

Report to Chief Officer (Highways and Transportation)

Date: 18 August 2015

Subject: Deregulation of the Leeds Permit Scheme for Road Works

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Deregulation Act 2015 (The 2015 Act) requires that existing permit schemes are amended on the 1st October 2015 in order to be still valid.
2. The 2015 Act requires that amendments to permit schemes will no longer require the approval of the Secretary of State and enables local highway authorities to vary existing schemes by way of an 'Order'.
3. The Leeds City Council Permit Scheme will require some minor amendments and an 'Order' signed by the Chief Officer (Highways and Transportation) to continue operation after the 1st October 2015.
4. In undertaking the required changes and making the 'Order' the permit scheme will continue to operate and contribute to the Best Council Plan objective to promote sustainable and inclusive economic growth.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to;
 - i) Make an Order to vary the existing Leeds City Council Permit Scheme on the 1st October 2015;
 - ii) Approve the level of discount of 30% of the permit fee for works undertaken wholly outside traffic sensitive times; and
 - iii) Approve the level of the fees for short duration major works.

1 Purpose of this report

- 1.1 The purpose of this report is to request that the Chief Officer (Highways and Transportation) makes an order to vary the Traffic Management (Leeds City Council) Permit Scheme Order 2012, incorporating the required amendments.

2 Background information

- 2.1 Following approval from the Council's Executive Board an application was made to the Secretary of State to operate a permit scheme for road and street works. Approval was granted and the permit scheme began operation on the 12th June 2012.
- 2.2 The Leeds City Council permit scheme is part of a common permit scheme, the 'Yorkshire Common Permit Scheme' which is currently in operation in 9 local highway authorities across West and South Yorkshire.
- 2.3 The permit scheme applies to the strategically sensitive highway network and the New Roads and Street Works Act (NRSWA) noticing rules apply on the rest of the highway network.
- 2.4 Under the scheme a permit is required for all works on the affected highways. Each permit includes conditions about how the works are to be carried out, to minimise disruption and improve safety. The scheme enables the Council to more effectively co-ordinate all works on its strategic highway network and provide more reliable information about these works and other events
- 2.5 A fee is payable by statutory undertakers to the Council for the checking and granting of each of their permit applications.

3 Main issues

- 3.1 The 2015 Act requires that amendments to permit schemes will no longer require the approval of the Secretary of State, and enables local highway authorities to vary existing schemes by way of an 'Order'.
- 3.2 Where individual authorities are members of a common permit scheme it is the responsibility of each individual participating member to make their own 'Order'.
- 3.3 To ensure that the Leeds City Council permit scheme can continue to operate will require an 'Order' in place by the 1st October 2015.
- 3.4 The Department for Transport has produced an advice note to assist local highway authorities who already have a permit scheme in place. The advice note sets out a number of amendments that are required as part of the de-regulation process to ensure a valid scheme is in place after the 1st October 2015.
- 3.5 The required changes to the Yorkshire Common Permit scheme are as follows:
- Various minor regulatory changes.
 - Adoption of the guidance on National Conditions for permits.
 - A revised protocol for future scheme evaluation reports.

- A permit fee discount for works undertaken wholly outside of traffic sensitive times. In conjunction with other Yorkshire Common Permit Scheme Authorities a discount level of 30% is proposed.
- Revised fees for short duration major works. Following a study of similar permit applications it is proposed that the new fees should match the current fees for standard and minor works as shown in the table of fees below;

Table 1 – Fee levels per permit or provisional advance authorisation		
	Leeds City Council Permit Fee	Maximum allowable fee (DfT)
Provisional Advance Authorisation	£102	£105
Major works – over 10 days and all major works requiring a traffic regulation order.	£210	£240
Major works – 4 to 10 days (New)	£113	£130
Major works – up to 3 days (New)	£64	£65
Standard activity permit	£113	£130
Minor activity permit	£64	£65
Immediate activity permit	£60	£60

3.6 All the above changes will be incorporated into a revised Yorkshire Common Permit Scheme document and individual authority specific supplementary documents. The changes are anticipated to have a minimal impact on the operation of the scheme.

3.7 Continuation of the permit scheme ensures works on the highway network are coordinated and carried out with the minimum amount of disruption. A well operated highway network ensures the efficient movement of goods and people and thereby contributes to the Best Council Plan objective to promote sustainable and inclusive economic growth.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 A full statutory consultation for the permit scheme was carried out between December 2010 and March 2011.

- 4.1.2 The amended permit regulations suspend the requirement for existing permit authorities to undertake detailed stakeholder consultation, when the changes are simply to comply with the amended regulations.
- 4.1.3 Care has been taken in redrafting the permit scheme to ensure that the changes are wholly confined to the minimum required to comply with the amended regulations.
- 4.1.4 Informal consultation has taken place with the most active statutory undertakers in Leeds to ensure that they understand the proposed change and the reasons for the change.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The impact of the permit scheme was assessed as part of an equality, diversity, cohesion and integration screening exercise undertaken in May 2011, which concluded that a full Equality Impact Assessment was not required.
- 4.2.2 The screening found that the permit scheme would enhance the powers that already exist, and include additional measures to ensure that the impact of road and street works on all residents and visitors to Leeds is minimal. The scheme includes measures to give greater consideration to disabled, younger and older people. The impact on other equality characteristics is considered neutral.
- 4.2.3 The changes proposed to comply with the new regulations are purely administrative and therefore do not have any direct impact on the equality characteristics.

4.3 Council policies and the Best Council Plan

- 4.3.1 The permit scheme contributes to the 'Best Council' objective to promote sustainable and inclusive economic growth. It achieves this by ensuring road works are well planned and co-ordinated which helps to provide more reliable movement of people and goods across the highway network and in particular less disruption to public transport.
- 4.3.2 The permit scheme contributes to the My Journey West Yorkshire, Local transport Plan key objective "To improve connectivity to support economic activity and growth across West Yorkshire and the Leeds City Region". In particular proposal 4 of the plan included the introduction of a permit scheme across West Yorkshire to reduce the disruption to traffic caused by planned road and street works

4.4 Resources and value for money

- 4.4.1 The proposed changes to the permit fee structure and discount for traffic sensitive streets are expected to have a limited effect on the overall permit fee income and benefit/cost ratio. The permit scheme will therefore continue to represent good value for money.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 At the Council's Executive Board on 27th July 2011 approval was given to apply to the Secretary of State to operate the permit scheme in Leeds.
- 4.5.2 The signing of the 'Order' to amend the Leeds City Council permit scheme may be taken by the Chief Officer (Highways and Transportation) in accordance with the Officer Delegation Scheme (Executive Functions) in the authority's role as highway authority.

- 4.5.3 The required changes to the permit scheme may be made in one of two ways. An 'Order' supported by an annex document which sets out and references all the textual changes being made to the scheme, or by amending and the reissuing the full scheme documentation by 'Order'
- 4.5.4 Following consultation with some of the major stakeholders, the Leeds permit scheme documentation has been amended and will be reissued with the relevant 'Order'.
- 4.5.5 As a permit authority operating a scheme, Leeds City Council will need to inform stakeholders of the amendments to the scheme by 'notice' at least 4 weeks prior to the implementation date.

4.6 Risk Management

- 4.6.1 Failure to make an 'Order' to amend the Leeds City Council permit scheme by the required date would mean that the existing scheme would not comply with legislation. The implications of this would be an inability to enforce permit conditions for works and the recovery of any permit fees.
- 4.6.2 The effect of amendments to the permit fee structure and discount for works taking place wholly outside of traffic sensitive hours has been analysed. The proposed discount level of 30% is the lowest level allowed under the regulations. These changes are not anticipated to compromise the financial viability of the scheme.

5 Conclusions

- 5.1 The making of the permit scheme 'Order' is required to ensure the continued operation of the permit scheme.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to;
- i) Make an Order to vary the existing Leeds City Council Permit Scheme on the 1st October 2015;
 - ii) Approve the level of discount of 30% of the permit fee for works undertaken wholly outside traffic sensitive times; and
 - iii) Approve the level of the fees for short duration major works.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.