



Record of operational decision

Decision title:	Herefordshire Councils Streetworks Permit Scheme: to undertake minor amendments to Permit Scheme document
Date of decision:	2 March 2021
Decision maker:	Director for Economy and Place
Authority for delegated decision:	<p>Cabinet Member Infrastructure and Transport decision to introduce the Herefordshire Councils Streetworks Permit Scheme: (b) The Director for Economy and Place has approval and is authorised to make any minor amendments necessary to the Order being made http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=7671</p> <p>Part 3 of the Council's constitution delegating the power to introduce Herefordshire Council's Streetworks Permit Scheme to the Chief Executive. The Chief Executive delegates authority to the Director of Economy and Place Highways Engineer to take the decision for the Council to proceed with the making of the Order and any necessary minor amendments to the Order.</p> <p>Herefordshire Council's Constitution- Scheme of Delegation Part 3 Functions Scheme, Section 7 Officer Functions 3.7.5 Delegation to Chief Executive 3.7.13 Sub Delegation by Chief Executive to officers Row 75 of the Economy and Place Scheme of Delegation in relation to legislation specified in the Traffic Management Act 2004.</p>
Ward:	'Countywide'
Consultation:	<p>The decision to implement the permit scheme was made on the 1st March 2021</p> <p>An 8 week open consultation was undertaken, minor amendments were required to the HCSPS scheme which have been carried out. (Appendix 5 Consultation Responses) The key stakeholders were emailed with the link to the council's website where there was a survey and where the consultation documents were available.</p> <p>Members and group leaders were consulted on the key decision on the 2 of October with a request for comments to be passed to political group leaders for a response by the 14 October 2020, no comments responses were received.</p>
Decision made:	<p>Herefordshire Council to make the minor amendments to the permit scheme document prior to the making of the Traffic Management (Herefordshire Council) Permit Scheme Order. The scheme is to be implemented on the 1st April 221.</p> <p>The order to exercise the powers conferred by Section 33A of the Traffic Management Act 2004 and that the Permit Scheme will come into force on the 1st April 2021 will be sealed on the 2 March 2021.</p>
Reasons for decision:	<p>The decision to implement the permit scheme was made by the Cabinet Member Infrastructure and Transport on the 29th October 2020. The Cabinet Member report set out the recommendations and key considerations. The report appendices provided the permit scheme, cost benefit analysis, cost matrix, permit fee table, consultation responses and statutory guidance for permit schemes.</p> <p>The changes to the document are summarised below: Date of Document Wording change from Variation to Modification and Variation to Change – terminology.</p>

	<p>Update of document, change in legislation, Electronic Transfer of Notices has been repealed. Implementation date added. Minor amendment in wording pg 9 and 7. Pg 24 Street manager introduced, noticing ceased.</p> <p>The amended document is attached: Tracked changes</p>  <p>herefordshire_council streetworks permit_sc</p> <p>Final Document</p>  <p>herefordshire_council streetworks permit_sc</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The Cabinet member Report sets out the full financial, legal, risk and equality considerations, these are summarised below:</p> <p>Financial The cost benefit analysis of the scheme has demonstrated the income will cover resource, management of the scheme and traffic management tools to maintain the scheme.</p> <p>The budgets must be ring fenced for the permit scheme as this is to be self-funding, there will need to be mechanisms in place to allow for amendments to the fees to reduce or increase as annual reporting required. This will be over a 3 year rolling review which will follow the first annual review.</p> <p>Legal implications This is an Executive function under the Council's Constitution Part 3 Section 3 and is a key decision because it is likely to be significant having regard to the strategic nature of the decision</p> <p>Section 53, Part III of the New Roads and Street Works Act 1991 (NRSWA) These Regulations have now been repealed but the requirement to keep a register with these details, in section 53 is still in force.</p> <p>Part 3 of the TMA allows a local highway authority to introduce a permit scheme which is a scheme designed to control the carrying out of specified works in specified streets in a specified area following the introduction of further enabling legislation. Section 37 of the TMA provides that regulations be made with respect to the content, preparation, operation, variation or revocation of permit schemes (Permit Regulations). These Permit Regulations (The Traffic Management Permit Scheme (England) Regulations 2007 and the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015), afford compliance with Section 53 of the NRSWA</p> <p>There are no other legal considerations or problems with doing what is proposed.</p> <p>Risk management Permit Schemes are implemented in most authorities in England, the scheme is new to Herefordshire, to learn from other authority's experiences, consultancy support has been provided to ensure compliance to regulation, financial and legislative requirements.</p> <p>The scheme will manage works by a wide range of utilities who may challenge due to the proposed scheme and fee cost. The consultation is part of the process and will mitigate the risk of challenge, the consultant support has also viewed and provided guidance.</p>

	<p>Resource is being provided through the Public Realm Contract, the risk is being managed through the council's service providers, Balfour Beatty Living places.</p> <p>Equality Duty The implementation of the scheme will have no detrimental impact, the scheme will enable better management of the network and provide a better environment for all.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to introduce the permit scheme will be contrary to the Cabinet Member Decision authorised on the 29 October 2021.</p> <p>Alternative options in the Cabinet member Report were:</p> <p>Not to introduce the permit scheme and continue with the existing Noticing Scheme. This was rejected as the permit scheme complies with national guidance and best practice.</p> <p>To have permits and notices in parallel, permits to apply to traffic sensitive streets, this is not recommended as mismanaged street works can impact on the locality.</p> <p>To utilise existing permit schemes, this has been explored, the alternative permit schemes have been in operation for a number of years, they can be generic and cover urban and rural environments. The Herefordshire Scheme is taking the best from all options and will be bespoke to Herefordshire needs.</p> <p>To consider Herefordshire Council delivering the permit scheme directly, currently the function and resource is with the streetworks team which is currently managed by BBLP.</p>
<p>Details of any declarations of interest made:</p>	<p>N/A</p>

Signed

Richard Ball
Director for Economy & Place

Date 2 March 2021