

Issue reference: I50036944

Written statement of a key decision
Cabinet member Infrastructure and transport

Title	Herefordshire Streetworks Permit Scheme
Decision maker	Cabinet member Infrastructure and transport Information about cabinet, including the names and contact details of the cabinet members, can be found here: http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251
Date of decision	1 March 2021
Report exemption class	Open
Reason for being a key decision	This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.
A notice was served in accordance with Part 3 (Key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	
Special urgency (as defined in the constitution)	Yes
Purpose	The report proposes the implementation of the Hereford Permit Scheme thereby meeting the requirements of the new Street Manager regulations and enabling the better management and co-ordination of works on the highway by applying conditions (see appendix F) which are provided in statutory guidance. The permit scheme will be managed by Balfour Beatty Living Places (BBLP) through the public realm contract as this is within the scope of the contract, this is a change in approach to managing street works – this is not a new function
Decision	That: (a) The introduction of the Hereford Council Streetworks Permit Scheme (appendix1); (b) The Director for Economy and Place has approval and is authorised to make any minor amendments necessary

	<p>prior to the Order being made;</p> <p>(c) That an Order is prepared and signed implementing the Herefordshire Council Streetworks Permit Scheme; and</p> <p>(d) The Director for Economy and Place, in consultation with the council's S151 Officer, is authorised to implement the scheme.</p>
Note	<p>Due to a typographical error, this decision was previously taken as a non-key decision on 29 October, 2020. The principal consequence of this error meant the standard 28 day calendar notice of a key decision was not published at the time the issue was submitted to the Forward Plan. With guidance from legal advice has been given to republish the report and new decision, as a key decision using the special urgency procedure to ensure the decision is legally implementable by 1 March 2021 and to reduce the risk of any future challenge.</p>
Reason for the decision	<p>As set out in the report. Documents relating to this decision are available at</p> <p>http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50036944</p>
Options considered	<ol style="list-style-type: none"> 1. Not to introduce the permit scheme and continue with the existing Noticing Scheme. This is not recommended as this would not be consistent with legislation, national guidance and best practice. This would miss the opportunity to manage the network and put conditions to the works which will ensure compliance or initiate a penalty. The majority of England are now using permitting and all are using Streetmanager, the DfT have requested all authorities in England be permitting authorities. 2. 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 whether designated as a traffic sensitive street or not. All streets have an impact on the locality and can be problematic if not managed positively. 3. 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. 4. 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. This would require further Cabinet consideration at the appropriate time and a further governance report.
Declarations of interest (see below)	
Call-in expiry date (decisions	This decision is to be taken under the special urgency provisions

are not subject to call-in where special urgency provisions apply)	as set out in paragraphs 4.2.52-54 of the constitution of Herefordshire Council. It will not be subject to call in.
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Councillor:	Date 1 March 2021
Cabinet member Infrastructure and transport (Councillor John Harrington)	

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.