

Board

Date: 27 March 2013

Item 17: **Delegation of authority for Section 101 Agreements with London Boroughs**

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**This paper will be considered in public**

## **1 Summary**

1.1 The purpose of this paper is to seek approval from the Board for a delegation of authority to the Managing Director, Surface Transport to enter into agreements with London boroughs under section 101(5) of the Local Government Act 1972 (the 1972 Act), in relation to the transfer of traffic management responsibilities to TfL for roads which London boroughs are the Traffic Authorities and the transfer of traffic management responsibilities to the London boroughs for roads for which TfL is the Traffic Authority, to facilitate efficient and timely delivery of relevant schemes.

## **2 Recommendations**

2.1 **The Board is asked to:**

**(a) note the paper; and**

**(b) delegate authority to the Managing Director, Surface Transport to:**

**(i) approve TfL entering into future agreements pursuant to Section 101 (5) of the Local Government Act 1972 with London Boroughs in relation to the joint discharge of their respective powers to make Traffic Regulation Orders in relation to roads which either TfL or a London borough is the Traffic Authority in order to facilitate efficient and timely delivery of schemes on London's road network; and**

**(ii) agree the terms and the execution of such agreements with each of the London boroughs.**

## **3 Background**

3.1 As the strategic transport authority for London, TfL is the Traffic Authority for the Transport for London Road Network (TLRN), likewise London boroughs are the Traffic Authorities for borough roads. TfL develops and implements a range of schemes on the TLRN, and in many cases on roads for which London boroughs are Traffic Authorities. As such, there are instances where a scheme could, for example, involve junction improvements where the main works are on the TLRN with adjacent works on a borough road (and vice versa).

- 3.2 In both of these instances, to facilitate the timely and efficient delivery of the scheme, it is desirable if TfL or the London borough(s) are able to exercise each other's functions in making Traffic Regulation Orders (TROs). The mechanism for doing this is for TfL to enter into agreements under section 101(5) of the 1972 Act, which enables TfL to jointly exercise the powers of London boroughs as Traffic Authority for borough roads (or vice versa).
- 3.3 TROs are the means by which a traffic authority for a particular road controls and regulates traffic and pedestrians. They are used, for example, to prevent certain types of vehicles using a highway, to restrict access, to control speed or to control parking and loading.
- 3.4 Under TfL Standing Orders arrangements with local authorities for the joint discharge of functions is a matter reserved to the Board. Consequently, each time this process is followed, specific approval of the Board is required.
- 3.5 It is recommended that approval of such arrangements be delegated to the Managing Director, Surface Transport for the reasons set out below.

## **4 Operational Justification**

- 4.1 Most Highway infrastructure projects require the making of TROs on the TLRN and on borough road(s). There are instances where a scheme could, for example, involve junction improvements where the main works are on the TLRN with adjacent works on a borough road (and vice versa).
- 4.2 In preparation for the 2012 Games, TfL entered into separate agreements pursuant to the 1972 Act with each of the London boroughs where required, in relation to jointly discharging the London boroughs' powers to issue TROs in order to facilitate the timely delivery of key elements of the Olympic Transport Plan, such as the Olympic Route Network and other Olympic and Paralympic related activities. This provision allowed TfL and the relevant London borough to agree to discharge their TRO function jointly through a joint committee, consisting of members of both TfL and the relevant London borough. In order to achieve the joint arrangements mentioned above, delegated authority was sought and obtained from the Board. This proved to be a huge success, as it enabled one authority, in this instance TfL, to have control over the making of necessary TROs for the 2012 Games in a timely manner allowing TfL to have the flexibility to meet challenging deadlines. This resulted in significant cost savings as the duplicate costs that would otherwise have been incurred if the TROs were processed individually by TfL and the borough(s) was avoided. This approach also had the added benefit of removing the co-ordination risk of the TROs not being promoted simultaneously.
- 4.3 Other examples where similar approaches and delegations have been successfully utilised in the past, with similar benefits, include:
- (a) Barclays Cycle Superhighways;
  - (b) Barclays Cycle Hire Scheme; and
  - (c) East London Transit Phases 1A and 1B.

- 4.4 As an example, the typical cost of processing a TRO on the TLRN or borough road is approximately £2,400. It is proposed that one authority would make the TRO for both the TLRN and for the borough road, rather than each authority processing an order at a cost of £2,400 each.
- 4.5 Currently the following schemes have been identified as requiring 101(5) agreements to be put in place over the next 12 months:
- (a) Better Junctions Programme (50 schemes across a number of boroughs);
  - (b) Twickenham rugby stadium (London Borough of Richmond);
  - (c) Two way cycling scheme (Royal Borough of Kensington & Chelsea);
  - (d) Urban Realm Improvements at Britannia Junction (London Borough of Camden);
  - (e) Cycle lane order at Loampit Hill (London Borough of Lewisham);
  - (f) Cycle Superhighways route 2 extension (London Borough of Newham);
  - (g) Bow Roundabout (London Borough of Newham);
  - (h) Waterloo junction 20 MPH (London Borough of Lambeth);
  - (i) Well Hall Roundabout (Royal Borough of Greenwich); and
  - (j) Baytree Road (London Borough Lambeth).
- 4.6 In order to ensure that section 101(5) arrangements can be put in place in a timely manner, it is proposed that the Managing Director, Surface Transport be given delegated authority to agree section 101(5) agreements for schemes on London's road network, where such arrangements represent the most efficient way of implementing a scheme.

## **5 Risk Management**

- 5.1 There will be clear lines of responsibility between TfL and each London Borough which will be set-out in the respective Section 101(5) agreements.
- 5.2 Section 101(5) agreements will only be entered into with the relevant London Borough(s) where it represents the most efficient way of implementing the schemes.
- 5.3 Should the joint discharge of functions relate to a matter beyond the implementation of an individual infrastructure project, or should it be anything other than a temporary short-term arrangement, the matter will be referred to the Board for decision.
- 5.4 Section 101(5) agreements facilitate the delivery of schemes on London's road network. The schemes implemented will comply with all relevant policies and industry standards to ensure sustainability as an integral part of their design and construction.

**List of appendices to this report:**

None

**List of Background Papers:**

None

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