

## Regeneration, Housing and Resources - Significant Decision

### Permit Scheme for Road Works and Street Works

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**Purpose of Significant Decision:** To seek approval to develop a permit scheme for road works and street works, to apply to the Department for Transport for approval of the scheme, and to implement once authorised.

#### Background:

The Traffic Management Act (2004) provides local highway authorities with the facility to operate a permit scheme. Permit schemes are intended to facilitate greater control of all works activities on the road network to minimise disruption, and to help in maintaining the expeditious movement of traffic on the network and across boundaries with neighbouring authorities. Permit schemes are required to complement and to help deliver the local authority's wider objectives. They are also expected to be the most advantageous way to delivery the relevant requirements.

Permit schemes are expected to enhance the existing relationships between the authority and works promoters, replacing the standard noticing system regulated via the New Road and Streetworks Act (NRSWA). The main difference is that a permit scheme obliges works promoters to request permission to work in any given street at any given time, whereas NRSWA noticing is based on notifications of intention to work.

Permit schemes have been introduced in all London boroughs, at Kent County Council, Buckinghamshire County Council and various other authorities across the country. Most recently, the South East Permit Scheme (SEPS), was implemented by Surrey County Council and East Sussex Council in partnership. Various types of scheme exist, including single, joint, common and cloned. SEPS is a common scheme. Common schemes require all member authorities to commit to a shared set of rules and conditions.

Before being implemented, schemes must currently be approved by the Department for Transport (DfT) and signed by the Secretary of State. This process is due to change. Any scheme not received for checking by the DfT by 1<sup>st</sup> August 2014 will be subject to approval by the local authority's own Chief Executive. All other aspects of the application remain the same. Hence the preparation of the scheme would be no less arduous.

The main elements of the application include :

- A submission document, incorporating local authority specific background details and objectives
- A cost benefit analysis relating to the cost of all existing NRSWA operations compared with the estimated costs of operating a permit scheme  
*Nb the above two items effectively represent a business case setting out the advantages of a permit scheme, along with any alternatives*
- A permit document, forming the basis of the statutory instrument, setting out the details of the how the scheme will work
- Evidence of thorough consultation with all interested parties
- Signed endorsement of the application, from a senior officer in the authority
- Additional supporting documentation

## **Financial Implications**

The cost of developing the scheme, completing the application and implementing the scheme will be funded from the Transport revenue budget. The full cost of developing the application is not yet known, and is still subject to further analysis. Given the time constraints, specialist help is necessary in some areas, particularly to produce the cost/benefit analysis, a function which has previously been performed for neighbouring authorities by a well know consultancy firm. The upper limit quoted for such consultancy services is approximately £31,500. This would be the largest single item in the budget for the project.

The overall total will not be as high as if starting from scratch, since we will be using or cloning documents wherever appropriate, including the SEPS main permit document.

Permits schemes are required to be self funding and 'cost neutral'. Hence the level of fees must be set with the intention of covering the cost of running the scheme. The scheme is not allowed to generate an excess level of surplus income. Any relatively minor level of excess income will be allocated to the Transport service area's income account for Network / Transport related purposes. Where appropriate, fee levels must be adjusted every few years. It is not permitted to recoup the scheme development costs by increasing the level of the permit fees.

## **Equalities Impact Assessment**

An equalities impact assessment has been undertaken. The expectation is that there will be no negative impacts for any specific group. Positive impacts are expected in terms of reduced congestion and better accessibility. Groups likely to benefit will be people with mobility difficulties, the elderly, children, and parents with prams, since footways and cycle routes will be less disrupted, due to better control of works.

Although motorists and commuters do not count as protected groups in EIA terms, reduced congestion will be of benefit to all travellers, and particularly those who rely on a clear network to support their business needs.

## **Timescales**

The deadline for submission of the permit scheme application to the DfT is August 1<sup>st</sup> 2014. The intention is to make the submission at least one week before this date. The project plan has therefore been written to facilitate this submission.

Following the DfT's receipt of the application, there will be a minimum twenty four week period to allow for checking and the ratification of the statutory instrument, with close liaison between the DfT and SBC during this period. Checks will include compliance with guidelines, legality, value for money and so forth.

Assuming approval, following signing by the Secretary of State, a minimum of four weeks must elapse before the scheme can commence. The intention is to start the scheme in March 2015.

## **Legal Implications**

Permit schemes were introduced by the Department for Transport in part 3 of the Traffic Management Act 2004, (TMA). In joining SEPS, Slough will be operating a common scheme that is fully compliant with this legislation and which already has ministerial approval.

## **Conclusion**

Under the direction of Slough Borough Council's Traffic Manager, and in line with similar commitments made by SBC's neighbouring local authorities, the SBC Network Management team has determined that :

- The most advantageous proposal is to join the South East Permit Scheme (SEPS). The main benefit here is the opportunity to take advantage of much of the preparatory work that has already been done by other local authorities in developing a successful scheme. Nevertheless, despite joining an existing scheme, SBC is still required to make its own full application to the DfT.
- SBC's application must be submitted in time for the scheme to be approved by the DfT. This is in line with all current active schemes, and will remove the need for SBC's Chief Executive to perform a function which is currently still available from the DfT.
- In preparing the application to the DfT, the Network Management team is mindful of the upcoming reorganisation of the Transport and Highways service areas.

## Recommended Decision

It is recommended :

- That the Network Management team develop a permit scheme for road works and street works.
- To consult all interested parties, including but not limited to the statutory undertakers (utility companies), internal works contractors, the emergency services, SBC Council members, SBC Transport and Highways and all other relevant officers in the Council.
- To prepare a report for consideration by SBC Cabinet on 14<sup>th</sup> July 2014, seeking approval to proceed.
- To submit an application to the Department for Transport, seeking their assessment of the scheme.
- Subject to DfT approval, to implement the scheme before the start of the 2015/16 financial year.

### Approved :


Commissioner for Social and Economic Inclusion

Assistant Director – Assets, Infrastructure and Regeneration

Acting Head of Transport

Team Leader (Network Management)

Project Manager

Date  13/6/2014

Date 12/6/14

Date 11-06-14

Date 11-06-14

Date 9-6-14