

North Tyneside Council Report to Cabinet Date: 12 August 2013

ITEM 7(a)

Permit Scheme for Works
on the Highway

Portfolio(s): Economic Development

Cabinet Member(s): Cllr F Lott

Report from Directorate: Chief Executive's Office

Report Author: Paul Buie, Head of Business and Economic Development (Tel: 643 6091)

Wards affected: All

PART 1

1.1 Purpose

The purpose of this report is to obtain Cabinet's approval of the introduction of a permit scheme for works on the Council's highway network following the procedure set out in relevant government guidance.

1.2 Recommendation

It is recommended that Cabinet:

- (1) Approve the introduction of a permit scheme for works on the Council's highway network
- (2) Authorise the Head of Business and Economic Development as follows:
 - i. to develop an application for a permit scheme for works on the highway network, including consultation with relevant stakeholders; and
 - ii. in consultation with the Head of Law and Governance and the Cabinet Member for Economic Development, to submit the permit scheme application to the Secretary of State for Transport and, subject to government authorisation, to introduce the permit scheme thereafter.

1.3 Forward plan

Notice of this report has appeared on the Forward Plan since the edition that was published on 3 July 2013.

1.4 Council plan, policy framework

The proposals in this report are not directly related to any of the priorities set out in the Council Strategic Plan 2012-2015.

Of the priorities set out in North Tyneside's Sustainable Community Strategy 2010-13, the proposals in this report are relevant to Priority 1 - Regeneration, which includes the aim to "enhance connectivity across the borough through improved transport choices".

1.5 Information

1.5.1 Background:

The North Tyneside Highway Asset Management Plan (HAMP) describes the Authority's approach to the management of the highway asset, ensuring that the local road network is well maintained. The Network Management Plan sets out how the Authority, as local highway authority, seeks to facilitate the movement of journeys by all modes of transport.

Under the Traffic Management Act 2004, local authorities may introduce traffic management permit schemes. These provide greater control over how and when road works are carried out on the local highway network and can assist in reducing disruption carried out by works on the highway.

Those carrying out works on the highway, such as utilities and their contractors are expected to reinstate the road surface to an adequate standard on completion of works on the highway. An enhanced inspection regime in North Tyneside has indicated that a substantial proportion of reinstatements do not currently meet the required standard. Reducing this proportion would support the Council's efforts, through the HAMP, to maintain the highway asset.

Under a permit scheme, those carrying out works on the highway would be required to obtain a permit from the Authority prior to commencement of the works, rather than simply notifying the Authority as at present. Permit fees would be set in line with relevant guidance issued by the Department for Transport (DfT); it is intended that they would reflect the costs of scheme administration and management, so as to make the administration of the scheme self-financing. Detailed examination of the fees charged for permits and evidence for the level at which they are set would be included in the application for a permit scheme.

Subject to the provisions of Part 5 of the Traffic Management Permit Scheme (England) Regulations 2007, it would be an offence to carry out works without a permit or to breach a permit condition. In such cases the Authority could, by notice, require reasonable steps to be taken (e.g. remove the works or remedy the breach), or issue a fixed penalty notice in line with the regulations.

The government response to its consultation on permit schemes for street works, published in January 2013, indicated that in the future all authorities with permit schemes would be required to produce an annual evaluation of their scheme.

1.6 Decision options

1. Cabinet may approve the recommendations as set out at 1.2.
2. Cabinet may not approve the proposals as set out at 1.2.

Option 1 is the recommended option.

1.7 Reasons for recommended option

Option 1 is recommended as the implementation of a permit scheme can assist in reducing disruption carried out by works on the highway network.

1.8 Appendices

None

1.9 Contact officers

Colin MacDonald, Senior Client Manager, 0191 643 6620
Andrew Flynn, Client Manager Highways New Development, 0191 643 6083
Kevin Ridpath, Highway Network Manager, Capita Symonds, 0773 028 5609
John Cram, Project Engineer Transportation, 0191 643 6122
Alison Campbell, Financial Business Manager, 0191 643 7038

1.10 Background information

Government guidance is available online under the heading of 'Local council permit schemes' at:

<https://www.gov.uk/government/policies/managing-improving-and-investing-in-the-road-network>

A summary of responses to the recent Department for Transport consultation on permit schemes for street works is available online at:

<https://www.gov.uk/government/consultations/consultation-on-permit-schemes-for-street-works>

Tyne and Wear third Local Transport Plan (LTP3) documents (the LTP Strategy 2011-21 and the LTP Delivery Plan 2011-14) – are available online at:

<http://www.tyneandwearltp.gov.uk/documents/ltp3/>

North Tyneside Highway Asset Management Plan (HAMP) 2012-17

http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=527383&p_subjectCategory=380

North Tyneside Network Management Plan 2012-17

http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=537632&p_subjectCategory=41 (link 7d)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The Council's Technical Services Partner has agreed to meet the costs associated with preparing the application to the Secretary of State, and carrying out preparatory work for the introduction of a permit scheme (e.g. adaptation of relevant IT systems). Should the scheme be adopted, permit fees would be set by the Authority at a level to reflect the costs of scheme administration and management as required to comply with permit fee guidance made under the Traffic Management Act 2004.

2.2 Legal

Under S.33 of the Traffic Management Act 2004, and subject to the Traffic Management Permit Scheme (England) Regulations 2007, a local highway authority can make an application to the Secretary of State for Transport to introduce a permit scheme. In preparing its application the authority should have regard to relevant statutory guidance. Should the application be approved by the Secretary of State, secondary legislation (a specific Statutory Instrument) would need to be put in place for the scheme to take effect.

2.3 Consultation/community engagement

Appropriate consultation will be carried out with stakeholders in line with relevant government guidance. Under the Traffic Management Permit Scheme (England) Regulations 2007, prior to submitting a permit scheme to the Secretary of State, an authority should consult stakeholders including the following: those who carry out works on the highway; the local Passenger Transport Executive (for Tyne and Wear this is Nexus); the emergency services; the Secretary of State; and such other persons as the authority considers appropriate.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report.

2.6 Risk management

The level of risk associated with developing and introducing a permit scheme is considered to be limited, as scheme development will be carried out in accordance with relevant legislation and government guidance and the Council's Technical Partner has prior experience of preparing such schemes. Risk management will be further considered as part of the development of the permit scheme application.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Strategic Director(s) X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Strategic Manager
Policy, Partnerships,
Performance and Communication X