

BOROUGH OF TELFORD & WREKIN: TRAFFIC MANAGEMENT PERMIT SCHEME

REPORT OF ASSISTANT DIRECTOR, NEIGHBOURHOOD & CUSTOMER SERVICES

LEAD CABINET MEMBER – CLLR ANGELA MCCLEMENTS

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 The Traffic Management Act 2004 (“the Act”) and the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) (“the Regulations”) enable Highway Authorities to better manage activities on the highway and minimise disruption and convenience on the network for all road users through the introduction of a permit scheme. Traffic Management Permit Schemes provide an alternative to the councils current notification system and requires any Promoter (as prescribed in the Regulations) who wishes to perform or carry out an activity on our network to obtain a permit from the relevant Permit Authority (Telford & Wrekin Council). This allows the Promoter to carry out the specified activity, at the specified location, between the dates shown and agrees the conditions which may be attached.
- 1.2 A number of our neighbouring Highway authorities have adopted the West and Shires Permit Scheme (“the WaSP scheme”). This is a multi-authority scheme which has been developed in line with the requirements of the Act and Regulations. Telford & Wrekin Council’s Permit Scheme will match the WaSP scheme with the addition of an addendum which will set out how the WaSP scheme will apply to the Borough.
- 1.3 The Council’s constitution does not delegate the necessary powers under the Traffic Management Act or the regulations and therefore Cabinet are requested to approve delegated powers to senior officer level to enable the formal required processes to be completed and the Order made for the Permit Scheme to have effect.

2. RECOMMENDATIONS

- 2.1 That Cabinet agree to the preparation and implementation of The Borough of Telford & Wrekin Traffic Management Permit Scheme to manage activities on the Borough’s road network.**

2.2 That Cabinet delegate to the Assistant Director for Neighbourhoods and Customer Services (or any other officer authorised in writing by the Assistant Director Neighbourhood and Customer Services) in consultation with the Cabinet Member for Communities, Regeneration and Transport to exercise all powers under Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) to enable the Traffic Management Permit Scheme for the area of Borough of Telford & Wrekin to be prepared, processed, for all relevant matters to be considered and for an Order to be made to bring it into effect.

2.3 That Cabinet delegate to the Assistant Director for Neighbourhoods and Customer Services (or any other officer authorised in writing by the Assistant Director Neighbourhood and Customer Services) to exercise all powers under Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) to apply, implement, operate and enforce all the provisions of The Borough of Telford & Wrekin's Traffic Management Permit Scheme, once the required Order has been made and come into effect

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	This new Permit Scheme will allow the Council to better manage roadworks on the highway giving us far greater power and control to ensure works are carried out in a way that minimises disruption to the highway network.
	Will the proposals impact on specific groups of people?	
	No	There will be no impact on specific groups of people as a result of the policy.
TARGET COMPLETION/ DELIVERY DATE	Permit scheme to begin with charges suspended – June 1 st 2016 Permit scheme to commence with charging – July 1 st 2016	
FINANCIAL/ VALUE FOR MONEY IMPACT	Yes	The Permit Scheme Invest to Save was approved in October 2015, resulting in a net £70k additional income put forward within the Council's medium term budget strategy, with the saving due to be delivered in 2017/18. The approved Invest to Save and this revised approach requires the appointment of three new posts which will be funded ongoing from additional income generated before achieving the £70k saving. The administration of the scheme will be delivered from within these

		resources and will utilise the current ICT Mayrise system to support the issuing and subsequent adherence to the permits. AEM 22/02/16.
LEGAL ISSUES	Yes	<p>The Deregulation Act 2015 has amended Part 3 of the Traffic Management Act 2004 (“the Act”) which now allows a Highway Authority to prepare and implement a Traffic Management Permit Scheme to control the carrying out of specified works in specified streets in a specified area.</p> <p>In developing and operating a permit scheme, authorities must comply with the Act and the Regulations and must have regard to Statutory Guidance issued by the Secretary of State.</p> <p>Highway Authorities must prepare the Permit Scheme and consult upon it before making a formal Order to give it effect.</p> <p>The Regulations set out what must be included in the contents of a Permit Scheme and allow the Authority to charge a fee for the issuing of permits and give fixed penalty notices to any works Promotor who has failed to comply with the conditions set out in an issued permit.</p> <p>A Highways Authority can vary or revoke a Permit Scheme which it has prepared and implemented.</p> <p>IR – 22/02/16</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Improved roadworks performance will reduce future liability on the authority through maintenance. The greatest opportunity however is to gain greater control of all those companies working on our Highway Network
IMPACT ON SPECIFIC WARDS	No	The scheme will apply to all adopted roads on the highway network.

PART B) – ADDITIONAL INFORMATION

4. Background

The New Roads and Street Works Act (NRSWA) (1991) places a duty on Highway Authorities to do their best to co-ordinate the execution of

works of all kinds on the highways under the control of that authority. This includes highways works by utility companies, developers and the Council itself. The Traffic Management Act 2004 (“the Act”) and the associated Regulations widen this NRSWA coordination duty to include other prescribed activities that involve temporary occupation or use of road space.

- 4.1 Under the NRSWA 1991 Act works promoters are only required to notify to the authority with details of the intended work location and duration on the highway. The authority has powers to check and challenge these works and financial penalties can be issued for poor workmanship, overly long occupation of the highway and errors in the accuracy of the information provided. The quality of re-instatements following activities are checked on a routine basis and instructions for remedial action can be made. Essentially, the Council currently only has a limited amount of control over the way works are undertaken on the network leading to frustration from residents and businesses.
- 4.2 Under a Permit Scheme, works promoters wishing to undertake works on the highway have to effectively ‘book’ their road-space and, if a permit is granted, the Councils Network Management Team can apply the details of the new Scheme and attach a number of conditions. This gives a greater level of control of how and when work is carried out on the network. Furthermore, where permit conditions are not met or work is undertaken without a permit, the Council can issue a fixed penalty notice or prosecute.
- 4.3 Those wishing to work on our Highways network will have to pay to receive a permit. This generates an income for the Council which allows the Network Management team to be better resourced to deal with requests for works on the highway and to inspect works being undertaken on site. This will help to improve co-ordination on the network and to take action against those who fail to comply with the conditions.
- 4.4 To introduce a permit scheme in the Borough, the Council needs to become a Permit Authority and this requires the Council to prepare a permit scheme under the Act and the Regulations. The Scheme cannot take effect in the Borough until the Council has made a formal order to bring it into effect.

5. Proposal

- 5.1 In order to maintain area wide consistency within the Midland region, it is proposed that we adopt a common scheme in line with our neighbouring local authorities. In December 2013, Shropshire County Council received approval from the Secretary of State to introduce the West and Shires Permit Scheme (WaSPS). The WaSPS has therefore

gone through the appropriate review and approval process required for a new permit scheme and this is the scheme that will be adopted in Telford & Wrekin.

- 5.2 Using WaSPS will provide the greatest scope to achieve the desired objectives including the opportunity to work in partnership with other regional and bordering authorities. Joining the scheme means that the relevant policies and procedures are consistent between authorities, thereby reducing the upfront costs of preparing an entirely new permit scheme for Telford & Wrekin. The Council will however retain full control of operating the system in the Borough.
- 5.3 The business case developed in advance of pursuing the Permit Scheme established that the scheme would cover its own costs, reduce disruption on the network and reduce the amount of time utility companies spend on the network.

6. Consultation

- 6.1 Prior to implementing a permit scheme we are required to consult with all stakeholders who have carried out work on our Highway along with other key parties impacted by a permit scheme. We are providing a significant consultation period to give ample opportunity to comment and, as the target date to commence the scheme is June 1st 2016 this consultation commenced on the 29th January and will run to the 22nd April 2016.

7. The Delegation.

- 7.1 The delegations outlined in the Cabinet Recommendations 2.1 – 2.3 will enable the Assistant Director (in consultation with the Cabinet Member for Communities, Regeneration and Transport) to finalise preparation and consultation in respect of the Scheme and comply with all the procedural requirements for commencing permit schemes prior to its implementation.

8. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 8.1 The permit scheme will mean that all works promoters and contractors will be required to comply with the scheme as they do with other Authorities where similar Permit Schemes are in operation. The expected impact on residents will be positive with improved roadwork operations and greater co-ordination.

9. PREVIOUS MINUTES

N/A

10. BACKGROUND PAPERS

N/A

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