

Subject:	Brighton and Hove Permit Scheme End of Year Report		
Date of Meeting:	26th June 2018		
Report of:	Executive Director Economy, Environment & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE.**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks committee approval to publish the 2nd year Permit Scheme report and future years as necessary. The report details the performance of the Brighton & Hove road and street works permit scheme against nationally set KPI's.
- 1.2 As the street authority for maintainable highways in the city, Brighton & Hove City Council (BHCC) are duty bound to monitor performance and to publish results on its website and also send this report directly to all parties affected by the Brighton & Hove Permit Scheme (BHPS) including the Secretary of State for Transport.
- 1.3 The report also seeks to obtain approval to delegate the decision to the Assistant Director for City Transport to implement a complimentary tool to check the trench reinstatement workmanship of the utility companies. This is achieved by using a road coring programme that enables the condition of the reinstatement of the highway to be assessed following utility works.

2. RECOMMENDATIONS:

- 2.1 That the Environment, Transport and Sustainability Committee approves the publishing of the attached end of year report and future year's reports including sending a copy to the Department for Transport.
- 2.2 That the Environment, Transport and Sustainability Committee approves the delegation of the decision to implement a coring programme in the city by the Assistant Director for City Transport.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Brighton & Hove City Council Permit Scheme (BHPS) was introduced on 30th March 2015 and has had a successful second year. The Permit Scheme is regarded as "an exemplar" scheme and has been replicated by 5 other Highway Authorities during the past year.

This underpins the outstanding achievement by the Street Works Team and is a demonstration of BHCC's commitment to working effectively with its' stakeholders.

- 3.2 BHCC as Permit Authority now need to publish the second year report outlining how the scheme has performed and met its statutory requirements. Regulation 16A of the Traffic Management Permit Scheme (England) Regulations 2007 as inserted by the Traffic Management Permit Scheme (England)(Amendment) Regulations 2015 states that any scheme must contain information on how the Permit Authority will evaluate their scheme and how this evaluation will take place. As a minimum, schemes must be evaluated after every 12 months of operation for the first three years and then every three years.
- 3.3 This evaluation must include (regulation 16A(3)) consideration of whether the fee structure needs to be updated in light of any scheme surplus or deficit as well as the costs and benefits of operating the permit scheme. Each scheme should also state the schemes objectives and report on how these and the cost/benefits are being achieved.
- 3.4 The attached report highlights the successes and gives consideration to the fee structure, the costs and benefits of operating the scheme and whether the permit scheme is meeting key performance indicators where these are set out in the Guidance.
- 3.5 During the second year 13,896 permit applications were received amounting to a 52% increase in applications mainly from utility companies. There were 46 occasions of collaborative works that resulted in 159 of working days saved.
- 3.6 Public utilities reinstate the highway when they carry out their works and it is not always possible to check that these reinstatements meet the correct standards at the time these works are undertaken. A coring programme will enable the authority to assess and test the standard of works to ensure that the standards are met. Any scheme would only be implemented as a trial initially. The core testing is needed to check historic reinstatements that have been carried out in the last 2 years.
- 3.7 It has to be recognised that if a programme is introduced then there will be an impact on the city as the utilities will have to repair any reinstatements that are identified as having failed the core test. With the ongoing programmes of both utility and councils own works it is proposed to delegate the decision when to implement a trial scheme to the Assistant Director City Transport.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The end of year report is a requirement of the permit scheme regulations and the city's ability to run scheme may be removed by the Secretary of State for Transport if we do not produce timely and full reports on our performance.
- 4.2 The BHPS is being replicated in neighbouring authorities so to publish a full end of year report helps to promote the City Council's position as a leading urban authority in road and street works permit schemes.

- 4.3 Increasing site supervision staff could improve the ability to ensure that the utilities carryout reinstatements first time, but they are unable to check the compaction by visual inspection and would not be able to observe the large volume works carried out in the city.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Before the BHPS could be brought in to effect in the city a full consultation with all affected road users including hauliers, public service providers and blue light services was undertaken in accordance with permit scheme legislation. These included open meetings with those affected including all neighbouring local transport authorities.
- 5.2 The publication of the 2nd year report is an obligation of the statutory duty the Authority must meet to continue operating the BHPS in the city.

6. CONCLUSION

- 6.1 The publication of the 2nd year report will encourage the sharing of information between other permit schemes, which is essential to BHPS's continued success through knowledge sharing and adoption of best practice.
- 6.2 The authority must continue to ensure that it meets its obligations to adhere to the regulations.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the production and publication of the Brighton & Hove Permit Scheme report will be funded from existing revenue budgets within the City Transport service. Where possible, costs will be funded from income generated from the Brighton & Hove Permit Scheme to minimise costs to the general council taxpayer.
- 7.2 The cost of the coring programme is dependant on the size of the sample and the level of compliance by the utility companies. The costs of testing and reinstating non-compliant cores are recovered from the utility companies. It is estimated that there is likely to be a failure rate of 60% which equates to a ring fenced annual income to the authority of £0.140m. There would also be a saving for the council of potential additional maintenance associated with non-compliant trench reinstatements. If all cores pass the sampling inspection, the estimated cost for the council would be £0.064m. An initial trial will be designed to have 3 stages to minimise the financial risk to the authority.
- 7.3 The appointment of a contractor will be subject to the council's contract standing orders policy. The staff costs for management of the contract are estimated to be minimal and will be funded by the Streetworks revenue budget or any income received.

Finance Officer Consulted: Gemma Jackson

Date: 29/05/18

Legal Implications:

- 7.2 The Traffic Management Act 2004 introduced “permit schemes” whereby local authorities in accordance with regulations may require permits to be obtained for certain categories of works in the street. The publication of the end of year report will assist in demonstrating that BHCC is complying with its duty under the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 to evaluate the permit scheme.

Lawyer Consulted: Stephanie Stammers

Date: 29 May 2018

Equalities Implications:

- 7.3 There are no known equality implications associated with the end of year report for the BHPS.

Sustainability Implications:

- 7.4 There are no known sustainability implications associated with the end of year report for the BHPS.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove Permit Scheme 2nd Year Report (copy circulated to Members and published separately on the Council website)

Documents in Members' Rooms

1. None

Background Documents

1. None