

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	29 July 2021
Title:	Changes to the Traffic Management Permit Scheme
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to highlight minor edits and updates required to the wording of the Hampshire County Permit Scheme (HCPS) document and gain approval to formalise those changes and change the scheme documents.

Recommendations

2. That the Executive Member for Highways Operations gives approval to update the Hampshire County Permit Scheme (HCPS) to make minor amendments to the text and take account of changes in technology and processes since the document was originally written.
3. That authority is delegated to the Director of Economy, Transport and Environment to make the legal orders, in consultation with the Head of Legal Services, for future amendments to the Hampshire County Permit Scheme in the absence of objections from statutory consultees.

Executive Summary

4. This paper identifies the text edits and updates required to bring the HCPS document up to date and seeks approval to make the changes.
5. Following on from the 2019 / 2020 HCPS report, and acting on the decisions made at the Executive Member for Economy, Transport and Environment decision day on 19 November 2020, a review of the scheme documentation has been made and updates and changes have been identified. Most changes are minor typographical edits or updates needed to refer to the latest practices and technology. However, there is one change needed to correct inconsistencies relating to the financing of the scheme. This needs correcting to ensure that the County Council recovers its costs in running the scheme.
6. As the HCPS documentation is a legal instrument, a formal process is required to make these changes. This process is set out in the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015/958. The process requires consultation with the organisations that will be affected by the changes.

In this case this will mainly be the utility companies and internal County Council works promoters. Once the consultation has concluded, and assuming no valid objections have been received, then a legal order is required to formally make the changes.

7. Failure to make the necessary corrections to the wording of part of the financial element of the document may result in the County Council not being able to charge for some types of permits. This will lead to a potential 15% to 20% shortfall in the scheme income, resulting in the scheme not recovering its costs.

Contextual information

8. The list of proposed changes is identified in the following table:

Para	Existing Text	Proposed Text	Reason for Change
4.1	...The HCPS will use seven KPIs contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme (Oct 2015), to measure performance and ensure parity. The County Council will continue to submit the performance data to the NSG hub.	...The HCPS will use seven KPI's contained within the DfT's Statutory Guidance for Highway Authority Permit Scheme (Oct 2015), to measure performance and ensure parity.	Correct grammar and remove requirement to send to the NSG hub as this is no longer required.
5.1	The only Highway / Traffic Authorities that the County Council shares borders with and that do not currently operate a permit scheme are Highways England and Portsmouth City Council (as at June 2018).	The only Highway / Traffic Authority that the County Council shares borders with and that does not currently operate a permit scheme is Highways England (as at June 2021)	Portsmouth City Council now operate a permit scheme.
Various locations including 1.3 1.5.7 1.5.8 7.1 8.5 10.1 10.16.1 11.1 11.3 11.6.1 11.7.2 11.8.3 11.9.1 11.9.2 12.3.3 12.4.1 16.2.1 15.7.1 (g) 24.4.5	Reference to "HAUC (England) Guidance, Operation of Permit Schemes (Feb 2017)"	HAUC (England) Guidance, Operation of Permit Schemes	Remove date reference to ensure compliance with the latest version.
S.9.3	Temporary Traffic Signal Applications must be made	Temporary traffic signal applications can be made by	Notice types 2700 and 2800 are no

	<p>using notice type 2700 – Temporary Traffic Signal Application in accordance with the latest version of the Prescribed Electronic Format Technical Specification. Providing that a complete application has been received a response granting the approval will be given by the County Council using notice type 2800 – Temporary Traffic Signal Application Response in accordance with the latest version of the Prescribed Electronic Format Technical Specification, within the response period for the permit application. For those promoters unable to use the Prescribed Electronic Format Technical Specification for temporary traffic signal applications the County Council will provide a proforma that can be emailed or attached to notices or permits.</p>	<p>selecting the applicable traffic management type on the permit application. Further details, such as traffic management plans should be uploaded as electronic attachments on the permit.</p>	<p>longer used and the applications to use Temporary Traffic Signals are handled by the DfT's Street Manager IT system.</p>
15.7.1 (j)	Any work on a fire hydrant	any works on a fire hydrant commissioned by the fire service	Clarification of exemption to follow good practice
20.2.1	<p>The Council will publish its main contact details on its 'OD' file. Additional 'day to day' contact information will be published at relevant local HAUC meetings, coordination meetings and on an ad hoc basis as needed. Some contact information may also be published on the gazetteer.</p>	<p>The County Council will publish its main contact details on Street Manager. Additional 'day to day' contact information will be published as required.</p>	<p>The 'OD' files are outdated technology. The DfT's Street Manager IT system now handles this data.</p>
Various locations, including; 20.4.1	Reference to: Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (Oct 2012)	Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters	Remove date reference to ensure compliance with the latest version.
App A. Charges for permit variations	<p>For permit variations, the County Council will charge:-</p> <ul style="list-style-type: none"> £45 for all activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic sensitive. £35 for major activities on category 3 and 4 & non-traffic sensitive streets. 	<p>For permit variations, the County Council will charge:-</p> <ul style="list-style-type: none"> £45 for all activities on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic sensitive. £35 for all activities on category 3, 4 and non-traffic sensitive street. 	<p>Change required to reflect the financial model (charging for all permit variations). As discussed in detail below.</p>

App A. Charges for Major works	<ul style="list-style-type: none"> • Major activity (Including requiring a TRO for 11 days or more) • Major activity – 4 to 10 days (requiring a TRO) • Major activity – up to 3 days (requiring a TRO) 	<ul style="list-style-type: none"> • Major activity (Including requiring a TTRO for 11 days or more) • Major activity – 4 to 10 days • Major activity -- Up to 3 days 	Remove reference to TRO and replace with the correct reference (TTRO). Also remove reference to TRO from major activities 1-3 days and 4-10 days as it is not relevant to these work types. The charge rate is not affected.
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9. Most of the changes needed are a result of textual anomalies or a need to refer to updated technology or processes. The reasoning and evidence for these changes needs no further explanation and are not considered to be contentious with the consultation base.
10. The change to the wording regarding charging for all variations to permits is necessary to avoid a potential loss of scheme income. When the scheme finances were initially modelled, charging for all permit variations was included in the calculations and was necessary to recover all costs of the scheme.
11. When the scheme document was written, the paragraph explaining charging for permit variations only included charging for a small proportion of permit variations. This does not align with the financial modelling of the scheme, which requires all permit variations to be charged in order to recover the scheme costs.
12. Since the start of the permit scheme, the County Council has been charging for all permit variations in accordance with the scheme modelling. However, it could be argued that this is not clearly reflected in the current scheme documentation. Finance results from the first year of the scheme operation prove that charging for all permit variations (in accordance with the model) are required to cover the costs of the scheme.
13. As this financial misalignment has now been identified, the County Council is now charging only in accordance with the scheme documentation. Once the changes are agreed the County Council will recommence charging for all permit variations.
14. The County Council has informally discussed the financial changes to the document with key utility companies and they understand the need for the changes. They have informally indicated that they will not oppose these changes.
15. If there are significant objections to the change in the financial wording aspects relating to permit variations that are upheld, then the County Council will need to review the HCPS with a view to recovering charges through other means, perhaps through introducing charges for minor works permits. This is not a desirable outcome as absorbing the costs of processing minor permits provides significant cooperation benefits from utility companies and minimises the administrative burden to internal and external works promoters.

Finance

16. The scheme is modelled on the basis of full cost recovery and this principle is reflected in this proposed adjustment to the scheme. Not being able to charge for all permit variations means that the costs of the scheme cannot be fully recovered.

Legal Considerations

17. As the HCPS documentation is a legal instrument, a formal process is required to make these changes. This process is set out in the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015/958. The process requires consultation with the organisations that will be affected by the changes. In this case this will mainly be the utility companies and internal County Council works promoters. Once the consultation has concluded, and assuming no valid objections have been received, then a legal order is required to formally make the changes.

Performance

18. There is no impact on the performance of the HCPS.

Consultation and Equalities

19. A consultation on the proposed changes to the text of the HCPS is a mandatory element of making any changes to the HCPS documentation. Consultation requirements are set out in the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015/958. The key consultees will be the utility companies and internal works promoters that make use of the HCPS.
20. The decision relates solely to the administration and documentation of the HCPS, and has no direct impact on residents, so it is deemed to have a neutral impact on groups with protected characteristics.

Climate Change Impact Assessments

21. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
22. This decision relates solely to the administration and documentation of the HCPS. It has no physical location, has no impact on physical infrastructure and has no impact on the physical operation of works on the highway. After consultation with the Climate Change project team, it has been deemed to have a neutral impact on climate change adaptation and mitigation.

Other Key Issues

23. None

Conclusions

24. A number of corrections are required to the HCPS document. Most relate to changes to reflect changes in technology or processes. However, there is one significant change that relates to scheme cost recovery. Failing to make the changes could render some wording of the HCPS document confusing or out of date, and also prevent the scheme from recovering its costs, forcing the County Council to review the scheme to seek other avenues of cost recovery.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> https://democracy.hants.gov.uk/ieDecisionDetails.aspx?ID=1624	<u>Date</u> 19 th Nov 2020
Direct links to specific legislation or Government Directives	
<u>Title</u> Traffic Management Permit Scheme (England) (Amendment) Regulations 2015/958	<u>Date</u> 2015

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	
DfT Advice Note "For local authorities developing new or varying existing permit schemes" (June 2016)	DfT Publication

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The decision relates solely to the administration and documentation of the HCPS, and has no direct impact on residents, so it is deemed to have a neutral impact on groups with protected characteristics.