

**REPORT FOR: Traffic and Road Safety
Advisory Panel**

Date of Meeting: 16th September 2010

Subject: **INFORMATION REPORT**
Transportation schemes – decision making process

Responsible Officer: Brendon Hills - Corporate Director
Community and Environment

Exempt: No

Enclosures: Appendix A- Decision making process map

Section 1 – Summary and Recommendations

This report clarifies the decision making processes required for approving and delivering transportation schemes and confirms a decision making process to be used for future schemes.

FOR INFORMATION

Section 2 – Report

Background

2.1 This report sets out a clarification to the arrangements for approving transportation schemes, programmes and funding and some minor revisions to the way operational decisions are made during scheme development and implementation. A review of current practice has indicated that operational decisions can be improved in order to reduce delays and deliver schemes more efficiently. Therefore a process has been developed to clarify and revise the decision making. The main aims of this process are to:

- Indicate when officers or members should make decisions in line with the council's constitution,
- Ensure that decision making is effective and efficient so that work programmes are not put at risk and stakeholders expectations for implementation are met,
- Provide a clear audit trail of decision making,

Current practice

2.2 During the lifecycle of a project many decisions are made, however, for the purpose of this report the main decisions taken can be simplified into two basic stages as follows:

- Selection and justification of schemes or programmes and funding (Transport for London Local Implementation Plan or Harrow Capital programmes),
- Considering the outcome of public consultation or statutory consultation (traffic regulation orders) during scheme development and implementation.

2.3 There is an established practice for approving work programmes and no revisions to current practice are required. These are detailed in sections 2.4 to 2.6.

2.4 The current Local Implementation Plan (LIP) was reported to Cabinet and recommended for approval to full Council in 2006 and sets out the transport objectives and spending plans over the lifecycle of the LIP which is five years from 2006/07 to 2010/11. This was a key decision. Cabinet also delegated the decisions for agreeing the detail of which schemes are progressed annually to the Portfolio holder for Environment and Community Safety (PH). Each year officers discuss with the PH the schemes to be included in the annual programme and seek approval through a PH report.

2.5 A new LIP (LIP2) is currently being developed following guidance from Transport for London for the subsequent three year time period from 2011/12 to 2013/14. A report to Cabinet prior to the LIP2 consultation

will be provided later on in the year, as indicated in the Forward Plan, and presented to TARSAP in November as an information report.

- 2.6 The proposed annual programme of schemes funded from Harrow Capital is reported to TARSAP in February each year with a recommendation for the endorsement of the Panel which is subsequently approved by the PH. This covers mainly parking management schemes.
- 2.7 A review of operational decision making on the development and implementation of recent schemes has shown that there is a wide variation of methods used to seek approval and limited guidance on which method is more appropriate. This has led to some inconsistency. The ways in which these decisions are currently taken are summarised as follows:
1. A detailed PH report (subject to PH, statutory and senior officer clearance and call in) which is made available for public scrutiny,
 2. A detailed TARSAP report with a recommendation to the PH (subject to statutory and senior officer clearance and call in) with a subsequent PH decision notice which is made available for public scrutiny,
 3. Generic decisions delegated to officers by the PH via a PH report (no detail provided in the report about specific decisions) where they are taken informally through discussion between officers and the PH.
 4. Informal decisions taken between officers and the PH generally on minor or operational matters.
- 2.8 This area is where some revisions to current practice are needed to improve consistency and clarify the process.

Decisions and the Council's Constitution

- 2.9 A key principle behind the new process suggested is that the Council's Constitution does not specifically reserve legal traffic functions, such as the determination of traffic orders for example, to the PH. The Corporate Director for Community and Environment has a standing general delegation in the Constitution, in relation to the services and functions for which he is responsible, to take and implement any executive decision required for operational effectiveness. The Director can exercise these powers himself, or delegate in writing decisions to officers within his directorate, but in either case the decision should only be taken on the basis that:
- There is an approved policy (in this case the Local Implementation Plan)
 - There are no unusual features
 - There are no political or other significant issues.
 - The decision is within approved financial limits
 - The decision is not of a type specifically reserved to the Portfolio Holder or Cabinet in the Constitution

- 2.10 If these criteria cannot be satisfied or the decision is likely to be controversial then members should take the decision. This means that depending on the impact and context of the decision they can be taken either by officers under powers delegated from the Corporate Director, by the PH or, in the case of 'key' decisions, by Cabinet. Key decisions are decisions that have a significant effect on the community or involve significant budgets (in excess of £500K). The Portfolio Holder is authorised to make decisions up to a value of £500K for Capital funding and £100K for revenue funding.
- 2.11 It should be noted that TARSAP does not have any authority to make decisions and can only make recommendations to the PH or Cabinet.

The revised decision making process

- 2.12 Important or significant decisions like the selection of schemes will continue to be the responsibility of Cabinet or the PH as set out in sections 2.4 to 2.6 due to the wider community impact and financial commitments involved. Operational decisions required in delivering those schemes in the programme will be dealt with by officers identified in the scheme of delegations, except where issues become contentious or political. For example discussing the outcome of a public consultation on a scheme where there is significant public support could be discussed with the PH and, subject to agreement, the decision taken by the delegated officer to proceed or overrule objections as necessary. On the other hand if there were significant opposition including the involvement of local members, but still a desire to pursue the scheme, then in discussion with the PH it may be agreed that a PH or TARSAP report is required to seek a decision on how to proceed. This would most likely relate to larger area schemes which are high profile such as controlled parking zones or major town centre projects for example.
- 2.13 The effect of the proposed changes would be that the items listed as 4) and 5) under section 2.7 would be undertaken via the delegated officer route rather than the PH, although there would always be consultation with the PH.
- 2.14 If officers are taking decisions in this way then there is a requirement to keep an effective audit trail. Therefore when decisions are made these will be recorded on a Decision Record Form so the decision is formally documented. These forms will be prepared by the officer requesting the decision and provide sufficient detail about the decision required, including discussions with the PH, and then be considered by the delegated officer for a decision.
- 2.15 The current scheme of delegations to officers extend as far as the Service Manager – Traffic & Highways Network Management who is the Council's statutory Traffic Manager (designated under the Traffic Management Act) and who has responsibility for the operational delivery of most transportation schemes. This officer will be responsible for making the non contentious decisions and liaising with the PH.

- 2.16 A process map can be seen in **Appendix A** which sets out the proposed involvement of officers, PH, TARSAP and Cabinet in the process of decision making as described in the report.

Section 3 – Further Information

- 3.1. The purpose of this report is to advise the Panel of a clarification of the decision making process for transportation schemes. No further update on this matter is planned currently.

Section 4 – Financial Implications

- 4.1. There are no direct financial implications. However, the use of more efficient and effective decision making for operational matters on schemes will help to minimise any risk to utilising funds by the end of the financial year which may be caused by delays in seeking approvals at the scheme development and consultation stages.

Section 5 – Corporate Priorities

- 5.1. There is no direct impact on the Council's corporate priorities. However, the process suggested in the report will help to facilitate more efficiently the delivery of projects which support our corporate priorities to deliver cleaner and safer streets, build stronger communities and improve support for vulnerable people.

Section 6 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 th August 2010		

Section 7 - Contact Details and Background Papers

Contact:

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Background Papers: None