

GWYNEDD COUNCIL

COMMITTEE	AUDIT COMMITTEE
DATE	27 SEPTEMBER 2010
TITLE	OUTPUT OF THE INTERNAL AUDIT SECTION – TRAFFIC ORDERS
PURPOSE OF REPORT	TO CONSIDER A PRÉCIS OF THE INTERNAL AUDIT REPORT, AT THE REQUEST OF THE CHAIR
AUTHOR	DEWI MORGAN, SENIOR MANAGER AUDIT & RISK
ACTION	TO RECEIVE THE REPORT, COMMENT ON THE CONTENTS AND SUPPORT THE RECOMMENDATIONS THAT HAVE ALREADY BEEN PRESENTED TO SERVICES FOR IMPLEMENTATION

1. INTRODUCTION

- 1.1 Following consideration of the internal audit reports published during the period from 1st June 2010 and 31st August 2010, the Committee's Chair has requested that officers from the Regulatory Department attend the meeting in order to respond to any questions that arise from the "Traffic Orders" internal audit report.
- 1.2 A précis of the internal audit report is contained in the appendix.

2. RECOMMENDATION

- 2.1 The Committee is requested to accept the précis of the internal audit report, comment on the contents in accordance with members' wishes, and support the recommendations that have already been presented to managers from the Regulatory Department for implementation.

TRAFFIC ORDERS

Regulatory (Planning, Transportation and Public Protection)

Purpose of the Audit

The purpose of the audit is to ensure that controls are in place for adopting traffic orders on Gwynedd Council's county roads. The Welsh Assembly Government is responsible for traffic orders on Gwynedd's trunk roads.

Scope of the Audit

The scope of the audit is to review that administration for creating and adopting traffic orders on Gwynedd's county roads.

Background

The Traffic Regulation Orders give Highways authorities legal powers to regulate or prevent the movement of traffic on roads. They are in place to control the speed, movement and parking of vehicles as well as to manage the movement of pedestrians. The procedure for making an Order has been set by the Secretary of State. The procedure is outlined below:

- Consultation must first take place with various statutory bodies, including the Police, the Fire Service, the Ambulance Service, local Councillor(s) and the Area Surveyor. The service must deal with any objection that is received.
- If no objections are received during the initial consultation, or if the objections received can be overcome, the proposed plan is advertised for public response for a period of 3 weeks.
- If objections are received during one of the first two stages, they must be considered and reported to the Area Committee.
- If there are no objections, or once the Committee has approved the revised plan, the motion can be implemented.

The likely timescale to implement a proposal, if there are no objections, is 26 weeks.

There are three types of order:

- Permanent
- Experimental – can be in force for up to 18 months
- Temporary – can also be in force for a maximum of 18 months.

Main Findings

Tests were carried out on 27 internal controls. The tests showed that good internal controls were in place in 11 of these areas.

The audit's main findings were:

Incorrect instructions sent to the Legal Unit.

- The Transportation and Street Care Unit send instructions to the Legal Unit when an Order needs to be prepared. The instructions contain a schedule, a location plan and a checklist for the proposed Order. The files of 10 Orders were audited in the Legal Unit and it was seen that the instructions they had received from the Transportation and Street Care Unit for the preparation of two orders were not correct.
- In April 2009, the Transportation and Street Care Unit sent instructions to the Legal Unit so that a 30mph order could be prepared for the A493 at Friog / Rhoslefain, stating that a previous order did not need to be revoked. The Legal Unit discovered that a 40mph order had been placed on the road on 1 May 1984 that needed to be revoked.
- In July 2009, instructions were sent to revoke a 40mph order dated 1990, and to create a new order. The Legal Unit discovered that an order dated 1936 that was also in force at the

location also needed to be revoked. The Transportation and Street Care Unit was not aware of the 1936 order.

- If it were not for the awareness of the Legal Unit, it is likely that duplicate orders would be in force at these locations today. This is of concern to the auditor as it is this type of mistake that led to the creation of a duplicate Traffic Order in Bangor in 2006.

A lack of policy and guidance documenting the arrangements for deciding to implement and adopt speed restrictions in Gwynedd.

- Gwynedd Council does not have guidance that documents the procedures for drawing up, deciding upon, and adopting Traffic Orders. The Traffic and Development Manager explained that the Transportation and Street Care Unit follow the wording of the Road Traffic Act 1984 to decide upon, implement, and adopt speed limits within Gwynedd.

Difficulties in tracing the history of implementing an order due to the filing system within the Transport and Street Care Unit.

- The Transportation and Street Care Unit does not have a list that would allow them to verify the consistency of the Orders with those kept by the Legal Unit. The Transportation and Street Care Unit are currently developing a database to record the development of any order.
- The Transportation and Street Care Unit's database contains all road and traffic orders and, as a result, it is not easy to discover which orders are no longer in force and which remain active. The Unit is currently developing a database that is directly for the purpose of traffic speed orders.
- Copies of the orders received from the Legal Unit are kept on the files of relevant community councils, each of which has an index sheet. The creation of 15 orders were audited to the relevant files; it was seen that a copy of 4 of these Traffic Orders was not in the files.

Audit Opinion

(C) The audit opinion is that assurance of financial propriety cannot be expressed in the Regulatory Department's arrangements for creating and implementing Traffic Orders as the controls in place cannot be relied upon, but losses/fraud due to these weaknesses were not discovered. The main recommendations of the report are as follows:

- **It should be ensured that requests for reviews of location speeds are only received by letter or e-mail.**
- **Every request for a speed limit review should be noted on a proper data base.**
- **Guidelines that document the arrangements for deciding upon, implementing and adopting speed limits in Gwynedd should be established.**
- **Procedures for filing by order should be established to allow the easy tracing of any decisions with regards to implementing or refusing a request for changes to a speed limit.**
- **It should be ensured that evidence exists to support any decision by the Manager with regards to rejecting or setting an order.**
- **The Transportation and Streetcare Unit should ensure that instructions sent to the Legal Unit are correct.**
- **The Transportation and Streetcare Unit should be aware of the need to keep the working files of permanent orders for 25 years, and the files for temporary orders for 7 years.**