

TRANSPORT, INFRASTRUCTURE AND HOUSING SCRUTINY PANEL

DATE	15 th September 2026
REPORT OF	Councillor P Batson (Portfolio Holder for Housing, Infrastructure and Transport)
RESPONSIBLE OFFICER	Carolina Borgstrom (Director of Economy, Environment and Infrastructure)
SUBJECT	North East Lincolnshire Permit Scheme and Section 81 (New Roads and Streetworks Act 1991) duties.
STATUS	Open

CONTRIBUTION TO OUR AIMS

By working collaboratively with utility providers to co-ordinate and manage the network the Council can support a well-managed highway network that contributes to the Council's Strategic Aims set out in the adopted Council Plan, particularly the Stronger Economy outcome where a good road network enables accessibility for local businesses and residents alike.

EXECUTIVE SUMMARY

The report provides information relating to the North East Lincolnshire Permit Scheme (NELPS) and the duties that the Council has in relation to Section 81 of the New Roads and Streetworks Act 1991 (NRSWA).

MATTERS FOR CONSIDERATION

The Scrutiny Panel is provided the information to consider limitations of council statutory powers and to assess advocacy and explore direct member and community influence with statutory undertakers.

1. BACKGROUND AND ISSUES

- 1.1. In July 2021, North East Lincolnshire Council adopted a permit scheme that required organisations undertaking works to 'dig up' the highway to apply for a permit to work. This is in accordance with Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and is regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007. The Permit Scheme is designed to manage the carrying out of relevant activities on the public highway to minimise disruption and ensure that works are carried out in accordance with the permit conditions set for each permit. In 2025/26, over 6500 permit requests were processed by the Streetworks team.
- 1.2. The NEL Permit Scheme (NELPS) sets out the duties and responsibilities that Statutory Undertakers (those working on the highway) have through the Scheme and the New Roads and Streetworks Act 1991 (NRSWA).
- 1.3. The Council does not own or operate the Undertakers assets and does not have a statutory power to require companies to improve, replace or upgrade its wider network simply because repeated failures have occurred. Decisions on asset condition, investment, renewal and preventative replacement sit with the statutory Undertaker and its regulator.
- 1.4. The Council, in its capacity as the local Highway Authority are principally empowered to co-ordinate and manage works on the highway network, rather than to direct how statutory undertakers maintain, renew or invest in their own apparatus. NELC can only (and does) use its co-ordination role to press for explanations and investment where repeated highway disruption is being caused.
- 1.5. Section 59 of NRSWA provides that the highway authority shall "use their best endeavours to co-ordinate the execution of works of all kinds" in the streets for which it is responsible. Section 60 places a corresponding duty on undertakers to co-operate with the Highway Authority. In practical terms, these provisions provide the Council with co-ordination and network management powers only, they do not enable NELC to enforce on statutory Undertakers asset investment or large-scale replacement programmes.
- 1.6. Under Section 81 (s81) of NRSWA, the Undertakers have a statutory duty to maintain their apparatus in the street including to ensure that systems are maintained in efficient working order to properly discharge their safety and service obligations to their customers.
- 1.7. Section 81 of the NRSWA includes maintenance and repair to a variety of apparatus (belonging to the Utility company) including; manhole covers, inspection chambers, valve boxes, utility covers & frames and cabinets, poles & other associated equipment. It does not cover the underground pipes and cables that provide the water, gas, electricity and telecoms to resident's houses and businesses.
- 1.8. Where a fault / damage to apparatus is identified, Streetworks Inspectors will typically raise a s81 defective apparatus notice to inform the apparatus owner that it needs repair / maintenance. Carrying out repairs is the responsibility of the

apparatus owner (typically the Utility company) and not NELC. There are no statutory timescales for repairs being made or penalties that NELC can impose on the apparatus owners.

- 1.9. Utilities in the UK are regulated by a number of different bodies depending on the service that they provide. Regulatory bodies have the powers to hold companies accountable for the services they provide. They set investment and customer service standards and can investigate and potentially impose fines on companies where these standards are not met. They do not typically manage defects on individual streets.
- 1.10. In respect of mitigating impacts on businesses, the Council's Street Works team considers each permit application on its merits, including the location, proposed traffic management, access requirements, duration and potential disruption. Conditions are applied where justified and proportionate, but these must relate to the management of the works on the highway rather than the Undertaker's wider network investment decisions. Any compensation to business or residents will need to be pursued by the business / individual directly with the Undertaker under the legislation governing each utility.
- 1.11. Section 81 notices to (water utilities apparatus) by ward and street during the last 5 years and part year 2026 are provided in the table below

Ward / Street	No. of s81 Notices	Ward / Street	No. of s81 Notices
CROFT BAKER		SCARTHO	
Davenport Drive	3	Pasture Lane	2
Highgate	2	Waltham Road	3
North Street	2	Wren Crescent	2
Oxford Street	2		
Penshurst Road	5	SIDNEY SUSSEX	
Seaview Street	2	Barcroft Street	3
St Peters Avenue	5	Campden Crescent	3
Trinity Road	2	Grimsby Road	10
		Harrington Street	2
EAST MARSH		Neville Street	2
Buller Street	2	Taylor Street	3
Castle Street	2		
Cleethorpe Road	4	SOUTH	
Fairmont Road	4	Brocklesby Road	2
Freeman Street	7	Eastern Inway	2
Harold Street	3	Scartho Road	15
Hildyard Street	3		
Julian Street	2	WALTHAM	
Pasture Street	3	Barnoldby Road	4
Riby Street	2	High Street	3
Stanley Street	2	Golf Course Lane	4
Victor Street	5	Main Road	3

Weelsby Road	2		
Wellington Street	2	WEST MARSH	
		Boulevard Avenue	3
FRESHNEY		Frederick Ward Way	4
Grayling Close	2	George Street	2
Station Road	2	Victoria Street South	3
Timberley Drive	2	Victoria Street West	4
		Wharton Street	2
HAVERSTOE			
Aspen Court	2	WOLDS	
Bradford Avenue	2	Caistor Road	3
Daggett Road	3	Fords Avenue	2
Kings Road	3	Lakeside	2
Humberston Road	6	Larkspur Avenue	3
North Sea Lane	5	Nicholson Road	2
Rosemary Way	2		
		YARBOROUGH	
HENEAGE		Broadway	3
Beverley Crescent	2	Elder Road	2
Convamore Road	6	Little Coates Road	3
Danes Close	3	Norman Road	2
Granville Street	3		
Hainton Avenue	2	IMMINGHAM	
Hunsley Crescent	4	Chapel Road	2
Welholme Road	2	Kings Road	2
		Manby Road Warehouse West OFF Access Road	3
HUMBERSTON AND NEW WALTHAM		Pelham Road	5
Church Avenue	2	Queens Road	2
Fieldhouse Road	3	Station Road	3
Grasmere Grove	2		
Humberston Avenue	2		
Jackson Place	2		
Trafalgar Park	5		
PARK			
Bargate	15		
Dudlet Street	4		
Princes Avenue Access Road	2		
Rosalind Avenue	2		
Weelsby Road	2		

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

2.1 The key risks noted are associated with failing to deliver the NELPS effectively, if utility works are not appropriately co-ordinated and the Council fails in its network management duties the outcomes are likely to be increased traffic congestion, avoidable

longer journey times for residents and business-related journeys and increased public dissatisfaction.

2.2 There are no specific issues identified in this report arising from the Council's duties under the Equality Act 2010. The contents of this report is not expected to have a specific negative impact on any of the protected characteristic groups.

2.3 Information used to administer the NELPS is handled in ways that are consistent with the Council's duties under the General Data Protection Regulations 2018 (GDPR).

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential positive/negative reputational implications for the Council resulting from the decision. An action plan has will be agreed with the Council's communications service alongside the ongoing service review. The comms will cover issues such as; NELCs duties and powers under NRSWA, distribution of information related to specific higher impact works on the highway and examples of innovation introduced to improve service.

4. FINANCIAL CONSIDERATIONS

Any costs associated with carrying out repairs and maintenance of apparatus is the responsibility of the asset owner, typically the Utility company. So, in this respect there are no direct costs for NELC. The identification of damage to apparatus is usually identified by Streetworks Inspectors / Highway Inspectors during their normal day to day activities, so again this does not incur any additional costs.

On an occasion when it is not possible to identify the owner or a particular piece of apparatus, and where it is deemed necessary on safety grounds the Council may need to step in and effect a repair, the costs associated with this would be funded from existing highway budgets.

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no specific implications relating to children and young people because of this report.

6. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS

There are no specific implications relating to climate change, nature recover or the environment as a result of this report.

7. PUBLIC HEALTH, HEALTH INEQUALITIES AND MARMOT IMPLICATIONS

There are no specific implications relating to public health, health inequalities or the Marmot principles as a result of this report.

MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring

comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

8. WARD IMPLICATIONS

Issues identified in this report could apply to all Wards.

9. BACKGROUND PAPERS

North East Lincolnshire Permit Scheme (June 2020)

<https://www.nelincs.gov.uk/assets/uploads/2023/11/NELC-Street-Work-Permit-Scheme-V2-Dec-2023.pdf>

10. CONTACT OFFICER(S)

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