

Board

**Transport
for London**



Date: 7 November 2012

Item 9: Traffic Regulation Orders Delegation for Cycle Hire

This paper will be considered in public

1 Summary

- 1.1 The purpose of this paper is to seek approval in principle for TfL entering into agreements with all London boroughs (the boroughs) under Section 101 (5) of the Local Government Act 1972 (LGA) (Section 101 (5) Agreements), which provides for the delegation to TfL, by the relevant borough, of various traffic management powers in relation to the Cycle Hire Scheme (the Scheme), including all future phases.
- 1.2 The Board, in relation to the Scheme, has previously authorised the entering into of these arrangements with a number of the boroughs. In order to progress Cycle Hire Expansion and Intensification, TfL requires the establishment of a similar arrangement in relation to the London Boroughs of Hammersmith and Fulham and Wandsworth.
- 1.3 It is envisaged that the London Boroughs of Hammersmith and Fulham and Wandsworth will delegate to TfL their powers to make Traffic Regulation Orders (TROs) relating to the implementation of Cycle Hire docking stations which are necessary for the Scheme to operate effectively. It is proposed that the Board will delegate to the Managing Director, Surface Transport authority to agree the final terms of the Section 101 (5) Agreements, including which TfL officer will exercise the powers.

2 Recommendations

2.1 The Board is asked to:

- (a) note the paper;**
- (b) approve in principle TfL entering into agreements with any London borough under Section 101(5) of the Local Government Act 1972 (Section 101(5) Agreements) in relation to the Cycle Hire Scheme (including all future phases); and**
- (c) delegate to the Managing Director, Surface Transport (or in his absence the Chief Operating Officer (Surface Transport)) authority to negotiate and agree the final terms of the Section 101(5) Agreements (including which TfL officer should be appointed to make the Traffic Regulation Orders) and their execution (whether by deed or**

otherwise on behalf of TfL) and of any documentation to be entered into in connection with the Section 101 (5) Agreements.

3 Background

- 3.1 TfL Standing Orders state that arrangements with local authorities for the joint discharge of functions pursuant to Section 101(5) of the LGA are reserved to the Board.
- 3.2 TfL is working in partnership with the boroughs to deliver the extension and intensification of the Scheme.
- 3.3 The Road Traffic Regulation Act 1984 (RTRA) provides that TROs may only be made by the traffic authority for the roads that they affect. As traffic authority for the Transport for London Road Network (TLRN), TfL will itself make all relevant TROs affecting the TLRN.
- 3.4 The boroughs are the traffic authorities for the roads within their areas which do not form part of the TLRN. All TROs that affect these roads will have to be made by the boroughs unless the relevant powers are delegated to TfL by way of a Section 101(5) arrangement. The making of these TROs would place significant resource demands on the boroughs.
- 3.5 Discussions are ongoing to determine which of the boroughs require TfL to control the process of drafting and making TROs in accordance with the RTRA and thus those that TfL will need to enter into Section 101(5) arrangements with.

4 Options

- 4.1 Option 1: Not to enter into joint arrangements with the boroughs. This is not recommended as the resource demands placed on the boroughs, as a result of the drafting and issuing of TROs for cycle docking stations, could risk delivery of Cycle Hire docking stations.
- 4.2 Option 2: For TfL to enter into arrangements with the boroughs for the joint discharge of their powers to make TROs under the RTRA in relation to Cycle Hire docking stations and for that joint function to be discharged by a suitable TfL officer appointed by the Managing Director Surface Transport or the Chief Operating Officer (Surface Transport).

5 Legal Implications

- 5.1 The boroughs traffic management powers relating to their respective borough roads can be undertaken by other highway authorities under section 101(5) of the LGA. This allows TfL to enter into “joint arrangements” with other highway authorities for the discharge of any of their functions.
- 5.2 The legislation provides for two different types of joint arrangements: delegation of functions to a joint committee of both authorities, or delegation of functions to an authorised officer of the other authority. The latter

arrangement, which is the present proposal, would allow the boroughs to delegate their various traffic management powers to an authorised officer of TfL, namely the Managing Director of Surface Transport, or by a suitable officer appointed by the Managing Director Surface Transport or the Chief Operating Officer (Surface Transport).

6 Financial Implications

- 6.1 There are no direct additional financial implications for TfL in entering into the proposed agreements and making the TROs that affect borough roads. TfL has agreed to cover all costs associated with the making of the relevant TROs regardless of whether the TROs are made by the Boroughs or by TfL.

List of appendices to this report:

None

List of Background Papers:

Board Paper dated 10 February 2009

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