

**EXPLANATORY MEMORANDUM TO
THE TRAFFIC MANAGEMENT (GUIDANCE ON INTERVENTION CRITERIA)
(ENGLAND) ORDER 2007**

2007 No. 339

- 1.** This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 Appended in the Schedule to this order is guidance about the criteria which the Secretary of State proposes to apply, as respects England, for the purpose of deciding whether to give an intervention notice, or make an intervention order, under Part 2 of the Traffic Management Act 2004 (“the Act”).

2.2 This guidance, entitled *Guidance on Intervention Criteria for England*, is part of the process of enforcing the network management duties imposed on local traffic authorities by sections 16 and 17 of the Act. If the Secretary of State considers that a local traffic authority may be failing properly to perform any of those duties, he may give the authority an intervention notice. If he is satisfied that a local traffic authority are failing properly to perform any of those duties, he may make an intervention order making provision for, or in connection with, the appointment of a traffic director for the purpose of securing that the duties in question are properly performed.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The order uses a somewhat unusual power in that the guidance is required to be appended to a statutory instrument as a means of placing it before Parliament.

4. Legislative Background

4.1 This order is made under the powers conferred by section 27 of the Act. This is the first use of the power.

4.2 Part 2 of the Act imposes network management duties on all local traffic authorities. These duties are contained in sections 16 and 17 and came into force in England in January 2005. The enforcement of these duties is covered by sections 20 to 30.

4.3 Under section 16 (the network management duty), the overriding duty of a local traffic authority is to manage their road network with a view to achieving two objectives, so far as may be reasonably practicable having regard for their other obligations, policies and objectives. These two objectives are-

- (a) to secure the expeditious movement of traffic on that network; and
- (b) to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority.

4.4 Section 17 (arrangements for network management) sets out a number of additional duties for an authority including in particular the need to make provision for the appointment of a traffic manager to perform such tasks as they consider will assist them to perform their main duty under section 16. These are single duties for the purposes of enforcement but nevertheless underpin the main duty.

4.5 The *Guidance on Intervention Criteria for England* is required as part of the process of ensuring that local traffic authorities properly perform their various network management duties.

4.6 The Delegated Powers and Regulatory Reform Committee recommended that the statement of criteria for intervention should be subject to a Parliamentary procedure (HL70 Session 2003-04 Dated 7th April 2004) at <http://www.publications.parliament.uk/pa/ld200304/ldselect/lddelreg/70/70.pdf> Accordingly, section 27 imposes two requirements. The Secretary of State, as respects England, must not only give guidance about the criteria which it is proposed should apply for the purpose of deciding whether to give an intervention notice or make an intervention order, but must also append the guidance to an order made by statutory instrument subject to negative resolution procedure.

4.7 The *Guidance on Intervention Criteria for England* should be read together with both Part 2 of the Act and the *Network Management Duty Guidance*. This was published by the Department for Transport in November 2004, in accordance with section 18 and is available on the Department's web site at <http://www.dft.gov.uk/pgr/roads/tpm/tma2004/trafficmanagementact2004netw4143?version=1>

5. Territorial Extent and Application

5.1 This instrument applies to England.

5.2 It does not replicate legislation which already exists in another part of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 **Policy** - The White Paper, *Future of Transport A network for 2030 (Cm 6234 ISBN 0-10-162342-9)*, states that the paper.... “is a strategy that can and will deliver a road network that provides a reliable, intelligent, interactive and freer-flowing system for motorists and business which has less impact on people and the environment”. It emphasises the importance of active and co-ordinated management of the road network.

7.2 The 2004 Spending Review PSA target Objective II is to deliver improvements to the accessibility, punctuality and reliability of local and regional transport systems through the approaches set out in Objective I and through increased use of public transport and other appropriate solutions. See the Department for Transport’s web site at <http://www.dft.gov.uk/about/how/psa/spendingreview2004psatargets1?version=1>

7.3 The *Guidance on Intervention Criteria for England* is specifically targeted at all local traffic authorities in England as they have network management responsibilities. These are all the metropolitan borough councils, county councils, unitary authorities, London borough councils, the Common Council of the City of London and Transport for London. The guidance outlines how the Secretary of State will assess whether an authority are managing their roads properly and describes what will happen if they are not.

7.4 The Act itself provides a built-in opportunity for engagement and recovery, and this is reflected in the guidance despite the fact that it has necessarily had to focus on the criteria for intervention. The principle of intervention itself is not the subject of this memorandum, but nevertheless under the Act the same approach is applied as in the *Protocol on Central Government Engagement and Intervention in Poorly Performing Local Authorities* and the associated *Memorandum of Understanding*. These can be found at the Department for Communities and Local Government's web site at <http://www.communities.gov.uk/index.asp?id=1136424#TopOfPage>

7.5 The hope is that there will be no need for intervention. However, where it is necessary, it is important, both politically and for a number of other reasons, for authorities to understand that the Government is serious when it says that local authorities must do all they can to manage their roads for the benefit of all road users. If a traffic director is appointed, he may have any of a range of powers conferred on him to monitor, report, intervene in or take over functions of an authority as are proportionate to the circumstances of the particular authority.

7.6 No other avenues of attaining the desired objective of publishing the guidance have been explored because the mechanism for doing this is set out in the Act.

7.7 The Department has assessed the performance of local traffic authorities in carrying out their network management duties in Local Transport Plans submitted to the Department in July 2006. These were not assessed against the *Guidance on Intervention Criteria for England* but rather against the *Full Guidance on Local Transport Plans Second Edition* published in December 2004 by the Department for Transport.

7.8 **Consultation** - A 12 week public consultation on the draft *Guidance on Intervention Criteria for England* took place on 6th July 2006 and closed on 27th September. There were 82 responses in total of which 56 were received from English local authorities and London boroughs. A further 57 local authority respondents replied indirectly via representative groups or joint responses. Therefore taking into account all methods of replying, the consultation responses represent approximately 75% of all English local authorities.

7.9 Other responses were received from representative groups, utility and private companies and a small number of Welsh authorities.

7.10 88% of replies indicated that they found it helpful for the Guidance to show the steps in the process which will be adopted when considering whether to give an intervention notice or make an intervention order.

7.11 90% of respondents felt that the Guidance was suitably derived from the Act and would also assist local authorities in improving the management of the road network.

7.12 Only 1% of respondents indicated that they did not find it useful for the Secretary of State to identify the types of question in the Guidance that each local authority should be asking themselves when conducting their network management duties.

7.13 75% of respondents believed that the criteria were correct. The main concern of the remainder was that there was an insufficiently strong reference to the local authority's requirement to work towards their own individual existing policies and priorities. Paragraph 13 of the draft consultation Guidance has been amended, and the guidance now places greater emphasis on this.

7.14 72% of respondents indicated that the Guidance covers all the significant elements from the *Network Management Duty Guidance*. However, information regarding Key Performance Indicators was identified by them as one area where improvements could be made.

7.15 The Secretary of State's view is that it is for local traffic authorities to adopt their own targets and indicators that show the full range of their performance against the duties. Authorities should adopt the mandatory Local Transport Plan or Local Implementation Plan indicators. This includes, for the ten largest urban areas in England, a congestion target which forms part of the national PSA for urban congestion. These authorities have also agreed to adopt a related set of supporting indicators. Accordingly, no changes were made to the guidance.

7.16 The Regulatory Impact Assessment associated with the Act states "the Bill's provisions overall should be cost neutral for local authorities". The consultation responses indicated that a large proportion of local authorities and London boroughs (43 out of 56) expressed a view that the Act was not cost neutral.

7.17 The main area of concern was about the timing for the implementation of several sections of the Act, such as those for permits and street works. However, the implementation timetable for the Act was outside the remit for the consultation. The Secretary of State's view is that the Guidance is a major element in the overall framework of the Act. It is important that it is produced at an early stage for that framework to be established.

7.18 32 out of 82 respondents expressed concern over reporting mechanisms. This concern was particularly prominent within London. The Secretary of State's view is that authorities should use existing reporting processes; i.e. the LTP process for local authorities outside London and the Local Implementation Plan ("LIP") process for the London boroughs. Hence it is not expected that local authorities should have any extra burden placed upon them by adopting this approach.

7.19 **Involvement of stakeholders** - The Secretary of State has worked with a range of stakeholders in developing the guidance, including local authority representative groups such as the CSS and the Local Government Technical Advisors Group. Representatives from the Department for Transport have given presentations on the draft guidance in regional meetings to traffic managers who assist local traffic authorities in carrying out their duties. The topic has been presented to the Traffic Management Board which comes under the Roads Liaison Group. The Board holds formal meetings that bring together local authorities and national government from across the United Kingdom to consider traffic management matters.

8. Impact

8.1 A Public Sector Regulatory Impact Assessment for this instrument is attached to this memorandum. This assessment has been prepared as the instrument has no impact on the costs of business, charities or voluntary bodies.

8.2 A Regulatory Impact Assessment was prepared for the Traffic Management Bill as a whole and is available at
<http://www.dft.gov.uk/consultations/aboutria/ria/thetrafficmanagementbillregu5592?version=1>

9. Contact

Ray Gercans at the Department for Transport telephone: 020 7944 2913, GTN: 3533 2913 or e-mail: ray.gercans@dft.gsi.gov.uk can answer any queries regarding the instrument.

PUBLIC SECTOR REGULATORY IMPACT ASSESSMENT

1. Title

1.1. The Traffic Management (Guidance on Intervention Criteria) (England) Order 2007.

2. Purpose and intended effect

2.1. Part 2 of the Traffic Management Act 2004 (“the Act”) imposes network management duties on all local traffic authorities. These duties are contained in sections 16 and 17 of the Act, came into force in England in January 2005 and are set out in Table 1 below. The enforcement of these duties is covered by sections 20 to 30.

2.2. The purpose of the order is to provide guidance, in accordance with section 27 of the Act, as to the basis on which the Secretary of State will decide whether or not to take enforcement action if he believes that a local traffic authority in England may be, or are, failing properly to perform any of their network management duties.

TABLE 1: Network Management Duties
<p>(1) Under section 16 (the network management duty), the main duty of an authority is to manage their road network with a view to achieving two objectives, so far as may be reasonably practicable having regard for their other obligations, policies and objectives. These two objectives are—</p> <ul style="list-style-type: none">(a) to secure the expeditious movement of traffic on that network; and(b) to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority.
<p>(2) Section 17 (arrangements for network management) sets out a number of additional duties for an authority which are single duties for the purposes of sections 20 and 21 but which nevertheless underpin the main duty under section 16. These are more particularly set out as follows.</p>
<p>(3) An authority has a duty to make such arrangements as they consider appropriate for—</p> <ul style="list-style-type: none">(a) planning the action to be taken in performing the network management duty; and(b) carrying out that action.
<p>(4) An authority has a duty to ensure that these arrangements include provision for the appointment of a traffic manager.</p>
<p>(5) An authority has a duty to ensure that the arrangements also include provision for establishing processes for ensuring (so far as may be reasonably practicable) that they—</p> <ul style="list-style-type: none">(a) identify things which are causing—<ul style="list-style-type: none">(i) road congestion on their road network; or(ii) other disruption to the movement of traffic on that network;(b) identify things (including future occurrences) which have the potential to cause—<ul style="list-style-type: none">(i) road congestion on their road network; or(ii) other disruption to the movement of traffic on that network; and(c) consider any possible action that could be taken—

TABLE 1: Network Management Duties
<p>(i) in response to; or (ii) in anticipation of; anything so identified;</p> <p>but this does not require the identification or consideration of anything appearing to have only an insignificant effect, (or potential effect), on the movement of traffic on their network.</p>
<p>(6) An authority has a duty to ensure that the arrangements also include provision for ensuring that they—</p> <p>(a) determine specific policies or objectives in relation to—</p> <p>(i) different roads in their road network, or (ii) different classes of road in that network;</p> <p>(b) monitor the effectiveness of—</p> <p>(i) their organisation, (ii) their decision making processes, and (iii) the implementation of their decisions; and</p> <p>(c) assess their performance in managing their network.</p>
<p>(7) An authority has a duty to keep under review the effectiveness of the arrangements they have in place under section 17 of the Act.</p>

- 2.3. Section 20 of the Act enables the Secretary of State to give an intervention notice to a local traffic authority if it is considered that the authority may be failing properly to perform any of their duties under sections 16 and 17.
- 2.4. If the Secretary of State is satisfied that an authority are failing properly to perform any duty under those sections, provision may be made, by way of an intervention order for, or in connection with, the appointment of a traffic director in relation to that authority. The traffic director will be given such objectives as the Secretary of State considers will secure that the duty in question is properly performed.
- 2.5. Section 27 obliges the Secretary of State to give guidance about the criteria which will be applied for the purpose of deciding whether to give an intervention notice or make an intervention order. In accordance with subsection (2), this guidance is appended in the Schedule to the order.
- 2.6. The purpose of sections 20 to 30 is to ensure that local traffic authorities are properly performing their network management duties. If the Secretary of State is satisfied that an authority are failing in any of their duties, intervention will be initiated in accordance with these sections. It is expected that the potential for intervention will encourage authorities to ensure that they carry out their network management duties properly.
- 2.7. The intervention process would be difficult to put into effect without the guidance being given. Accordingly, the order is necessary to enable the Secretary of State to take enforcement action.

- 2.8. The guidance also establishes the preliminary use of section 19 powers within the context of enforcement. Under this section, the Secretary of State may direct an authority to provide information relating to any aspect of the performance of their network management duties. An authority could take advantage of this by working with the the Secretary of State to raise their standards. This would provide an opportunity for remedying any potential issues without the need for further formal intervention.
- 2.9. The guidance sets out examples of questions that the Secretary of State may ask to determine an authority's level of performance, when assessing the evidence available. These give authorities a clear understanding of the general questions that they should be asking themselves in determining whether they are performing their network management duties properly.
- 2.10. The Act itself, which is seen as a spur for the better management of the road network, provides a built-in opportunity for engagement and recovery, by enabling a local traffic authority to work together with the Secretary of State at an early stage with the aim of making improvements. Making an intervention order to appoint a traffic director will be a situation reached only after serious efforts have been made to raise the standard of an authority that may not be properly managing its network.
- 2.11. The guidance highlights common features of the *Network Management Duty Guidance* (published by the Department for Transport in November 2004), for all of which a local traffic authority must have regard. It also re-states the network management duties (see Table 1) and discusses ways in which an authority may present evidence of performance when reporting to the Secretary of State.
- 2.12. The guidance shows when and how the Secretary of State would reach decision points in relation to enforcement. This enables local traffic authorities to see if they are at risk of intervention and to take action accordingly. It will also act as a reference that authorities can use over time to improve their performance in managing their road network.

The issue and who it affects

- 2.13. The majority of people use the road network to some degree, so efficient management of that network should assist in tackling congestion and reducing disruption to all. The issue to be addressed is how to assess the performance of an authority and assist them, through a process of engagement and, if necessary, enforcement, to avoid a failure to properly manage the road network.
- 2.14. This Public Sector Regulatory Impact Assessment is not assessing the impact of the duties under sections 16 and 17; it is addressing the impact of the *Guidance on Intervention Criteria*. As to the former, reference should be made to the Regulatory Impact Assessment for the Traffic Management Bill, section (B) – *The Network Management Duty, Traffic Managers and Directors*. This can be found on the Department for Transport's web site at

<http://www.dft.gov.uk/consultations/aboutria/ria/thetrafficmanagementbillregu5592?version=1>
- 2.15. In putting their network management duties into practice, each authority are assisted by their traffic manager and other personnel used to implement those duties. Accordingly, local traffic authorities and their traffic managers are directly affected by the application of the *Guidance on Intervention Criteria* in relation to enforcement of the duties.

The extent of the issue and what would happen if no action was taken

- 2.16. A local traffic authority's efficient management of their road network is of vital importance to economic vitality and society in general. A large proportion of the population uses the road network daily. It is becoming increasingly difficult to ease the problem of increased car usage by building new roads; hence the need to manage the current road network as well as possible. Therefore the size of the issue is nationwide and affects almost everyone.
- 2.17. All local traffic authorities in England are aware of their network management duties and have appointed a traffic manager. Some have re-structured responsibilities in their organisation. They attend the Regional Traffic Managers Forums and representatives from these attend a National Traffic Managers Forum. The majority of authorities appear to be taking action to address their responsibilities.
- 2.18. By doing nothing, an authority may fail to manage their network properly. However, the chances of this happening may well be reduced by the prospect of intervention powers being used against them. These powers and the methods of applying them are designed principally to encourage an improvement in standards; a process which should initially deter failure but also provide a remedy for it should it occur.

3. Options

Option One – Do nothing

- 3.1. If this guidance were not published, it would be virtually impossible to transparently apply the intervention powers in the Act to what are expected to be a small number of local traffic authorities who might not be performing their network management duties properly. This in turn would negate the point of imposing these duties in the first place.
- 3.2. In the absence of effective enforcement action, some authorities might not carry out their statutory duties under sections 16 and 17, which in turn would mean that they would possibly fail to manage their road networks as efficiently as they could have done. Actions to tackle congestion and disruption might not be as effective as they could have been had the authorities had some incentive to perform their duties properly. The Secretary of State would find it difficult to intervene in relation to a failing authority in order to achieve improvements and the ultimate appointment of a traffic director would be unlikely.

Option Two – Publish the guidance

- 3.3. Local traffic authorities expect the Secretary of State to meet his statutory obligation and publish the guidance. All authorities will understand that if they fail properly to perform any of their network management duties, they will run the ultimate risk of a traffic director being appointed to secure that those duties are properly performed. This should encourage them to take a positive approach to the management of their road network which avoids the need for enforcement action.

The role of public service staff

- 3.4. **Option One** – Public sector employees continue to carry out a local traffic authority's statutory duties under sections 16 and 17. In the majority of authorities, they are likely to be undertaking these duties properly. However, it may be the case that a few authorities may not be properly performing their network management

duties and may continue to do so because their employees lack the incentive to focus on managing the roads more effectively.

- 3.5. **Option Two** – This option supports the statutory duties with the potential for central government intervention for failure to properly perform them. Public Sector employees in the majority of authorities will not be required to perform any new or different duties. For example, teams that write the Local Transport Plan (“LTP”) within a local authority are already obliged to report on the network management duties. Publication of the guidance will act as a reminder to all public sector employees in authorities that they should direct their attention to the network management duties. Its value will be to encourage authorities to improve their approach to managing the road network and in particular in the few cases where there may be cause for concern.

Relationship with work being carried out elsewhere in this area

- 3.6. LTPs were received by the Secretary of State in July 2006. These reports give an initial indication of how authorities are carrying out their duties.
- 3.7. The Secretary of State is supporting the performance of the duties in England by liaising with all authorities.
- 3.8. This guidance is necessarily aimed at a local traffic authority which may be failing in its specific duties under the Act. However, its focus is on encouraging all authorities to raise their standards for managing the road network, short of statutory intervention, wherever possible. The approach is based on central and local government's model of the engagement process for poorly performing local authorities (July 2004). This can be found on the Department for Communities and Local Government's web site at <http://www.communities.gov.uk/index.asp?id=1136424#TopOfPage>
- 3.9. The Department for Transport conducted a 12 week public consultation, ending on 27th September, on the draft *Guidance on Intervention Criteria*. Responses were generally favourable. However, concerns were raised about the timetable for commencing different sections of the Act and the perceived cost implications. Both of these issues are outside the scope of this exercise.

Details of groups that will be disproportionately affected by any of these options.

- 3.10. There are no groups that will be disproportionately affected by any of these options. Authorities are already under a statutory obligation to perform sections 16 and 17 duties and LTP teams are already required to report on the duties.

4. Benefits

- 4.1. **Option One** – A poorly performing authority would have perceived advantages as they would not have to apply themselves to performing the network management duties properly. They would also perceive that they would not be subject to intervention, would avoid the costs of the appointment of a traffic director and would not need to perform any better or differently. These apparent advantages are, however, likely to be substantially outweighed by the costs of disruption and congestion to the public travelling on the authority's road network. The authority may also be failing to facilitate efficient traffic movement on neighbouring authorities' roads.

- 4.2. **Option Two** – The *Guidance on Intervention Criteria* will assist local traffic authorities in the performance of their duties. It will clarify exactly what those duties are, illustrate how the Secretary of State expects them to be performed and draw attention to the appropriate features of the *Network Management Duty Guidance* that should be employed in managing their network. As the techniques of network management are continually developing, any guidance on how to perform these duties better will be of assistance to local traffic authorities and of substantial benefit to the travelling public.
- 4.3. The Secretary of State is under an obligation to publish the *Guidance on Intervention Criteria* by appending it to a statutory instrument. The guidance is an integral part of enforcement of the network management duties and beyond that of the approach set out in the Act to the management of congestion and disruption. The guidance will combine with both the Act and the *Network Management Duty Guidance* to form a framework within which authorities will carry out their duties. Ensuring that these duties are performed properly will have a positive impact on network management by contributing to the avoidance of congestion and disruption and encouraging the more efficient use of the network.

5. Costs

- 5.1. It is common for secondary legislation to set out new responsibilities and for the associated Regulatory Impact Assessment to examine the costs and benefits involved. However, this particular order is being used in a slightly unusual way as the required means of bringing the guidance to Parliament's attention. The guidance is nevertheless a constituent part of the overall approach taken in the Act. The Regulatory Impact Assessment associated with the latter considered the costs and benefits and concluded that "overall, the potential benefits of even relatively small improvements in the performance of congested networks, means that the benefits (measured in traditional cost benefit terms) are likely to more than outweigh the costs".
- 5.2. The Regulatory Impact Assessment for Part 2 of the Traffic Management Bill states that "the Bill's provisions overall should be cost neutral for local authorities". Network management duties came into effect in January 2005 and local traffic authorities should have been carrying out these responsibilities since then. The statutory duties are also overall cost neutral. The publication of the guidance will not lead to any additional administrative burdens for authorities as reporting on how authorities carry out the duties will be based on existing reporting processes; i.e. the LTP process for local authorities outside London and the Local Implementation Plan ("LIP") process for the London boroughs.
- 5.3. The Act itself provides a built-in opportunity for engagement and recovery. The guidance reflects this in setting out the approach to be taken both in assessing the performance of an authority and assisting them to avoid failure. Nevertheless, the guidance necessarily describes issues associated with intervention and there is consequently interest in the subsequent impacts such as those relating to the appointment of a traffic director. These associated issues and the potential cost impact of appointing a traffic director are not major considerations in determining the balance of costs and benefits of publishing the guidance. In any event these will only affect the small number of authorities who fail to perform their duties properly.
- 5.4. Table 2 below provides an estimate of the cost of appointing a traffic director to a failing local traffic authority. These costs are of course avoidable. The level of cost

is dependent on the level of intervention required and this would be proportionate to the actions needed. Under the Act the degree of intervention varies from monitoring any matter to carrying out the functions of the local traffic authority; the latter being the most serious form of intervention.

5.5. A traffic director appointed by the Secretary of State may be any person or persons including public authorities. The range of costs shown is based on estimates to address one of the duties for a year in a local traffic authority (“LTA”) to which-

- a traffic director is appointed with support staff (Column 1), and
- a traffic director alone is appointed, (Column 2).

TABLE 2: Indicative Costs of Intervention		
	Column 1	Column 2
General powers conferred on the traffic director under section 21(5) of the Act	Estimated cost of appointing a traffic director and supporting staff to a single LTA	Estimated cost of appointing a traffic director alone to a single LTA
Monitoring any matter	£38,000 - £77,000	£12,000 - £24,000
Reporting on any matter	£50,000 - £100,000	£18,000 - £36,000
Intervening in activities of the LTA	£88,000 - £176,000	£22,000 - £44,000
Carrying out a function of the LTA	£122,000 - £245,000	£40,000 - £80,000

5.6. The range spans are estimates from action in a relatively narrow function of the authority to a more strategic action across the authority. The costs are based on broad estimates of staff numbers, grades and days of work anticipated to match the powers that might be conferred on a traffic director.

5.7. The costs in Table 2 are to give an indication of the cost that may result for an authority as a consequence of the guidance being used to make decisions on intervention. These figures are indicative only and do not constitute costs fixed by the Secretary of State for a particular activity to be carried out by a traffic director in practice. Authorities that perform their network management duties properly will not require intervention. The Secretary of State believes that overall there are no new costs associated with the publication of the *Guidance on Intervention Criteria*.

6. Monitoring and Evaluation

6.1. The Secretary of State will assess regular reports (LTPs, LIPs and interim monitoring reports) from authorities to determine how they have each performed their network management duties. That assessment will draw initial conclusions on the overall performance of authorities and any trends that may emerge between assessments.

6.2. The effectiveness of the network management duties within the wider context of the Act will be evaluated through the Secretary of State's research programme. This

would focus on policy evaluation; taking a more strategic view than just routine monitoring of regular reporting and assessment. This would include an independent review of the causes of congestion and disruption. It would give a better understanding of the causes of congestion relating to the Act and where improvements might be made to new and existing regimes.

- 6.3. Feedback on the use and impacts from the *Guidance on Intervention Criteria* would come from both the monitoring and evaluation exercises described above.

7. Summary and Recommendation

- 7.1. Having considered the issues set out above, the Government concludes that it is necessary to publish the *Guidance on Intervention Criteria* under section 27 of the Act, in order to place a strong emphasis on the need for authorities to manage their network in a holistic way. The guidance demonstrates how the Secretary of State will assess the performance of an authority and assist them, where appropriate, through a process of engagement and enforcement, to avoid a failure to properly manage the road network. The Government believes that the benefits of improved network management resulting from publication of the guidance, including the clear steps set out for intervention, will more than outweigh any additional costs incurred by the small number of authorities who might be subject to these measures.

8. Ministerial Declaration

- 8.1. I have read the Public Sector Regulatory Impact Assessment in the context of the Regulatory Impact Assessment associated with the Traffic Management Act and am satisfied that the benefits justify the costs.

Gillian Merron

Parliamentary Under Secretary, Department for Transport
7th February 2007

9. Contact Point

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