

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 11 February 2011	<b>Decision Taker:</b> Cabinet Member for Environment, Transport and Recycling
<b>Report title:</b>		Network Management Policy	
<b>Ward(s) or groups affected:</b>		Borough-Wide	
<b>From:</b>		Strategic Director of Environment	

## **RECOMMENDATIONS**

1. That the Cabinet Member for Environment, Transport and Recycling notes the contents of this report
2. That the Cabinet Member for Environment, Transport and Recycling approves the draft Network Management Policy.

## **BACKGROUND INFORMATION**

3. Section 16 of the Traffic Management Act 2004 ("the Act") placed a 'network management duty on every local traffic authority to manage its road network to secure the expeditious movement of traffic on their road network, and to facilitate traffic movement on other traffic authorities' road networks. The network must be managed with a view to achieving the objective of the duty, so far as may be reasonably practicable, having regard to the local authority's other obligations, policies and objectives. The action a local authority may take in performing the duty includes the exercise of any powers affecting the use of the network, whether or not those powers were conferred on the authority in their capacity as a traffic authority. In London, Section 16 applies to the London Boroughs with respect to their public highways and to the GLA with respect to its network – the Transport for London Road Network (TLRN).
4. Section 17 requires authorities to make arrangements to carry out their network management duty that must include, among other things, the appointment of a Traffic Manager. Southwark appointed an officer in the Public Realm Division, Network Management and Parking Team to this role.

## **KEY ITEMS FOR CONSIDERATION**

### **Southwark's Network Management Policy**

5. In response to the legislative requirements, officers have produced a Network Management Policy that sets out Southwark's approach to meeting the network management duty. The production of the policy is not a statutory requirement.
6. However, the policy is an opportunity for the Council to be transparent about and telling others how it is meeting its network management duty, the procedures put in place for meeting the duty and how performance is to be measured.

7. The network management policy (Appendix A) is in four parts
- **Overview** – This gives the objectives of the policy to demonstrate how Southwark carries out its Network management duty
  - **Southwark’s transportation network** – Describing the infrastructure and hierarchy of Southwark’s transport network
  - **Stakeholders, partners and external groups** – setting out the scale and nature of all groups in the borough, London and regionally that the council seeks to work with in the management of its network
  - **Network management delivery** – setting out Southwark is managing its highway network day-to-day. It describes how the duty is managed in organisation terms (the position of Southwark’s Traffic Manager and the key Services involved), how Southwark is dealing with planned and unplanned activities and how works on the highway are coordinated internally and through information flows with other authorities.
  - **Monitoring and performance** this sets out how we intend to monitor network performance.

### **Policy Context**

8. The Policy sets out the Council’s approach to effective network management in the wider context of the location of the main amenities, needs of the borough residents and businesses.
9. The development of this policy document has largely been based upon the collation of existing policy and it compliments other borough Policies, such as the Transport Plan, Parking Enforcement Policy, Highways Asset Management Plan, etc. However there are a number of recent policy developments that the NMP seeks to respond to that are brought to the Cabinet member’s attention.

### **Enforcement of Street works**

10. London Wide Street-works Permit Scheme (LoPS)
11. The cabinet member will recall that London Borough of Southwark along with a further six borough’s will be joining the LoPS in the first quarter of 2011 following consideration of applications to the Secretary of State for Transport.
12. The benefits that a permit scheme will bring include:
- Southwark will be able to actively state when works should take place by directing the days and timings of works.
  - Permit scheme will ensure parity with regards to the timing of works by both Statutory Undertakers and Southwark.
  - Southwark will be able to reject permit requests if inadequate information is provided on the request. This will ensure that all those wishing to carry out works on the Borough’s roads or pavements must provide accurate information as to the location and timing of their works.

- Southwark will be able to place conditions on the way in which works are carried out.

### **Fixed Penalty Notices**

13. The Cabinet Member will also recall that under the Traffic Management Act and the LoPS, Southwark has been given the powers to apply “Fixed Penalty Notices” (FPN’s) to poor performing statutory undertakers in relation to street works.
14. In November 2010 the Department for Transport released further Fixed penalty notice powers (FPN) under the London Local Authority Act 2004 for highway offences. Under the Highway Act 1980, 21 offences have been listed for which will be subject to new FPN’s charges. (See Appendix B) As this is already part of the primary legislation these powers immediately available for use and the Policy proposes that Southwark will implement these new powers forthwith..

### **Enforcement Policy**

15. In operating its powers of enforcement under the relevant Highway and street works legislation the Council will have regard to the following key principles:
  - i. enforcement should improve behaviour for the benefit of the wider community
  - ii. enforcement should be responsive and consider what is appropriate for the particular offender and the particular regulatory issue
  - iii. enforcement should aim to deter future non-compliance
  - iv. the council believes in firm but fair regulation which is:-
    - proportionate- to the nature of the offence, the harm caused and financial consequences
    - consistent of approach- taking account of many variables including environmental impact, the attitude and actions of management and the history of previous incidents or breaches
    - transparent about how the council operates and what those regulated may expect from the council
    - targeted – to concentrate on the area that need them most
    - Accountable- for the fairness, efficiency and effectiveness of enforcement activities and decisions
  - v. the council will always seek to recover the costs of investigation and Court proceedings
16. Southwark as a highway authority seeks to adopt a consistent approach to all works promoters in applying the Department for Transport (DfT) guidance which advises that an fixed penalty notices should be issued where it has the most benefit. It must, therefore, be accepted that street authorities will not always follow the same course of action upon the discovery of similar offences. However, it is important that all works promoters understand that the Southwark will use all the powers available to them as appropriate and where Fixed Penalty Notices (FPN’s) are not paid prosecutions maybe pursued.

## **The National Code of Conduct for Street Works**

17. The National Code of Conduct for Street Works was launched in 2010 at the Greater London Authority by the National Joint Utilities Group (NJUG) in conjunction with the Mayor of London, Boris Johnson. NJUG is seeking commitment to the principles within the Code from utilities, Local Authorities and their contractors.
18. The Code of Conduct builds upon the achievements of the London Code of Conduct (2009) which formed a voluntary agreement between the Mayor of London and the capital's largest utilities in order to reduce the unfortunate disruption which can sometimes be caused by essential utility street works.
19. Key features of the National Code of Conduct include:
  - Assisting local authorities in the development of permit schemes to ensure they are workable and effective at tackling disruption;
  - Sharing long term plans for major street works projects between local authorities and utilities to allow greater opportunities for coordinating works;
  - Promoting the use of minimum-dig technology to reduce the duration of works;
  - Encouraging the use of plating over road excavations where safe and practical to do so;
  - Striving to work outside of peak hours wherever possible to reduce excessive traffic delays;
  - Providing work site information boards at all sites with contact details and updates on progress;
20. The London Borough of Southwark has previously signed up to London Mayor's scheme and is committed to working and applying the codes requirements and the NMP now proposes that Southwark signs up to the national Code of Conduct.

## **New arrangements for the management of street licensing functions**

21. The Network Operations Team within the Public Realm Division has been working over the last year to dramatically improve the coordination and management of activities that cause disruption to traffic. This currently includes road works, scaffolding, and hoardings crane operations and developers works. A recent review of all other highway licensing activity has identified that bringing the licensing of Tables and Chairs and Skips, which are licensed under the Highways Act 1980, into the team will allow for more consistent management of activities and processes and better visibility of these activities via the TfL and Southwark websites. Revised management arrangements to reflect this will be brought forward early in financial year 2011/12.

## **Community Impact Statement**

22. The Policy sets out the Council's approach to effective network management in the wider context of the main amenities, and needs of the borough residents and businesses.
23. The policy is set out to recognise and compliment other borough Policies, such as the Transport Plan, Parking Enforcement Policy, Highways Asset Management Plan, etc.
24. The council will undertake ongoing monitoring of the Network Management Policy to ensure there are no adverse implications for the community, or that any identified are proportionate to the overall objective of the policy and are minimised where possible

## **Resource Implications**

25. There are no direct financial implications arising from this policy, but there are from the execution of the network management duty.
26. The network management duty is a statutory duty and the Act was introduced on the premise that it would be cost neutral to local authorities fully implementing the new powers and provisions offered by the Act. Costs to local authorities associated with the Act are to be offset from any revenue stream associated with new permitting regulations and powers for which local authorities can issue Fixed Penalty Notices.

## **Finance Director (Env/ET/130111)**

27. The net costs of implementing the proposed policy need to be contained within the budget envelope remaining after any budget adjustments for savings, including proposals for any additional income, are implemented for 2010/11 and beyond. This may require reconfiguring the policy to fit the resources available to deliver it. In the event the resources are deemed less than the minimum level required to effectively deliver the policy, then a further review will be necessary.

## **Strategic Director of communities, Law & Governance (JA022011)**

28. The Director of Communities, Law & Governance (acting through the licensing and prosecutions section) notes the content of the report.
29. Part 2 of the Traffic Management Act 2004 places a number of duties on local authorities to manage their road network in order to keep traffic flowing freely and to co-operate with neighbouring authorities to achieve the same. Section 17(2) of the Act makes it mandatory for local authorities to appoint a “traffic manager” to assist in performing the network management duties imposed under the Act. If however the local authority is seen to fail in its duties then the Act allows for the appointment of a Traffic Director by the Secretary of State who can intervene at various levels. Part 3 of the Act allows for permits to be issued by the local authority for the completion of street works and Part 4 of the Act includes a range of measures to control those works. Part 5 of the Act established the provision of a strategic road network for London by way of a partnership between Transport for London and the local authorities.
30. There are a number of statutory powers that have been considered fully in the report which do not need to be repeated here.
31. As a public authority, the London Borough of Southwark has general and specific equality duties imposed on it under section 49(a) and section 49(d) of the Disability Discrimination Act 1995, section 71 of the Race Relations Act 1976 and under section 76(a) and (b) of the Sex Discrimination Act 1975. The Local Authority must have due regard to these duties when carrying out these functions, which includes making decisions in the current context. An Equality Impact Statement should address all six strands to the council’s equality agenda: age, disability, belief and non belief, gender, race, sexual orientation and human rights.
32. The report author refers to a community impact statement; consequently a continuing need has been identified during the assessment. Equality impact assessments are an essential tool to assist councils to comply with our equalities duties and to make decisions fairly. The council’s equalities impact assessment process goes beyond our current equalities duties to incorporate religion/belief, sexual orientation and age.

The Equalities Act 2010 which introduces additional protected characteristics does not come into effect until April 2011.

33. In relation to contracts above the EU threshold I understand that the measures proposed in the Network Management Plan would not impact on any existing contracts.
34. So far as the impact of the Network Management Policy on major regeneration areas is concerned, the proposed measures would have to tie in with the contracts to be entered into with contractors in the future and priority areas will have to be identified.
35. No significant risks have been identified.

### **Human Resources**

36. The Policy will require a revised operating structure this will be detailed in another report.

### **Consultation**

37. The policy has been informed by discussions with officers from different sections of the council and PCT to ensure alignment of strategies.
38. It is proposed to undertake twelve weeks of consultation running through February through to April. As part of the consultation we plan to do the following:
  - Place an item on the Council intranet site encouraging comments from staff, alongside the other policy documents under consultation such as transport plan, SMoT, HAMP
  - Put the consultation document and request for feedback on the council website.
  - Send letters to statutory consultees including emergency services, environmental and heritage bodies inviting comment on the policy.
  - Extend the quarterly coordination meeting with all utility companies to include a full discussion of the document.
39. It is recommended that any changes to the policy following circulation be approved by the Head of Public Realm in discussion with the Cabinet Member for Transport, Environment & Recycling. Subject to any changes and approval of the Draft, the final version of the *Network Management Policy* will then be created.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Network Management Policy	160 Tooley Street, SE1 2TZ	Nicky Costin 0207-525-2156
Traffic Management Act 2004	160 Tooley Street, SE1 2TZ	Nicky Costin 0207-525-2156

## APPENDICES

No.	Title
Appendix A	Draft Network Management Policy
Appendix B	List of offences subject to FPN

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies, Strategic Director, Environment and Housing	
<b>Report Author</b>	Des Waters, Head of Public Realm	
<b>Version</b>	Final	
<b>Dated</b>	11 February 2011	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
	<b>Officer Title</b>	<b>Comments Sought</b>
		<b>Comments included</b>
	Strategic Director of Communities, Law & Governance	Yes
	Finance Director	No
	Head of Procurement	No
	<b>Cabinet Member</b>	Yes
	<b>Date final report sent to Constitutional Officer</b>	No
		11 February 2011