

Subject:	Introduction of a Road Works Permit Scheme for Brighton & Hove		
Date of Meeting:	24 January 2013		
Report of:	Geoff Raw, Strategic Director Place		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following the Transport Committee meeting in November 2012 (minutes included in the background documents) it was recommended that council officers create a road works permit scheme for Brighton & Hove and present a report requesting funding to Policy and Resources Committee in January 2013 to enable the creation of a road works permit scheme for the city.
- 1.2 This report outlines the business case and funding requirement for the creation and implementation of a permit scheme.

2. RECOMMENDATIONS:

- 2.1 That the Policy and Resources Committee supports the Transport Committee's recommendation to implement a road works permit scheme for Brighton & Hove.
- 2.2 That the Policy and Resources Committee approves one-off, non recoverable funding of up to £100k for engagement of specialist consultants to support the bid documentation design of a permit scheme system for Brighton & Hove..
- 2.3 That the Policy and Resources Committee approves up to £225k of recoverable funding to set up the permit team staff, equipment and systems required to run the scheme..

3. RELEVANT BACKGROUND INFORMATION

3.1 History

In 2004 the Traffic Management Act (TMA) was introduced to tackle congestion and disruption on the road network. The Act places a specific duty ("the network management duty") on the council as local traffic authority to manage its road network with a view to achieving (as far as is practicable with regard to its other obligations and policies) the expeditious movement of traffic on the road network. The Act gives local authorities additional tools to manage parking policies and enforcement and for the co-ordination of street works. Amongst these additional

tools are “Traffic Sensitive” streets classification and ‘Permit schemes’ provided as an alternative to the notification system set out in the New Roads & Street Works Act 1991.

3.2 Cost Benefits and Funding

A business case was presented to Transport Committee on 27 November 2012 outlining the benefits and requirements of a road works permit scheme for the city. Transport Committee gave approval in principle for such a scheme, subject to approval for funding from Policy & Resources Committee.

If it is decided to implement a scheme, there are three types of scheme that could be introduced in Brighton & Hove. Specialist consultant support is required to support officers in considering the types of scheme in order to ascertain what works best for Brighton & Hove, including costs, resources and financial viability, and to prepare all the required documentation for a permit scheme to be presented for approval to Transport Committee and to the Secretary of State. This is the element which requires one-off funding that cannot be recovered from any scheme costs; in effect, approximately £100,000 would have to be identified for this from within existing council revenue budgets for 2013-14.

If the final scheme documentation is approved, there will be further costs incurred in setting up the necessary resources, such as IT systems and additional staffing. However these costs can be recovered through a levy on charges implemented by the scheme. These costs could therefore be funded by borrowing from council reserves if agreed by Policy & Resources Committee, with payback from the scheme over an agreed number of years.

3.3 Further information on Permit Schemes

Permit schemes

Permit schemes are optional. Highway authorities have to apply to the Department for Transport (DfT) for approval to set one up. Under a permit scheme, instead of informing a street authority in advance of its intention to carry out works in an area, a works promoter seeks permission from the local authority to book time on the highway via a permit.

A permit scheme empowers the local authority to impose conditions (e.g. traffic management, diversions, working hours, etc) and provides it with some finance through permit fees to deal with the co-ordination of activities on the roads and streets. The permit fees must be in line with a DfT designed permit fee matrix. Fees only apply to Statutory Undertakers and are ring fenced so they can only be utilised on that part of the Permit scheme that relates to the administration and management of the external works promoters, and not the local authority’s own works.

A local authority’s own works are sanctioned and controlled in the same way using the Permit scheme, although no permit fee is payable. Permit fees cannot be used to fund staff to check for the co-ordination and permitting of its own works. The TMA importantly requires that there must be parity between the two, so the local authority cannot favour its own work over that of a third party, and it

must similarly impose permit conditions upon its own works promoters in order to fulfil its 'network management duty.'

The TMA allows the permitting authority to impose conditions with respect to:-

- (i) timing – e.g. off-peak or night work required;
- (ii) traffic control – e.g. temporary traffic signals, stop-go boards;
- (iii) Temporary Traffic Regulation Orders – e.g. road closures

A local authority does not need to adopt a permit scheme in order to impose conditions on roadworks. These tools still exist through the Noticing system. However, a permit scheme provides tighter control at the very first stage in that road workers must wait for permission from the council to proceed rather than by simply giving notice of intention to work in the city, which is the current system.

Permit Scheme Options

The council may decide

1. whether to implement a scheme;
2. if so, which of 3 types of scheme to adopt ; and
- 3 the extent of the network it wishes to have tighter controls for.

The possible 3 types of scheme are

A single road works permit scheme where the Authority has sole responsibility for the creation and administration of the scheme.

A joint road works permit scheme where the Authority joins with a number of other Authorities and the scheme is administered for all members by one overseeing Authority.

A common road works permit scheme where the Authority works in cooperation with other Authorities to create a single set of rules but operates the scheme independently of its partners.

Each approach has its own advantages and disadvantages and these are considered further in Appendix 1.

Traffic sensitive streets

Traffic sensitive streets are those that when closed or worked upon will cause the greatest disruption to the travelling public. The classification of traffic sensitivity can be made through a number of set criteria that are listed in Appendix 4.

Updating of the traffic sensitive network is necessary to ensure the city's streets are managed effectively and is an integral first step before implementing a permit scheme.

With the agreement of statutory undertakers which have apparatus in the street the traffic sensitive status can be agreed without the need to go through the formal notice procedure. However, any formal unresolved objections to changes

in traffic sensitivity of the road network will be brought back to committee for decision.

Further information on traffic sensitive streets is included in Appendix 4.

3.4 Time Line for Introducing a Permit Scheme

In developing the time line, an assumption has been made that there will be no unforeseen circumstances that will delay implementation. For example: an objection to the scheme that may require re-consultation. The indicative time lines are set out in Appendix 3 but it must be acknowledged that should objections be raised to formal consultation delays will occur. In the event of unresolved objections, a further report will be presented to the Transport Committee with the relevant information and for a decision on the next steps.

4. **COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 Prior to submitting a road works permit scheme to the Secretary of State under section 33 of the Traffic Management Act 2004, Brighton and Hove City Council must consult the bodies set out in the relevant regulations. In Brighton & Hove these include:

- a) all utility companies and contractors, including contractors working for the highway authority,
- b) Rottingdean Parish Council
- c) the emergency services including the Coastguard; and
- d) The Secretary of State.

There is no legal time duration laid down for the consultation in the TMA but best practice would typically require three months' duration.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 It is estimated that the initial set-up costs of consultation and design for a road works permit scheme will be around £100,000 and this will be found from one off resources..Following approval of a scheme all further set up costs, estimated to be up to a total of £225,000, are recoverable over a period of time, through a levy on charges set within the scheme.
- 5.2 The ongoing costs of the scheme should be covered by the charges made for the permits. Any costs which cannot be covered by these charges, such as monitoring/ permitting the council's own highway works, will have to be met from existing revenue budgets.

Finance Officer Consulted: Name Karen Brookshaw Date: 09/01/13

Legal Implications:

- 5.3 Part 3 of the Traffic Management Act 2004 gives the council the power to prepare and submit an application for a road works permit scheme to Department

for Transport, who may approve the scheme with or without modifications. The scheme does not have effect until approved by Order of the Secretary of State for Transport.

- 5.4 Any application must be submitted in accordance with the Traffic Management Permit Schemes (England) Regulations 2007 and must take into account the relevant statutory guidance.
- 5.5 Other legal implications are set out in the body of the report. There are no human rights implications to draw to Members' attention at this stage.

Lawyer Consulted:

Carl Hearsum

Date: 04/12/2012

Equalities Implications:

- 5.6 There are no direct equalities implications in this report but any application for a road works permit scheme would include an assessment of any equalities issues identified during the consultation stages.

Sustainability Implications:

- 5.7 Reduction of traffic disruption due to roadworks is a local as well as a national priority and forms a large part of any application for a road works permit scheme for Brighton & Hove Council.
- 5.8 The possible reduction in the number of roadworks carried out in the city could also lead to a reduction of natural resources used for the repairs to the city's streets.

Crime & Disorder Implications:

- 5.9 There are no crime and disorder implications

Risk and Opportunity Management Implications:

- 5.10 Set up and running costs are considerable and full consideration must be given to the charges levied for a permit to work on the city's streets. There is a risk of setting the fees too low and then not recouping the costs to the council. There is also a risk of setting the fees too high and being legally challenged by utility companies who have to pay the permit fees. There is also a risk that a scheme is developed and the DfT does not grant an Order.
- 5.11 A full risk analysis will be part of any future Permit scheme application documents.

Public Health Implications:

- 5.12 Reduction of delays to the users of the city's road network could lead to a reduction in air pollution
- 5.13 A less congested network improves travel for pedestrians, cyclists and motorcyclists.

Corporate / Citywide Implications:

- 5.14 The Network Management Duty is a Statutory Duty. This is currently met through the existing noticing system. A permit scheme would replace part or all of the noticing system and the Authority must ensure it continues to meet any and all statutory duties placed upon it.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Street Authority currently meets its Network Management Duty through the existing noticing system and any application for a permit scheme must show why the Council has decided to apply to change to a permitting approach.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Congestion of the city's streets is a high-profile issue and the council must act in the best interests of residents, businesses and visitors alike. Full consultation (of those mentioned earlier in this report) and consideration of all aspects and options available must be carried out and included in any application or decision to apply for a road works permit scheme for Brighton & Hove.

SUPPORTING DOCUMENTATION

Appendices:

1. Detailed Business Case
2. Lessons Learnt from Other Permit Schemes
3. Timeline for Introducing a Permit Scheme
4. Traffic Sensitive Road Network

Documents in Members' Rooms

1. None

Background Documents

1. Minutes of Transport Committee Discussion and Recommendation