

Briefing Note to Communities and Place Overview and Scrutiny Committee

Directorate:	Local Services
Subject:	Utility Companies on the Highway
Date:	8 March 2023

Purpose of Briefing Note

The Northumberland County Council Street Works Permit Scheme was implemented in February 2020. This briefing note aims to provide an update on how utilities and highways road and street works are managed and coordinated by the Council in order to minimise disruption to the travelling public, increase compliance and ensure that all works promoters are treated fairly and with parity.

Full details of the permit scheme are available on the council's website at [Northumberland County Council - Roadworks, closures & diversions](#) under the section 'Streetworks Permit Scheme'

Background

The County Council replaced its street works noticing scheme with a street works permit scheme in February 2020. The permit scheme manages all road and street works undertaken by statutory undertakers on Northumberland's public highways. The permit scheme requires all statutory undertakers to seek 'permission' from the Council to undertake work on or in the highway. Where emergency works are to be undertaken, the utility company must submit a permit to the Council within 2 hours of commencing the work or within 2 hours of the next working day if the works commenced on a weekend. This may sometimes result in a permit being granted retrospectively.

When assessing a permit, the Streetworks team not only check the availability of the road space requested but also give consideration to any work in the surrounding area to avoid works conflicts, as well as actively promoting any opportunities for collaborative working to reduce the days of occupation on the network. Conditions are placed on the permit to ensure the work is carried out in the most efficient manner possible; an example of this would be limiting working hours outside a school to avoid drop off and pick up times when traffic flows are at a peak, when congestion is most likely to occur. Any works promoter that fails to apply for a permit when required or adhere to the permit conditions as agreed may be subject to a Fixed Penalty Notice (FPN).

It is important to note that not all works on the highway are agreed through the permit scheme. Therefore, an organisation undertaking the work must have statutory powers, such as utility companies or local authority highways. Other works by private contractors will be done under different processes such as Highways Act 1980 Section 50 licences (applies to anyone that does not have statutory rights to work on/in the highway), or Highways Act 1980 Section 278 works (which enable developers to enter into a legal agreement with the Council, to make alterations and improvements to a public highway, as part of a planning application).

The specific objectives of the Northumberland County Council Street Works 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 permit scheme utility companies are charged a fee for the consideration of the permits they submit. Permit income received is used to cover the costs associated with 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 the Streetworks team administering these permits are met from within the existing Technical Services budgets.

The permit scheme should be cost neutral to the Council. 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 requires careful budget management and the publishing of annual reviews at the end of each of the first three years. The scheme should then be reviewed every three years thereafter with any surplus or deficit remedied by a change in permit fees levied.

The annual reports evaluate the progress of the permit scheme in relation to the scheme objectives with a specific focus on the parity of treatment of all works for highways purposes and utility company street works. The first annual evaluation of the Northumberland County Council Street Works Permit Scheme covered the period of 3 February 2020 to 31 March 2021 and the second year from 1 April 2021 to 31 March 2022.

The Covid-19 pandemic resulted in a very challenging first year of the permit scheme and continued to bring further challenges during the second year, however we have now resumed a level of business as usual. Success and improvements in the way that works and activities on the highway network have been undertaken and managed within the scheme have continued to be experienced and evidenced. The Streetworks

team continue to maintain open, positive relationships with utilities companies and internal highways colleagues alike and provide additional support when required.

The key outcomes identified in this first and second years of the permit scheme can be summarised as follows:

Category	Year 1	Year 2
No of Permit applications received	20,887	22,510
No of Permits - Granted	14,767 (70.7%)	16,624 (73.9%)
No of Permits - Refused	3,659 (17.5%)	2,313 (10.3%)
No of Permits - granted then cancelled, refused then cancelled, deemed or superseded	11.8%	5.8%
% of deemed permits	0.48%	0.23%
No of days disruption saved	604	187
No of days saved through collaborative working	259	685
Income (surplus/deficit)	-£61,374	£68,603

The permit scheme reported a surplus of £68,603 in the second year, however this results in an overall surplus of only £7,229 over the first 2 years due to the first-year deficit.

The permit scheme continues to be well run and the performance monitoring measures established provide a framework for continuous monitoring and reporting in order to improve performance.

Recommendations

The Committee is recommended to note the contents of the report.

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Background Papers

Year 1 and Year 2 Annual Reports – available on the Councils website at [Northumberland County Council - Roadworks, closures & diversions](#) under the section 'Streetworks Permit Scheme'