

Place and Resource Overview Committee

17 December 2020

Utilising Powers Under the Traffic Management Act

For Decision

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Councillor(s): N/A

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation: To support Dorset Council's approach for delivering the relevant requirements of the Traffic Management Act 2004.

Reason for Recommendation: To ensure Dorset Council fulfils their statutory requirements under the Traffic Management Act 2004.

1. Executive Summary

- 1.1 The Traffic Management Act 2004 (TMA) was introduced to give powers to government and delegated powers to local authorities in order to reduce traffic congestion and influence reliable journey times.

Key to this is the requirement to appoint a Traffic Manager who is required to regulate or coordinate the use of the road (or part of) in the highway network.

In relation to the making and implementation of highway schemes (including speed limit changes and other traffic regulation), it is important

that the Traffic Manager ensures they are fit for purpose and aligned with DfT legislation, guidance and advice to best ensure a consistent approach across Dorset and with neighbouring authorities.

2. Financial Implications

2.1 None as a direct result of the recommendations of this report.

3. Well-being and Health Implications

3.1 None as a direct result of the recommendations of this report.

4. Climate implications

4.1 None as a direct result of the recommendations of this report.

5. Other Implications

None

6. Risk Assessment

Having considered the risks associated with this approach, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

Not applicable

8. Appendices

None

9. Background Papers

None.

10. Report

10.1 The Traffic Management Act 2004 (TMA) was introduced to give powers to government and delegated powers to local authorities in order to reduce traffic congestion and influence reliable journey times.

The Act is split into 7 sections covering:

- Traffic Officers
- Network Management
- Permit Schemes (Road and Streetworks)
- Streetworks
- Highways and Roads
- Civil Enforcement of Traffic Contraventions
- Miscellaneous and General

10.2 The Network Management duty gives a duty to manage the road network to secure the “expeditious movement of traffic” on the road network and have regard to the movement of traffic on neighbouring authorities/agencies’ road networks.

The authority may achieve this by considering any action which they deem will contribute to securing:

- More efficient use of the road network
- The avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network. (Where traffic is defined as any user of the highway, to include pedestrians and cyclists.)

10.3 The TMA requires a local authority to appoint a Traffic Manager to carry out tasks that will meet the required Network Management duties.

The duties of the Traffic Manager are as follows:

- Determine specific policies and regulations in relation to the road network
- Monitor the effectiveness of the authority’s decision-making processes
- Monitor the effectiveness of decision implementation
- Assess performance in managing the road network

10.4 The Traffic Manager can exercise any power required to regulate or coordinate the use of the road (or part of) in the highway network.

This power has been utilised in the past to assist the coordination of roadworks or minimise the impact of events on the highway network.

- 10.5 In relation to the making and implementation of highway schemes (including speed limit changes and other traffic regulation), it is important that the Traffic Manager ensures they are fit for purpose and aligned with DfT legislation, guidance and advice to best ensure a consistent approach across Dorset and with neighbouring authorities.
- 10.6 The TMA cannot be used in isolation and needs to be operated in conjunction with all other highway legislations and local authority highway plans.
- 10.7 If as a highway authority, we fail to meet our duties correctly, the TMA legislation includes intervention powers by the national authority to appoint a Traffic Director and if applied the authority will be charged.
- 10.8 For Dorset Council, the Traffic Manager is the Head of Highways. Within the Highway Service the day to day network management requirements are delivered by the Traffic Team under the direction of the Traffic Team Leader. This includes permitting for works to take place on the highway and agreement of traffic management plans for events.
- 10.9 The process for implementing Traffic Regulation Orders is overseen and monitored by the Head of Highways.

11. Conclusion and Recommendation

- 11.1 Dorset Council has specific requirements under the TMA. Key to this is the requirement for a Traffic Manager who carries out duties to facilitate the expeditious movement of traffic on the local highway network.
- 11.2 That having considered the requirements of Dorset Council under the TMA, the committee support Dorset Council's current approach.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

