

Report for:	Shadow Executive
Meeting Date:	31st March 2020

Title of Report:	MODIFICATION OF THE BUCKINGHAMSHIRE STREETWORKS PERMIT SCHEME
Shadow Portfolio Holder	Mark Shaw
Responsible Officer	Rob Smith
Report Author Officer Contact:	Dave Roberts Dave.Roberts@buckinghamshire.gov.uk 01296 383947
Recommendations:	That the Shadow Executive approves the proposal for the expansion of the existing Buckinghamshire Streetworks Permit Scheme to cover all roads in the County and agrees for a report recommending this be presented to the Shadow Executive.
Corporate Implications:	<p>The S151 Officer, Legal and Finance have been made aware of this project and any comments are included in the report.</p> <p>There is specific legislation governing the administration of Permit Schemes. It should be noted that income from the scheme must be ring-fenced for the administration and delivery of the scheme and is subject to an annual review, with any surplus either reinvested into the scheme or used to reduce the cost of permits to works promoters.</p> <p>This ring-fencing does not include any related income that might be generated from measures that encourage those working on the highway to adhere to quality and safety standards for the industry. This might include Fixed Penalty Notices for infringements or reinstatement defects and MTFP submissions have been made on this basis.</p> <p>If approved by the Shadow Executive, the Permit Scheme will be introduced by formal order, with a four week notice period given to works promoters.</p>
Options: (If any)	Continue as is, with existing the Streetworks Permit Scheme applying only to the most traffic sensitive roads.
Reason:	<p>Streetworks Permit Schemes are widely used by Highways Authorities to resource the management and coordination of street works and road works on the highway, and to ensure that their formal Network Management Duty under the Traffic Management Act is executed effectively.</p> <p>Well managed permit schemes are self-financing. They lead to less congestion and improved safety for both the public and those undertaking works on the highway. There are also a wide</p>

	<p>range of further societal benefits such as improved air quality, reduced carbon emissions and better journey time reliability.</p> <p>Experience of the current Buckinghamshire Permit Scheme, in place since 2013, has demonstrated a clear positive impact for Buckinghamshire’s road users and residents.</p> <p>However, the current Permit scheme is focussed only on the most traffic sensitive roads, around a third of the road network in Buckinghamshire. The remaining network uses a system of noticing, which does not attract a fee and therefore does not benefit from the same level of coordination and management because of the limited staff resource available for this.</p> <p>Expanding the scheme to cover all roads will fund an expanded Permit Team within TfB and would allow a step change in the management of works across the whole network.</p>
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1. Purpose of Report

- 1.1 To give the background information necessary for the Shadow Executive to formally instruct the implementation of the modified permit scheme should it be minded to do so.


2. Executive Summary

- 2.1 The Traffic Management Act 2004 makes provision for Highways Authorities to introduce a Permit Scheme to manage potentially disruptive street works on their highway network more effectively for all users. Buckinghamshire implemented a Permit Scheme in 2013 which provided an alternative to the old notification system. Rather than a works promoter notifying the Highway Authority of their intention to carry out works, a permit needs to be obtained in advance. There will be a charge to any external works promoter for the permit, which is aimed at allowing the Authority to adequately resource the administration of the scheme. A Permit Scheme is not intended to generate income but the Highway Authority may recover their full costs, with any surplus reinvested into the Permit Scheme. The original scheme was designed to require a permit for the most Traffic Sensitive roads only, with notices on the rest of the network.
- 2.2 It is now proposed to modify the existing Permit Scheme to require a permit application on all categories of road. This will enhance Buckinghamshire’s ability to manage its network and better uphold our statutory duty and is in line with DfT recommendations and the approach taken by many other authorities.
- 2.3 The scheme will be renamed the Buckinghamshire Permit Scheme (BuPS) and initial evaluation documents examining the costs and benefits of the proposal have been prepared that indicate that the proposal is financially beneficial to businesses, residents and visitors to Buckinghamshire when all factors are taken into consideration.



3. Background to Streetworks Permit Schemes

- 3.1 All highways authorities have a duty under the New Roads and Streetworks 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.
- 3.2 Permit Schemes were introduced by Part 3 of the TMA to improve the Local Highway Authority's (LHA) ability to minimise disruption from both street and highway works. The TMA broadens the coordination and cooperation duties under NRSWA and is intended to give the LHA more powers over how and when activities are carried out.
- 3.3 All activities on the highway have a potential to cause disruption and delay, however the effect diminishes on lower category roads but still has the potential to cause congestion therefore that is why we are including non-traffic sensitive roads in the Permit Scheme.
- 3.4 It is not currently mandatory for Local Highway Authority (LHA) to run Permit Schemes. However the Secretary of State for the DfT has urged LHA's to give serious consideration to the benefits of introducing a Permit Scheme.
- 3.5 The statutory framework for the introduction of a permit scheme is the Traffic Management Act 2004 and associated regulations. Until recently it was a requirement for the Secretary of State to approve a scheme and make the associated order. Following consultation in 2012, the Government decided (for England only) to remove this requirement. This formed part of the Deregulation Act 2015, with the relevant part coming into force on 30 June 2015. The effect is that Authorities will be required to give effect to Permit Schemes and vary or revoke their Permit Schemes by their own Orders.
- 3.6 The modification of the Permit Scheme will provide a better way to manage all activities on the public highway, providing a powerful tool for effective co-ordination, minimising the inconvenience to the travelling public, businesses and local residents, whilst allowing works promoters the necessary time and space to complete their work.
- 3.7 Under NRSWA works promoters currently apply for a permit to work from the LHA for works on reinstatement categories 1 and 2 type roads and only inform the LHA of their intention to carry out works using the noticing system via Electronic Transfer of Notices (EToN) on lower category roads. If notices are not challenged the works promoters can proceed with the works without further consultation with the LHA.
- 3.8 The highway network within Buckinghamshire has recently been reviewed to identify the lengths of Traffic Sensitive Streets. There are currently 3261KM of highway in Buckinghamshire of which 908KM are Traffic Sensitive.
- 3.9 The Streetworks team receives, on average, 27 permits per day for works on traffic sensitive roads and 121 notices per day on non-traffic sensitive roads.
- 3.10 The proposed modification of the Permit Scheme will bring together Traffic Sensitive Streets (TSS) with non-Traffic Sensitive Streets giving the LHA the opportunity to better evaluate each proposed works and enable the LHA to reject incorrect or incomplete permit applications. Work promoters will effectively book occupation of the street for specific periods and purposes rather than the current system of informing the LHA of its intention to occupy the street.

- 3.11 All permit applications will need to be responded to within a given response time as per the regulations and should the time limit elapse without comment the Permit is deemed to have been approved and the works can proceed.
- 3.12 Permit Schemes differ from existing LHA powers for network management in a number of ways and will apply to their works as well as those of Utility Companies. Parity will be demonstrated through Key Performance Indicators that are discussed at the monthly coordination meetings with utility companies.
- 3.13 Works promoters will have to apply for a permit before commencing the work on the street, with the exception of emergency and urgent works.
- 3.14 Certain conditions can be attached to a permit, such as timing of activities and the way works are carried out, with more punitive fines for either working without a permit or in breach of permit conditions.
- 3.15 The Traffic Management Act, section 37 (7), enables fees for permits to be charged to Utilities as follows:
- Applications for permits
 - Issuing of permits
 - Applications for variations to permits or conditions attached
 - Variations to permits or conditions attached e.g. Extending the duration of works or changes to the Traffic Management.
- 3.16 The fees that will be applied to the Buckinghamshire's Permit Scheme (BuPS) have been calculated using the Department for Transport's template (DfT cost matrix) which is an essential part on the application for the scheme.
- 3.17 There are no charges applied to the current Noticing system. A Permit Scheme's primary function is to reduce disruption on the network and income must only be applied to the prescribed cost of operating the Scheme. The LHA may fully cover its costs
- 3.18 All other aspects of NRSWA remain unchanged and run in conjunction with Permit Schemes, including Section 74 overstay charges for unreasonable or prolonged occupation of the street.
- 3.19 The modification to the Permit Scheme will allow the LHA to better facilitate a reduction in congestion on the network and be better able to coordinate and manage all works, working together with utility companies.
- 3.20 The LHA can ensure works are being carried out wherever possible within school holidays and off-peak, particularly on busy roads, helping to keep the traffic moving. By improving co-ordination, Public and School Transport will suffer fewer delays. Carbon emissions will also be reduced through less vehicle idling time in queues.
- 3.21 The additional resource in place to operate the modified Permit Scheme will allow the inspection regime to ensure works are carried out to the correct standards to be significantly increase and that this will support the maintenance of the condition of the highway network.
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4. Financial Implications

- 4.1 The overarching principle of any Streetworks Permit Scheme is that it is cost-neutral to the Authority.
- 4.2 The implementation of the modified Permit Scheme on the whole Buckinghamshire highway network will result in additional staffing within the Streetworks team in order to deliver the Scheme as proposed. The costs of this increase in staffing will be offset by the income generated from the charges associated with the issue of Permits. In addition the costs of setting up the modified Permit Scheme will be recovered through permit scheme charges over time.
- 4.3 The modification of the Permit Scheme supports the corporate priority to protect and enhance the condition of the Highway asset through the avoidance of congestion and through greater co-ordination of works on the Highway network to reduce the number of intrusions through the carriageway surface.
- 4.4 Transport for Buckinghamshire has recently invested in an innovative Robotic Process Automation solution to assist in the administration of its permit scheme. This process involves automation of some of the most basic administration checks involved in Permit Applications and it is anticipated that this technology will reduce the number of additional staff that would otherwise have been required to administer the permit scheme.
- 4.5 The ring-fencing of revenue from the Permit Scheme does not apply to other revenue sources associated with the management of Street Works such as Fixed Penalty Notices for infringements or reinstatement defects.

5. Value for Money

- 5.1 Whilst the overall management of the scheme is designed to be cost neutral in line with the DfT guidelines, and hence does not deliver financial savings, there are a number of improvements in efficiency and effectiveness including;
 - Reduced congestion and improved safety at road works
 - Greater scrutiny of proposals for works with more opportunities for coordination and better mitigation of impacts on the travelling public
 - The potential to minimise damage in the condition of the Network due to repeated works breaking the surface of the asset

6. Legal Implications

- 6.1 The legal framework for the implementation and administration of Permit Schemes is set out in part 3 of the Traffic Management Act 2004.

7. Other Key Risks

- 7.1 The key risk associated with the implementation of the modified Permit Scheme is that the activity of works promoters may not be at a level to generate sufficient income to cover the cost of administering the scheme. Experience in multiple authorities elsewhere, and through the calculations in the detailed Cost benefit Analysis that accompanies this report, together with analysis of the current level of activity on the network indicates this is a very low risk. It is also proposed that a phased introduction of new staff to administer the scheme.



8. Consultation

- 8.1 In accordance with the legal requirements for such a scheme, formal consultation has been undertaken that ran from 9 January to 20 February 2020. This included all statutory consultees, Utility Companies, Statutory Undertakers and works promoters.
- 8.2 Members were invited to comment on the permit scheme. In addition, a seminar was held on the 28th January to which all those with a potential interest in the scheme, including all Members, were invited. This was mainly attended by a small number of stakeholders, mostly public utility company representatives and BCC works promoters
- 8.3 A briefing note, in the form of a Network Bulletin, setting out the scheme proposals, was distributed to all TfB staff as well as Members.
- 8.4 Formal comments have been analysed. Our response will be compiled and sent to those raising comments. A small number of responses were received from utility companies. A summary of these is shown in the background paper to this report. There are no comments that alter the context of the BuPS, the scheme principles or the Cost Benefit Analysis, though some minor amendments to round fees to the nearest pound have been made.
- 8.5 A four week notice period is required to utility companies of the commencement date of the Permit Scheme once approved.

9. Communications Plan

- 9.1 Should the proposal to implement the modified scheme be agreed, a communications plan will be implemented. This will be led by the TfB Comms team, making use of the Corporate Comms resource, and will aim to inform utility companies the general public, key stakeholders and Members about the benefits of the modified scheme.
- 9.2 A number of teams within the new Authority undertake work on the Highway and are likely to be unfamiliar with the requirements of permit schemes. Information, and training where necessary, will be undertaken that targets these teams.

10. Equalities Implications

- 10.1 All road users will benefit from the permit scheme through the improvement to the overall highway efficiency as well as through better control of traffic management with the ability to add conditions on the permit to aid all road users including mobility and visually impaired people. All works promoters will be treated with parity. A detailed Equalities Impact Assessment is not required.

11. Data Privacy Implications

- 11.1 There are no data additional data privacy implications in the proposal.



12. Next Steps

- 12.1 Should the Shadow Executive be minded to make the decision that the modified permit scheme is to be implemented, then the formal Order will be made.
- 12.2 The communication plan will be drafted as implemented as described in section 9 above.

Background Papers	Appendix One: Permit Scheme Document Appendix Two: Consultation Report Appendix Three: Summary of Cost Benefit Analysis
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