



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

In October 2019 NELC Cabinet approved the adoption of a Street Works Permit Scheme for managing works carried out on North East Lincolnshire's highway network. This includes work carried out by utility companies such as gas, electricity, water, telecommunications and private developers. Permit schemes of this nature are now mandatory by the Department for Transport (DfT).

The permit scheme will introduce charges to obtain approval to access NEL's highway network, but also the power to issue Fixed Penalty Notices (FPN's) for those that do not comply with the terms of the permit issued by NELC's street works team.

Statutory consultations with statutory undertakers were completed in May / June 2020. With this stage now complete, the Council are in a position to proceed with introduction of permit scheme.

A Street Works Permit Scheme will contribute to the Council's 'Stronger Economy' supporting economic growth by reducing delays to businesses and residents moving around the NEL network and improving the effective operation of the highway network. This in turn will lead to reduced carbon emissions which will be a move towards the Council's Green Agenda and the ambition of carbon neutrality. It will also contribute to the Council's 'Stronger Communities' objective by increasing accessibility and improving road safety for all Highway users.

This decision is to approve the sealing of the Legal Order to enact the implementation of a new Street Works Permit Scheme. Once the scheme is implemented it will require those working on the Highway such as utility companies and the Council to apply for permission to access the Highway and introduce a system of fees for the permits, alongside Fixed Penalty Notices for infringements.

The introduction of a Permit Scheme has been mandated to all highway authorities across UK by the DfT and Secretary of State for Transport. To comply, NELC's permit scheme must be operational by April 2021. In addition to the improved management of the highway network, the permit scheme will create an additional revenue income stream for the Council.

The revenue from a permit scheme is generated from three streams. Forecast revenue for each stream, based on a 12-month period April – March is as follows: -

Streetworks permits	- £99,000 per annum
Fixed Penalty Notices (FPN's)	- £60,000 per annum
Section 74 Notices	- £50,000 per annum
Total Annual Forecast Revenue	= £209,000 per annum

2. Is it a Key Decision as defined in the Constitution?

Yes

3. Details of Decision

Decision required to approve implementation of the Permit Scheme.

Permit schemes enable Highway Authorities to manage, and co-ordinate road works more effectively, minimise disruption to road users and to the road network, and assist the council in achieving selected performance indicators within the Local Transport Plan; local bus services, LGV journey times and road conditions.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

While a decision is required by 31st March 2021 to achieve the programmed start date, this is not classed as a special urgency decision as defined in the Constitution.

5. Anticipated outcome(s)

That authority is given to the Monitoring Officer to complete all requisite legal documentation in relation to the matters outlined above.

6. Details of any alternative options considered and rejected by the officer when making the decision

- 1.1 The Council could choose not to implement the proposed Permit scheme and do nothing. This option has not been pursued as it would fail to comply with guidance from the DfT and The Secretary Of State For Transport who requested the 57 authorities operating without a permit scheme to consider introducing a scheme, identifying the powers available under section 3(2) of the 2004 Traffic Management Act to direct an authority to introduce such a scheme if they do not progress investigation into a scheme.
- 1.2 The Council / ENGIE could seek to implement the scheme without specialist advice but this would generate a number of risks in ensuring that it was established in the most effective way. Most local authorities (as recommended in this report) commission a 3rd party specialist to undertake both work linked to the assessment and subsequent implementation of a scheme. It is recommended that the Council commissions a 3rd party specialist to support the Partnership to introduce a permit scheme, assisting statutory and non-statutory processes associated with the introduction of a scheme.

7. Background documents considered

Cabinet Decision Notice dated 2 October 2019

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

There are no known conflicts of interest.

10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)

This decision to approve the implementation of the permit scheme is consistent with the Cabinet decision of October 2019 and subsequent delegations and is in line with the Council's outcomes framework.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The income generated, estimated at £209k per annum will be fully used to support the costs of operating the scheme, including an additional payment to Engie of £140k per annum over and above the existing contract payment.

12. Human Resource Comments (Strategic Workforce Lead or nominee)

There are no direct HR implications

13. Risk Assessment (in accordance with the Report Writing Guide)

1.3 The Secretary Of State for Transport has requested that authorities operating without a permit scheme consider introducing a scheme, identifying the powers available under section 3(2) of the 2004 Traffic Management Act to direct an authority to introduce such a scheme if they do not progress investigation into a scheme.

14. Decision Maker(s):

Name: Councillor Stewart Swinburn

Title: Portfolio Holder for Environment and Transport

Signed: Approved via email

Dated: 21st April 2021

**15. Consultation carried out with
Portfolio Holder(s):**

Name: Mark Nearney

Title: Assistant Director Housing,
Highways and Transport

Signed: Approved via email

Dated: 16th April 2021

**16. If the decision is urgent then
consultation should be carried out
with the relevant Scrutiny
Chair/Mayor/Deputy Mayor**

Name: N/A

Title: N/A

Signed: N/A

Dated: N/A

APPENDIX 1 – Email Approval

Thanks Emma,

That's fine now.

Cllr Swinburn

From: Emma Clark (Engie) <Emma.Clark@nelincs.gov.uk>
Sent: 20 April 2021 10:15
To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Cc: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>; Luke Greaves (Engie) <luke.greaves@nelincs.gov.uk>
Subject: RE: ODR - Permit Scheme

Good morning Councillor Swinburn,

Please find attached a copy of the Permit Scheme ODR. An additional sentence has been added to Section 1 regarding reduced carbon emissions and the ambition of Carbon neutrality.

I would be grateful for your comments.

Thank you,

Emma.

Emma Clark
Senior Project Manager
Highways and Transport Project Management Team
Places & Communities North – NEL
emma.clark@nelincs.gov.uk
Mob. +44 (0) 7741 802695

From: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Sent: 16 April 2021 14:06
To: Emma Clark (Engie) <Emma.Clark@nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Cc: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Subject: RE: ODR - Permit Scheme

Afternoon Emma,

Thanks for the report, if possible I would like to see something included in the report about how this will help to reduce congestion and also to help with our ambitions of Carbon neutrality through the Councils green agenda.

Regards
Cllr Swinburn

From: Emma Clark (Engie) <Emma.Clark@nelincs.gov.uk>
Sent: 16 April 2021 12:27
To: Cllr Stewart Swinburn (NELC) <Stewart.Swinburn@nelincs.gov.uk>
Subject: FW: ODR - Permit Scheme

Good afternoon Councillor Swinburn,

Please see the attached ODR for the Permit Scheme. I would be grateful for your comments /approval.

Thank you,

Emma.

Emma Clark
Senior Project Manager
Highways and Transport Project Management Team
Places & Communities North – NEL
emma.clark@nelincs.gov.uk
Mob. +44 (0) 7741 802695

From: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Sent: 16 April 2021 10:52
To: Emma Clark (Engie) <Emma.Clark@nelincs.gov.uk>
Subject: FW: ODR - Permit Scheme

I approve.

Need to secure Cllrs approval and send both email to Dem Services for logging.

Ta

Mark Nearney, Assistant Director of Housing, Highways and Planning
North East Lincolnshire Council
Municipal Offices , Town Hall Square, Grimsby, DN31 1HU
Tel: 01472 324122 Mobile: 07826 344556
Email: Mark.Nearney@nelincs.gov.uk /www.nelincs.gov.uk

Stay alert. Control the virus. Save lives.

From: Emma Clark (Engie) <Emma.Clark@nelincs.gov.uk>
Sent: 12 April 2021 08:38
To: Mark Nearney (NELC) <Mark.Nearney@nelincs.gov.uk>
Subject: FW: ODR - Permit Scheme

Good morning Mark,

Please find attached the ODR relating to the Permit Scheme.

This has now been approved by Democracy Services. I would be grateful for your approval / signature.

Please let me know if you have any comments.

Thank you,

Emma.

Emma Clark
Senior Project Manager
Highways and Transport Project Management Team
Places & Communities North – NEL
emma.clark@nelincs.gov.uk