cycle/horse crossings;
- vii. provision of off street parking and parking on roads ,footpaths, pavements and verges
- viii. traffic signs and traffic signals.
- ix. Bus lanes and taxi ranks
- x. Siting of street furniture

(2) To approve the recommendation of the Regeneration and Environment Policy and Performance Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged and where he/she agrees with the recommendation:-

(a) All highway and traffic management matters governed by the Highways Act 1980 including (but not limited to) the following:-

- i. road humps;
- ii. traffic calming speed reducing measures;
- iii. improvement lines for road widening;
- iv. cycle tracks.

(3) To approve the winter maintenance arrangements

## AMENDMENT TO SCHEME OF DELEGATION – OBJECTIONS TO HIGHWAY PROPOSALS

### APPENDIX 2

Proposed amendments to Council Constitution – Part 3, Schedule 5;

(Proposed amendments underlined)

Functions delegated to the Cabinet Member for Highways and Transport:

(A) To approve the recommendation of;

(1) The Head of Environment and Regulation in connection with all proposed highway and traffic management matters, as set out below, to which unresolved petitions of objection of 24 signatures or less from individual households, or 14 or less individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -

(2) The Regeneration and Environment Policy and Performance Committee in connection with all proposed highway and traffic management matters, as set out below, to which unresolved petitions of objection of 25 signatures or more from individual households, or 15 or more individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -

(3) The Regeneration and Environment Policy and Performance Committee in connection with all proposed highway and traffic management matters, as set out below, to which unresolved objections have been lodged which have been supported by a Ward Member(s) for a Ward(s) affected by the proposals, (such support, including valid traffic management / highway reasons, to be submitted in writing to the Head of Environment and Regulation) and where he/she agrees with the recommendation: -

- (a) All highway and traffic management matters governed by the Road Traffic Regulation Act 1984, whether subject to a Traffic Regulation Order or otherwise, including (but not limited to) the following:-
- i. waiting and parking restrictions;
  - ii. speed limits;
  - iii. one way traffic orders;
  - iv. weight limits;
  - v. prohibiting or restricting the use of heavy commercial vehicles;
  - vi. signalised and non signalised pedestrian/cycle/horse crossings;
  - vii. provision of off street parking and parking on roads ,footpaths, pavements and verges
  - viii. traffic signs and traffic signals.
  - ix. Bus lanes and taxi ranks
  - x. Siting of street furniture

## AMENDMENT TO SCHEME OF DELEGATION – OBJECTIONS TO HIGHWAY PROPOSALS

### APPENDIX 2 (Continued)

Proposed amendments to Council Constitution – Part 3, Schedule 5;

(Proposed amendments underlined)

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| <p><u>(b)</u> All highway and traffic management matters governed by the Highways Act 1980 including (but not limited to) the following:-</p> <ul style="list-style-type: none"><li>i. road humps;</li><li>ii. traffic calming speed reducing measures;</li><li>iii. improvement lines for road widening;</li><li>iv. cycle tracks.</li></ul> |
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<p><u>(B)</u> To approve the Winter Maintenance arrangements.</p>
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