



SHEFFIELD CITY COUNCIL

Cabinet Highways Committee

12

Report of: EXECUTIVE DIRECTOR, PLACE

Date: 10th February 2011

Subject: Delegation of certain Highways Decisions to the
Community Assemblies

Author of Report: John Bann, Head of Transport & Highways

Summary:

This report is in response to the decision made by Cabinet Highways Committee on 11th November 2010 to re-consult with Community Assembly Chairs Group about the delegation of relevant highways functions to the seven Community Assemblies. Further discussions were held with the Group at its meeting on the 11th January 2011.

This report has been discussed with the Director, Street Force.

Reasons for Recommendations:

The recommendations set out below reflect the wishes of the Committee at its June meeting and relevant Council policies, whilst taking into account the views of the Assembly Chairs as well as administrative and management resources.

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 power to decide on the design of any schemes or proposals which are wholly funded by them.

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

Background Papers: N/A

Category of Report: OPEN

Statutory and Council Policy Checklist

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

1.0 SUMMARY

- 1.1 This report is in response to the decision made by Cabinet Highways Committee on 11th November 2010 to re-consult with Community Assembly Chairs Group about the delegation of relevant highways functions to the seven Community Assemblies. Further discussions were held with the Group at its meeting on the 11th January 2011.
- 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. The current working practice will

continue, whereby requests to remove healthy trees will be referred to the Community Assembly for decision and funding if action is required.

Schemes and Orders

- 4.5 In respect of other functions there is no legal difficulty in delegating them in principle to the relevant Community Assembly. These would basically relate to Traffic Regulation Orders (TROs), 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. Approval to spend Community Assembly highway funding on specific local schemes is made by each Community Assembly.
- 4.7 Delegation to Community Assemblies could operate in respect of design and installation of highway schemes, as well as opposed TROs or permit parking schemes specific to the Community Assembly area and funded by the Assemblies. This could also apply to minor TROs funded from the Traffic Management budget. Community Chairs have been consulted. They were concerned at the extra work and time taken up at public meetings if Assemblies dealt with objections to traffic orders. They therefore opposed the delegation of these objections to the Assemblies.
- 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 but are consulted on proposals.

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 when applied to scheme designs could be too long and could seriously threaten delivery of scheme programmes. Where a Community Assembly is unable to formally determine a scheme at its regular public meetings, then a special meeting involving all Assembly Members will be set up.
- 4.12 It is recommended that the Cabinet Highways Committee remains permanently to deal with City wide transport policies and petitions, major and strategic schemes (funded from the Sheffield LTP allocation and from the South Yorkshire Strategy transport scheme fund), schemes that cross Assembly boundaries and objections to Traffic Regulation Orders. Since December 2009 Cabinet Highways Committee has received 44 reports, of these 6 involved Community Assembly schemes or objections to local TROs.

Financial Implications

- 4.13 There will be additional financial implications of holding special meetings of Community Assemblies when necessary such as room hire, publicity, travel etc. It would involve additional staff time which would be included as part of normal duties.

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.
- 5.2 The delegation of relevant highway decisions to Community Chairs was discussed at the Community Assembly Chairs Group on 11th November 2010 and 11th January 2011. At the meeting in November the Group, whilst welcoming the principle of increased delegation, expressed concern at the potential volume of highways business that the Assemblies would have to deal with at their public meetings given the already full agendas. The Group's preference was to deal with the more contentious/important issues. At the meeting on the 11th January Members of the Cabinet Highways Committee discussed the issue with the Group. The reservation about extra work load for Assemblies was again raised, particularly dealing with objections to traffic orders which can be contentious and take up a lot of time at public meetings. As a result it was agreed that Assemblies would approve the design of highways schemes funded by the Assemblies. Objections to TROs would still be heard by the Highways Committee. An Assembly could organise a public meeting on a controversial highways issue (including TROs). The recommendation of the public meeting would be passed on

to the Highways Committee, who would give it due consideration. The Assembly Chairs Group requested that all consultations on TROs should include the relevant Community Assembly, with information passed to the appropriate Assembly Manager.

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 the views of the Assembly Chairs as well as administrative and management resources.
- 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 power to decide on the design of any schemes or proposals which are wholly funded by them.
- 7.2 To make the appropriate amendments to the Leader's Scheme of Delegation.

Simon Green
Executive Director, Place

12th January 2011