

# TRANSPORT COMMITTEE MEETING

## Agenda Item 38

Brighton & Hove City Council

<b>Subject:</b>	<b>Permit scheme business case for Brighton and Hove</b>		
<b>Date of Meeting:</b>	<b>27 November 2012</b>		
<b>Report of:</b>	<b>Geoff Raw, Strategic Director Place</b>		
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<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following the Environment, Transport and Sustainability Cabinet Member meeting in March 2012, it was agreed that a business case would be presented at the Transport Committee meeting by the end of November 2012 considering the feasibility of introducing a Permit scheme in Brighton & Hove.
- 1.2 This report outlines a business case for introducing a permit scheme in the city. A detailed report of the business case can be found in appendix 1.
- 1.3 Should it be decided to pursue a Permit scheme for Brighton & Hove, funding for scheme creation will have to be identified and a report submitted to the Policy and Resources Committee.

#### 2. RECOMMENDATIONS:

That the Transport Committee:

- 2.1 Recommends the principle of introducing a Permit Scheme in Brighton & Hove to Policy and Resources Committee and asks Policy and Resources Committee to approve the funding for the creation of a Permit Scheme;
- 2.2 Subject to receiving funding approval as identified at 2.1 above, instructs officers to commission consultants and to engage in consultation with the relevant parties to draw up options for a Permit Scheme for Brighton & Hove and to update the traffic sensitive road network with the intention of going live in 2014/2015;
- 2.3 Notes that the Transport Committee will be asked to approve the final permit scheme before it is submitted to the Department for Transport and that this is expected to be in December 2013

### **3. RELEVANT BACKGROUND INFORMATION:**

#### **3.1 History**

In 2004 the Traffic Management Act (TMA) was introduced to tackle congestion and disruption on the road network. The Act places a specific duty (“the network management duty”) on the council as local traffic authority to manage its road network with a view to achieving (so far as is practicable having regard to its other obligations and policies) the expeditious movement of traffic on the road network. The Act gives local authorities additional tools to manage parking policies and enforcement and for the co-ordination of street works. Amongst these additional tools are “Traffic Sensitive” streets classification and ‘Permit schemes’, provided as an alternative to the notification system set out in the New Roads & Street Works Act 1991.

#### **Traffic sensitive streets**

Traffic sensitive streets are those that when closed or worked upon will cause the greatest disruption to the travelling public. The classification of traffic sensitivity can be made through a number of set criteria that are listed in appendix 4.

Updating of the traffic sensitive network is necessary to ensure the city’s streets are managed effectively and is an integral first step before implementing a permit scheme.

With the agreement of statutory undertakers which have apparatus in the street the traffic sensitive status can be agreed without the need to go through the formal notice procedure. However, any formal unresolved objections to changes in traffic sensitivity of the road network will be brought back to committee for decision.

#### **Permit schemes**

Permit schemes are optional. Highway authorities have to apply to the Department for Transport (DfT) for permission to set one up. Under a Permit scheme, instead of informing a street authority in advance of its intention to carry out works in an area, a works promoter books time on the highway via a permit.

A Permit scheme empowers the local authority to impose conditions (e.g. traffic management, diversions, working hours, etc) and provides it with some finance through permit fees to deal with the co-ordination of activities on the roads and streets. The permit fees must be in line with a DfT designed permit fee matrix. Fees only apply to Statutory Undertakers and are ring fenced so they can only be spent on that part of the Permit scheme that relates to the administration and management of the external works promoters, and not the local authority’s own works.

A local authority’s own works are sanctioned and controlled in the same way using the Permit scheme, although no permit fee is payable. Permit fees cannot be used to pay staff to check for the co-ordination and permitting of its own

works. The TMA importantly requires that there must be parity between the two, so the local authority cannot favour its own work over that of a third party, and it must similarly impose permit conditions upon its own works promoters in order to carry out the 'network management duty'.

The TMA allows the permitting authority to impose conditions with respect to:-

- (i) timing – e.g. off-peak or night work required;
- (ii) traffic control – e.g. temporary traffic signals, stop-go boards;
- (iii) Temporary Traffic Regulation Orders – e.g. road closures

A local authority does not need to adopt a permit scheme in order to impose conditions on roadworks. These tools still exist through the Noticing system. However, a permit scheme provides tighter control at the very first stage in that road workers must wait for permission from the council to proceed rather than by simply giving us notice of intention to work in the city which is the current system.

### **3.2 Permit Scheme Options**

The council may decide:-

1. Whether to implement a scheme;
2. If so, which of 3 types of scheme to adopt ; and
- 3 The extent of the network it wishes to have tighter controls for.

Each approach has its own advantages and disadvantages and these are considered further in Appendix 1.

### **3.3 Cost Benefits and Funding**

If it is decided to implement a scheme, there are three types of scheme that could be introduced in Brighton & Hove. The types of scheme have been considered in order to ascertain their costs and ensure the financial viability of a permit scheme for the city. Each option identifies a cost to the authority, an amount of income that permit fees may generate and a benefit to the road users through a reduction in congestion related to road works. These options are considered further in Appendix 1.

### **3.4 Time Line for Introducing a Permit Scheme**

In developing the time line, an assumption has been made that there will be no unforeseen circumstances that will delay implementation. For example: an objection to the scheme that may require re-consultation.. The indicative time lines are set out in Appendix 3 but it must be acknowledged that should objections be raised to formal consultation delays will occur. In the event of unresolved objections, a further report will be presented to the Transport Committee with the relevant information and for a decision on the next steps.

## **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Prior to submitting a permit scheme to the Secretary of State under section 33 of the Traffic Management Act 2004, Brighton and Hove City Council must consult the bodies set out in the relevant regulations. In Brighton & Hove these include:

- a) *all undertakers and contractors, including contractors working for the highway authority and street works licensee,*
- b) Rottingdean Parish Council ,
- c) the emergency services including the Coastguard; and
- d) The Secretary of State.

There is no legal time duration laid down for the consultation in the TMA but best practice would typically require three months duration.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1.1 It is estimated that the initial set up costs of consultation and design for a permit scheme will be around £100,000. If approval is given for a Permit Scheme, then suitable funding will need to be identified for these one off costs. Following approval of a scheme, all further set up costs, estimated to be up to a total of £225,000, are recoverable over a period of time, through a levy on charges set within the scheme.
- 5.1.2 The ongoing costs of the scheme should be covered by the charges made for the Permits. Any costs which cannot be covered by these charges, such as monitoring/ permitting the council's own highway works, will have to be met from existing revenue budgets.

*Finance Officer Consulted: Name Karen Brookshaw Date: 02/11/12*

### Legal Implications:

- 5.2 Part 3 of the Traffic Management Act 2004 gives the council the power to prepare and submit an application for a permit scheme to Department for Transport who may approve the scheme with or without modifications. The scheme does not have effect until approved by Order of the Secretary of State for Transport.

Any application must be submitted in accordance with the Traffic Management Permit Schemes (England) Regulations 2007 and must take into account the relevant statutory guidance.

Other legal implications are set out in the body of the report. There are no human rights implications to draw to Members' attention at this stage.

*Lawyer Consulted: Carl Hearsum Date: 12/11/12*

### Equalities Implications:

- 5.3 There are no direct equalities implications in this report but any application for Permit scheme would include an assessment of any equalities issues identified during the consultation stages.

Sustainability Implications:

- 5.4 Reduction of traffic disruption due to roadworks is a local as well as a national priority and forms a large part of any application for a Permit scheme for Brighton & Hove Council.
- 5.4.1 The possible reduction in the number of roadworks carried out in the city could also lead to a reduction of natural resources used for the repairs to the city's streets.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 Set up and running costs are considerable and full consideration must be given to the charges levied for a permit to work on the city's streets. There is a risk of setting the fees too low and then not recouping the costs to the council. There is also a risk of setting the fees too high and being legally challenged by utility companies who have to pay the permit fees. There is also a risk that a scheme is developed and the DfT does not grant an Order.
- 5.6.1 A full risk analysis will be part of any future Permit scheme application documents.

Public Health Implications:

- 5.7 Reduction of delays to the users of the city's road network could lead to a reduction in air pollution

A less congested network improves travel for pedestrians, cyclists and motorcyclists.

Corporate / Citywide Implications:

- 5.8 The Network Management Duty is a Statutory Duty. This is currently met through the existing Noticing system. A Permit scheme would replace part or all of the Noticing system and the Authority must ensure it continues to meet any and all statutory duties placed upon it.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The Street Authority currently meets its Network Management Duty through the existing Noticing system and any application for a Permit scheme must show why the Council has decided to apply to change to a permitting approach.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Congestion of the city's streets is a high profile issue and the council must act in the best interests of residents, businesses and visitors alike. Full consultation (of those mentioned earlier in this report) and consideration of all aspects and options available must be carried out and included in any application or decision to apply for a Permit scheme for Brighton & Hove.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

#### **List of Appendices**

1. Detailed Business Case
2. Lessons Learnt from Other Permit Schemes
3. Timeline for Introducing a Permit Scheme
4. Traffic Sensitive Road Network

#### **Documents in Members' Rooms**

1. None

#### **Background Documents**

1. None