

INFORMATION REPORT TO:	TRAFFIC MANAGEMENT ADVISORY COMMITTEE 6 October 2015
Agenda Item	22
SUBJECT:	Notification of decisions made under delegated powers -Street Works - London Permit Scheme Changes
CABINET MEMBER:	Councillor Kathy Bee, Cabinet Member for Transport and Environment
WARDS:	All Wards

1. **RECOMMENDATION**

- 1.1 To inform the Traffic Management Advisory Committee of the decision taken by the Cabinet Member for Transport and Environment on 1st September 2015 under delegated authority from the Leader of the Council.

The report presented to the Cabinet Member is attached.

DETAIL

The attached report details the decision made by the Cabinet Member for Transport and Environment on 1st September 2015 following delegation from the Leader of the Council.

For General Release

REPORT TO:	Cabinet member for Transport and Environment Date: deadline 28th August 2015
SUBJECT:	Street Works - London Permit Scheme Changes
LEAD OFFICER:	Executive Director, Place
CABINET MEMBER:	Councillor Kathy Bee – Portfolio holder Transport and Environment
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT: Action to be taken under delegated authority	
AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS: <p>This report sets out the implications of changes to the street works permit regulations and what actions are required to be completed to ensure that Croydon Council's Permit Scheme (which is part of the London Permit Scheme (LoPS)) complies with the new regulations and LoPS continues to operate as a common scheme.</p> <p>In order that Croydon Council meets the required compliant date of 1st October 2015 to operate the permit scheme under the amended regulations it is proposed that delegated powers are used to approve the scheme.</p>	
FINANCIAL IMPACT <p>Failure to implement the amended London Permit Scheme will mean that the Council will not be able to operate a compliant street works permit scheme. Not only will there be a detrimental impact on Croydon Council's ability to discharge its network management duty, it will also mean that Croydon Council will not be able to recover any income from permit fees or associated costs.</p>	
KEY DECISION REFERENCE NO.: This is not a key decision	
1. RECOMMENDATIONS 1.1 That under powers delegated to her by the Leader of the Council (ref.25/15/LR) the Cabinet Member for Transport and Environment is recommended to approve: <ul style="list-style-type: none">i) the changes to the London Permit Scheme (LoPS) as it applies to Croydon and as detailed in para.3 of the report;ii) the making of an Order to amend the Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 to bring the changes into effect. ;iii) that the Order be signed on behalf of the Council by the Executive Director - Place.	

2. EXECUTIVE SUMMARY

- 2.1 This report sets out the implications of changes to the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) and what actions are required to be completed to ensure that Croydon Council's Permit Scheme (which is part of the London Permit Scheme (LoPS)) complies with the amended regulations and that LoPS continues to operate as a common scheme across London.

The decision in question is an executive function so in accordance with the Leaders Scheme of Delegations would usually fall to the Cabinet Member for Transport and Environment on advice from the Traffic Management Advisory Committee. However, due to the deadlines for the making of amendments to the Scheme, a decision is sought under the Leaders delegation (ref.25/15/LR).

3. DETAIL

- 3.1 The operation of a permit scheme is essential to the council in order to control and manage access to road space on Croydon Council's road network. All works promoters (statutory utilities and our own highways contractors) have to secure a permit for their works, thus allowing better co-ordination of works and minimising disruption arising from those works and smoothing traffic flow.
- 3.2 The London Permit Scheme (LoPS) is a common scheme which is operated by all London boroughs and TfL, although each authority has its own statutory instrument to operate the scheme.
- 3.3 The Deregulation Act 2015 amends the Traffic Management Act 2004 to remove, in England, the requirement for permit schemes to be approved by the Secretary of State and given effect by Statutory Instrument (SI). Rather, local highway authorities (or strategic highway companies) are now enabled to make their own schemes and to vary or revoke existing schemes.
- 3.4 The 2015 Act amendments provide that a scheme previously given effect by an SI made by the Secretary of State is to be treated as if it had been given effect by an Order made by the highway authority under the amended Traffic Management Act.
- 3.5 Consequent amendments have been made to the Traffic Management Permit Scheme (England) Regulations 2007 ("the 2007 Regulations") made by The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 ("the amendment Regulations") and other changes to the operation of permit schemes and will apply to all new permit schemes from 30 June 2015, and to all existing schemes from 1 October 2015
- 3.6 The Council as a local highway authority (permit authority) will need to vary its permit scheme by the making of an Order under Part III of the Traffic Management Act 2004, so as to ensure that by 1st October 2015 its permit scheme is in compliance with the Traffic Management Permit Scheme (England) Regulations 2007.

4. CONSULTATION

4.1 The Department for Transport (DfT) has recently consulted on proposed amendments to the existing Traffic Management Permit Scheme (England) Regulations 2007. This is in addition to consequential changes to the permit scheme approval process introduced by the Deregulation Act 2015.

4.2 The DfT Permit Scheme Advice Note: Implementing changes required by 1 October 2015, issued on 1 July 2015 provides advice on the making of the order. An order template has been approved by DfT, TfL and the Joint Authorities Group (JAG), which London boroughs have also agreed. DfT and JAG have advised that the order should be signed by the appropriate senior officer within each authority.

4.3 Listed below are the main areas which have been identified where changes are required to LoPS to ensure that it conforms to the Amendment Regulations and the current published statutory guidance.

- Amend LoPS to account for the National Permit Conditions as set out in statutory guidance
- Amend the charges section to account for permit charge discount for works undertaken on traffic sensitive streets at non-traffic sensitive times on lower reinstatement category roads
- Amend the reporting and evaluation section to align with the new statutory requirement in the Amendment Regulations
- Undertake a review of the whole of LoPS to remove references which are non-compliant with the Amendment Regulations e.g. reference to the Secretary of State bringing the current version of LoPS into effect.

4.4 The LoPS Business Task Force on behalf of all London Boroughs has led a full review of the amendment regulations to identify areas of conflict with LoPS and agree with boroughs the required amendments to ensure LoPS complies with the amended regulations. There is an expectation from the DfT that where authorities are making changes they will undertake a proportionate consultation on those changes. This is being undertaken by the Task Force on behalf of all London boroughs and TfL. This will be finalised by mid-August and any agreed changes will be incorporated into the final version of the LoPS. The timetable for making the changes is as follows: -

28 th August 2015	Approval by the Cabinet Member for Transport and Environment to the LoPS changes in principle and by approval of this report authorisation to make the order.
1 st September 2015	LoPS amendments confirmed and Order made and signed.

1 st September 2015	Issue LoPS documentation by order to allow for the 4 weeks' notice period required under the Amendment Regulations.
1 st October 2015	Deadline for amendment Order to be in place.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1

Financial Implications

5.1.1 Revenue

The total anticipated income for 2015/16 NRSWA associated income is £1.500m; of which £0.780m is expected from Street works permits.

5.2.1 Effect of decision

It is anticipated that there will be no significant change to the level of income that Croydon Council receives for permit applications as Croydon Council has already been operating in accordance with the proposed changes relating to the permit charge discounts for works undertaken on traffic sensitive streets at non-traffic sensitive times on lower reinstatement category roads.

5.3.1 Risks

Failure to implement the amended regulations will mean that the Council will not be able to operate a compliant street works permit scheme. Not only will this have a detrimental impact on Croydon Council's ability to discharge its network management duty, it will also mean that Croydon Council will not be able to recover any income from permit fees or associated costs.

If the order is not approved by 1st September 2015 to give the statutory one month advance notice to stakeholders of the Council's intention of operating under amended regulations then Croydon Council will not be compliant by 1st October 2015 and may be operating a permit scheme that can be challenged.

The actions identified in this report will enable Croydon Council to continue to operate a permit scheme on its highway network and also ensure that LoPS remains a common scheme across London and needs to be done in tandem with the all LoPS members to ensure that the scheme remains a common scheme for London.

If the statutory deadline is not met, Croydon Council will not be in a position to operate a permit scheme and impose a range of conditions that assist in the management and control of street works activities

5.4.1 Options

Option 1 – wait until the Traffic Management Advisory Committee sits on 6th October 2015 and therefore miss the compliance date of 1st October

Option 2 – the decision in question is an executive function so in accordance with the Leader's Executive Decision reference number 25/15/LR which enables the portfolio holder to deal with urgent matters without prior reference to Traffic Management Advisory Committee

5.5.1 Future savings/efficiencies

By not signing off the Permit Scheme order within the required time may impact on Croydon's Council ability to run a permit scheme which is self-funding.

Approved by: Dianne Ellender Head of Finance and Deputy S151 Officer

6. COMMENTS OF THE BOROUGH SOLICITOR AND MONITORING OFFICER

6.1 The Council Solicitor comments that the recommendations within this report are within the Council's powers and duties.

Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer.

7. HUMAN RESOURCES IMPACT

7.1 There are no human resources implications arising from this report.

(Approved by: Deborah Calliste, HR Business Partner, on behalf of the Director of Human Resources)

8. EQUALITIES IMPACT

8.1 The continuance of a compliant permit scheme will allow for effective and efficient coordination of planned activities on the highway network across the whole borough and help the council to deliver excellent customer focused services that are accessible to all.

9. ENVIRONMENTAL IMPACT

9.1 The continuance of a permit scheme is essential to ensuring that the works on the network are coordinated and managed so as to minimize the effects as far as possible on transport movements throughout the borough.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no identified crime and disorder implications from the need to comply with the legislative changes required to continue with a permit scheme.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 The changes are required by legislative changes and necessary in order to continue to run a street works permit scheme.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 Option 1 rejected as the timescales will not meet the required timetable of signing off the order

Option 2 considered as this is in line with the Council policy of delegated powers allows Croydon Council to meet compliance date of 1st October

There is no viable alternative option as not to implement these changes, required by legislation, would result in Croydon council failing to have a valid permit scheme and therefore would cease to be able to use permits to coordinate its street works activities and have a significant impact on its ability to carry out its statutory duties.

CONTACT OFFICER: [Hilary Dickson Traffic Manager 020 825 52807]
Background papers –London Permit Scheme

Appendix 1 Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 electronic copy available on the Council website:
<https://secure.croydon.gov.uk/akscroydon/users/public/admin/kabmenu.pl?cmte=TMA>