Report for:	Standards Committee – 17 November 2026
Item number:	10
Title:	Non-Key Decision-Making for Highways and Traffic Schemes
Report authorised by:	Barry Francis, Corporate Director of Environment and Resident Experience
Lead Officer:	Simi Shah, Head of Highways and Traffic
Ward(s) affected:	All
Report for Key/ Non-Key Decision:	Non-Key Decision

1. Describe the issue under consideration

1.1 Amendments to the Constitution (Executive Functions) were approved by Standards Committee on 29 June 2021 and adopted by Full Council on 19 July 2021, removing traffic calming works and traffic order approval from those reserved to the Executive. This amendment has been helpful in enabling Non-Key decisions to be taken forward more straightforwardly and remains in effect.

1.2 The 2021 report to Full Council also set out the decision-making procedure that officers would follow for traffic orders (the "2021 Report Text"). That procedure has been followed by officers since and also duplicates a test that the Constitution already applies to all Non-Key decisions, not only those relating to traffic orders.

1.3 There is an opportunity to clarify the Constitution and also to make Non-Key decision-making on highways and traffic schemes simpler and quicker, and to provide further efficiencies in the progress and delivery of schemes, whilst still retaining strong democratic oversight and accountability.

1.4 It is proposed that the 2021 Report Text is revoked and not replaced. Non-Key decisions relating to highways and traffic schemes, including those requiring the making of an order, will instead be governed directly by the Constitution's existing Key/Non-Key test, for consistency with most other decisions by the council.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Standards Committee is asked:

3.1 To approve the revocation of the 2021 Report Text, including the cost and objection-count thresholds and the requirement for officers to consult the Cabinet Member with the relevant portfolio before taking certain Non-Key decisions, as set out at Appendix 1, without replacement. Officers will continue to raise individual decisions with the relevant Cabinet Member, as a matter of normal practice, and consistent with most other Non-Key decisions by the council, where they consider it appropriate to do so.

3.2 To recommend that this revocation is approved by Full Council at its meeting on 23 November 2026.

4. Reasons for decision

4.1 To remove the 2021 Report Text that sits outside the Constitution and duplicates/overlaps the Key/Non-Key test that already applies under the Constitution. This will provide greater clarity for communities, Councillors and officers in decision-making, be more consistent with most other Non-Key decisions by the council and support transparent decision-making.

5. Alternative options considered

5.1 To not revoke the 2021 Report Text and/or defer consideration. This option is not recommended, as it would leave in place thresholds that sit outside the Constitution, duplicate/overlap its existing Key/Non-Key test and not be consistent with most other Non-Key decisions by the council.

6. Background information

Legal framework

6.1 Permanent traffic management orders ("TMOs") may be made by the Council under section 6 of the Road Traffic Regulation Act 1984 ("RTRA 1984"). The Constitution has previously referred to 'traffic regulation orders'; this terminology is inaccurate. Traffic regulation orders apply outside Greater London, whereas within Greater London the correct term is 'traffic management order'. TMOs are legal orders which control or regulate vehicular and other traffic (including pedestrians) on the highway, including restrictions on the movement of traffic and the designation of kerbside space for specific purposes, such as parking bays and waiting or loading restrictions.

6.2 The Council is required to consult with certain bodies and give public notice before making a permanent TMO in accordance with regulations 6–7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("LATOR"). Objections must be made within a specified period of at least 21 days, in writing, stating the grounds on which they are made, and sent to the address specified in the notice of proposals (regulation 8 of LATOR).

6.3 Legal Services, following counsel's advice, have previously taken the view that a 'valid objection' would most likely be one made in accordance with the requirements of regulation 8 of LATOR. However, the changes proposed in this report remove any distinction in decision-maker based on the number of objections received. Accordingly the definition of 'valid objection' will no longer be relevant in determining who takes the decision. The statutory objection process itself, and the right of residents and other parties to object, remains unchanged and unaffected.

The 2021 Report Text and its limitations

6.4 As set out in Appendix 1, the 2021 Report Text set out three routes for taking forward highways and traffic decisions:

"It is proposed that this responsibility is removed from Executive functions and added to the Officer Scheme of Delegation for Environment and Neighbourhoods with some safeguards in place. This would be as follows:

- Small traffic management schemes that are costed below £100k are taken by officer delegated decision in consultation with the Cabinet Member with the relevant portfolio. These would be deemed officer delegated decisions that are published on the Council's website and available for public view.
- Medium to large traffic management schemes that raise objections – these would be schemes that do not generate wider interest, don't affect multiple wards, but could raise more than 10 objections. These would be taken forward as non-key decisions by the Cabinet Member with responsibility for the relevant portfolio. The report and decision notice would be published 5 clear working days before the decision is taken and the Cabinet Member would make the decision through an individual signing. The decision would be published on the website and there would be no call-in as it is not a key decision.
- Large traffic management schemes that will have an impact on multiple wards and will have a significant public interest would be taken forward by Cabinet. This would allow consideration of deputations. The decisions would be subject to call-in."

6.5 This logic has several limitations:

- Some scenarios fall outside all three routes - for example, a scheme costed above £100k raising 10 or fewer objections in a single ward has no defined decision-maker.
- The third route is not, in substance, Non-Key: multi-ward schemes with significant public interest already meet the statutory Key Decision test at regulation 8(1)(b) of the 2012 Regulations[1], and the 2021 Report Text's own procedure – noting the decision may be called-in, a right that applies only to Key Decisions – reflects this.

[1] The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)

- The 2021 Report Text addressed only decisions requiring the making of a TMO, leaving no equivalent route for schemes delivered under Highways Act powers that do not require an order.

6.6 Taken together, these limitations show the 2021 Report Text is neither complete nor necessary. It duplicates the test already required by the Constitution for all Non-Key decisions, rather than providing a distinct test for decisions relating to traffic orders.

Proposed approach

6.7 It is proposed that the 2021 Report Text is revoked and not replaced. This report does not set out a new list of officer decisions. The Constitution already provides, at Part 3 Section C, paragraph 1.6, that any function not expressly reserved to the Executive is delegated to officers, and paragraph 2.1(a) of the same section reserves Key decisions to the Executive. All Non-Key decisions relating to highways and traffic schemes, whether or not they require the making of an order, are therefore already officer decisions under the Constitution as it stands. The proposal also removes the formal requirement for officers to consult the Cabinet Member with the relevant portfolio before taking certain Non-Key decisions. The proposal also ensures consistency with most other Non-Key decisions taken by the council. For transparency and in accordance with the officer delegated decision making process, Non-Key decisions are published on the Council's website. Officers will use their professional judgment and where a decision is Non-Key but appears significant due to factors such as the scale of the scheme or level of feedback, the matter will be raised with the relevant Cabinet Member and can be raised with the Ward Members prior to decision making.

6.8 Key decisions, as defined in the Constitution, remain a matter for the Executive. This report does not propose any change to the Key/Non-Key test, and does not re-state the criteria or thresholds by which that test is applied.

6.9 It is therefore proposed that the 2021 Report Text, including the cost and objection-count thresholds and the requirement to consult the Cabinet Member with the relevant portfolio, is revoked, without replacement, as set out at Appendix 1.

6.10 It is noted that this report addresses only who may take a Non-Key decision on a highways or traffic scheme. It does not affect the separate financial authorisation limits that already apply to Council spend. Officers exercising decision-making authority under the Constitution remain subject to the financial limits set out in the applicable Scheme of Financial Delegation and the Council's Financial Regulations, which govern the level at which expenditure must be authorised regardless of who takes the underlying decision. This report does not restate or change those limits.

7. Contribution to the Corporate Delivery Plan High Level Strategic outcomes

7.1 Removing decision-making text that duplicates the Constitution supports clear and transparent governance, thereby assisting the Council to meet its strategic outcomes in promoting sustainable and accessible travel and parking.

8. Statutory Officers Comments

Finance

8.1 Finance has been consulted on the contents of this report and confirms that there are no financial implications to raise.

Procurement

8.2 There are no procurement implications contained in this report.

Director of Legal and Governance A Godinet, Senior Planning Lawyer

8.3 In accordance with the Article 14 of the Constitution, changes to the Constitution may only be approved by Full Council following recommendation by the Standards Committee and advice from the Monitoring Officer. It is therefore appropriate that proposed amendments set out in this report are first considered by Standards Committee before being referred to Full Council for determination.

Equality

8.4 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

8.5 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.6 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

8.7 It is considered that there are no additional equality implications contained in this report.

9. Use of Appendices

9.1 Appendix 1 – Extract of the 2021 report to Standards Committee.

10. Background Papers

- Council Constitution
- Report to Standards Committee, 29 June 2021 (Annex 2 to the Full Council report of 19 July 2021): Proposed Amendments to the Constitution (Executive Functions).
- Report of Standards Committee 01/2021-22 to Full Council, 19 July 2021.
- Minutes of Full Council, 19 July 2021 (item 26)

Appendix 1 – Extract of the 2021 report to Standards Committee

6.8 These are operational everyday decisions and contrast with the required policy and strategic decision-making role of the Cabinet as set out in paragraph 2.1. Also, in most cases, these are not key decisions as they would affect one ward.

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It is proposed that this responsibility is removed from Executive functions and added to the Officer Scheme of Delegation for Environment and Neighbourhoods with some safeguards in place. This would be as follows:

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