

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Joanna Wright, Cabinet Member for Transport Services	
MEETING/ DECISION DATE:	On or after 18th January 2020 (for Single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3174
TITLE:	Introduction of a Permit Scheme in Bath and North East Somerset	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Bath & North East Somerset Council Permit Scheme – Overview for Consultation Equalities Impact Assessment		

1 THE ISSUE

- 1.1 The Council intends to bring a permit scheme into legal effect in spring 2020. A permit scheme will increase the powers available to the Council to control works undertaken across its highway network. It also follows a request from the Secretary of State for Transport in July 2018. The report author understands from discussions with the Department for Transport that the Secretary of State will consider using their coercive powers to compel the Council to bring forward a permit scheme in the event that the Council does not itself chose to bring forward a scheme at this stage.

2 RECOMMENDATION

The Cabinet Member is asked to:

- 2.1 Approve the introduction of a permit scheme through a legal Order created and issued by the Council.
- 2.2 To introduce new fees and charges related to the permit scheme, including fees for issuing a permit (as shown in Table 1) and fixed penalty charges for permit sanctions.

3 THE REPORT

- 3.1 Introducing a permit scheme will enable greater control of the road network with an aim to secure the expeditious movement of traffic, which is a legislative duty for the Council, the Network Management Duty.

- 3.2 It is accepted that disruption from works on the highway can play a significant part in unnecessary congestion, delays and incidents. Since 2010 many councils have taken steps toward gaining greater control of these works through use of Part 3 of the Traffic Management Act (TMA) and the introduction of a permit scheme. Across the 152 local highway authorities (LHA) in England over 100 permit schemes are in effect, with more progressing towards the introduction of a permit scheme in 2019.
- 3.3 In 2017 the Department for Transport undertook a national evaluation of permit schemes in effect. This evaluation determined that the introduction of a permit scheme has the potential to deliver clear benefits, one through the overall reduction of works duration and therefore any associated congestion and disruption potentially caused by these works.
- 3.4 The recommendations from this evaluation included “those LHA that have not already done so should give consideration to the introduction of a permit scheme, given that this report has identified that such schemes can support LHAs to fulfil their network management duty and help to reduce the disruption caused by works”.
- 3.5 In consideration to this, the Secretary of State for Transport sent a letter to all councils not operating a permit scheme in July 2018 requesting consideration for the introduction of a permit scheme by 31 March 2019. This letter implies that the Secretary of State may “use their powers, under section 3(2) of the TMA, to direct an authority [council] to introduce a scheme”.
- 3.6 In consideration to this letter, the Council undertook an initial permit scheme feasibility study. As part of this study a cost benefit analysis (CBA) was developed. This CBA takes the benefits and costs established for the operation of a scheme and projects these over a 25-year appraisal period.
- 3.7 A key result of the cost benefit analysis is a benefit-to-cost (BCR) which is a measure of value-for-money exhibited by a scheme. The CBA produced for a permit scheme across Bath and North East Somerset demonstrated a BCR that sits above 4, which is the threshold above which the scheme can be defined as demonstrating ‘Very High Value for Money’. Further information on the CBA can be found on page 9 of the attachment ‘Overview for Consultation’.

4 STATUTORY CONSIDERATIONS

- 4.1 The Council, acting as a local highway authority, has a legal responsibility to maintain and improve the road network, and manage its use and the activities taking place on it.
- 4.2 This responsibility includes a statutory Network Management Duty under the Traffic Management Act 2004 which can be summarised as the duty to manage our road network with the aim of securing the expeditious movement of traffic on it, and facilitating the expeditious movement of traffic on road networks managed by other traffic authorities.
- 4.3 The overall objective of the Duty is the efficient operation of the network, as a whole, and allows the Council to take action, under legislative controls, to deliver this objective.

4.4 Part 3 of the Act allows the Council to introduce a permit scheme to support the delivery of this network management duty.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The operation of a permit scheme will require 6 additional staff.

5.2 The cost of these additional staff, including associated overheads, has been estimated at £284,550. A proportion of this cost will be offset from income received from permit fees – to be charged to utility companies to issue a permit. It is anticipated that the remaining cost will be recovered from new income streams from fixed penalty notices issued under the permit scheme.

5.3 A cost model developed for the Council by a specialist consultancy, Open Road Associates, has identified an overall surplus income of £60,000 per annum from the introduction of a permit scheme, however it must be noted that this is subject to change based on volume of works and areas of non-compliance by utility companies.

5.4 It is intended that the scheme will be managed within the current revenue budget with all additional costs covered by the income generated. In the unlikely event that income does not cover costs the scheme will be reviewed to seek to ensure that the future in-year revenue covers costs, or that the cost base will be reduced to ensure the scheme operates within the revenue envelope.

6 NEW FEES

6.1 The regulations entitle the Council to charge statutory undertakers (utility companies) a fee for permits, which varies according to the impact of the works and the type of road where the works are being undertaken. The fee should be proportionate to the cost for the Council to administer the additional work to operate a permit scheme for the statutory undertaker works.

6.2 The proposed fees are shown in Table 1 below. 'Road category' relates to the type of road. A number of roads across the district have been designated as 'traffic sensitive'. Categories 0 to 4 relate to a road's 'reinstatement type'. This is the criteria to bring a road back to its original construction state following road works. Roads that carry a higher volume of HGVs have higher reconstruction criteria. The highest reconstruction criteria are on a Category 0 road.

6.3 'Work category' relates to the type of work being undertaken on a road in terms of its impact on road users. For example, works that require a road closure are classed as major works.

Work category	Road category	
	Category 0, 1, and 2 and traffic sensitive streets	Category 3 and 4 and non-traffic sensitive streets
Major (Provisional advance authorisation)	£42	£30
Major	£96	£60
Standard	£52	£30
Minor	£26	£18
Immediate	£24	£16
Permit variation	£18	£14

Table 1 – permit fees

7 RISK MANAGEMENT

7.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

8 CLIMATE CHANGE

8.1 The introduction of a permit scheme should reduce the queues and delays caused by roadworks, and as such the associated carbon emissions from vehicular traffic.

8.2 A pre-scheme Feasibility Study undertaken for the Council by a specialist consultancy, Open Road Associates, identified that the implied carbon emissions attributable to roadworks in the area amounts to 12,524 tonnes; around 5% of total vehicular emissions on local roads.

8.3 The improved efficiency of works anticipated under a permit scheme means that the scale of carbon emissions generated as a result of works may be expected to be reduced.

8.4 In line with the broader assumptions about permit scheme impacts a scheme implementation would lead to estimated carbon emission savings of 790 tonnes CO₂ per year. To set this emission saving in context, using the typical emissions of new cars sold in the UK currently, this reduction amounts to an equivalent saving of 6.6 million annual car kilometres.

9 OTHER OPTIONS CONSIDERED

9.1 The Council currently operates a 'noticing' system to manage works on its network. The Secretary of State wrote to the Council in July 2018 asking it to

change to a permit scheme, and that he would consider directing the Council to implement such a scheme if it does not do so. In view of this the Council will need to introduce a permit scheme.

9.2 The Department for Transport is introducing a new electronic system for managing applications for booking road space for works in April 2020, called Street Manager. Whilst this system can work with noticing, it has been developed specifically for use with permit schemes, and the Council will not be able to use that system fully if it retains a noticing system.

9.3 There are no benefits in delaying the introduction of a permit scheme, and it would put the Council at a disadvantage if it did so because it would not be able to make full use of the legislation and electronic systems available for managing works on the highway.

10 CONSULTATION

10.1 In accordance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations the Council is required to consult on a new permit scheme, *with defined consultees and interested parties*, prior to bringing a scheme into legal effect.

10.2 The consultation ran for a period of eight weeks, between 16th September and 8th November 2019. It was issued via the Council's website (www.bathnes.gov.uk/streetpermit) allowing full public access to the proposed scheme and supporting documents. The issues raised through the consultation related to points of clarification with the permit scheme document and have not resulted in any material changes to the scheme.

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Background papers	None
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