

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Street Works Permit Scheme – All Streets

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Colin Knight, Head of Highway Services
01709 822828 or colin.knight@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report proposes the expansion of the Council's Permit Scheme to every street across the Council's adopted highway network to increase levels of controls over road and streets works, influence how works are undertaken and subsequently reduce the disruption caused to highway users along with an associated benefit in terms of minimising noise and air pollution.

Recommendations

1. That approval be given to the expansion of the current Street Works Permit Scheme from 304 of Rotherham's busiest streets to every street in the Borough's adopted road network.
2. That the Head of Legal Services be authorised to conclude and execute all necessary legal documentation.

List of Appendices Included

Appendix 1 - Equality Screening Assessment
Appendix 2 - Fee Structure
Appendix 3 - Consultation Responses
Appendix 4 - Draft Rotherham Council Permit Scheme Order 2019

Background Papers

The Traffic Management Act 2004

The Traffic Management Permit Scheme (England) Regulations 2007

The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015

Permit Scheme Order 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Street Works Permit Scheme – All Streets

1. Background

- 1.1 Road and street works are a major cause of delay and disruption for road users, resulting in significant costs to the economy and society. Previous studies estimate that the national cost of congestion resulting from street works is £4.3 billion a year and successive governments have taken steps to support the effective management and coordination of roadworks.
- 1.2 These steps have included the ability for local highway authorities to introduce permit schemes. Such schemes provide the authority with the ability to proactively manage all works as a way to reduce and control the associated disruption. This increased control is achieved by requiring all works promoters to seek permission before undertaking works and for those works to comply with conditions which are applied by the local highways authority.
- 1.3 The key deliverable benefits of the permit scheme are to:
 - Support the local authority to manage the coordination of works, a way to reduce traffic disruption.
 - provide increased levels of local authority control over all works.
 - provide a lever, which can influence the way that works are undertaken.
 - generate a positive return for our residents.
- 1.4 Rotherham, along with five other Yorkshire authorities, implemented a permit scheme in 2012 which was authorised by the Department for Transport (DfT) for operation on type 0, 1, 2 and Traffic Sensitive (TS) streets. The decision to operate a permit scheme only on the busiest streets came under direction from DfT, as two major all street schemes had previously gone live six months beforehand in Kent and London. The DfT were keen to measure the performance and impact of different types of schemes and encouraged the Yorkshire region to implement a common permit scheme across all local authorities targeting type 0, 1, 2 and TS streets.
- 1.5 The government deregulated permit schemes through The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, removing DfT control and regulation. This resulted in the majority of new schemes throughout the country becoming all street schemes. An Order implementing the changes required by these Regulations, but not extending the Permit Scheme to all streets in the Borough was made (the “The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2015”) and was sealed by the Council on 7th September 2015.
- 1.6 Rotherham Council has successfully operated a permit scheme on its 304 busiest roads since June 2012, with two full time equivalent officers required to undertake the permit tasks. The existing scheme is estimated to have reduced highway occupation in Rotherham by approximately 1,800 days per annum over the first 6 years of operation, with the expanded scheme estimated to further reduce occupation by 6,200 days per annum.

- 1.7 Through a detailed cost benefit analysis exercise, the Council estimates that an expanded scheme will save road users and businesses £570,000 within the first year of operation and an expected £16,750,000 over a 25 year period. The assessment considers the cost of road and street works to road users (travel time costs, fuel and other vehicle operating costs), accident and fuel carbon emission costs.
- 1.8 In an average year the Council receives approximately £150,000 in income from the existing permit scheme. It is estimated that the proposal to expand the scheme to all streets will generate £238,000 of additional permit fee income, providing a total income of £388,000 of ring fenced income that must only be used to cover the operational costs of the scheme.
- 1.9 Expanding the remit of the scheme will see approximately 4,500 additional utility and internal works promoter applications being submitted for analysis and approval. It is estimated that along with the initial permits there will be a further 1,040 secondary permit applications submitted to vary start times, request for extensions, or for permits that are resubmitted following initial refusal.
- 1.10 It has been estimated that four additional staff will be required to operate an expanded scheme. The staff will be recruited in a phased approach over the initial stages of the extended scheme of operation. The scheme is not intended to make a profit, and fees are set at a level to cover the actual costs and grades of the staff operating the scheme in Rotherham.
- 1.11 The fee levels have been set through a robust cost benefit analysis. Within the scheme there are maximum fee levels and Rotherham's actual costs and associated fees remain within this threshold. Rotherham's fees are comparable with those set by Doncaster MBC who have operated a Permit Scheme for all streets since April 2019. A copy of the fee structure is attached at Appendix 2.
- 1.12 The fees and charges which relate to the existing scheme will still apply and vary from £41 for a "Minor Activity discounted permit" to £213 for a "Major Permit over 10 days duration or requiring a Traffic regulation order."
- 1.13 Following an eight week consultation period no major concerns in operating an expanded scheme were raised, other than one utility company questioning the requirement to pay permit fees. The consultation also highlighted the need to undertake minor amendments to the permit scheme documentation, which has been completed.

2. Key Issues

- 2.1 Permit schemes provide a way to reduce the disruption caused by works. The current scheme is estimated to have reduced highway occupation in Rotherham by approximately 10,600 days over its first 6 years of operation.
- 2.2 The extra sustainable resource required to operate an expanded permit scheme will allow the Council to improve the coordination of works on all streets and increase joined up working between all works promoters. This will be achieved through encouraging collaboration between works promoters working within the same street or area and greater controls over the timings of work through advance coordination.
- 2.3 The additional staff resource for increased scrutiny of all proposed works in the Borough, will enable activities to be challenged requiring works promoters to complete works more speedily. The amount of time taken by Utilities maintaining their apparatus and reinstating any excavations will reduce, to avoid penalty charges. Thereby reducing the perception of no activity taking place between works phases.
- 2.4 Reducing the disruption caused by street works contributes to the Council's Corporate Plan Priority "A strong community in a clean, safe environment". By decreasing the amount of highway occupation caused by street works, it makes it both safer and easier for road users to access services whilst having the added benefit of reducing fuel carbon emissions.
- 2.5 Permit schemes generate a positive return for residents in terms of offering a saving to the wider economy of Rotherham and subsequently support the Council's Corporate Plan Priority "Extending opportunity, prosperity and planning for the future". It has been estimated by an independent transportation consultant through a detailed cost benefit analysis exercise (CBA) that the expanded scheme will save road users and businesses £570,000 within the first year of operation and an expected £16,750,000 over a 25 year period. The assessment considers the cost of road and street works to road users (travel time costs, fuel and other vehicle operating costs), accident and fuel carbon emission costs. The cost of vehicles diverting onto alternative diversion routes as a result of road closures or excessive delays approaching the works is included. It is estimated that the expanded scheme will reduce the occupation of road and street works across the highway by 6,200 days per annum.

3. Options considered and recommended proposal

- 3.1 Option 1: Revoke the current permit scheme and return to the noticing regime.

A failure to operate a permit scheme may result in a Utility company's planning resources being allocated to focus on the authorities that are operating a permit scheme. This may result in poor planning and coordination of works in Rotherham, along with a loss of network coordination personnel, whose salaries are recovered through the permit scheme income. This would leave the Council under-resourced and lessen the control available to

reduce the impact that these organisations' works have on our strategic road network. The overall benefits to the travelling public would not be achieved in terms of reduced travel time, vehicle operating costs, accident and fuel carbon emission costs.

3.2 Option 2: Remain with the current permit scheme.

The Council is currently operating inconsistently; coordinating works on the borough's busiest roads, but not doing so on less busy roads across the adopted highway network. There are insufficient staff resources available to challenge works durations on all streets, or to issue directions to works promoters planning works on the non-permit streets. Subsequently, there is scope to further reduce average highway occupation and disruption through the provision of additional staff resource.

3.3 Option 3 and Recommended Proposal: Expand the permit scheme to an all streets scheme.

It is estimated that 6,200 days per year of highways occupation will be avoided per year through the introduction of an all streets scheme due to the extra resource made available to coordinate the works. The income generated from the scheme will cover the costs of the additional staff required to facilitate the operation of the expanded scheme.

4. **Consultation on proposal**

4.1 From 11 March to 5 May 2019 (eight weeks), Rotherham Council invited over 47 consultees (statutory and local) to comment on the proposal to expand the current permit scheme.

4.2 In total, five comments or questions were received from Utility companies, one of which was unsupportive of the proposal. The negative response related to the additional work and costs the promoter would sustain through the Council's operation of an expanded scheme, and in particular concerns from a commercial point of view in relation to the roll out of major projects for G-Fast and Superfast Broadband in Rotherham.

4.3 The remaining comments or questions sought to clarify points within the permit scheme document and procedures. One sought to clarify the volume of highway works and utility works, along with the impact that the charging for permit variations would have on the level of overall income the scheme would generate.

4.4 Minor changes have been made to the permit scheme document following the consultation. These changes can be found in Appendix 3 highlighted in green text along with a copy all of the consultation responses and Rotherham Council's reply.

- 4.5 Through regional Yorkshire Joint Authority Group (YJAG) meetings, proposals to implement expanded schemes have been discussed. A number of Yorkshire and Humber Local Authorities are currently working towards the implementation of an all street scheme. Both Bradford and Doncaster Councils have already implemented all street schemes.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Strategic Director for Regeneration and Environment will be accountable for implementing the decision to expand the current Street Works Permit Scheme from Rotherham's busiest streets to every street in the Borough's adopted road network.
- 5.2 It is proposed to commence operation of the expanded scheme from March 2020.

6. Financial and Procurement Advice and Implications

- 6.1 The existing permit scheme for street works generates income to the Council of up to £150,000 per annum, which covers the costs associated with the operation of the scheme.
- 6.2 Under the terms of the Regulations, it is intended that the scheme is self-financing. After overheads are included, a balanced budget is set and should not generate any excess surplus for the Council.
- 6.3 It is estimated that the proposal to expand the scheme to all streets will generate additional annual income of £238,000. Further, it is estimated that an additional 4 FTEs will be required to manage the expansion of the scheme. The modelling that underpins the assumptions is based on an industry standard methodology. The additional staff will be recruited on the basis of a phased approach, to facilitate a smoothed implementation.
- 6.4 There are no direct procurement implications arising from this report.

7. Legal Advice and Implications

- 7.1 As set out in the body of the report, the permit scheme is made pursuant to and in compliance with Part 3 of the Traffic Management Act 2004, the Traffic Management Permit Scheme (England) Regulations 2007 and the Traffic Management Permit Scheme (England) Amendment).
- 7.2 The proposed new Order, if and when implemented will revoke the 2015 Order, and extend the application of the Permit Scheme to all of the adopted roads in the Borough. A new Order has been drafted entitled 'the Rotherham Borough Council Permit Scheme Order 2019' which is attached at Appendix 4, and will be implemented if the recommendation within the report is approved.

8. Human Resources Advice and Implications

- 8.1 Should the recommendations be accepted, it will be necessary to increase the staffing establishment (as outlined within the main body of report) to facilitate the successful operation of the expanded scheme.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Permit schemes bolster the requirement for works promoters to consider the accessibility and pedestrian safety for vulnerable road users. Through an expanded scheme, there will be increased opportunities to specifically benefit the diverse pedestrian traffic within the Borough, for example, through the avoidance of planned road and street works in proximity to schools during school term time, and the opening hours of doctors' surgeries.

10. Equalities and Human Rights Advice and Implications

- 10.1 An "Initial Equality Screening Assessment" has been undertaken in support of this report and the proposals outlined within it (Appendix 1).
- 10.2 Through the operation of an expanded scheme there will be the opportunity for the Council to further promote consultation/engagement prior to the commencement of any road and street works activities within the Borough, thereby addressing both the need for service accessibility and usage prior to the commencement of any works within the highway.

11. Implications for Partners

- 11.1 None

12. Risks and Mitigation

- 12.1. As a consequence of either terminating the operation of the current permit scheme or not expanding it to an all streets scheme could result in government intervention through the network management duty intervention powers of the Traffic Management Act 2004. By not utilising this key tool to combat delay and ensure the efficient movement of traffic on our and our neighbours' networks, government intervention could be enforced, leading to the government appointing a Traffic Manager team to guide the Council out of the crisis. However, this is only one element of the intervention criteria and therefore the threat of intervention for this risk in isolation is low.
- 12.2 A failure to fully resource and restructure the Highway Inspection and Street Works Team within Highway Services to support the function and processing of the additional permit applications will risk the integrity of the scheme and potentially impact on the level of success achieved. This could lead to intervention from the Department for Transport, however, this is only one element of the intervention criteria and therefore the risk of intervention for this risk in isolation is low.

13. Accountable Officers

Tom Smith, Assistant Director Community Safety and Streetscene
Colin Knight, Head of Highway Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

Report Author: *Colin Knight, Head of Highway Service*
 01709 822828 or colin.knight@rotherham.gov.uk

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