



Derby City Council

**URGENT LEADER OF THE COUNCIL  
CABINET MEMBER MEETING  
6 June 2013**

**ITEM 4**

Report of the Strategic Director Neighbourhoods.

**Permit Scheme for Working in the Highway**

**SUMMARY**

- 1.1 Following formal acceptance of a Permit scheme application the Department of Transport now require written confirmation that the Council remains committed to delivering the scheme.
- 1.2 In order for a Permit scheme to be fully approved and operational on October 1<sup>st</sup>, the Department of Transport require written confirmation as soon as possible. This is to allow them to prepare the necessary Parliamentary Order before the summer recess, meaning that an urgent decision needs to be taken.

**RECOMMENDATION**

- 2.1 To approve notification to the Department for Transport that we will implement the Permit scheme, allowing the Parliamentary Order to be prepared with a scheme commencement date of October 1 2013.

**REASONS FOR RECOMMENDATION**

- 3.1 An urgent decision is required. Any delay in responding to the Department for Transport will delay the implementation of a Permit scheme. The delay at this stage will probably mean that a new commencement date will be set for January 2014. This will have financial implications and implications for the travelling public in terms of our available powers to regulate works.

## **SUPPORTING INFORMATION**

- 4.1 Highway Authorities have the option of making applications to the Secretary of State to implement Permit Schemes for working in the highway under powers contained in the Traffic Management Act 2008.
- 4.2 Approval was given by Council Cabinet in September 2010 to prepare an application and subsequently Derby City Council informed the Department for Transport that feasibility work and preparation work had been started. Since 2010 the process for preparing and submitting an application has been changed several times by the Department for Transport and all applications have been subject to change and delay.
- 4.3 The key benefits of introducing a permit scheme is that although utility companies and others still have statutory rights to work in the highway, they will need to seek permission before carrying out works and provide detailed advance information. At present they only need to provide the appropriate notification of an intention to carry out works. Permit schemes should lead to better work planning and more opportunities for collaboration between all parties involved in working in the highway.
- 4.4 On May 20<sup>th</sup> 2013 we received initial approval of our scheme application from the Secretary of State and we are now expected to formally confirm that we intend to introduce the scheme. We would usually have 4 weeks to make a formal response, but we have been asked to respond as soon as possible, so that the Parliamentary Order can be processed before the summer recess.
- 4.5 Using the Department for Transport financial model, our scheme is predicted to achieve approximately £100k income, which covers the cost of operating the scheme and some costs associated with existing staff. Delay in formally notifying the Department for Transport of our acceptance will delay the commencement date and have financial implications in the current year. The timescale for making the Parliamentary Order and subsequent process that the Council is required to undertake before commencement of the scheme are all now dependant on making an urgent response to the Department for Transport.
- 4.6 The scheme has been developed in accordance with the Department for Transport code of practice and guidance provided by the Secretary of State. It has been approved as a scheme complying with the legal, financial and cost/benefit tests applied by the Department for Transport as part of the application process. Neighbourhood boards were consulted initially regarding the key elements of a proposed scheme, including the roads to be included within the scope of the scheme. Formal consultation, as set out by the Department for Transport guidance, has been carried out and a consultation report submitted as part of the formal application. The response to the consultation has also received approval as part of the application.

## **OTHER OPTIONS CONSIDERED**

5.1 The main alternative option would be to not pursue the scheme. This is not recommended as the benefits of the scheme have been defined and approved.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Chief Legal Officer Head of Finance – Neighbourhoods N/A N/A Tim Clegg, Director of Streetpride Cllr Banwait, Cabinet Member for Neighbourhoods
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Nigel Brien 01332 641833 nigel.brien@derby.gov.uk Full Application Details and background information is available on file for information Appendix 1 – Implications
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## IMPLICATIONS

### **Financial and Value for Money**

- 1.1 A Cost Benefit Analysis was prepared by consultants appointed by the Council in support of the application process. The financial model has passed the tests applied by the Department for Transport. A more detailed operational financial breakdown will be undertaken in advance of the Permit scheme becoming operational.

### **Legal**

- 2.1 There will be some changes to the legal requirements of the Council in relation to the regulation of highway works and how the Council carries out its own works in the highway, as the scheme applies to all works, although the fees and penalty charges do not apply to highway authority works.

### **Personnel**

- 3.1 There will be some changes to the roles and responsibilities of existing staff. This is being partly addressed within a current restructure of the Traffic & Transport service.

### **Equalities Impact**

- 4.1 Improvement in the control of works has the potential to benefit vulnerable road users.

### **Health and Safety**

- 5.1 Improvement in the control and planning of works is expected to have Health and Safety benefits.

### **Environmental Sustainability**

- 6.1 Environmental benefits have been predicted as required by the application process.

### **Property and Asset Management**

- 7.1 None

### **Risk Management**

- 8.1

### **Corporate objectives and priorities for change**

- 9.1 The proposals works towards The Derby Plan vision and associated outcomes of:

All people in Derby will enjoy a thriving and sustainable economy.