



# SHEFFIELD CITY COUNCIL Report to Cabinet Highways Committee

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**Report of:** Executive Director, Place

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**Date:** 11<sup>th</sup> November 2010

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**Subject:** Delegation of Transport and Highways Functions to  
Community Assemblies

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**Authors of Report:** John Bann, Head of Transport & Highways  
Julian Ward, Principal Solicitor

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**Summary:**

This report is in response to the request of Committee at its June meeting that a report be brought back on the delegation of certain highways functions to Community Assemblies.

**Reasons for Recommendations:**

The recommendations set out below reflect the wishes of the Committee at its June meeting and relevant Council policies.

As the recommendations relate to executive functions as defined in the Constitution it will be necessary (as required by the Constitution) to formally amend the Leader's Scheme of Delegation. The division of executive functions has to be formally recorded in the Scheme of Delegation.

**Recommendations:**

To delegate to Community Assemblies the powers to determine, in respect of any schemes or proposals which are wholly funded by them:

- (i) Any Traffic Regulation Order or permit parking scheme to which there are unresolved objections and
- (ii) The design of any such proposal or scheme, including if necessary the exercise of the relevant powers of the Council as highway authority under the Highways Act 1980 unless the relevant Community Assembly is unable to make such determination within the necessary timescale or the scheme or proposal falls within paragraph 4.12.

To make the appropriate amendments to the Leader's Scheme of Delegation.

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**Background Papers:** N/A

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**Category of Report:** OPEN

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## **Statutory and Council Policy Checklist**

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| <b>Financial implications</b>   |
| YES Cleared by: Liam Gilligan   |
| <b>Legal implications</b>   |
| YES Cleared by: Julian Ward   |
| <b>Human rights implications</b>  |
| NO  |
| <b>Tackling Health Inequalities implications</b>                                |
| NO  |
| <b>Equality of Opportunity implications</b>                                     |
| YES Cleared by: Ian Oldershaw   |
| <b>Environmental and Sustainability implications</b>                            |
| NO  |
| <b>Economic impact</b>  |
| NO  |
| <b>Community safety implications</b>  |
| NO  |
| <b>Human resources implications</b>   |
| YES   |
| <b>Property implications</b>  |
| NO  |
| <b>Area(s) affected</b>   |
| All   |
| <b>Relevant Scrutiny Board if decision called in</b>                            |
| Culture, Economy and Sustainability Scrutiny Committee                          |
| <b>Is the item a matter which is reserved for approval by the City Council?</b> |
| NO  |
| <b>Press release</b>  |
| NO  |

## **1.0 SUMMARY**

- 1.1 This report is in response to the request of Committee at its June meeting that a report be brought back on the delegation of certain highways functions to Community Assemblies.
- 1.2 This report has been discussed with the Director, Street Force.

## **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The proposed delegation of decision making about transport and highway issues will mean a greater involvement and say in the design and outcome of measures in local communities. As such it will specifically meet the Corporate Plan priorities of customer focus and making streets to be proud of.

## **3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 Acceptance of these recommendations will result in greater local decision making and involvement in transport and highways schemes. With a larger proportion of local highways spending allocated to Community Assemblies comes greater responsibility for delivering the Council's sustainable transport policies.

## **4.0 REPORT**

- 4.1 At its meeting in June 2010 Committee requested that a report be brought back on the possibility of delegating functions relating to highway trees and functions in respect of schemes wholly funded by a Community Assembly to the relevant Community Assembly.

### Highway Trees

- 4.2 In respect of highway trees it is Council policy that healthy trees should be retained wherever possible, and this policy applies to any officer or Committee exercising delegated powers.
- 4.3 The PFI contract for the maintenance and renewal of the Council's highway infrastructure and assets is programmed to commence autumn 2011. Under that contract, the focus will shift from the retention of specific existing highway trees to the creation of a new stock of highway trees, since it is planned that approximately half of the existing stock will be replaced during the 25-year life of the contract. Community Assemblies will be actively involved in discussing the replacement programme as it affects their area rather than considering requests for the removal of individual trees.
- 4.4 As this policy will come into effect next year, there does not seem to be much purpose in amending the delegations at this stage since the matter would need to be reviewed in any event when the Council's highway responsibilities are reviewed.

### Schemes and Orders

- 4.5 In respect of other functions there is no difficulty in delegating them in principle to the relevant Community Assembly. These would basically relate to traffic regulation orders or permit parking schemes and the design and installation of transport schemes.
- 4.6 Currently unopposed traffic regulation orders are confirmed by the Head of Transport and Highways under delegated powers. The design and installation of highway schemes is approved either by the Head of Transport and Highways or Highways Committee depending on cost and level of objection. All Assembly sponsored highway schemes are approved by the Head of Transport and Highways.
- 4.7 Delegation to Community Assemblies could therefore operate in respect of design and installation of highway schemes, as well as opposed traffic regulation orders or permit parking schemes specific to the Community Assembly area.
- 4.8 Road closures or stoppings-up are non-executive functions and are delegated to Area Planning and Highways Committees and not this Committee. Community Assemblies have no power to deal with them.

### Petitions

- 4.9 Petitions are received by the Council in a variety of ways including:
- To Full Council
  - To Community Assembly
  - To the Highways Committee
  - Via elected Members and officers

All petitions received concerning transport and highways issues are registered by Highways Committee and progress on them is monitored. The Committee then decides whether to deal with the matter raised by a particular petition if it is strategic or has City wide implications or refer it to a Community Assembly if it is a local matter requiring local Member resolution and funding. Up to now the Highways Committee has dealt with all petitions concerning objections to traffic orders and permit parking schemes.

- 4.10 It is proposed that all petitions relating to matters being considered by Assemblies, including traffic orders, are referred to the Assemblies. It is recommended that all transport and highway petitions are still initially reported to Highways Committee to provide a central register of them including progress in providing a response.

### Decision Making Structure

- 4.11 Most Community Assemblies meet every 3 months. The frequency of decision making if applied to traffic regulation orders and scheme designs would be too long and would seriously threaten delivery of scheme programmes. Given the Council's current financial situation and the need to reduce the number of meetings because of the resource issues that would arise, the option of Community Assemblies meeting more often than 3 months is not considered possible.

- 4.12 It is recommended that the Cabinet Highways Committee remains to deal with City wide transport policies and petitions, major and strategic schemes and schemes that cross Assembly boundaries.
- 4.13 Where the Community Assembly is unable to formally determine a scheme, proposal or objection in due time, it is recommended that Cabinet Highways Committee would make the decision or delegate to an appropriate Officer as under current arrangements. In reaching a decision the Highways Committee or appropriate officer would take into account the Assembly's views expressed at the monthly Members' briefing. A number of more significant proposals that have been considered by Highways Committee in the past have been through Community Assemblies first for their views.

#### Financial Implications

- 4.14 There are no additional financial implications of the proposed delegation. There would be additional staff time attending various Community Assembly Member briefings. This would be part of normal duties.

#### Equality Implications

- 4.15 This policy should be of universal positive benefit to all regardless of sex, age, faith, disability, race, sexual orientation, etc. It will increase devolution and put power into the hands of local communities, increasing participation, involvement, ownership and community cohesion. Community Assemblies will become responsible for conducting Equality Impact Assessments where necessary (e.g. for a local permit scheme or TRO). This will empower the Community Assembly to identify and examine the equality impacts of their decisions and take mitigating action where necessary. No negative equality impacts have been identified.

### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The alternative option would be not to delegate any functions to Community Assemblies but to retain the current decision-making arrangements under Cabinet Highways Committee or through officer delegation. This option would not be in accordance with the Council policies for greater local accountability.

### **6.0 REASONS FOR RECOMMENDATIONS**

- 6.1 The recommendations set out below reflect the wishes of the Committee at its June meeting and relevant Council policies, whilst taking into account assemblies administrative and management resources and the timescales to deliver schemes and traffic orders.
- 6.2 As the recommendations relate to executive functions as defined in the Constitution it will be necessary (as required by the Constitution) to formally amend the Leader's Scheme of Delegation. The division of

executive functions has to be formally recorded in the Scheme of Delegation.

## **7.0 RECOMMENDATIONS**

7.1 To delegate to Community Assemblies the powers to determine:

- (i) Traffic Regulation Orders or permit parking schemes to which there are unresolved objections unless the relevant Community Assembly is unable to make such determination within the necessary timescale or the scheme or proposal falls within paragraph 4.12.
- (ii) In respect of any schemes or proposals which are wholly funded by them, the design of any such proposal or scheme, including if necessary the exercise of the relevant powers of the Council as highway authority under the Highways Act 1980.

7.2 To make the appropriate amendments to the Leader's Scheme of Delegation.

Simon Green  
Executive Director, Place

25<sup>th</sup> October 2010