

Slough Borough Council - Permit Scheme Consultation

Comment Ref No.	Respondent	Question or Permit Scheme Section	Response	SBC's counter response	SBC action proposed
1	Brian Sanders, resident	Q01	No, because it imposes an extra cost burden of a million pounds a year on the council and utilities which will be passed onto the general public in increased council tax and utility bills.	The scheme is required to be cost neutral to the Council, i.e. the incoming permit fees will cover but not exceed the cost of the operation. Hence there will be no impact on council tax levels. The Council cannot control what the utility companies charge for energy and other services, but the expectation is that the permit scheme will promote better planning of works and this could reduce their costs in this area and beyond.	Regular reviews of permit fee levels will be conducted to ensure that the scheme remains cost neutral.
2		Q02	No comment	None	None
3		Q03	No comment	None	None
4		Q04	No comment	None	None
5		Q05	No comment	None	None
6		Q06	No comment	None	None
7		Q07	No comment	None	None
8		Q08	The scheme is excessively bureaucratic and costly, modern electronic forms or bulletin board, delegated responsibility and community involvement could eliminate nearly all of the million pounds a year costs.	SBC does not consider the scheme to be excessively bureaucratic and costly. Cost have been kept to a minimum via a comprehensive analysis of the times taken to perform statutory functions and other requirements to enable the proper control and coordination of works. The Council uses modern, industry standard Highways computer applications for efficiency of operation. This includes electronic transfer of permit applications and notices.	None
9		Q09	Yes. Why a scheme that is so expensive and bureaucratic has been chosen and whether the public are aware that you propose to increase all their utility bills by a million pounds a year.	See SBC's responses in Q1 & Q8 above.	None

10		Q10	Yes. 1) have a much cheaper, simpler scheme that requires no council involvement and makes heavy use of existing IT technology and automation. 2) If you are going to charge a small amount for a permit, incentivise good planning by making early submission of permits cheaper than submission of permits at later dates nearer the proposed time i.e. make long term planning financially attractive by differential charging.	1. The Council has a duty to manage the road traffic network, under the Traffic Management Act (2004). This act includes the provision for the operation of permit schemes. See Q8 answer regarding technology. 2. Permit levels are determined by the need to cover costs. Early submission of permit applications is welcomed in terms of good forward planning, but it does not reduce the administrative and related costs to the Council.	None
11		Q11	Yes. Congestion in Slough is a major political issue; however there will be outrage when council taxpayers discover that the bureaucrats solution to this is to put up their council tax and utility bills by a million pounds a year to deal with this.	See SBC's responses in Q1 above. Moreover, the Council has conducted a cost benefit analysis Which shows considerable expected benefits to the borough over the next 25 years as a result of reduced disruption on the network.	None
12	Donna Cooper, SSE	Q01	Yes	None	None
13		Q02	No. SEPS Model Conditions v1.3 revision is not compliant with the DFT approved SI for SEPS which should be in line with the HAUC uk advice note 2013/01, please see attached item.	Your comments on the SEPS conditions are noted. However, as stated clearly in the introductory letter in the consultation, SBC will be adopting the nationally agreed conditions text developed and approved by HAUC (England). The HAUC advice note referred to is included in our consultation.	SBC will continue to comply with DfT guidance. SBC will contribute to the HAUC consultations on the formal ratification of current HAUC advice note and any proposed amendments.
14		Q03	No. SEPS Model Conditions v1.3 revision is not compliant with the DFT approved SI for SEPS which should be in line with the HAUC uk advice note 2013/01, please see attached item.	See SBC's response in Q02 above	See SBC's response in Q02 above
15		Q04	Yes	None	None
16		Q05	Yes	None	None
17		Q06	Yes	None	None
18		Q07	Yes	None	None
19		Q08	Yes	None	None
20		Q09	Yes. The Model conditions	See SBC's response in Q02 above	See SBC's response in Q02 above

21		Q10	Yes. Arrange a meeting with SEHAUC / SEJUG and Surrey to discuss the Model Conditions V1.3, and general implementation.	As in question 2, SBC will be using the nationally agreed HAUC conditions. However, we recognise that there is still some work to be done at both HAUC (England) and SEHAUC level to ratify the HAUC guidance document. SBC has already been in discussion with the DfT, SEHAUC, SEJAG, Surrey CC, East Sussex CC, Bracknell Forest C, Wokingham BC, and West Berkshire C. As a SEPS applicant, SBC has also been represented at the National Permit Forum by Matt Jezzard of Surrey CC.	SBC will continue to engage with SEHAUC, SEJAG, Surrey CC, and all other SEPS members in order to ensure consistent implementation and ongoing application of the HAUC conditions.
22		Q11	No	None	None
23	Vicki Stewart, Affinity Water	Q01	No. The South East permit Scheme still has some outstanding issues in relation to the application of conditions - the primary driver in any successful permit scheme - why join this scheme? Why not follow the successful model of Buckinghamshire	As above (line 21), SBC will be using the nationally agreed HAUC conditions. Any outstanding issues with these conditions are national issues, and will be addressed in the formal ratification of the HAUC guidance document. In choosing SEPS, along with neighbouring local authorities, SBC is seeking to take advantage of and contribute to the benefits of SEPS (the common scheme). This will help ensure consistent good practice across the region (as called for widely by works promoters and authorities alike). SEPS has been running successfully since implementation by Surrey CC and East Sussex CC in 2013. Although neighbours with Bucks CC, Bucks CC are not part of SEHAUC, and SBC considers it preferable and advantageous to maintain and enhance consistency by use of SEPS, the common scheme.	As above (line 21), SBC will continue to work closely with all relevant parties to ensure that consistency is promoted and maintained in the application of conditions.

24		Q02	No. Not in line with the current DfT guidance - discounts for outside TS times - conditions	<p>The SEPS document makes reference to discounts in point 8.3.1 ("There is the opportunity for an activity promoter to take advantage of various discounts that are offered as part of the Permit Scheme and these discounts relate both to the PAA and the permit."). However we acknowledge that this does not specifically refer to work on traffic sensitive (TS) streets wholly outside of TS times. SBC is committed to offering such a discount.</p>	<p>SBC will be including specific reference to this discount in the documentation to be submitted in our application to the DfT. This will refer to the offer of lower fees, or a discount to scheme standard fees, applied to all works taking place on traffic-sensitive streets where those works take place wholly outside of traffic sensitive times.</p>
25		Q03	No. The initial intent of the COP was to focus on the key elements of co-ordination of activities and therefore assessment of works by the Permit Authority to achieve - the SEPS contradicts the purpose by imposing conditions	<p>The overall aim of the Code of Practice is stated in the first line of the CoP document : "This Code of Practice provides guidance intended to help a common approach to the operation of permit schemes." The basic premise of SEPS, a common scheme designed to promote consistency across the region, is entirely consistent with the CoP intention. The CoP specifically refers to the application of conditions, i.e. "conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits" (CoP, p10.). The SEPS scheme is again consistent with this approach. As stated repeatedly, in using SEPS, SBC will be applying the nationally agreed HAUC conditions. Any changes to such conditions will again be consistent with the Permits CoP, which acknowledges the scope for revision in the light of experience of permit scheme operation.</p>	<p>SBC will continue to comply with the Permit Scheme Code of Practice and all other DfT and HAUC guidance.</p>

26		Q04	No. As Q3	The Traffic Management Permit (England) Regulations 2007 includes the following : "A permit scheme shall include provision for the Permit Authority to attach conditions to permits, and shall specify the types of condition which the Permit Authority may attach" (part 3, section 10). In the application of SEPS, SBC will be applying or 'attaching' conditions. As previously stated, SBC will be using the nationally agreed HAUC conditions.	None
27		Q05	No. Not approved and not part of the approved SEPS	See SBC's response in line 26 (above).	None
28		Q06	No. Penalties can not be applied if the scheme is outside of the legislative bounds set out in the Statutory Instrument	SBC does not perceive a problem here. SBC is committed to adherence to the legal requirements in the operation of a permit scheme.	SBC will work within the legislative bounds set out in the statutory instrument.
29		Q07	No. As Q6 - breaches of what permit conditions?	The permit conditions referred to are the nationally agreed conditions developed by HAUC (England).	None
30		Q08	No. Experience to date indicates that the benefits to be achieved by the introduction of any scheme cannot be adequately assessed	No evidence has been provided to substantiate this claim.	SBC will be working closely with fellow SEPs members, works promoters, and more widely with HAUC, with additional reference to the DfT, to ensure that monitoring is effective and consistent.
31		Q09	Yes. Recent applications to join SEPS rejected on the basis not in line with DfT guidance - why has this not been addressed pre consultation	SBC is not aware of any such cases. SBC works closely with all SEPS members / applicants, and any common issues, including the need to amend any applications, have been shared within the group. We all seek to follow DfT guidance. We are aware that Bracknell's application has been approved, and that applications from other neighbouring authorities are yet to be assessed.	None

32		Q10	Yes. Follow guidance	SBC had indeed followed guidance from the DfT regarding all aspects of the permit scheme application. SBC has followed the guidance in the DfT's "Decision-making and development (2nd edition, 2010), also the DfT's Additional Advice Note (Jan 2013) as well as the original legislation in TMA (2004). SBC is committed to the use of HAUC conditions, the offering of discounts under appropriate circumstances, and special consideration for national infrastructure projects. SBC is also committed to standard guidance to : maintain and enhance relationships with all works promoters, participate fully in the HAUC process, and adhere to the various Codes of Practice.	To continue to follow DfT guidance. To continue to comply with HAUC guidance, generally, and specifically to comply with HAUC guidance in the application of conditions.
33		Q11	No.	None	None
34	Graeme Lake, East Sussex County Council	Q01	Yes		None
35		Q02	Yes		None
36		Q03	Yes		None
37		Q04	Yes		None
38		Q05	Yes		None
39		Q06	Yes		None
40		Q07	Yes		None
41		Q08	Yes		None
42		Q09	No		None
43		Q10	No		None
44		Q11	I have been fulfilling my Network Management Duty using the South East Permit Scheme since 11 November 2013. I believe that SEPS will help Slough expedite the movement of traffic.	Comment noted. Agreed.	None
45	Janet Chapman, Thames Water	Q01	Permit Schemes are only appropriate if an Authority can clearly demonstrate that it has fully utilised all existing NRSWA/TMA facilities and incentives to manage traffic movements and works, such that it has no alternative other than to seek approval for a Permit scheme; it is not considered that this requirement has been met by the Authority.	Slough Borough Council believes that the step changes required can only be achieved with a Permit Scheme. No data or evidence to the contrary has been provided by the correspondent.	SBC will work with all relevant parties to ensure that the permit scheme delivers the required results.
46		Q02	Yes		None
47		Q03	Yes		None
48		Q04	Yes		None
49		Q05	Yes		None
50		Q06	Yes		None
51		Q07	Yes		None

52		Q08	No. Note that experience has shown in relation to existing Schemes that the administration and monitoring of Section 74 durations, challenges etc. are problematic. The Permits (UK) Forum may be of assistance here.	Noted	SBC will engage with The Permits (UK) Forum on this issue.
53		Q09	Yes. 3.7.2.2 This paragraph essentially requires all utilities to telephone the authority on all immediate works, even when the street is not designated as particularly susceptible to disruption. It is impractical to telephone on all immediate works.....paragraph states 'should' and then further states 'in any event', therefore is conflicting in defining responsibility. Do not believe that this is a workable process. If an immediate activity is likely to cause significant disruption (no matter the time of day) then it should be so designated on the ASD. In circumstances where an immediate permit is required it will not always be possible for the planner to be able to assess quickly; although we acknowledge that there may be times when this will be obvious - market day, special parade, etc. however we would expect these to also appear on the ASD to aid the planner/person making the phone call.	SBC, in line with all SEPS authorities, considers this clause to be reasonable. We would expect works site managers to be able to assess where an immediate activity is likely to cause significant disruption. The requirement to be contacted within two hours is also reasonable.	SBC will continue to regularly check and maintain the quality of the ASD records.
54		Q09	3.9.4.3 This paragraph states that immediate permits should only be sent once excavation has begun. Applications for immediate activities must be given as soon as reasonably practicable and, in any event, within two hours of the activity starting which could be before the excavation begins, EToN has the facility to issue an immediate notice before works have started. Although it is prudent for permits for immediate activities to be sent only once works have begun, it will not always be possible. Thames Water have 2 work management systems (WMS) which are linked to the NMS (notice management system); one has the capability of delaying the sending of the permit application until works have begun; whereas the other sends work to the field and the notification at the same time.	SBC, in line with all SEPS authorities, considers this clause to be reasonable.	Any exceptional circumstances or scenarios will be carefully considered.
55		Q09	3.9.8.7 Not all utilities are able to take advantage of the new functionality within EToN due to their individual infrastructure and IT security. This paragraph imposes an unreasonable stipulation on all promoters to use a function within EToN which is not mandatory. This requirement is seeking to criminalise something which is not statutory.	SBC, in line with all SEPS authorities, considers this clause to be reasonable.	SBC will consider any exceptions on a case by case basis, and will endeavour to show lenience where the lack of EToN capability is unavoidable.
56		Q10	Will Slough be offering a discount on permit fees for works which utilities undertake outside of TS times similar to the other authorities seeking to join SEPS? This incentivises all Works Promoters to consider/deploy new innovative techniques to minimise congestion on TS Streets, and/or work on these Streets at non TS times.	Yes, SBC will be offering such a discount. See SBC's response in line 24.	See SBC's response in line 24.
57		Q10	As per NRSWA Section 64(3), streets are only traffic sensitive at the designated times, any works which take place outside of the designated times are therefore taking place on a non-traffic sensitive street and any costs associated must be at the level applicable to those works.	In line with DfT guidance, Slough Borough Council will offer lower fees, or a discount to scheme standard fees, applied to all works taking place on traffic-sensitive streets where those works take place wholly outside of traffic sensitive times.	SBC will adhere to the DfT's guidelines.

