

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

PROPOSED FORMATION OF A HIGHWAYS AND TRAFFIC REPRESENTATIONS PANEL

1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines previous practice in handling the receipt of unresolved petitions on highway and traffic matters and objections to Orders advertised under statutory procedures.
- 1.2 It recognises the wider remit of this Committee when compared with that of the former Streetscene and Transport Services Overview and Scrutiny Committee.
- 1.3 It proposes a streamlining of the business activity of this Committee to give more time to strategic issues by way of the establishment of a Highways and Traffic Representations Panel.

2.0 BACKGROUND

- 2.1 Amongst other matters relevant to his discharge of duties, the Director of Technical Services is authorised to exercise the following powers and functions as described in the constitution of the Council in respect of highway and traffic matters:

A Exercise all the powers and duties of the Council arising under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Cycle Tracks Act 1984 and the Countryside and Rights of Way Act 2000 (including for those consents, licences and footpath matters specifically to be discharged as a non-executive function by the Licensing, Health and Safety and General Purposes Committee) as follows:-

- creation of highways under Part III of the Act;
- maintenance of highways under Part IV of the Act;
- improvement of highways under Part V of the Act;
- stopping-up and diversion of highways under Part VIII of the Act, including the making of gating orders.

B Exercise all the powers and duties of the Council under the provisions of the Road Traffic Regulation Act 1984 relating to the making of Traffic Regulation Orders, the establishment of pedestrian and school crossings, the provision of parking places and the placing of traffic signs, save for those orders where objections are raised, in which case, objections lodged to the making of a Traffic Regulation Order will be considered by the Streetscene and Transport Services Overview and Scrutiny Committee, prior to a decision being made by Cabinet as to the confirmation of the order or otherwise.

C Exercise all the powers and duties of the Council under the provisions of the Traffic Management Act 2004, including the civil enforcement of traffic contraventions.

D Consider and determine, in consultation with Ward Members and the Police, all applications for the provision of on-street parking bays for the disabled.

- 2.2 In exercising these powers, the statutory procedures in advertising the intent to regulate the highway generates objections which cannot be satisfied by officers and necessitates Member involvement.
- 2.3 Before making an Order, the order making authority, in this case Wirral Council as the Highway Authority, shall under the terms of the Local Authorities Traffic Orders Procedures Regulations 1996, consider all objections duly made and not withdrawn.
- 2.4 Within due process and under the Constitution of the Council, this role has been delegated to the Overview and Scrutiny Committee. Previously this was the Streetscene and Transport Services Overview and Scrutiny Committee and now it is your Committee. The specific terms of reference (inter alia) for your Committee being:
- highways, streets and footpaths, including street lighting and related enforcement activities.
 - traffic regulations and road safety.
- 2.5 In addition to your Committee considering unresolved objections to advertised highway and traffic Orders, it shall under Standing Orders 21 and 34, consider unresolved petitions. The appropriate reference in Standing Order 34 being inter alia:-
- (b) if the Chief Officer(s) cannot effect a remedy to the complaint within a reasonable time, the Chief Officer(s) shall submit, and report on, the petition to the next convenient meeting of the appropriate Overview and Scrutiny Committee or ordinary committee and shall advise the petitioners accordingly.
 - (c) if a petition is referred to committee in accordance with paragraph (b) above a representative of the petitioners shall be entitled to address the committee on the subject of the petition for a period of up to five minutes (or, exceptionally, for such longer period as the committee may allow).
- 2.6 The nature of reports submitted to the former Streetscene and Transport Services Overview and Scrutiny Committee were primarily traffic and highway related with objections and petitions being considered over a wide range of activity. Upon arriving at a recommendation, and if not a Key Decision item under the scheme of delegation, items were referred onto the Cabinet Portfolio Holder who had the authority to approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters to which objections have been lodged, and where he/she agrees with the recommendation.

3.0 CURRENT SITUATION

- 3.1 Officers are mindful of the wider remit of your Scrutiny Committee compared with that previously enjoyed and also of the reduced number of meetings scheduled in the municipal year.
- 3.2 In relation to the change to the Constitution to halve the number of Overview and Scrutiny Committees, this would certainly help to promote a more strategic approach with more emphasis on a work programme focusing on important policy areas/decisions, however we would be left with the practical issue of how to deal with a large amount of lower level business considering objections to Traffic Regulation Orders etc which took up so much time of the Streetscene & Transport O&S Committee.
- 3.3 Over the last twelve months it is estimated that in the six sittings of the former Streetscene and Transport Services O&S Committee with five of these having had public representation, that five hours of Committee time has been spent in considering the reports and representations on these unresolved objections and petitions.

- 3.4 In terms of the future workload of the Department on highway and traffic matters, it is envisaged that community engagement on initiatives such as verge and pavement parking enforcement, the ongoing speed limit and traffic regulation order review, the roll out of capital schemes and the on-going receipt of petitions will continue to generate a significant workload not only for officers but for Committee in discharging and making decisions on unresolved issues.
- 3.5 With the current situation in the way in which the Council discharges its functions and responsibilities through the Overview and Scrutiny Committees and the reduced number of scheduled meetings, it is the Director's view that some assistance to the discharge of functions could be realised by streamlining the decision making process. Clearly this is for Members to determine, however the proposal below is seen as offering a workable solution.

4.0 PROPOSAL

- 4.1 This proposal is along the lines of that adopted by Liverpool City Council, which has for the last two years had a Highways and Traffic Representations Committee comprising of only three Members.
- 4.2 Over a twelve month period, the Highways and Traffic Representations Committee at Liverpool City Council met on a number of occasions looking at issues including:
- a proposed application for a Gating Order under s129a of the Highways Act 1980
 - an objection to a proposed TRO relating to the reinstatement of a Disabled Residents Parking Place
 - an objection received to the relocation of a set of speed cushions within the Local Safety Scheme
 - objections received to proposed waiting restrictions
 - objections received to a proposed TRO relating to pedestrian refuge islands
 - an application relating to the amendment of the existing waiting restrictions (no waiting at any time)
 - objections received to an application for a s115e Highways Act 1980 pavement café licence
 - objections received to the Traffic Regulation Order (TRO) for an extension to the Football Match Parking Zone and the introduction of a 20 mph Zone and associated Hump Notice
- 4.3 Committee will note the similarity in the above subject matter to that discharged by Wirral Council's former Streetscene and Transport Services Overview and Scrutiny Committee.
- 4.4 Recognising that the decision-making powers lie with the full body of your Sustainable Communities Overview and Scrutiny Committee, *the proposal is to establish a Highways and Traffic Representations Panel which will not have executive decision-making powers, but will be able to hear both public representations and receive officers reports.* The Panel would then arrive at a decision on the issue in question which would then be subsequently referred on to the full meeting of your Committee for endorsement and then through normal due process for ratification by the Cabinet Member or indeed Cabinet.
- 4.5 It is envisaged that the public's opportunity for representation will be at the Panel and not at your main committee. It is also envisaged that meetings will be convened as and when required, be supported by Committee Services officers and for the meetings to be held at Wallasey Town Hall.
- 4.6 The proposed composition of the Highways and Traffic Representations Panel is:-

- the Chair of the Sustainable Communities Overview and Scrutiny Committee; plus
- Party Spokespersons or their nominees from the other two political parties.

5.0 APPOINTMENT OF PANELS – PROCEDURE

(a) Members of panels must be appointed by the parent committee; and appointments cannot be made by the Council. Standing Order 33 (1) requires that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

As a result of a High Court judgement, only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6) permits appointment of up to a maximum of eight deputies for each political group and such deputies shall be authorised to deputise for any member of their group who is unable to attend a meeting. It should be noted that deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all committees and sub-committees, with the right to speak but not to vote (Standing Order 25(4)).

Minutes of the Highways and Traffic Representations Panel will be submitted to this Committee for information.

(b) The suggested membership of the Highways and Traffic Representations Panel in 2009-2010 (including deputies) is shown below:

	<u>Members</u>	<u>Deputies</u>
1 Labour Councillor	H Smith Chair)	B Kenny J Williams
1 Conservative	S Moseley (S)	T Anderson J Hale S Taylor
1 Liberal Democrat	P Reisdorf (S)	D Mitchell M Redfern

6.0 FINANCIAL IMPLICATIONS

6.1 No direct financial implications, however there could be savings in officer time by streamlining the Committee's business, particularly if Panel meetings were held during the daytime.

6.0 STAFFING IMPLICATIONS

6.1 Existing staff are engaged in administering the objections and petitions process.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are no implications under this heading.

8.0 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no implications under this heading.

9.0 LOCAL AGENDA 21 IMPLICATIONS

9.1 There are no implications under this heading.

10.0 PLANNING IMPLICATIONS

10.1 There are no planning implications.

11.0 ANTI-POVERTY IMPLICATIONS

11.1 There are no implications under this heading.

12.0 SOCIAL INCLUSION IMPLICATIONS

12.1 There are no implications under this heading.

13.0 LOCAL MEMBER SUPPORT IMPLICATIONS

13.1 The highway and traffic matters referred to in this report have implications for all Wards.

14.0 BACKGROUND PAPERS

14.1 There are no background papers. Relevant extracts of the Council's Constitution are referred to in the report.

15.0 RECOMMENDATIONS

15.1 Committee is requested to note the report and approve the establishment of a Highways and Traffic Representations Panel as identified.

DAVID GREEN, DIRECTOR
TECHNICAL SERVICES

**UNRESOLVED OBJECTIONS/PETITIONS CONSIDERED BY
STREETSCENE & TRANSPORT OVERVIEW & SCRUTINY COMMITTEES
JUNE 2008 – APRIL 2009**

5 June 2008 (4 items out of 12)

Report Title	Decision
Irby Road, Pensby – Proposed Puffin Crossings	Resolved - That this Committee endorses the provision of two puffin crossing schemes on Irby Road adjacent to the Pensby Girls and Pensby Boys Schools, as proposed in the Director's report.
Outstanding Petitions – Marfords Avenue, Bromborough	Resolved (4:3) - That this Committee endorses the recommendation of this report that no further action be taken at this time other than to monitor the situation.
Outstanding Petition – Heyes Drive/Leasowe Road, Leasowe	Resolved - That a site visit, at peak time, be organised for the Committee to see the situation more clearly.
Morpeth Wharf, Egerton Wharf, Tower Wharf, Tower Road, Birkenhead – Consideration of Objections to the Advertisement of a Traffic Regulation Order for Waiting Restrictions	Resolved - That this Committee notes both the objections to and comments in support of proposed waiting restrictions in Egerton Wharf, Morpeth Wharf, Tower Wharf and Tower Road, and recommends to the Cabinet Member that the traffic regulation order be made as advertised.

23 June 2008 (1 item out of 3)

Report Title	Decision
Proposed Gating Order – Footpath running beneath Rock Ferry Bypass linking Rock Park (west side) and Rock Park (east side), Rock Ferry	Resolved - That this Committee is satisfied that the criteria in section 2.2 of the report are met and, having considered the representations, recommend to Cabinet that the Gating Order be made.

8 September 2008 (3 items out of 6)

Report Title	Decision
Northwood Road, Prenton – Objections to Proposed Waiting Restrictions	Resolved – That the Committee note the objectors' concerns and comments relation to proposed waiting restrictions for the junction of Northwood Road and Woodchurch Road, Prenton and recommends to the Cabinet Member that the Traffic Regulation Order be made as advertised.
Petition – North Wallasey Approach Road, Wallasey	Resolved – (1) That the Committee note and endorse the progress made in relation to considering the petition as outlined in this report. (2) That a further report be presented to the next

	meeting of this committee.
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Objections – Proposed Puffin Crossing – Heath Road, Bebington	Resolved (4:3) - That the Committee note the objections received and for the reasons stated in this report recommend to the Cabinet Member that the puffin crossing scheme, as shown on Drawing No. Beng/52/08, be approved for implementation.
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19 November 2008 (4 items out of 8)

Report Title	Decision
Objections: Safer Routes to School Schemes	Resolved – That the Committee note the objections received and for the reasons stated in this report recommend: (i) to the Cabinet Member that the “Safer Routes to School” schemes, as shown on Drawing Nos. Beng62/08a, Beng62/08b, be approved for implementation. (ii) to the Leader of the Council that the “Safer Routes to School” scheme, as shown on Drawing No Beng62/08c. , be approved for implementation.
Objections: Speed Reduction Scheme – Berrylands Road Area, Moreton	Resolved – (1) That the Committee note the objections received and the officer responses and recommend to the Cabinet Member that the “Speed Reduction” scheme, as shown on Drawing No. Beng/67/08/a, be approved for implementation in the Berrylands Road Area. (2) That the Director be requested to give further consideration to the need to include physical traffic calming measures for Bradman Road and Eleanor Road.
Objections: Speed Reduction Scheme – Cross Lane Area, Bebington	Resolved – (1) That the Committee note the objections received and the officers’ responses and recommend to the Cabinet Member that a revised “Speed Reduction” scheme, as shown on Drawing No. Beng/72/08/a, be approved for implementation in Cross Lane, Bebington. (2) That the Director be requested to monitor this scheme and report back to this committee in 12 month’s time.
Petition – North Wallasey Approach Road, Wallasey	Resolved – That the Committee endorse the findings of the report document Ref: 231813/01/C and the inclusion of this scheme in the LTP Capital Programme for 2009/10.
Merseyside Local Transport Plan – Progress Report 2008	Resolved – That the Committee endorse the Merseyside LTP Progress Report 2008.

8 December 2008 (No petitions or objections reported)

24 February 2009 (2 items out of 5)

Report Title	Decision
Objection: Safer Routes to School Scheme, St Albans Primary School	With the permission of the committee this item was withdrawn.
Objections to the Introduction/Amendment of Waiting Restrictions at Various Locations	With the permission of the committee this item was withdrawn
Quarter Three Performance Report	Resolved – (1) That the Committee note the contents of this report. (2) That the Director of Technical Services be requested to report to a future meeting on the progress of the Streetscene Enforcement Strategy.

1 April 2009 (1 item out of 3)

Report Title	Decision
Cardigan Road, New Brighton – Outstanding Objections to Advertised Traffic Regulation Order	Resolved – That the Committee note the objectors' concerns but endorse the findings of this report and recommend to the Cabinet Member that the scheme to introduce a "No Waiting At Any Time" Traffic Regulation Order, as shown on Plan No. 31/09, be approved.