

**Name of meeting:** Cabinet  
**Date:** 8<sup>th</sup> October 2019  
**Title of report:** Kirklees Permits Scheme for managing Street Works

**Purpose of report:** This report sets out changes in the Department for Transport's approach to Street Works and seeks cabinet approval to modify the existing permit scheme in order to adopt an all streets permit scheme

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes</b>  <b>If yes give the reason why</b> Results in spending of £250k or more and impacts on all electoral wards in Kirklees.
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b>	<b>Key Decision – Yes</b> <b>Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>  <b>If no give the reason why not</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>Karl Battersby - 25.09.2019</b>  <b>Eamonn Croston - 25.09.2019</b>  <b>Julie Muscroft - 30.09.2019</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Councillor Rob Walker, Cabinet Member for Culture and Environment</b>

**Electoral wards affected: All**

**Ward councillors consulted: N/A**

**Public or private: public**

**Has GDPR been considered? Yes GDPR has been considered. The information in this report does not identify any individuals.**

## 1. Summary

The Council's current permit scheme applies to the busiest 20% of the Kirklees road network, enabling the council to more effectively minimise delay and disruption to road users caused by utility and council road works, since its introduction in 2012. The council is now required by the Department for Transport to extend the permit scheme to apply to all adopted roads in Kirklees whilst also implementing the new street manager software system 'street manager' by March 2020. This report sets out how this process will be undertaken, the implications for the council and road users and seeks approval to implement the proposed revised permit scheme.

## 2. Information required to take a decision

Part 3 of the Traffic Management Act 2004 and associated regulations give councils the power to operate a Permit Scheme. On 12<sup>th</sup> June 2012 Kirklees Council, along with other local authorities in West Yorkshire and South Yorkshire, implemented the Yorkshire Common Permit Scheme. The Permit Scheme was updated by a Local Order on the 1<sup>st</sup> October 2015 to meet new legislation requirements.

The Permit Scheme enables Kirklees Council to manage and co-ordinate road works more effectively in order to minimise delay and disruption to users of the road network. Fundamental changes resulting from the introduction of the Permit Scheme was the need for all works promoters to apply for a Permit, and the requirement for statutory undertakers to pay a permit fee. Fees are not payable for permits for the council's own road works. The Permit Scheme enables the council to attach conditions to permits, giving it greater control over the timing of works and the way in which they are carried out.

Works promoters, including utility companies and the council for its own roadworks, are currently required to obtain permits only for works on the busiest roads, i.e. category 0-2 roads which comprise about 20% of the Kirklees adopted road network. Works on less busy roads, (categories 3-4), continue under the NRSWA (New Roads and Streetworks Act 1991) 'notice' system where no fee is chargeable and the council's powers to influence promoter works are more limited.

There is a requirement in permit regulations to demonstrate parity of treatment between highway authority and utility works and their respective permit applications.

Since implementation in 2012, the Permit Scheme has continued to help the council minimise delay and disruption from works, including: a reduction in the average duration of works on permit streets, days of disruption saved through permit application assessments, maintaining a high percentage of works that actually start on proposed start dates, and a reduction in works-related complaints.

Over the 5 year period between 1 April 2014 and 31 March 2019 there were on average 12,000 street works per year undertaken on the council's road network. These essential works inevitably interrupt to some extent the free flow of traffic and pavement users. It is therefore essential that any planned disruption must be co-ordinated as effectively as possible. An effective transport system is an essential driver of economic growth, connecting businesses with their employees, suppliers and customers underpinning the councils shared outcomes. Roads can become congested and journey times unreliable

due to a range of factors. This delay and disruption can also be attributed to road works undertaken by Utility companies as they carry out essential works to maintain, renew and install their infrastructure which benefits us all. The cost of Utility works disruption to the UK economy was estimated to be £4.3b per year in a Halcrow 2007 report for the DfT (2002 values).

The Department for Transport plans to modernise how street works and roadworks projects are managed including a new national street works management system known as 'Street Manager' which the council is required to implement. The current date for implementing 'Street Manager' is by 1<sup>st</sup> April 2020.

Following a review of the original Permit Scheme, and taking into account the requirement by the Department for Transport for highway authorities to have a permit scheme which applies to all adopted streets, consideration is being given to how greater co-ordination of all road works on **all** streets can be applied. This will further improve the availability of the wider highway network, and also provide opportunities for the more efficient organisation of the road works themselves, providing opportunities for cost savings by works Promoters with reductions in the levels of delay and disruption to road users.

The Department for Transport has set out the process that permit authorities are required to follow. This includes a detailed Cost Benefit Analysis (CBA) of the potential impact of a modified scheme for permits on all street. The CBA supports the council's proposal to extend the current permit scheme to cover all street and shows that for every £1 that it costs the council to manage the scheme there is a saving to the local economy of more than £14 (a very strongly positive benefit) .

It is anticipated that the revised permit scheme will come in to effect before 1 April 2020 to comply with the Department for Transport requirements and the introduction of Street Manager.

### **3. Implications for the Council**

- **Working with People**

Equality impact assessments are to be undertaken for the implementation of the revised scheme arrangements. A move to permits on all streets could potentially assist the community more widely with the anticipated enhanced level of scrutiny, inspections and monitoring.

- **Working with Partners**

The council is currently working with other West Yorkshire and South Yorkshire local authorities to implement all street permit schemes. This is a more efficient way of working, provides for permit schemes which are broadly consistent and enables collective consultation with stakeholders. This also means that utility companies can gain efficiencies in their operations as the permit schemes will be broadly similar.

- **Place Based Working**

The Council and third parties are in a phase of significant investment in communities and improvements to the road network. Whilst this investment is important for generating future growth, jobs and housing this has to be balanced against the risk of delay and disruption to road users and the community. Better management of road and street works will be of benefit to residents and businesses in all wards because of the greater

level of scrutiny and increased ability for the council to coordinate works on the roads more effectively, reducing the impact of works whilst also enabling essential repairs, maintenance and installation of new services (e.g. gas, electricity, fibre broadband, water and sewage).

- **Other (eg Legal/Financial or Human Resources)**

When developing any new or varying its current permit scheme, the Council must comply with all relevant legislation and have regard to statutory guidance in force at the time of the proposed change. Currently this comprises the Traffic Management Act 2004 (as amended) (“the 2004 Act”), the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) (“the 2007 Regulations”), the Department for Transport’s Statutory Guidance for Highway Authority Permit Schemes (October 2015).

Prior to 2015 all permit schemes were required to be submitted to and approved by the Secretary of State. The Deregulation Act 2015 amended the 2004 Act to enable highway authorities to make their own schemes and to vary or revoke their existing ones, meaning that the Council has the statutory power to bring forward a local order for an all street permit scheme.

However, the council must ensure that all aspects of any new or revised permit scheme comply with the 2007 Regulations before making a new order. The council has to consult those identified in Regulation 3(1) of the 2007 Regulations explaining the reasons for the new order. At least four weeks’ prior notice of the order implementing the scheme must be provided to the relevant stakeholders set out in the 2007 Regulations before the new or revised scheme comes into effect.

The development of any scheme will be in accordance with the Department of Transport’s guidance. Modification to the current permit scheme will require the Service Director, Legal, Governance & Commissioning to draft and seal a local order which will be notified to stakeholders.

The Statutory Guidance and regulations sets out the recommended fee structure for each category of permit and that the maximum fees must not be exceeded in any circumstances. The administration of permit schemes must be cost-neutral and entirely self-funded through fees.

Increasing the scope of the existing permit scheme so that it meets the DfT’s requirements and the benefits are realised across all streets, will require additional resources to administer and co-ordinate the relevant works. These additional resources are funded from the increased revenue from permit fees being introduced to works on the additional streets, covered by the permit all streets scheme with the intention of maintaining a balanced cost and revenue position.

#### **4. Consultees and their opinions**

The Department for Transport has set out the process that permit authorities are required to follow and the stakeholders that should be consulted. This includes a formal consultation process with key stakeholders of the Permit Scheme such as utility companies and the Department for Transport (DfT). During Autumn 2019, the council will be seeking comments on the revised permit scheme proposal, the draft permit scheme document and the necessary changes to processes. The results of the consultation will be published. Having taken in to account the comments and opinions of the consultees

to the revised permit scheme proposal, and where appropriate made considered changes. The revised permit scheme will be implemented by 1<sup>st</sup> April 2020.

## **5. Next steps and timelines**

The remaining stages and currently anticipated timescale to implement the revised all street permit scheme and Street Manager include:

Testing and preparation for implementation of Street Manager are already ongoing  
Revision of permit scheme document to comply with permit all streets and Street Manager

Consultation with key stakeholders. October/November

Finalisation of documents and collation of responses. November/December

Local order drafted, sealed and published. Stakeholders including councillors informed of the change. January/February

Recruitment and mobilisation (Council and utility companies)

Go Live March 2020

## **6. Officer recommendations and reasons**

That members:

- Approve the implementation and operation of the permit all streets scheme to realise the anticipated additional benefits, over and above the existing scheme.
- Approve delegated powers to the Strategic Director Economy and Infrastructure in consultation with the lead member to implement the fee structure in compliance with the statutory guidance for highway authority permit schemes (October 2015).
- Authorise the Director of Legal, Governance, and Commissioning to prepare the Local Order and to execute and affix the Corporate Common seal of the Council

## **7. Cabinet Portfolio Holder's recommendations**

I welcome this timely opportunity to extend the benefits of the current permit scheme to cover all of Kirklees particularly at a time of significant levels of investment in the districts infrastructure.

## **8. Contact officer**

Kathryn Broadbent, Operational manager, Operational services, Directorate of Environment. Tel 01484 221000 [kathryn.broadbent@kirklees.gov.uk](mailto:kathryn.broadbent@kirklees.gov.uk)

## **9. Background Papers and History of Decisions**

Kirklees permit schemes for managing street works Cabinet 21 June 2011

Local Order on the 1<sup>st</sup> October 2015 to The Permit Scheme was updated to meet new legislation requirements.

**10. Service Director responsible**

Karl Battersby, Strategy Director Economy and Infrastructure. Tel (01484) 221000  
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