



Northumberland

County Council

COMMITTEE: Communities and Place Overview and Scrutiny Committee

DATE: 2 October 2019

The proposed implementation of the Northumberland Street Works Permit Scheme

Report of: Paul Johnston, Interim Executive Director of Place

Cabinet Member: Cllr Glen Sanderson, Environment and Local Services

Purpose of report

To provide information on the proposed Northumberland Street Works Permit Scheme and to allow the Committee to comment on the proposed scheme as part of the statutory consultation process.

The report includes a summary of the progress to date in preparing for the implementation of the proposed scheme as well as outlining the remaining project milestones. The statutory consultation on the proposed permit scheme commenced on 24 July 2019 and will run for three months before concluding on 23 October 2019. Comments are welcomed from the Committee on the proposed introduction of a permitting scheme for Northumberland.

Full details of the scheme are available on the council's website under the section 'Proposed Street Works permit scheme'

<https://www.northumberland.gov.uk/Highways/Roads/Roadworks.aspx> .

Recommendations

It is recommended that the Committee:-

- provides comments regarding the proposed introduction of a permitting scheme in order that they can be included in the statutory consultation
- notes the content of the report.

Link to Corporate Plan

This report is relevant to the following priorities included in the NCC Corporate Plan 2018-2021:-

How - “We want to be efficient, open and work for everyone”

Thriving - “We want to attract more and better jobs”

Enjoying - “We want you to love where you live”

Connecting - “We want you to have access to the things you need”

Key issues

1. The County Council currently operates a street works noticing scheme to manage all road and street works undertaken on Northumberland’s public highways. In July 2018 the then Secretary of State for Transport, Chris Grayling, sent a letter to all noticing authorities across the country, encouraging them to consider the implementation of a street works permit scheme, and highlighting his powers to direct a local authority to implement such a scheme.
2. The key difference between noticing and permits is that noticing simply requires a statutory undertaker (either internal highways teams or external utility companies) to ‘notify’ the authority of any works that they intend to undertake, the Council then seeks to coordinate these works; however, under a permit scheme, all statutory undertakers will be required to seek ‘permission’ to work on the highway from the Council.
3. A Delegated Decision report was agreed and signed on 22 July 2019 which gave approval to commence formal scheme consultation, progress processes in relation to staffing changes (including issuing a S188 Notice to unions, the preparation of new job descriptions for job evaluation and the recruitment process), and to continue with the development of the proposed scheme with a view to implementing the proposed permit scheme in February 2020 subject to Cabinet approval of the final scheme.
4. The statutory consultation on the proposed permit scheme commenced on 24 July 2019 and will run for three months, concluding on 23 October 2019. Full details are available on the council's website under the section 'Proposed Street Works permit scheme' <https://www.northumberland.gov.uk/Highways/Roads/Roadworks.aspx>
5. The implementation of the permit scheme will require changes to be made to the staffing structure in the Council’s Network Management Team including changes to some existing posts and an increase in staffing levels by a further 3.5 fte. It should be noted that due to a resignation from the existing team, there is now no risk to any existing staff as a result of this process and that consultation with the trade unions and staff affected has been carried out during September and staff recruitment processes will follow the completion of this consultation. The additional cost of the new staffing structure will be met in full from the fees generated by the scheme.
6. It is intended to take a report to Cabinet on 12 November 2019, following the end of the statutory consultation period, asking for approval to implement the finalised Northumberland Street Works Permit Scheme. The finalised documents will take into account any comments that this Committee makes along with amendments resulting from the consultation feedback.

7. Subject to this approval, it is planned that the proposed scheme will be implemented in February 2020.

Background

In July 2018, the then Secretary of State for Transport, Chris Grayling, sent a letter to all street works noticing authorities across the country encouraging them to consider the implementation of a street works permit scheme.

The council's street works team currently manage all road and street works through a noticing scheme. The key difference between noticing and permits is that noticing simply requires a statutory undertaker (either internal highways teams or external utility companies) to 'notify' the authority of any works that they intend to undertake, however, under a permit scheme, all statutory undertakers will be required to seek 'permission' to work on Northumberland's public highways from the Council.

North Tyneside Council is the only North East local authority currently operating a street works permit scheme. Northumberland County Council is working with the remaining 10 North East authorities on the development of a regional framework to support the development of individual permit schemes. This collaboration includes attendance at regular workshops, as well as sharing template documents to make the process simpler. Each authority will create an individual scheme, although, there will be elements of commonality across all of the North East schemes. All 10 local authorities are carrying out statutory consultations during late summer 2019.

Northumberland County Council's statutory consultation on the proposed permit scheme commenced on 24 July 2019 and will run for three months, concluding on 23 October 2019. Full details are available on the council's website under the section 'Proposed Street Works permit scheme'

<https://www.northumberland.gov.uk/Highways/Roads/Roadworks.aspx>

The overarching objective of a permit scheme can be summarised as the ability to manage and maintain the local highway network to maximise the safe and efficient use of road space and provide reliable journey times.

The specific objectives of the proposed Northumberland County Council permit scheme are:

- **Coordination** - reduce occupation of the highway for both street and highway works in order to minimise disruption to the travelling public;
- **Compliance** - improve compliance with the relevant codes of practice and conditions;
- **Information** - ensure accurate information is available to the public through improved quality of information received from all works promoters;
- **Fairness** - ensure all works promoters are treated fairly and with parity;
- **Collaboration** - encourage collaborative working between all works promoters.

Under the existing noticing scheme, there is no charge levied to any statutory undertaker for submitting a notice or for its administration. Under a permit scheme, utility companies are charged for the consideration of the permits they submit. Permit income received will be used to cover the cost of administering the permits submitted by the utility companies. The local authority is not charged for permits it submits for its own highway works, however, the costs for administering these permits must be met from within existing council resources. Given the staffing which already exists within the streetworks team under the noticing arrangements, the administration of permits received for local authority highway works is not expected to place any additional cost burden on the Council. There will also be a slight impact on the administrative work of the highways delivery teams in preparing the more rigorous permit application process and this is expected to be covered through existing roles.

The majority of notices currently received by NCC are processed by the Network Coordinator and his assistant. Under a permit scheme, a range of permit conditions will be applied, all of which need to be checked and every permit needs to be authorised. This will result in a need for increased staff resources due to the additional steps in the process.

The scheme should be cost neutral. Permit revenue can only be used to cover the cost of administering utility related permits (and in the first 3 years recovering the set-up costs of the scheme). Complying with this and ensuring that the scheme is cost neutral will require careful budget management. The scheme will be subject to review at the end of each of the first three years. The scheme will then be reviewed every three years thereafter with any surplus or shortfall remedied by a change in permit fees.

The DfT have provided guidance to local highway authorities in deciding upon their chosen permit scheme and, in particular, how that authority can decide the coverage of such a scheme. Northumberland County Council's proposed permit scheme will cover the whole of Northumberland and has been prepared on the basis of requiring permits for all adopted roads, including minor roads, with each permit application being scrutinised individually.

Northumberland's Street Works team already play an effective role in coordinating works on the highway through the current noticing system. In a proactive manner, all notices that are received from utility companies and for highways works are considered to assess their effects, which is not the case in all authorities. Actions are taken to challenge overall time periods or working hours of traffic management and to coordinate works where work needs to be undertaken by multiple organisations in the same area. The introduction of a permitting scheme is expected to add further rigour to the streetworks process, reduce works occupation of the highway to minimise disruption and ensure better information is available for the public regarding works that are being undertaken.

Implications

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| Policy | The Council already performs its streetworks management responsibilities to a high standard and seeks to coordinate works to minimise disruption to road users and protect the highway asset. This new procedure will increase the level of rigour compared to the current processes. |
| Finance and value for money | The overall scheme is required to be cost neutral with the income from utility companies offsetting the cost of managing and operating the permitting scheme in respect of their works in the highway. Current income generated from street works will not be impacted. |
| Legal | Activities within the new procedure are covered through the existing relevant Acts and legislation (NRSWA 1991 and TMA 2004). |
| Procurement | Any purchase of additional equipment or resources will follow normal procurement processes. |
| Human Resources | An additional 3.5 FTEs will be required to operate the scheme with all additional direct and indirect costs associated with these staff being covered through permit income. A S188 Notice was issued to trade unions on 8 August for completeness as one vacant post was required to be deleted from the organisational structure and the initial consultation meeting resulted in the statutory timeframes being reduced. |
| Property | Increased protection of the highway network assets. |
| Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | N/A |
| Risk Assessment | Risks have been assessed and considered within the Business Case. |
| Crime & Disorder | N/A |
| Customer Consideration | Three month statutory stakeholder consultation process commenced on 24 July 2019. Information has been updated on the website to ensure clear communication of the new procedure and associated fees/charges and all scheme documentation prior to implementation. |
| Carbon reduction | Reduced traffic congestion from proactively challenged works durations should help minimise carbon emissions. |

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| Health and Wellbeing | Well coordinated street works with appropriate signage will assist works to be carried out safely for the travelling public and contractors. |
| Wards | All wards across the county |

Background papers:

None

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

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|---|----------------------|
| | Full name of officer |
| Monitoring Officer/Legal | Liam Henry |
| Service Director Finance & Interim S151 Officer | Alison Elsdon |
| Interim Executive Director of Place | Paul Johnston |
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Author and Contact Details

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