ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Regeneration and Environment
2.	Date:	15 November 2010
3.	Title:	Traffic Management Act 2004 – Permits to Work in the Highway; All Wards
4.	Programme Area:	Environment and Development Services

5. Summary

To explain some of the potential changes to how works in the public highway can now be controlled, and to seek authority to further investigate the potential for a 'Permit Scheme' for work in specified streets in Rotherham by conducting a formal consultation process in accordance with Regulatory guidelines.

6. Recommendations

- i) The statutory consultation for the introduction of a Permit Scheme be undertaken.
- ii) The outcome of the consultation is reported back to a further meeting of Cabinet Member for Regeneration and Environment for consideration.

7. Proposals and Details

The Traffic Management Act was introduced in October 2004 with the intention of tackling road congestion by changing the way that local traffic authorities carry out their duties. The Act gave new powers and imposed a duty to keep roads clear of obstruction and traffic moving. The Act contains a specific duty on local traffic authorities to manage their road networks with a view to "... securing the expeditious movement of traffic ..." In relation to this 'Network Management Duty' the Act requires local traffic authorities to make, "... such arrangements as they consider appropriate for planning and carrying out the action to be taken ...".

Permit Schemes to Control Work on the Highway

One of the powers contained in the TMA is the ability for local traffic authorities to apply to the Secretary of State to make an Order for a permit scheme for the control of "specified works" on all, or part, of an authority's highway network. Specified works are utility street works and the traffic authority's own works for highway purposes. Formal arrangements for the implementation of permit schemes were introduced in Regulations in November 2007, along with a Code of Practice and followed by Department for Transport (DfT) guidance in 2010.

Currently, under arrangements covered by New Roads and Street Works Act, a works promoter is required to send a notice to the traffic authority that works are intended. Under a TMA Permit Scheme, the works promoter is required to apply to the authority for a permit to work in that road, on specified days, at specified times, using specified methodology and traffic management – all of which would require the agreement of Rotherham Borough Council as local traffic authority. A permit scheme can apply to all roads or just certain specified streets. For utility companies there is a charge imposed (the permit fee) for a permit to work on a street covered by the permit scheme. All the funding derived from permit fees has to be used to provide additional resources to better control works on the highway with the intention to reduce delays to the travelling public.

Permit schemes have been implemented in Kent and in a large proportion of London boroughs, and a Northamptonshire scheme for main roads only has recently been approved, and due to be implemented early in 2011. Many other authorities are now actively working on potential permit schemes.

There are three types of permit schemes available to traffic authorities:

- (i) An 'individual' scheme for one authority
- (ii) A 'common' scheme, which has the same road types, rules and requirements for several authorities in an area, but with individual permit fee levels and objectives particular to each authority.
- (iii) A 'joint' scheme, which is operated by one organisation on behalf of a number of authorities, administered centrally.

Yorkshire Common Permit Scheme

Through the Yorkshire and Humberside Traffic Managers Group (YHTMG) a representative group of officers has worked on a proposal for the region and concluded that a common permit scheme would be the most appropriate type of

scheme for authorities in the region. This type of scheme has the advantage of joint working on compilation, drafting, informal and formal consultation and mutual assistance in submission to the Secretary of State, combined with individual objectives, specific choice of specified roads and individual fee levels. Discussions with the DfT have, to date, been favourable.

Cabinet Member will recall attending with the Director of Streetpride, a presentation detailing the Yorkshire common permit scheme initiative in March 2009, and all authorities in the region were asked if they wished to take the initiative further in their area. The eventual outcome of the permit scheme implementation is an application to the Secretary of State for an individual Statutory Instrument for each authority scheme. In his speech to the 'Local Transport Today' conference in London on 20 July 2010, Norman Baker, Parliamentary Under-Secretary of State for Transport said; "We want authorities to be free to make decisions on how best to manage their street works and, in particular, to consider permit schemes like those that have been launched in Kent and London and which clearly are delivering impressive results".

It is proposed that the Permit Scheme is applied to strategic main routes and those which are designated to be "traffic sensitive" within Rotherham and the rest of Yorkshire. On all other less significant routes, the existing noticing procedure will be retained. The scheme strategy is similar to that used in Kent and the recently approved scheme in Northamptonshire.

Costs and Benefits

A robust cost benefit analysis is a required step in determining whether to proceed to the application stage for a permit scheme. All of the four South Yorkshire traffic authorities together with Leeds CC and Kirklees MBC have taken this process to the next stage. All six authorities have now had completed a full cost benefit analysis to give an individual appraisal for each authority, using common principles and methodology.

The permit fees are determined by a calculation based on a DfT matrix, which aggregates all the time which local authority officers will be required to assign to determining a work promoter's permit application.

The cost benefit analysis for Rotherham gives a positive rate of return, based on a typical 12 month assessment of works on the highway that would require a permit to be issued. Hence, this confirms that if a permit scheme for Rotherham is implemented, it would demonstrate good value for money.

There is no permit fee for a highway authority's own works permits. Works for road purposes are assessed and controlled in the same manner as utility works and are subject to the same rules. This has to be done to demonstrate parity of treatment between utility companies and the Council. Parity of treatment is one of the most significant of the intervention criteria which the Traffic Management Act introduced. Failure to meet the criteria can involve a significant cost to an authority by the appointment of an external 'Traffic Director' by the DfT to take over 'any' of the functions of the authority.

<u>Timescales</u>

The joint officer group has developed and updated a project timeline as work on the common scheme has progressed. There are factors such as the availability of a Government Minister to sign the final Order that may influence the implementation date. However, it is anticipated that if an application from Rotherham to the Secretary of State is submitted during June/July 2011, the earliest that a permit scheme could be implemented would be early in 2012, but could be later subject to the securing of statutory processes required.

Consultation

The next step towards the potential implementation of a permit scheme is to undertake a formal consultation on the scheme document and all its proposals, fees and procedures as set down in the DfT Regulations. There is a significant DfT list of required stakeholder consultees and the Authority is also required to offer an open invitation for anyone to indicate whether they wish to be included as consultees.

The Yorkshire permit group officers have devised a consultation methodology which will utilise a 'data room' to which all registered and specifically included consultees will have password protected access via the internet. The consultation web site will be hosted by Doncaster Metropolitan Borough Council, and the scheme documents for each authority will be included. The consultation period will be for three months and is likely to commence in December 2010. There will also be the opportunity for any of the consultees to make comments directly to the authority, should they wish to do so.

Application to the Secretary of State for Transport

Following the consultation period, the documentation may require amendment in order to consider comments made by consultees prior to submitting an application to the Secretary of State for Transport. A further report will be brought to a future meeting of the Cabinet Member for Regeneration and Environment following the consultation exercise, in order to consider whether to proceed with the application for a permit scheme in Rotherham.

8. Finance

The DfT permit fee calculation matrix includes a validation check to determine the number of officers required to work on permit applications and permit conditions vetting for the authority. The staff required for processing the permit applications for utility works will be funded from the permit fees, permit applications for works for road purposes will be processed by the current staff resource. Costs involved in setting up the permit scheme will be recouped from the permit charge income.

9. Risks and Uncertainties

There may be challenges from the consultees over the level of permit fees to be charged, which will vary from authority to authority. However, these fees are subject to a 'cap' by the DfT, and have been calculated from the DfT matrix. The decision to

proceed with an application to the Secretary of State for Transport will not be taken until after the consultation exercise and therefore will allow further consideration of the scheme by the Council prior to full commitment. Calculations in respect of forecast income are based on the number of works which would require a permit over a 12 month period to April 2010, there is a risk that there could be a reduced number of street works in the future which would affect income.

10. Policy and Performance Agenda Implications

The scheme is in line with objectives set out in the South Yorkshire Local Transport Plan, and the Traffic Management Act 2004 in that it will give greater control over roadworks on the busiest and most important traffic routes in the borough. This will reduce delays and congestion, resulting in reduced carbon emissions and improved air quality. In addition, the proposal is in line with the Councils' main themes of Alive, Safe and Achieving; and also accords with the Equalities Policy.

11. Background Papers and Consultation

Traffic Management Act 2004. Local Transport Plan 2006 – 2011.

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