
Report to:	Cabinet	Date of Meeting:	11 th September 2014
Subject:	The Sefton Council Permit Scheme	Wards Affected:	All Wards
Report of:	Director of Built Environment		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To seek permission to become a Permit Authority and operate a Permit Scheme for the purpose of coordinating works in streets by all works promoters

Recommendation(s)

1. That Cabinet gives approval to formalise the legal agreement with the Secretary of State for Transport to become a permit authority and operate a permit scheme.
2. That authorisation be given to the Director of Built Environment to agree the final permit scheme with the Department for Transport (DfT)
3. That the Head of Corporate Legal Services be authorised to enter into the necessary legal agreement with the Department for Transport.
4. It be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because this report was originally included in the Forward Plan for Cabinet on 19th June 2014 however that meeting was subsequently cancelled. DfT has now indicated a timescale for approvals which will be achievable in an effective manner should Cabinet approve the report recommendations at its meeting on 11th September 2014

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		*	
2	Jobs and Prosperity	*		
3	Environmental Sustainability	*		
4	Health and Well-Being	*		
5	Children and Young People	*		
6	Creating Safe Communities	*		
7	Creating Inclusive Communities	*		
8	Improving the Quality of Council Services and Strengthening Local Democracy	*		

Reasons for the Recommendation:

The introduction of a Permit Scheme, to replace the existing Noticing Scheme, will give the Council greater powers to influence how and when works are undertaken by works promoters on the highway network, thus seeking to further minimise disruption.

Alternative Options Considered and Rejected:

To remain as a noticing authority

What will it cost and how will it be financed?

(A) Revenue Costs

The scheme allows for fees to be applied to each utility permit to ensure that the Council's additional costs are covered. Based on the Cost Benefit Analysis, it is expected that the scheme could generate in the region of £400,000 per annum to cover the additional costs.

(B) Capital Costs

Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial None
Legal Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 gives local authorities powers to design and operate a permit scheme to improve the management of works in the street undertaken by both highway authorities and utilities companies.

Human Resources		
None		
Equality		
1.	No Equality Implication	<input type="text" value="*"/>
2.	Equality Implications identified and mitigated	<input type="text"/>
3.	Equality Implication identified and risk remains	<input type="text"/>

Impact of the Proposals on Service Delivery:

Operating a Permit Scheme will give far greater powers to the Council to allow staff to have greater control on works on the highway network

What consultations have taken place on the proposals and when?

In accordance with Department of Transport requirements, Statutory Undertakers, works promoters and other interested parties have been consulted on the proposed scheme which includes both scheme requirements and proposed permit fees.

In addition, all Elected Members and Parish Councils were also consulted

The consultation period ran from 14th April 2014 until 6th June 2014

Cabinet Member Transportation has been fully briefed and supports this report.

The Head of Corporate Finance and ICT (FD3100/14) has been consulted and notes there are no direct financial implications for the Council. The Permit Scheme allows for all costs over and above those currently incurred by operating the noticing scheme to be recovered through permit fees.

The Head of Corporate Legal Services (LD 2404/14) has been consulted and has no comments on the report

Implementation Date for the Decision

Immediately following Cabinet decision to allow for formal processes to be completed with the Secretary of State

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Background Papers:

None

1. Introduction/Background

- 1.1 All highways authorities have a duty under the New Roads and Street Works Act 1991(NRSWA) and the Traffic Management Act 2004 (TMA) to effectively coordinate all activities on the highway to ensure the safe and expeditious movement of traffic, pedestrians and vulnerable road users.
- 1.2 Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 gives local authorities powers to design and operate a permit scheme to improve the management of works in the street undertaken by both highway authorities and utilities companies.
- 1.3 Currently, when a utility company (or other works promoter) wants to work in the street, they have to serve a notice on the highway authority (Sefton) before they start, (unless there is an emergency). Generally, if they meet the requirements of the notice system, they have the powers to get on with the work and it's difficult for us to stop them.
- 1.4 Under the Traffic Management Act 2004, the Government has introduced additional powers for highway authorities to operate a Permit Scheme to replace the noticing regime. The scheme means that a utility (or other works promoter) will have to apply for a permit to work on the street and it is illegal for them to do so until we have issued the permit to them. We can also apply certain conditions to permits when appropriate to provide even greater control to the benefit of the Council and the highway user.
- 1.5 This gives the Council much greater control on works on the highway which will lead to less disruption. We will produce annual report to demonstrate the benefits. The checks officers need to undertake before issuing the permits are quite involved and clearly will take more officer time. The permit scheme allows the highway authority to charge for these extra costs when dealing with permits for statutory undertakers.
- 1.6 The introduction of a Permit Scheme will be a very positive step for the Council, offering major benefits in the management of works on the highway. Incentives within the scheme, and differential charges depending on when works are undertaken and how long they take, will lead to much greater planning of works prior to commencement on site. It will also lead to more collaboration and reduced durations – all very positive in minimising disruption caused by necessary maintenance works.
- 1.7 There are approximately 60 permit schemes in operation throughout England and all have proved to show great benefits in better planning and management of works and consequently reduced disruption. The Secretary of State for Transport has previously written to all Chief Executive Officers encouraging each highway authority in England to consider applying to run a permit scheme within their Authority.
- 1.8 The Permit Scheme allows for all costs over and above those currently incurred by operating the noticing scheme when dealing with utility companies to be recovered through permit fees. There are incentives within the scheme to encourage higher performance by works promoters by offering discounts for better quality works, collaborative working etc.

1.9 The full documentation has been shared with all Elected Members and Parish Councils for information and comment.

2.0 Permit Scheme Application Process

2.1 In developing the Permit Scheme, officers have followed both the Traffic Management Act 2004 Statutory Guidance for Permits and permit fee guidance along with all supplementary guidance.

2.2 A Cost Benefit Analysis (CBA) is required and has been completed which demonstrates the projected benefits of the permit scheme. Based on scheme costs, proposed permit fees have also been produced to complement the CBA. The draft scheme documentation, which includes an executive summary of the CBA has been through a consultation process with the results provided to the Department for Transport (DfT) who is a statutory consultee.

2.3 Currently, all permit schemes are approved by the DfT and signed off by the Secretary of State for Transport by way of a Statutory Instrument. The Government is introducing a change to the Permit Application process from April 2015 which will require the same processes to be followed, however the sign off process by the Secretary of State will be replaced by a requirement for sign off by the Authority's Chief Executive. In order to give themselves sufficient time to process outstanding permit schemes, the DfT imposed a deadline of 1st August 2014 for submission of formal applications.

2.4 Sefton Council submitted its application on 15th July 2014 which is within the deadline for approval by the Secretary of State.

2.5 The DfT has indicated a provisional target date of 8th October 2014 for Ministerial approval of the scheme, subject to the completion of any agreed amendments. Following Secretary of State giving his approval for the scheme, the Council will be required to nominate a 'go-live' date. Following this confirmation, there will be a 10 week period for the production of the Statutory Instrument. Once formally signed, a further 4 week notification period for utility companies can proceed.

2.6 With a view to having the scheme in operation by 1st March 2015, timings on approvals and formal processes are quite tight. Therefore, Cabinet is requested to give approval to complete that formal process. Should any proposed amendments to the submitted scheme raise any concerns for officers; a further report will be submitted.