

Agenda Item No. 7(i)

DERBYSHIRE COUNTY COUNCIL

CABINET

15 December 2015

Report of the Strategic Director – Economy, Transport and Environment

**DERBYSHIRE COUNTY COUNCIL PERMIT SCHEME (HIGHWAYS,
TRANSPORT AND INFRASTRUCTURE)**

- (1) **Purpose of Report** To confirm delegation of authority to make legal orders relating to the Derbyshire County Council Permit Scheme, designed to improve co-ordination of street works for road purposes.
- (2) **Information and Analysis** At its meeting on 20 January 2015, Cabinet received a report into the proposed Derbyshire County Council Permit Scheme, intended to provide better coordination of road works (carried out by the Council itself) and street works (carried out by public utilities (Minute No. 16/15 refers)). This should have the effect of reducing the time taken to undertake road works efficiently and safely, improving information to the public and reducing delay to road users and disruption to residents, visitors and businesses. Under permit schemes those wishing to work in the highway apply to the highway authority to do so rather than simply issuing a notice. Conditions can be applied over start and finish dates, traffic management and hours of operation.

Cabinet, at its meeting of 20 January 2015, gave its approval to the Derbyshire County Council Permit Scheme; this was then created as The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015, which was made by the Secretary of State and came into force on 31 March 2015. The scheme applies to all roads designated as 'traffic sensitive', so excludes minor roads which remain covered by a system of notices rather than permits.

The Deregulation Act 2015 removed the need for permit schemes to be approved by the Secretary of State, allowing local highway authorities to make their own schemes and to amend or revoke existing schemes. The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 came into force on 30 June 2015 under which Permit Authorities operating permit schemes had to ensure they were compliant with all relevant statutory requirements. There are no compliance issues for the Derbyshire scheme, which was, by design, already consistent with the new Regulations. However,

the Council was advised in September 2015, by the Joint Authorities Group (JAG (UK)), which provides guidance to highway authorities, that because the scheme's Statutory Instrument referred specifically to 2007 Regulations, this needed to be superseded by an order making reference to the 2015 Regulations (with which in all other respects the scheme was already compliant). The Derbyshire County Council Permit Scheme Order 2015 was therefore made on 1 October 2015 by the Director of Legal Services, under the authorisation of the Chief Executive.

There is no immediate need for any further action in order for the Council to retain a Permit Scheme. However, it does form part of wider on-going discussions linked to the proposed Derbyshire and Nottinghamshire Combined Authority and developing devolution deal. The coordination of work on a 'key network' of roads across Derby, Derbyshire, Nottingham and Nottinghamshire could well lead to the creation of a single, area-wide permit scheme or even to the adoption of a 'lane rental' system giving greater control of works on the most important roads to local agencies. It is, therefore, possible that further orders will be required in due course, even in the absence of any further regulations or guidance from Government. Cabinet is therefore requested to confirm its delegation of authorisation to make orders relating to the Derbyshire County Council Permit Scheme to the Director of Legal Services. Further reports to Cabinet will be brought, though, if any proposed change constitutes a material change to the objectives of the Permit Scheme or to its coverage.

(3) **Financial Considerations** The Derbyshire County Council Permit Scheme involves the payment of fees and fixed penalties by statutory undertakers working in the highway. These are unaffected by the recommendations of this Report.

(4) **Legal Considerations** As detailed within the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - Jim Seymour, extension 38557.

(8) **OFFICER'S RECOMMENDATIONS** That Cabinet confirms delegation of authorisation to make orders relating to the Derbyshire County Council Permit Scheme to the Director of Legal Services, noting that it will receive reports relating to any proposed material changes.

Mike Ashworth
Strategic Director – Economy, Transport and Environment