

Report of the Strategic Director of Place to the meeting of Executive Committee to be held on 3rd April 2018.

Subject:

BN

Review and modification of Bradford's implementation of the Yorkshire Common Permit Scheme

Summary statement:

This report sets out changes in the Department for Transport's approach to Street Works and seeks Executive's approval to modify the existing permit scheme in order to adopt an all streets scheme.

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Overview & Scrutiny Area:

Environment & Waste Management

1. SUMMARY

- 1.1 This report sets out changes in the Department for Transport's approach to Street Works and seeks Executive's approval to modify the existing permit scheme in order to adopt an all streets scheme.

2. BACKGROUND

- 2.1 The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme order 2015 came into effect on 31st March 2015, and is currently moving towards the end of its third year.
- 2.2 Responsibility for the implementation of the scheme was assigned to the Network Resilience and Management Team (NRM) following the Planning Highways and Transportation Restructure in 2014/15.
- 2.3 The current Permit Scheme is limited to operating only on the busiest roads in the district, which equates to approximately 32% of the total highway network. This arrangement was deemed by the Department for Transport (DfT) – at the inception of the scheme - to be adequate to ensure direct benefits to the local economy.
- 2.4 The remaining 68% of the Highway network is currently managed using a noticing scheme as per the requirements of the New Roads and Street Works Act 1991 (NRASWA)
- 2.5 At a recent meeting with the Joint Authorities Group (UK) Manager, Traffic Managers from Yorkshire Authorities were advised of DfT plans to modernise various elements of street works projects, including new recording software, development, plans for autonomous vehicles and further procedures to reduce disruption from street works.
- 2.6 A key element of this modernisation is the introduction of a new national, cloud-based, street works management system – “Street Manager” – which is to be introduced in August 2019.
- 2.7 DfT have indicated that their preferred method for managing street works under this new system is the adoption of an “all streets” permit scheme and as such action is required to move to such a standard.
- 2.8 Changes to the existing permit scheme will require significant development and stakeholder consultation. Based on experience gained from the initial scheme implementation this is likely to be a nine month process in total, hence the need for an early decision on this matter.
- 2.9 Given the August 2019 deadline for the implementation of new software, it is suggested that Bradford MDC looks to adopt a start date of April 2019 for an all-street scheme, which will allow for a smoother transition to new working methods and systems.

3. OTHER CONSIDERATIONS

- 3.1 Following its inception in 2015, mandatory annual reports have been undertaken to analyse the effectiveness of the permit scheme.
- 3.2 The annual report for 2015/16 showed a significant increase in the number of street works in the district that was mitigated by a minor average increase in street work duration, indicating that the scheme was displaying benefits.
- 3.3 The annual report for the 2016/17 financial year showed an average reduction of 1.41 days duration of street works across the district, amounting to a calculated saving to the local economy of approximately £0.5m (based on Department for Transport Web tag Figures) – this equates to a total of 40,944 hours of delay saved and indicates that the scheme is performing as expected in line with the original cost-benefit analysis.
- 3.4 Whilst the benefits of expanding the scheme are not directly scalable, this suggests that there are considerable benefits to moving to an all-street scheme that enables better controls over works being undertaken across the whole district.
- 3.5 In the wider Yorkshire region, Barnsley and Doncaster are currently transitioning to all-street schemes. North Yorkshire County Council has also recently launched an all-streets scheme.
- 3.6 In West Yorkshire, Leeds and Kirklees are currently assessing the benefits of an all-street scheme. Calderdale and Wakefield have yet to declare their intent on the matter.
- 3.7 The Yorkshire and Humber Traffic Managers Group have proposed that a working party be set up to evaluate a transition to all-street permit schemes that includes scope for inclusion of Lane Rental charging as a complimentary works management method.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 Permit Schemes are cost-neutral and entirely self funded through fee and fixed penalty notice collection.
- 4.2 Any recovered charge or fee is to be retained and used to pay for the administration of the scheme. Any surplus raised through fixed penalty noticing may be used for the betterment of the scheme and to incentivise better operational behaviours.
- 4.3 Currently the NRM team employ the equivalent of 5 FTE dedicated to the existing permit scheme and 7 FTE to general NRASWA duties. Existing NRASWA staff will transition to permit duties, however it is anticipated that additional staff resources will be required to assist the management of an all-street scheme as the level of works assessment required is greater. An indicative figure of up to 6 additional FTE's is suggested; however this may be less - the exact number of additional staff is to be determined by a DfT developed work analysis procedure.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Despite investment from utility companies, Bradford has aging utility infrastructure that requires constant maintenance and improvement – in 2016/17 nearly 16,000 works were undertaken in the district. It is likely that this number will be maintained and may increase further, causing significant pressure on the highway network if not coordinated correctly
- 5.2 A failure to move to an expanded all-street scheme may result in utility companies prioritising their resource planning for street works in those authorities which are already running such a scheme. This could result in deterioration of the current level of coordination and planning of works in Bradford by utility companies, and reverse the progress that has been made to date.
- 5.3 Furthermore, a failure to adopt such a scheme may cause issues during the implementation of the Street Manager system and an inability to provide DfT with relevant information that may be crucial to the development of the local economy in terms of journey time reliability, reduced delays, use of autonomous vehicles and other wider economic benefits.

6. LEGAL APPRAISAL

- 6.1 When developing any new or varying its current permit scheme, the Council must comply with all relevant legislation and have regard to statutory guidance in force at the time of the proposed change. Currently this comprises the Traffic Management Act 2004 (as amended) (“the 2004 Act”), the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) (“the 2007 Regulations”), the Department for Transport’s Statutory Guidance for Highway Authority Permit Schemes (October 2015).
- 6.2 Prior to 2015 all permit schemes were required to be submitted to and approved by the Secretary of State. The Deregulation Act 2015 amended the 2004 Act to enable highway authorities to make their own schemes and to vary or revoke their existing ones. Thus as a matter of principle, the Council has the statutory power to bring forward an all street permit scheme.
- 6.3 However, it must ensure that all aspects of any new, or variation to the existing, permit scheme comply with the 2007 Regulations, before making the order giving effect to it. It has to consult those identified in Regulation 3(1) of the 2007 Regulations explaining the reasons therefor. And at least four weeks’ prior notice of the order implementing the scheme must be provided to the relevant stakeholders set out in the 2007 Regulations before the new or revised scheme comes into effect.
- 6.4 The Executive should note that the development of any scheme will be in accordance with the Department of Transport’s guidance; and changes to the current permit scheme will ultimately require Legal Services to review and final approval by the City Solicitor. This will mitigate the risk of any failure to comply with the requisite legal framework.

- 6.5 When making decisions, the Council's Executive must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of analysis is required to discharge the duty. Paragraph 7.1 of this Report indicates that equality impact assessments will be undertaken to assess the potential for any adverse equality issues arising before the order giving effect to any revised permit scheme is made.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

- 7.1.1 Equality impact assessments are to be undertaken for the adoption of any new permit scheme arrangements. A move to all streets could potentially assist some protected characteristic groups by an enhanced inspection regime/ monitoring system

7.2 SUSTAINABILITY IMPLICATIONS

- 7.2.1 There are no sustainability implications in relation to this matter.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

- 7.3.1 Better management of road and street works will result in reductions in vehicle emissions.

7.4 COMMUNITY SAFETY IMPLICATIONS

- 7.4.1 Better management of road and street works sites will raise standards in signing, lighting and guarding of works, enhancing community safety

7.5 HUMAN RIGHTS ACT

- 7.5.1 There are no human rights implications in relation to this matter.

7.6 TRADE UNION

- 7.6.1 Adoption of any new scheme will require the addition of new staff to the Authority as outlined in 4.3 above, and all relevant trade union consultations will be undertaken as part of the process.

7.7 WARD IMPLICATIONS

- 7.7.1 Better management of road and street works will be of benefit to constituents in all wards.

8. NOT FOR PUBLICATION DOCUMENTS

- 8.1 None

9. OPTIONS

- 9.1 Executive may wish to approve the expansion of the current permit scheme to all-streets, with a commencement date of 1st April 2019 - this is the preferred option.
- 9.2 Executive may wish to keep the current permit scheme in place, and make no changes at this time

10. RECOMMENDATIONS

- 10.1 That the Strategic Director of Place, in consultation with the Portfolio Holder for Regeneration, Housing, Planning and Transport, be given delegated authority:
 - a. To consult all relevant stakeholders, including local Ward Councillors, in relation to the arrangements for the implementation of an All Street Permit Scheme in the Bradford District.
 - b. That following completion of the aforesaid consultation, to approve the details of the operation and scope of an All Street Permit Scheme and the making of relevant legal orders - in conjunction with the City Solicitor - to implement the scheme at the earliest possible opportunity and no later than 1st April 2019.
 - c. To develop and implement any future street works management methods and systems proposed by DfT
- 10.2 That the Strategic Director of Place, in consultation with the Director of Finance and Portfolio Holder for Regeneration, Housing, Planning and Transport be granted delegated authority to approve and implement the financial aspects of any scheme.

11. APPENDICES

- 11.1 Permit Scheme Evaluation Report - Tranche 2 Authorities The City of Bradford Metropolitan District Council Year 2 – 2016/2017

12. BACKGROUND DOCUMENTS

- 12.1 New Roads and Street Works Act 1991
- 12.2 Traffic Management Act 2004
- 12.3 The Traffic Management (The City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (as amended)
- 12.4 Report of the Strategic Director: Regeneration & Culture to the meeting of Executive to be held on 3 December 2013 – “Introduction of the Yorkshire Common Permit Scheme (Traffic Management Act 2004) within the Bradford District”
- 12.5 Government response to consultation on the future of lane rental (February 18)

Appendix A

**Permit Scheme Evaluation Report - Tranche 2 Authorities The City of Bradford
Metropolitan District Council Year 2 – 2016/2017**