

07 January 2021**Agenda Item:5****REPORT OF THE CORPORATE DIRECTOR, PLACE****STREETWORKS PERMIT SCHEME: UPDATE REPORT****Purpose of the Report**

1. Further to the January 2020 report that approved the commencement of a Streetworks Permit Scheme in Nottinghamshire following a regulatory consultation process, this report provides an update on progress and impacts of the scheme.

Information

2. The January 2020 report considered the responses predominantly from the statutory utilities on the proposal to introduce a permit scheme for streetworks in Nottinghamshire. The report detailed the changes and benefits that would be expected from adopting the powers available under Traffic Management Act (2004). Briefly these are;
 - i. All organisations wishing to carry out works on the highway must under a permit scheme apply for permission to work and pay a fee if required. Under the current system, such organisations only have to notify the Council of proposed works with no fee.
 - ii. The income from the fees paid is allocated to the additional costs that arise from assuming the powers. These primarily are for the costs of additional staff to receive and approve all requests and for the increased capacity to check works on site.
 - iii. The permit application process ensures that the Council is able to check all proposed works (with the exception of emergency works) as well as all variations of agreed work.
 - iv. Standard national conditions will be applied to ensure that works are managed as efficiently as possible. Additional inspectors will be employed from the fee income to check the compliance of works and Fixed Penalty Notices can be issued to any organisations that are considered to have failed to adhere to the stated conditions.
 - v. All works including those of our own Highways promoters within VIA will be treated with parity. Although charges are not applied by legislation for our own works, the permit scheme requires all organisations to apply for a permit before commencing work to ensure that coordination and communication is as efficient as possible.

3. It is important to note that the introduction of a permit scheme to manage streetworks does not prevent utilities placing their apparatus in the highway and carrying out necessary maintenance. It does though provide income that funds a significantly enhanced resource that will improve our ability to control and check the work. This ensures that the network is managed more efficiently for the benefit of all road users. A 2017 Department for Transport commissioned report determined that permit schemes typically reduce the duration of works and consequently any disruption and congestion associated with those works.
4. The scheme approved for Nottinghamshire introduced a fee for works on all roads within the Councils administrative area but on a sliding scale depending on the nature of the works and the type of road directly affected. These charges reflect the amount of additional management and control required to minimise disruption from works. Discounted permit charges are also applied where utilities work collaboratively or phase works to lessen inconvenience to road users.
5. Operationally, the team responsible for delivering the permit scheme based within Via East Midlands as an extension to the existing streetworks coordination team.

Scheme Commencement

6. Between the January report and the Permit Scheme legal commencement date on the 1st April 2020, VIA worked to employ and train the additional staff required and undertook a fundamental change to the ICT management system for the processing of the permit applications. The new structure has additional staff in a range of roles designed to cover all works applications efficiently and ensure that staff are also available to make visits to problematic streetworks sites at short notice.
7. The set-up was understandably hampered by the escalating COVID 19 national response and this led to a number of operational difficulties on the lead up to the commencement date. The expansion of the staff structure was managed in a phased way to ensure that the core of the team could stay working whilst new staff were being trained remotely. Utilities were also facing operational challenges and much of the expected testing leading up to the start date was not possible.
8. A further substantial challenge came from the commencement of the DfT's Streetmanager project on the 1st July 2020. This national initiative created an online application process for all streetworks that is part of the Gov website. This portal receives the applications and then distributes them into each Local Authority's processing software. There have inevitably been issues but these are being resolved.
9. The Utilities had a reduced presence on the highway network due to Covid19 from late March which assisted with slowing the permit application work flow but has had a financial impact as detailed below. At the time of writing, utility and VIA street activity has returned to almost pre-lockdown levels. The comparison of permit applications in 2020/21 against streetworks notices in 2019/20 is shown in **Appendix A** together with expected income against actual income. Not all posts have been filled to date so the operational costs are also lower than modelled.

10. The early results are looking very promising. One clear benefit is that Utilities are now being routinely challenged to justify the duration of works they request. Significant works often require the co-ordination of different contractors but by examining each application in detail with the additional staff, the Council has already been able to considerably reduce the duration of works.
11. The new staffing structure includes for 6 Compliance Officers who will be inspecting works to ensure that the conditions applied to the permit are being met on site. These officers are working over 7 days a week so there will always be the ability to visit works outside of normal office hours. Compliance Officers can issue Penalty Notices for any works that do not comply with the applied conditions. At the time of writing, there are still 2 posts to fill for Compliance Officers.
12. The permit scheme will be evaluated annually for the first 3 years of operation (and thereafter every 3 years) and a report will be presented to Members accordingly and made available to stakeholders. This report will detail the performance of the Council operating the Permit Scheme against a number of Key Performance Indicators.

Statutory and Policy Implications

13. The Nottinghamshire Local Transport Plan (LTP) for the period 2011-2026 details the transport strategy for the whole of the county. Section 4.1.2 of this LTP: Managing disruption on the network sets out that the Council will 'examine the provisions relating to permit schemes, including whether to introduce such a scheme'.
14. The LTP Implementation Plan 2018/19 – 2020/21 identifies the following transport priorities as objectives of the LTP, all of which are fully supported by the introduction of a permit scheme:
 - i. Reducing traffic congestion on our roads
 - ii. Maintaining a good quality road network
 - iii. Improving the safety of our roads
15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

16. The introduction of a permit scheme has required an increase in resources to administer the permit regime as detailed in the January 2020 report. In addition, additional ICT hardware and software has also been required. All of these additional direct costs together with a proportion of overheads including pensions, accommodation, central services, monitoring of the scheme, KPIs and invoicing should be met by the income from the permit fees. Net proceeds received from Fixed Penalty Notices are ringfenced by the Permit Regulations to be applied to promoting and encouraging safe, integrated, efficient and economic transport facilities and services within the area covered by the permit scheme.

17. In addition to income from the permit fees, a permit scheme also creates a new potential source of income from two new sanctions: (1) working without a permit with a £500 fixed penalty notice; and (2) working in breach of a permit condition with a £300 fixed penalty notice. Any income from these penalties does not have to be applied to any specific cost. A small number of FPNs have been issued in this financial year but as resources increase these can also expect to increase.

Human Resources Implications

18. The introduction of a permit scheme has required an increase in the staff resources to administer the permit regime, primarily for the coordination and inspection of works. The costs of this will be met from the permit fees. In the main these additional staff will be placed within VIA. The impact within the client side at the County Council is currently under consideration and will be subject to a subsequent report to Committee.

Implications for Service Users

19. The introduction of a permit scheme is anticipated to reduce the disruption and impact of roadworks for all Service Users.

Implications for Sustainability and the Environment

20. Reduced traffic congestion will subsequently reduce emissions from queuing vehicles.

RECOMMENDATION

1) That Members consider the update on the introduction of the permit scheme as set out in the report.

Adrian Smith
Corporate Director Place

For any enquiries about this report please contact: Gareth Johnson, Enforcement Manager, Tel: 0115 8040388

Constitutional Comments (SG 26/11/2020)

21. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to Streetworks Permit Scheme has been delegated. SG

Financial Comments (SES 25/11/2020)

22. The financial implications are set out in paragraphs 17 and 18 of the report. The introduction of a permit scheme has required an increase in resources to administer the permit regime as detailed in the January 2020 report. The additional direct costs together with a proportion of overheads should be met by the income from the permit fees. Net proceeds received from Fixed Penalty Notices are ringfenced by the Permit Regulations to be applied to promoting and encouraging safe, integrated, efficient and economic transport facilities and services within the area covered by the permit scheme.

23. In addition to income from the permit fees, a permit scheme also creates a new potential source of income from two new sanctions: (1) working without a permit with a £500 fixed

penalty notice; and (2) working in breach of a permit condition with a £300 fixed penalty notice. Any income from these penalties does not have to be applied to any specific cost. A small number of FPNs have been issued in this financial year but as resources increase these can also expect to increase.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

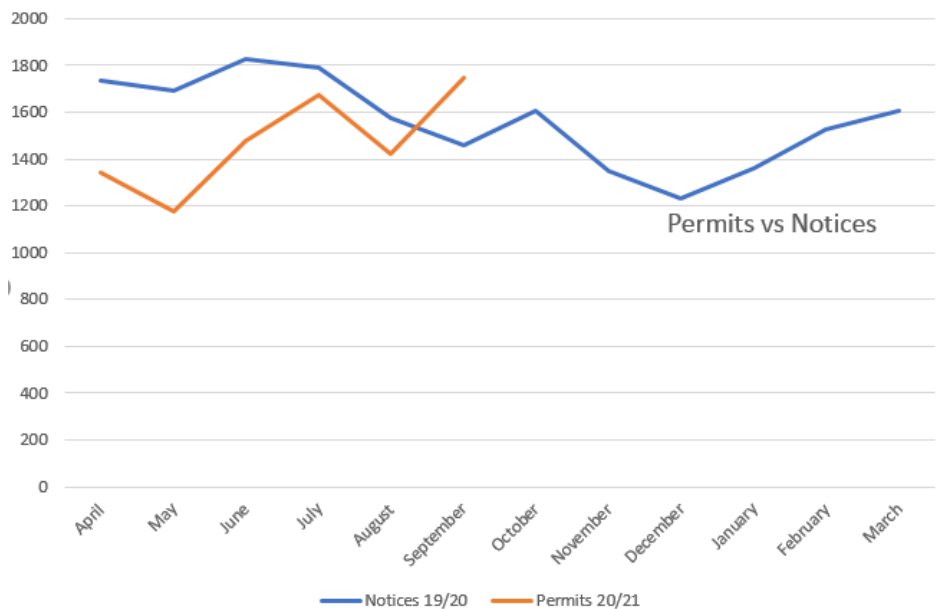
Electoral Division(s) and Member(s) Affected

- All

APPENDIX A

Nottinghamshire County Council Permit Scheme-April-September 2020

a) Chart 1-Notices (2019-20) compared to Permit applications (20/21)



b) Chart 2-VIA costs and income (note NCC client costs not included)

