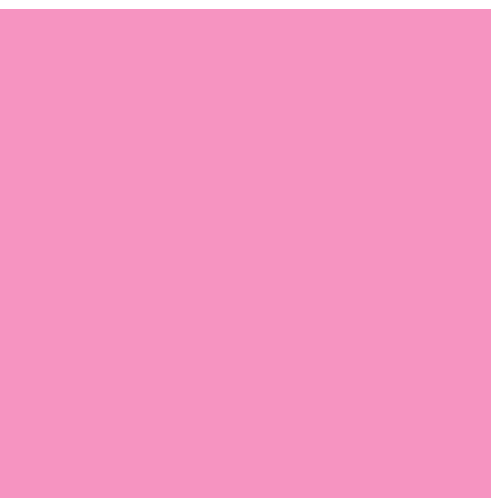
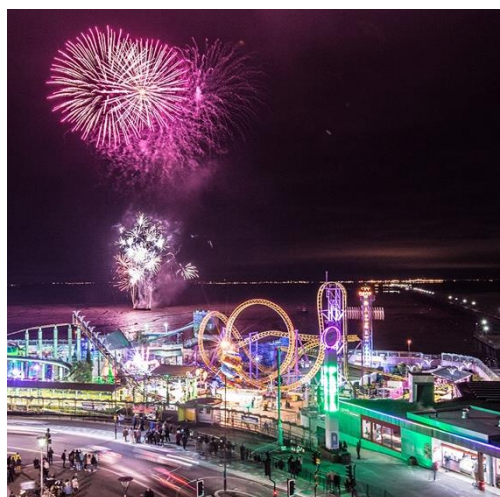




2021 Constitutional Changes

Traffic & Highways



Internal
Publication
October 2021

2021 Constitutional Changes

| Version | Date | Author | Rationale |
|---------|----------|--------|---------------------------------------|
| 1.0 | 20/10/21 | Ali | Application of Constitutional Changes |
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| Next review | Date |
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1. Introduction

Southend-on-Sea Borough Council's shared ambition to transform the borough by 2050 is aligned to five themes, with related desired outcomes: -

- **Pride & joy** - By 2050 Southenders are fiercely proud of, and go out of their way, to champion what our city has to offer;
- **Safe & well** - By 2050 people in Southend-on-Sea feel safe in all aspects of their lives and are well enough to live fulfilling lives;
- **Active & involved** - By 2050 we have a thriving, active, and involved community that feel invested in our city;
- **Opportunity & prosperity** - By 2050 Southend-on-Sea is a successful city and we share our prosperity amongst all of our people;
- **Connected & smart** - By 2050 people can easily get in, out, and around our city and we have world class digital infrastructure.

This document supports the more specific desired outcomes for each theme by simplifying and streamlining the approval and implementation of schemes on the highway.

2. Constitutional Changes

Background

Cabinet on the 27th July 2021 agreed a report to amend the Terms of Reference for the Traffic Regulations Working Party and Scheme of (Officer) Delegations.

[Agenda for Cabinet on Tuesday, 27th July, 2021, 2.00 pm \(southend.gov.uk\)](#)

This was ratified by the Full Council at its meeting on the 9th September 2021 with immediate effect.

[Agenda for The Council on Thursday, 9th September, 2021, 6.30 pm \(southend.gov.uk\)](#)

The new procedures result from benchmarking with other Traffic Authorities and is a culmination and implementation of best practice. The delegated operational decision making to officers will save money and provide a much improved and more efficient service to members of the public.

It is legally compliant, and ensures the engagement of elected Councillors, at appropriate junctures in the process.

3. Delegation to Officers

Delegation to the Executive Director (Neighbourhoods & the Environment), and/or the Head of Traffic & Highways

To discharge all of the Council's functions in relation to highway, traffic, and parking matters (including the management and enforcement of utility works) with the exception of the following:

- Approval of statutory plans and policy matters (which are generally for Cabinet);
- The agreement of major highway/transport schemes (which are generally for Cabinet);
- Those elements dealing with Traffic Regulation Orders (TROs) that fall with the jurisdiction or remit of the Traffic Regulations Working Party and Cabinet Committee or the new panel to determine appeals on Domestic Vehicle Crossings.

That, without prejudice to the delegations set out above (including but not limited to determining all consents, permissions, and licences, and taking enforcement action) in relation to the following functions:

- The statutory advertisement of TROs and, where no representations are received, to confirm the TROs;
- The implementations of Emergency TROs where required;
- The consolidation of existing amendment TROs into a single new Order; the revocation of existing TROs and re-enactment without material change to the measures into a new TRO;
- Be responsible for enforcement action and all highways related matters on behalf of the Council in relation to traffic & highways;
- Be responsible for the Council's functions under the New Roads and Street Works Act 1991;
- To either act as the Traffic Manager for purposes of Section 17 (2) of the Traffic Manager Act 2004 or to appoint a person to exercise the Network Management Duty under Section 16 of the Act;

- The functions of the Council under the Highways Act 1980;
- The functions of the Council as road traffic authority including its powers under the Road Traffic Regulation Act 1984;
- The Council's functions under New Roads and Street Works Act 1991;
- To sign the official traffic regulation orders (sealing is not required);
- To be responsible for the management of the Council's highways contracts and the delivery of an annual programme of works agreed in consultation with the relevant Cabinet Member.

4. Constitutional changes and the current work programme

Minor schemes that have not commenced will need Delegated Authority (DA) report approval by the Executive Director.

Major schemes that have been approved by Cabinet will be progressed under the DA process.

Individual schemes that have already been reported to an earlier TRWP for authorisation but have not been implemented will be progressed under the DA process unless there is further approval required to progress/complete a scheme.

The DA report template can be found in Appendix A

5. Constitutional changes and TROs

The Traffic Order process is delegated to Officers but will need Delegated Authority (DA) report approval by the Executive Director to commence/progress a TRO.

The DA report needs to include the approval of the Statement of Reasons for advertising which must be based on the legal reasons for making an Order (see s.1 of the Road Traffic Regulation Act 1984).

Traffic Orders are now made by the signature of the Executive Director (Neighbourhoods & Environment) or the Head of Traffic and Highways.

The Traffic Regulations Working Party will only become involved where there are significant objections received and Officers professional view is that the scheme should be implemented unchanged rather than reviewed or abandoned.

The DA report template can be found in Appendix A

6. Constitutional changes and vehicle crossovers

The new vehicle crossover policy was adopted by Cabinet and will be the basis of all decision making on the policies it contains. Under the constitutional changes, an applicant who has been refused a vehicle crossover can only appeal that decision if they believe the Council has incorrectly applied its policies or if there are sufficient mitigating circumstances to allow a divergence from the Council policy and allow a crossover.

An appeal must be by email or in writing and clearly state the reasons why the appellant believes the original decision did not comply with the stated policy or process. Any additional mitigating circumstances must also be stated in writing. This will be submitted to the PVX Appeals Panel who will review the appeal and their decision will be final.

If an appeal is made and is not regarding incorrectly applied policies it will be rejected at its first point of contact and not reach the Appeals Panel.

PVX Appeals Panel Membership

The Head of Traffic & Highways (or in their absence the Executive Director (Neighbourhoods and Environment)), a Council engineer independent of the original decision relating to the PVX in question, the relevant Ward Councillors. No substitutes are permitted.

Appendix A

Report
No. 2021/

Southend-on-Sea Borough Council Delegated Approval Title of report

1. Background

What is the basis of the report

This report seeks delegated approval to do what

2. Recommendation

That the Executive Director (Neighbourhoods and Environment) in consultation with the Cabinet Member for Transport, Asset Management and Inward Investment approve the proposals to:

1. Do what?;
2. etc;

Details of the proposed works are outlined in the **Appendix**;

3. Scheme Details

Heading:

Text

The following issues have been identified and will need to be addressed;

- this;
- that;
- something else.

Following a review, it is proposed to:-

carryout works as follows:

- a. this;
- b. that;
- c. something else.

Reason for doing so.

4. Consultation

5. Forward Programme

6. Financial Implications

7. Legal Implications

Approvals

| | | | |
|--------------------------------|-------------------|---------|--------|
| Engineer (drafting the report) | | Signed: | Dated: |
| Service Manager | | Signed: | Dated: |
| Head of Traffic and Highways | Sharon Harrington | Signed: | Dated: |

I approve the above recommendations:

| | | | |
|--|---------------|---------|--------|
| Executive Director, Neighbourhoods and Environment | Anna Eastgate | Signed: | Dated: |
|--|---------------|---------|--------|

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