

DECISION TITLE: Implementation of the Peterborough Permit Scheme for Road Works and Street Works

Councillor Peter Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development

January 2019

Deadline date: January 2019

Cabinet portfolio holder: Responsible Director:	Councillor Peter Hiller - Cabinet Member for Growth, Planning Housing and Economic Development Dave Anderson - Interim Development Director
Is this a Key Decision?	YES Forward Plan Reference Number: KEY/24DEC18/07
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	YES Verto number: PR002258

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to:

1. Authorise the implementation of the Peterborough Permit Scheme for Road Works and Street Works,
2. Authorise the Interim Development Director to sign the Form of Undertaking,
3. Authorise the appropriate officer in Legal Services to sign the Permit Scheme Order,
4. Authorise the Head of Peterborough Highway Services to manage and operate the Permit Scheme, including the adjustment of fees, in accordance with the national regulations and guidelines.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Growth, Planning Housing and Economic Development to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. BACKGROUND AND KEY ISSUES

- 3.1 The New Roads and Street Works Act (NRSWA) (1991) places a duty on Highway Authorities to do their best to co-ordinate the execution of works of all kinds on the highways under the control of that authority, such as works by utility companies, developers and the Council itself. The Traffic Management Act 2004 widens this coordination duty to include other prescribed activities that involve temporary occupation or use of road space.
- 3.2 Under the NRSWA Act works promoters are only required to notify to the authority with details of the intended work location and duration on the highway. The authority has powers to check and challenge these works on a limited basis. Financial penalties can be issued for issues such as defective workmanship and overly long occupation of the highway.
- 3.3 Under a Permit Scheme, works promoters wishing to undertake works on the highway have to apply and pay to receive a permit to work. This generates an income for the Council which allows the Network Management team to be better resourced to deal with requests for works on the highway and to inspect works being undertaken on site. This will help to improve coordination on the network and to take action against those who fail to comply with the conditions.
- 3.4 If the permit is granted, the Councils Network Management Team can attach a number of conditions in line with the national guidance that dictate how and when the work can be undertaken. This gives a greater level of control of how and when work is carried out on the network and if the conditions are breached the Council may apply a financial penalty on the works promoter.

4. CONSULTATION

- 4.1 Consultation with all Key Stakeholders such as Statutory Utilities, Internal Departments, adjoining Local Authorities, Emergency Services, Transport User Groups, Developers and Contractors regarding the proposed scheme has been undertaken as part of the statutory process of developing the scheme. Their responses have been considered and some modifications to the permit scheme have been made to reflect the feedback where appropriate.
- 4.2 No further consultation is required as all the key parties affected are familiar with working with permit scheme in other local authority areas.

5. ANTICIPATED OUTCOMES OR IMPACT

- 5.1 The implementation of the Permit Scheme is intended to provide the capability to manage and maintain the efficient use of road space across the highway network, whilst allowing works promoters access to maintain their services and assets.

It further enables Peterborough City Council to improve the planning, scheduling and management of activities such that they do not cause unnecessary disruption to road users and assist in the meeting of the network management duty under the TMA.

6. REASON FOR THE RECOMMENDATION

- 6.1 Both the streetworks and traffic management functions are statutory requirements. Whilst a permit scheme is not yet mandatory the Department for Transport are encouraging the Authorities that have not yet implemented such a scheme to do so, based on the benefits achieved in other authorities.

- 6.2 The permit scheme benefits Peterborough residents , business and visitors through the reduction in traffic delays and disruption, through improved coordination and communication regarding the purpose and duration of the works.
- 6.3 The implementation of a permit scheme enables additional staff to be employed to operate the scheme, thereby improving service provision. The costs of the additional work in processing permits is met from the permit fees charged under the scheme.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 If the Permit Scheme is not implemented Peterborough City Council would continue to run the current Noticing scheme, however this would not enable additional resources to be employed in managing the highway network to the benefit of all road users.

The Department of Transport is also promoting the use and benefits of Permit Schemes to the 35% of Local Authorities that have not yet implemented one.

8. IMPLICATIONS

8.1 Financial Implications

- 8.1.1 Those wishing to work on our highways network will have to pay a charge when applying for a permit. The charge may be set no higher than the maximum value contained in the legislation and this varies depending on the duration of the work and the category of road. The proposed fee structure is provided in Appendix A.
- 8.1.2 The income generated for the Council allows the streetworks team to be better resourced (including additional staff) to deal with requests for works on the highway. This will help to improve co-ordination on the network and to take action against those who fail to comply with the conditions.
- 8.1.3 The DfT guidance is very clear that schemes should not generate surplus revenue and that income should therefore only be used to meet allowable scheme costs. In the event that there is a surplus in any given year the requirement is that the money should be applied towards the cost of the scheme in the next year and that fee levels are adjusted accordingly, so that taking one year with another, fees do not exceed the allowable costs.
- 8.1.4 Whilst permit schemes cannot cover works under Section 50 of the NRSWA or items such as skips and scaffolding, the Council is able to continue to charge for these licences as it does at present.

To operate the scheme it is intended to employ a full time permit officer (who will be funded from the income generated from the permit costs) and an additional street works inspector (who will be funded from the penalties that are applied in respect of breaches of the permit conditions, defective workmanship and over-running works).

- 8.1.5 The projected operating costs and fee income are predicted to be in the region of £250,000 per annum, but may vary in accordance with the amount of street works undertaken on the highway network.

Legal Implications

- 8.2.1 The Permit Scheme is known as the 'Peterborough Permit Scheme for Road Works and Street Works'. The Permit Scheme will be operated solely by Peterborough City Council as a Single Permit Scheme and in accordance with the Traffic Management Act (TMA) and the Traffic Management Permit Scheme (England) Regulations 2007 ("the 2007 Regulations"), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the

Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 (“the Amendment Regulations”).

- 8.2.2 The Permit Scheme conforms to all the details in the subsequent DfT publications referencing the TMA including the Permit Schemes Regulations and any Code of Practice that may emanate from them in the future and all current NRSWA and TMA legislation, codes of practice, etc. and any future amendments to that legislation, that may apply to this Permit Scheme.
- 8.2.3 A Form of Undertaking (Appendix B) needs to be signed by the appropriate officer confirming that the proposed fees costs have been calculated in accordance with the Statutory guidance and that the fee income will not exceed the prescribed costs of operating the scheme, and that if this does occur then the fees will be adjusted for subsequent years to comply with the regulations.
- 8.2.3 A Permit Scheme Order (Appendix C) needs to be signed by the the appropriate officer to implement the scheme.

Equalities Implications

- 8.3 There are no equalities implications with regard to the permit scheme.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None.

10. BACKGROUND DOCUMENTS

Traffic Management Act (2004)
Traffic Management Permit Scheme (England) Regulations 2007
Traffic Management Permit Scheme (England) (Amendment) Regulations 2015

11. APPENDICES

- 11.1 Appendix A - Fee Structure
- Appendix B - Form of undertaking
- Appendix C - Permit Scheme Order