

Central Bedfordshire Council

EXECUTIVE

1 December 2015

Central Bedfordshire Permit Scheme (CBPS)

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This report relates to a Key Decision

Purpose of this report

1. To seek approval for Central Bedfordshire Council to move from the current notice scheme for works on the highway to a permit based scheme.

RECOMMENDATIONS

The Executive is asked to:

- 1. approve the introduction of a Central Bedfordshire Permit Scheme (CBPS); and
- 2. authorise the making of the Traffic Management (Central Bedfordshire Council) Permit Scheme Order 2015.

Overview and Scrutiny Comments/Recommendations

2. The scheme operates to a national standard set of conditions which cannot be altered and therefore the item did not go to the Overview and Scrutiny Committee.

Issues

Environmental Concerns

3. Congestion caused by road works is one of the main areas of frustration expressed by both residents and business in Central Bedfordshire. Under Part 3 of the Traffic Management Act 2004 (TMA) Central Bedfordshire Council (CBC) has the opportunity to introduce a road works Permit Scheme as a new way in which activities in the public highway can be better managed and, in principle, to improve the Authority's ability to minimise disruption to highway users from street and road works.

Current System

4. Currently, statutory undertakers (primarily utility companies) have rights to dig up and place their apparatus in the street subject to compliance with the notification requirements in the New Roads and Street Works Act 1991 (NRSWA). The Council is largely reactive in the management of street works under this regime. The cost of the disruption caused by these essential utility works to the UK economy is well documented. The cost of congestion to car-commuting households in the UK was £4.1bn in 2011 and estimates put the total cost of road congestion to UK businesses at around £7-8bn per year.

Proposed Changes

5. A Permit Scheme will require all works promoters, including the Council itself, to apply for a Permit before working on the highway and for utility companies to pay a fee. This new revenue will enable the Council to more effectively manage these works and impose working conditions to better control what happens and when and how it is undertaken. Under the Regulations, the Council is only permitted to use the fees charged to cover the additional costs of running the permit scheme. Predominantly this is based upon the additional staff and management required and the recovery of their reasonable overhead costs.

Benefits of the Permit System

Less Disruption

6. The proposal will enable the Highway Authority to proactively manage and co-ordinate road works more effectively to minimise disruption to users and to the road network.

Provides framework for KPIs

7. The Permit Scheme will assist in achieving selected performance indicators within the Local Transport Plan for improvements in local bus services, HGV journey times and road conditions as well as providing a reduction in congestion.

Gives the Authority Legal powers to enforce

8. The Permit Scheme places a legal obligation upon all statutory undertakers and works promoters. Working without a valid permit and failing to comply with any conditions attached to that permit are criminal offences and carry the option of issuing a fixed penalty notice.

Options for consideration

9. Option 1: Do Nothing

This option provides the greatest benefit for statutory undertakers, minimising their costs due to the large window within which works promoters can plan to carry out their works. It allows for over orders of highways possession which often result in cancelation of the notices not required.

This option was rejected as it provides the Authority with limited coordination powers for works on the highway and also limits the information available to other road users.

10. Option 2: Permits and Notices

This option would offer some reduction in the number of street works on the strategic road network, which will in turn reduce disruption and burden to business and other road users.

The option was rejected as only costs associated with dealing with Permits issued to statutory undertakers are recovered through fees. Works undertaken under the notice regime would remain non-chargeable. This option would require two systems to be in operation whilst giving the Authority limited statutory powers to improve coordination / communications etc.

11. Option 3 : Permits (Chargeable and Deemed)

This option will allow for some reduction in disruption and burden to business and other road users, primarily on traffic sensitive streets.

The option was rejected as there is a large rural network within the Authority and some costs will still borne by the Council in relation to dealing with works on non sensitive roads. Furthermore this option will only generate partial cost recovery.

12. Option 4 : Full Permit Scheme

Under this option the Authority is able to issue chargeable permits on all roads, using a sliding scale of charges depending upon location and nature of the work. It will require only one system of operation. Full Permit Powers give the Streetworks team the tools to enforce coordination, time / duration of works etc. It offers maximum control to co-ordinate works and ensures robust communications to other road users.

For the above reasons Option 4 is the preferred option.

Council Priorities

Enhancing the Local Community

13. Targeted to reduce the number of works on the road network a full permit scheme will reduce disruption and burden to business and other road users. There will also be improved signage and traffic management of roadworks.

Promote Health and Well Being

14. The scheme will generate a reduction in emissions from stationary traffic at roadworks. Diesel vehicles particularly are a key source of so-called NOx emissions, and NO2 is linked to a range of respiratory illnesses. Reduced congestion will also provide a less stressful journey for commuters.

Value for Money

15. The Scheme is cost neutral to the authority. All new roles created to operate the permit scheme, and other set up costs, will be funded by Permit fees. There will be more managed interventions to the fabric of the highway network and improved reinstatements.

Corporate Implications

Legal Implications

16. The implementation of the Central Bedfordshire Permit Scheme is a statutory process under Part 3 of the Traffic Management Act 2004. There is no direct impact on Legal Services.

Financial Implications

17. The capacity of the Streetworks Team will need to be increased to allow them to carry out compliance monitoring. Additional set up costs will also include revisions to IT systems and hardware required for the additional staff.
18. Income from fees cannot exceed the total allowable costs prescribed in the Permit Scheme regulations set by central government. In the event that fees and costs do not match, adjustments should be made to fee level for subsequent years so that taking one year with another, fee income does not exceed allowable costs. The maximum fees for Permit Schemes are set by regulation.

Capital/Revenue

19. Revenue funding is available in the 2015-16 financial year for setup costs relating to the proposed scheme, all of which is recoverable through the future Permit Scheme fee charges. The introduction of the scheme requires up to 6 additional staff, all will be covered by the permit fees.

The set-up costs will be funded from revenue sources with repayment expected to be made over three financial years.

20. Costs are in line with the costs incurred by other similar Authorities in the area when developing their schemes and are recovered from future fees. Costs are based upon approved Department for Transport methodologies and historical data of works volumes and have been approved by finance colleagues.

Equalities Implications

21. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
22. Undertakers (mostly utilities) carrying out works in the highway are required by law to have regard to the needs of road users, particularly those with disabilities, when signing, lighting and guarding their works, the Safety at street works and road works code of practice sets out these specific obligations in detail.
23. The introduction of a permit scheme will enable Central Bedfordshire Council to check that a works promoter is aware of and is planning to meet these requirements.

Conclusion and next Steps

24. The introduction of a permit scheme offers a positive contribution towards achieving the Authority's vision and priorities, whilst addressing Government criteria around health and congestion.
25. Should the recommendations in this report be accepted, the next step will be to commence recruitment of qualified staff to implement the scheme on the ground.

Appendices

Appendix A - [Central Bedfordshire Permit Scheme \(CBPS\) Cost Benefit Analysis -Consultation Summary](#)

Appendix B - [Central Bedfordshire Permit Scheme \(CBPS\) Cost Benefit Analysis - full document](#)

Appendix C - [Central Bedfordshire Permit Scheme Document \(CBPS\)](#)

Appendix D - [Central Bedfordshire Permit Scheme \(CBPS\) Consultation Report](#)

Background Papers

None