

SURREY COUNTY COUNCIL**LOCAL COMMITTEE (WAVERLEY)**

DATE: 13 DECEMBER 2013
LEAD OFFICER: KEVIN ORLEDGE
STREET WORKS MANAGER



SUBJECT: SOUTH EAST PERMIT SCHEME FOR WORK ON THE HIGHWAY

DIVISION: ALL DIVISIONS IN WAVERLEY

SUMMARY OF ISSUE:

The method by which Surrey County Council manages the highway network with respect to both street works and works for road purposes has changed. On 11 November 2013 Surrey County Council became a permit authority having previously been a noticing authority.

Works promoters are now required to request permission before they can undertake works on the highway, whereas beforehand they only had to inform of their intent to carry out works.

The permit scheme has been introduced into Surrey with the objective of creating a better managed highway network in terms of safety, disruption and asset protection.

This report provides an overview of the South East Permit Scheme (SEPS) and the implications to both works promoters and the highway authority and provides information gained within the first month of operation.

RECOMMENDATIONS:

The Local Committee (Waverley) is asked to note the contents of the report.

REASONS FOR RECOMMENDATIONS:

The report is for information only.

1 SEPS Review

- 1.1 Under respective enabling acts, utility companies have statutory rights and obligations. These include a duty to provide a service or supply to customers and rights to place, inspect, maintain, adjust, repair, alter, renew, relocate and remove apparatus. Targets are set by industry regulators in relation to reconnection times in the case of failure and in respect of apparatus maintenance and replacement.

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Activities are controlled by two prime pieces of legislation, the New Roads and Streetworks Act 1991 (NRSWA) and the Traffic Management Act 2004 (TMA).

The Street Authority has, as far as is reasonably practicable, under section 59 of NRSWA, a duty to coordinate these works in order to facilitate the expeditious movement of traffic on the highway.

- 1.2 Since the introduction of NRSWA, works promoters have advised the authority of their intention to undertake works by the system of noticing. Under noticing works were able to be undertaken unless specifically challenged by the authority.

The TMA 2004 (enacted 2008) introduced the option to implement a permit scheme to replace noticing. Under permitting a works promoter is required to apply for permission to undertake works on the highway and cannot carry out those works until that permission is granted. A fee is paid by the works promoter for each granted permit. It is a criminal offence to undertake registerable works on the highway without a valid permit.

A permit not assessed in the timescale defined by the Department for Transport (DfT) will be classified deemed and granted by default. It is the target of SEPS to assess all permit applications, hence having a 0% deemed rate. It is also a target to review all applications within 40% of the DfT timescale limit to assist with works promoter planning.

No charge can be claimed for deemed permits.

- 1.3 In addition to granting the permit application, the authority may attach conditions to the activity contained therein. Under statute conditions must be pertinent to the reduction of congestion and disruption, recognise the needs of other users of the highway and the integrity of the highway itself.
- 1.4 The South East Permit Scheme was implemented by both originating member authorities, Surrey and East Sussex, on 11 November 2013. The scheme is classed as a common scheme (as opposed to single or joint), meaning it is open for other authorities to join. Bracknell Forest is due to join SEPS in late 2014.
- 1.5 With robust guidance issued by the DfT, SEPS is targeted towards the traffic sensitive network, Permit fees are structured accordingly.

The scheme also considers positive stop traffic management and the implications of this on the travelling public. Potential model conditions applied to granted permits reflect this.

- 1.6 Maximum fees for permits are set by the DfT. Fees applied by individual authorities are calculated using a DfT supplied matrix calculator with input data that includes the amount of works, type of works, type of road, and staffing levels. Fees for SCC SEPS are shown in Appendix 2.

In line with industry practice, fees are not charged for an initial period whilst familiarity is gained by both promoters and the authority. In the specific case of SEPS, this initial period is one month from scheme introduction.

Works for road purposes (works undertaken on behalf of the authority) are treated the same as street works in all respects with the exception that they are exempt from permit fees and charges.

Income generated from permit fees has to be used to cover the costs of running the scheme. The scheme cannot be profit making. Any excess income will require to be balanced by a reduction in permit fees in subsequent years.

- 1.7 Standard permit conditions are applied in all cases. Model conditions are applied where assessed beneficial. Further specific conditions could be applied on a case by case basis should a need arise. SEPS conditions are contained in Appendices 4 and 5.

Non-compliance with a permit condition is a criminal offence which may be prosecuted via the Magistrates Court. Liability for the offence can be discharged by payment of a Fixed Penalty Notice (FPN). Charges for FPNs are DfT set at £120 per offence with a reduction to £80 if paid in the first 29 days.

Whilst FPNs are not issued for works for road purposes, data is collated and reported for parity purposes.

- 1.8 To enable effective operation of SEPS, Street Works resource has been increased. The Surrey County Council Street Works department currently has an agreed 32 FTE staffing level. (Four of these are at present for a 12 month fixed term: Appendix 3 refers.

Nine office-based Network Coordinators and two assistant Network Coordinators are employed to review all permit applications and grant or refuse as appropriate.

Nine mobile Street Works Officers carry out site inspections on the quality of works undertaken and also inspect against the permit conditions applied.

- 1.9 With parity being essential between activities by utility companies and activities by the County Council, all works by for example, Tarmac, Skanska and Kier now require to be permitted.

2.0 Initial Operating period

- 2.1 At the time of writing, 1 ½ weeks into scheme operation, it is necessary to view available data with some care.

Figures from the second week of operation show that 1,737 Permits were granted and 193 Permit applications were refused for reasons such as incorrect information on the application, incorrect or additional conditions required. 127 variations to permits were granted and 24 authority imposed

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variations were enforced. A total of 2081 permit activities were process by the Street Works department during the week.

11 Permits (0.006%) were not been processed and granted as deemed permits.

Potential income from permit fees annualised from the above limited data, whilst being lower, is broadly in line with overall expectations.

At the time of writing, data quantities for potential FPNs for breach of permit conditions are not available.

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Annexes: Appendices 1-5 attached**Sources/background papers:**

None