



County Offices
Newland
Lincoln
LN1 1YL

1 July 2016

Highways and Transport Scrutiny Committee

A meeting of the Highways and Transport Scrutiny Committee will be held on **Monday, 11 July 2016 at 10.00 am in Committee Room One, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle
Chief Executive

Membership of the Highways and Transport Scrutiny Committee
(11 Members of the Council)

Councillors M Brookes (Chairman), A G Hagues (Vice-Chairman), M G Allan, D Brailsford, K J Clarke, R L Foulkes, R J Hunter-Clarke, J R Marriott, N M Murray, Mrs A M Newton and A H Turner MBE JP

**HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE AGENDA
MONDAY, 11 JULY 2016**

Item	Title	Pages
1	Apologies for Absence/Membership Changes	
2	Declarations of Members' Interests	
3	Minutes of the previous meeting of the Highways and Transport Scrutiny Committee held on 13 June 2016	5 - 14
4	Announcements by the Executive Councillor for Highways, Transport and IT and the Chief Operating Officer	Verbal Report
5	Major Schemes Update <i>(A verbal report by Paul Rusted, Infrastructure Commissioner, in connection with the latest progress on the Council's major highway and transport schemes)</i>	Verbal Report
6	Permit Scheme - Update <i>(A report by Mick Phoenix, Parking Services Manager, in connection with the outcome of consultations with the general public, businesses and utility companies regarding the adoption of a Permitting Scheme in Lincolnshire)</i>	15 - 84
7	Lincolnshire Road Safety Partnership School Safety Watch - Status Report <i>(A report by Andrew Trevithick, Lincolnshire Police Casualty Reduction, in connection with the School Safety Watch. Which is a new initiative aimed primarily at Lincolnshire schools but may include other establishments where children regularly attend)</i>	85 - 88
8	Highways and Transport Scrutiny Committee Work Programme <i>(A report by Daniel Steel, in connection with the latest situation of the Committee's Work Programme)</i>	89 - 94

Democratic Services Officer Contact Details

Name: **Steve Blagg**
Direct Dial **01522 553788**
E Mail Address steve.blagg@lincolnshire.gov.uk

Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:
www.lincolnshire.gov.uk/committeerecords



**HIGHWAYS AND TRANSPORT
SCRUTINY COMMITTEE
13 JUNE 2016**

PRESENT: COUNCILLOR M BROOKES (CHAIRMAN)

Councillors A G Hagues (Vice-Chairman), M G Allan, D Brailsford, C J T H Brewis, K J Clarke, R L Foulkes, Mrs A M Newton, Mrs J M Renshaw and A H Turner MBE JP

Councillors: R A Renshaw attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Richard Hardesty (Senior Project Leader), Ian Kitchen (Transport Manager - Policy and Orders), John Monk (Group Manager (Design Services)), Mick Phoenix (Regulation Services Manager), Paul Rusted (Infrastructure Commissioner), Jasmine Sodhi (Performance and Equalities Manager), Daniel Steel (Scrutiny Officer), Andrew Thomas (Principal Accessibility Planning Officer), Steve Willis (Chief Operating Officer, Development Services) and Steven Batchelor (Senior Manager)

91 APOLOGIES FOR ABSENCE/MEMBERSHIP CHANGES

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors C J T H Brewis and Mrs J R Renshaw to the Committee, in place of Councillors J R Marriott and N M Murray, respectively, for this meeting only.

92 DECLARATIONS OF MEMBERS' INTERESTS

None declared at this stage of the meeting.

93 MINUTES OF THE PREVIOUS MEETING OF THE HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE HELD ON 18 APRIL 2016

RESOLVED

That the minutes of the previous meeting of the Highways and Transport Scrutiny Committee held on 18 April 2016, be approved as a correct record and signed by the Chairman, subject to "Councillor R A Renshaw, Shadow Executive Councillor for Highways and Transport" being added to the list of those in attendance at the meeting.

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94 ANNOUNCEMENTS BY THE EXECUTIVE COUNCILLOR FOR HIGHWAYS, TRANSPORT AND IT AND THE CHIEF OPERATING OFFICER

None.

95 PERFORMANCE REPORT, QUARTER 4 (1 JANUARY TO 31 MARCH 2016)

The Committee received a report on the performance of the highways service including the Lincolnshire Highways Alliance, major highways schemes update and customer satisfaction information for the quarter 1 January to 31 March 2016.

The Committee also received a presentation on performance infographics which would shortly be appearing on the Council's website. The infographics would allow all Members, the public and the press to view performance statistics relating to the Council's services, including highways and transport.

Discussion between the Committee and officers included the following topics:-

1. The new system of presenting the performance information was easy to understand.
2. Was it possible to provide an index page to assist people to find what they were looking for on the website for the performance infographics? Officers stated that they would examine this request.
3. Could technical words and phrases used on the performance infographics be explained? Officers agreed to examine this request.
4. It was noted that complaints from customers had increased during the last quarter but it was noted that customer complaints had increased across all of the Council's services.
5. While the various projects in Lincoln were welcomed improvements to the Doddington and Skellingthorpe Roads level crossings were required because of the effects on economic development in these areas. Officers stated that both crossings were being examined and efforts were on-going to try and get someone from Network Rail to attend a meeting of this Committee to speak on this matter.
6. It was noted that the percentage of Compensation Events committed within two weeks was quite low. Officers stated that this was due to the current number of personnel vacancies in this area which would improve when the new operating model for highways had been finalised.
7. It was noted that there were few highways projects taking place in the north of the county compared for example to Lincoln. Officers stated that it should be borne in mind that many of the highway projects taking place were linked to economic growth and much of the funding came from private developers. The days of the funding of, for example, road schemes out of the public purse no longer existed.

RESOLVED

That the comments made by the Committee on the performance information and the infographics be noted.

96 STREET LIGHTING TRANSFORMATION PROJECT UPDATE

The Committee received a progress report in connection with the Street Lighting Transformation project. Officers stated that the county wide project was slightly ahead of programme and was currently due for completion by March 2017, from when it would deliver the proposed benefits of saving £1.77m per annum, reduce light pollution, reduce the Council's carbon footprint and reduce maintenance needs. Officers stated that all relevant people had been informed of the Transformation project including, amongst others, MPs, District Councils, the public through the County News and the Council's website.

Officers stated that the Executive Councillor for Highways and Transport, following concerns expressed by some of those affected, had agreed to revise its plans and leave all 'part-night' lights on until midnight. The authority had initially planned to turn-off some at 10pm. The Committee noted that this would require the Executive Councillor to make a further Executive decision to implement this change.

Officers stated that they had been working in consultation with the Lincolnshire Road Safety Partnership and the Lincolnshire Community Safety Partnership on the implementation of the Transformation project.

Mr Darryl Smalley, a member of the public, presented a petition to the Committee entitled "Don't Leave Lincoln in the Dark". He outlined the reasons behind the submission of the petition including, amongst others, the lack of communication with the public about the project, the effect on vulnerable people particularly those suffering from mental health issues and the elderly, crime, people's quality of life, evidence by the Royal Society for the Prevention of Accidents (RoSPA) and the need for an appeals process to allow members of the public to request that certain street lights were kept on.

Questions from the Committee to Mr Darryl Smalley and his response included the following:-

1. Did the decision of the Executive Councillor for Highways and Transport address the concerns raised in the petition. Mr Darryl Smalley stated that the decision of the Executive Councillor did address some of the concerns in the petition but there were still issues with people with mental health and anxiety problems.
2. Were all of the 4,000 names on the petition from Lincoln? Mr Darryl Smalley stated as the petition was an on-line petition the majority of petitioners were from Lincoln and surrounding villages in Lincolnshire but a small number were from out of the county.
3. The Council had had to make and still had to make some difficult decisions on its finances in recent years and in the future. If you were in charge of the Council's finances where would you make savings? Mr Darryl Smalley stated that he was unable to suggest where any savings could be made in the Council's budget at the current time and added that the setting up of an appeals process would not be too difficult to implement to help vulnerable people on a case by case basis.
4. Were the signatures on the petition obtained before the Executive Councillor for Highways and Transport had made a decision to leave all 'part-night' lights on until

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midnight? Mr Darryl Smalley stated that most of the signatures had been obtained before the Executive Councillor had made his decision to leave all 'part-night' lights on until midnight.

Officers addressed the various points raised in the petition including the following:-

1. With regard to the lack of communication with the public a copy of the Spring edition of County News was distributed to every household in Lincolnshire. This contained a comprehensive article about the Street Lighting Transformation project and how residents could find out more. Further publicity was given to the project on the Council's website and proactive press releases.
2. Within the overall project street lights had been left on in accordance with exception criteria listed on the website. Members of the public were already able to contact the Council if they felt that their location met one of the exceptions with a view to all night lighting being maintained. Members of the public were able to email/contact the Council if they had an enquiry about street lighting at any time.
3. Many local authorities had already implemented similar projects to that being carried out by the Council from as early as 2007.
4. There was a significant reduction in vehicle movements after midnight.

The Chairman and members of the Committee thanked Mr Darryl Smalley for his petition and presentation and proceeded to give consideration the report and the petition.

Discussion between the Committee and officers included the following topics:-

1. In view of the need for the Council to save £140m what action was being taken to get the Government to increase its funding to the Council? The Committee noted that the lobbying of the Government to increase its funding to the Council was taking place.
2. What monitoring of the project was in place? Officers stated that it was proposed to receive data from the Lincolnshire Road Safety Partnership and the Lincolnshire Community Safety Partnership on an annual basis and this would allow the Council to monitor the effects of the project on accidents and crime. Officers stated that a significant night time increase in crime was generally linked to the night time economy.
3. What method was used for checking appeals and were members able to check? Officers stated that each appeal was checked in accordance with the exception criteria and it would be possible for members to review the appeals process.
4. There did not appear to be any pattern why some street lights were left on and others switched off and some routes used by emergency vehicles had had their street lights switched off. Officers explained the street lighting policy and added that only emergency facilities were lit otherwise it would mean having to light every route to these locations which would defeat the objective of saving money by reducing the amount of street lighting. Officers stated that Lincolnshire Police had not contacted the Council to report any increase in crime as a result of the measures and added that street lights could assist burglars.

5. What was the breakdown of the savings between the use of LED street lights and part night lighting? Officers stated that they did not have this information readily available and would send it to the Committee as soon as possible.

(Post meeting note -

What is the split of projected savings between LED and Part Night Lighting/Switch Offs?

- Proposed LED Lantern conversions – approximately £1,000,000 savings
- Proposed Part Night / Switch Offs – approximately £700,000 savings

Both figures include a reduction in ongoing maintenance needs)

6. Sometimes residents requested that street lights were switched off and in the event of an emergency vehicle having to attend a residential property it was usually common practice to leave the house lights on.

7. There was sometimes confusion on the lighting of footpaths and streets. District Councils generally had responsibility for the former.

8. What was the situation in connection with street lighting in a cul de sac which had 40 houses? Officers stated that these lights would go part lighting and be switched off at midnight. Officers stated that intermittent lighting (alternate lights switched off) could cause problems for the partially sighted in that they created pockets of darkness.

9. There was more economic activity at night in urban areas.

10. The use of LED lighting was welcomed but why had not the Council converted all lamps to LED? Officers stated that this had been considered but the costs of upwards of £18m had been deemed prohibitive. Officers stated that other Councils had introduced all LED lighting but were now considering part night lighting too, as LED conversions alone had not made sufficient savings.

Officers stated that during the period of the transformation project the Council would focus on installing the new equipment required for the project. The majority of minor faults would therefore be addressed when personnel visited the particular column to either convert this to LED or install the part night lighting photocells. However, the Council would still respond to emergencies and it was appreciated when the public continued to report faults so that appropriate action could be taken in due course.

The Committee's positive comments in connection with the Executive Councillor for Highways and Transport's decision to change the Council's policy and leave all 'part-night' lights on until midnight, instead of 10pm, were noted.

RESOLVED

(a) That the petition be noted and passed to the Executive Councillor for Highways and Transport for a formal response to be sent to the petitioner.

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(b) That the Committee's comments made on the petition, the progress report and the responses of officers, be noted.

97 CIVIL PARKING ENFORCEMENT ANNUAL REPORT 2015/16

The Committee received the annual report on Civil Parking Enforcement 2015/16 in accordance with the Secretary of State's Statutory Guidance to Local Authorities on Civil Parking Conventions. Officers explained that the surplus figure in the report of "£293,584" should read "£308,495" and that the annual report would be amended to reflect this change before it was placed on the Council's website.

Discussion between the Committee and officers included the following topics:-

1. Clarification about the statistics for the number of days patrolled by Civil Parking Enforcement officers as it appeared low for busy areas. Officers stated that it was calendar days covered in a year per location, rather than the number of man-days patrolled. It was agreed to provide statistics for the next report that would show the number of patrols, per location, per year.
2. Should not Civil Parking Enforcement be cost neutral? Officers stated that while it was the intention for the service to be cost neutral this was difficult to achieve in view of the contract requirements and the nature of the service being provided.
3. An example was given of a vehicle that was covered, its registration number unable to be seen and had been parked illegally for some time. Officers stated that these scenarios presented a problem to the Civil Parking Enforcement Officers as they were not allowed to touch other people's property and were only able to observe.
4. Illegal parking on Dickson Street, Lincoln should be investigated as illegal parking was common.
5. A case of a parked vehicle in Sleaford which had been there for a long time was given and in this particular instance it appeared to be an anti-social problem and therefore the responsibility of the District Council.
6. An example was given in Lincoln where the yellow lines had faded and needed renewing. Officers agreed to investigate this case and get back to Councillor Mrs J M Renshaw.

RESOLVED

(a) That the comments made by the Committee and the responses by officers on the report be noted.

(b) That the Annual Report for 2015/16 be supported and published on the Council's website.

98 PARKING ON FOOTWAYS/PAVEMENTS

The Committee received a report in connection with the problems caused by footway parking, the legal issues that surrounded it and the Council's powers to deal with them.

Officers stated that due to the complex nature of parking regulations and the fact that the matter had been raised in Parliament the processing of a Bill to address the issue had been withdrawn following a commitment by the Minister for Transport to discuss the problem of parking on footways with all interested parties.

Discussion between the Committee and officers included the following topics:-

1. As there was no legislation a Working Group as recommended in the report was not required at the current time and the Minister's decision to have round table discussions with interested parties to discuss this matter was noted.
2. It was accepted that this was a difficult area and that there would be a need for exemptions if legislation was enacted.
3. Officers stated that driving on the footway was a criminal offence and therefore enforceable by the Police.
4. What was the view of the Local Government Association (LGA) on this matter as it was useful to have one voice for lobbying purposes?
5. Examples were given of specific cases of parking on the footways including one incident of a builder's lorry being parked during building work and damaging the pavement. With regard to this specific incident it was suggested that District Planning Authorities should ensure that any planning approval was conditioned to prevent this happening. Officers agreed to speak planning colleagues about what action could be taken on this matter and stated that the Police could consider prosecuting someone for obstruction if a vehicle was blocking the carriageway.

The Committee agreed that the Chairman, in consultation with the Executive Councillor for Highways and Transport, should draft a letter to the Minister of Transport, to give the Council's support for the round table discussions with interested parties, on the problems of parking on footways. The Committee also agreed not to support the establishment of a Working Group to examine this matter at the current time in view of the decision by the Minister to arrange round table discussions at a national level to discuss this matter.

RESOLVED

- (a) That the comments made by the Committee and the responses of officers, be noted.
- (b) That the recommendation to establish a Working Group to review the issues surrounding pavement parking not be supported at the current time in view of the decision by the Minister for Transport to set up round table discussions with interested parties at a national level to examine this matter.
- (c) That the decision of the Chairman, in consultation with the Executive Councillor for Highways and Transport, to write a letter to the Minister for Transport, in support of the round table discussions with interested parties at a national level, be supported.

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99 RAIL UPDATE

(Note: Councillors C J T H Brewis and M Brookes requested that a note should be made in the minutes that they were both members of the Public Transport Consortium)

The Committee received a report on current rail issues affecting the county including an update on the East Midlands Rail Franchise re-letting due to start later this year including a list of proposed enhancements to be sought for Lincolnshire and an outline of the recent work commissioned by the Greater Lincolnshire Local Enterprise Partnership (GLLEP) who had engaged consultants to examine the role that rail played in the GLLEP area and the economic benefits that improvements might bring. The report also gave an update on a recent decision by the Rail Regulator which had positive implications for Lincoln-London direct services.

Discussion between the Committee and officers included the following topics:-

1. When was Network Rail going to ensure that wheelchair access was provided at Stamford Station required by the Disability Discrimination Act? Officers agreed to raise this matter with Network Rail.
2. Examples were provided of the involvement of Parish Councils working in consultation with Network Rail to improve the appearance of Stations.
3. It was noted that Network Rail had allowed sufficient room for the development of electrification of the Doncaster to Peterborough line by Lincoln. Officers stated that the issue of electrification would be covered later in the report as it was something which the Greater Lincolnshire LEP had also picked up on.
4. The need for Network Rail to consider the re-opening of old railway lines to improve timing schedules and to avoid having to change trains and in this respect an example was given of the Firsby to Grimsby line. Officers stated that this was not an issue for the East Midlands Rail Franchise which was primarily related to rail services rather than major infrastructure.
5. The issue of the need for funding to achieve the aspirations for Lincolnshire's rail services was highlighted, along with the need for more and improved rolling stock, which was a problem nationally. Officers noted that the East Midlands franchise included many subsidised services for rural areas.
6. Why was there a need to provide a direct service from Lincoln to London when the Newark to London service was satisfactory? Officers stated that direct services had been shown to be a key requirement when businesses were looking to relocate, as well as having a positive effect on tourism as changing trains was seen as a disincentive when visiting Lincoln.
7. Was it possible to have a direct link from Cleethorpes to London? Officers stated that at this point in time there were no proposals by Virgin Trains to provide such a service but this was known to be an aspiration of North East Lincolnshire Council.
8. Concerns were raised about the delays caused in Spalding and the effect on the local economy with many people driving to Bourne to do their shopping A bridge was to be provided by the proposed Holland Park development but this was not imminent. Also, the station at Spalding was overgrown with weeds. Who was responsible for tidying up the Station? Officers stated that while the tidiness of the Station was the

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responsibility of East Midlands Trains, the train operator, Network Rail, was responsible for the ensuring the level crossing was kept tidy.

Officers stated that the Economic Scrutiny Committee at its meeting on 24 May 2016, had made some detailed comments on the GLLEP report on rail issues in the county and that there was nothing in the report which was detrimental to the county and that it would be a useful lobbying document going forward.

The Committee supported the comments made by the Economic Scrutiny Committee, the GLLEP report and wished to see more feasibility work on electrification. Officers stated that the Office for Road and Rail Regulation carried out regular reviews of the operation of Network Rail, were mindful of the financial impact of any proposals by Network Rail, that the GLLEP were to commission further work on the case for electrification and that GLLEP wished to promote a direct service from London to the South Humber Bank in the long term.

RESOLVED

(a) That the comments made by the Committee and the responses given by officers, on the report, be noted.

(b) That the report by the GLLEP and the comments made by the Economic Scrutiny Committee at its meeting on 24 May 2016, be supported.

100 HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE WORK PROGRAMME

The Committee received a report in connection with its Work Programme.

RESOLVED

That the Committee's Work Programme be noted subject to the following amendments:-

- (a) Total Transport Update scheduled for 11 July 2016 to be postponed to 12 September 2016.
- (b) An update on Transport Connect to be added to 12 September 2016
- (c) An update on Network Rail – to be programmed.
- (d) Parking on footways – to be programmed.

The meeting closed at 12.55 pm

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**Open Report on behalf of Richard Wills,
Executive Director for Environment and Economy**

Report to:	Highways and Transport Scrutiny Committee
Date:	11 July 2016
Subject:	Permit Scheme Update

Summary:

In March 2016 a consultation process was undertaken with the general public, businesses and utility companies regarding the adoption of a Permitting Scheme in Lincolnshire. Consultation for the Lincolnshire County Council Permitting Scheme is now complete and various suggestions have been built into the Permit Scheme documentation. Committee requested an update on the outcome of the consultation with recommendations as to the adoption of the Scheme.

Actions Required:

Members of the Highways and Transport Scrutiny Committee are invited to:

- 1) Consider the outcome of the Permit Scheme consultation.
- 2) Consider and comment on the recommendation to adopt the Lincolnshire County Council Permit Scheme.
- 3) Support that the Executive approves a decision to adopt the Lincolnshire Permit Scheme.

1. Background

The Authority is considering the introduction of a Permit Scheme under Part 3 of the Traffic Management Act 2004, replacing the current Noticing Scheme, to enable control of third party activities on the highway. In February 2016 Executive delegated the authority to carry out consultation and prepare a draft scheme to the Executive Director for Environment and Economy, in consultation with the Executive Councillor for Highways, Transport and IT.

Since March 2016 a consultation exercise and a trial of the Permit Scheme have been ongoing.

The trial utilised current LCC Street works personnel and Kier to mimic the requirements and conditions that a Permit Scheme would impose. All ETON (Electronic Transfer of Notifications) Street Works Notices received for our own Major and Standard works have been included in this trial.

Street Works staff have been placing 'Conditions' on these Notices to direct Traffic Management methods to be used and length of time for the works. Site inspections have been carried out on the majority of these works to ensure that Conditions are met on site and correct time periods and information for the public are adhered to.

Until the new IT Permit Module is installed on Confirm, Street Works staff will still use the current New Roads and Street Works Act Noticing system to continue with the trial.

To date approximately 80 jobs have been inspected and the trial has been beneficial for all parties involved in terms of understanding 'Conditions' under Permitting and how working more collaboratively with our Alliance Partners will benefit us in the future. It has also highlighted issues about how we forward plan our own works ordering processes, requiring our staff to become more involved with the longer term impact of both LCC and Utility works in the future.

The trial has progressed satisfactorily and helped to highlight potential operational issues at an early stage, allowing solutions to be proactively identified and incorporated by the briefing and training of Street Works and Highways Officers, especially regarding new legislation.

The consultation exercise consisted of publication of the draft scheme document and other relevant information on the Lincolnshire County Council website. A meeting with utility companies and contractors who work on the highway was held in March 2016. Parish and District Councils and neighbouring Local Authorities were also included in the list of consultees and a link to the draft permit scheme documentation was sent out by email.

The feedback obtained helped to shape the permit scheme document further, resulting in the final version. Consultation was carried out in a collaborative manner to ensure that all parties could contribute fully. It was most helpful that during the consultation the utility companies shared their wide knowledge of permit scheme procedures with Lincolnshire County Council. The outcome of the queries raised during the consultation is available, including the final draft of the Permit Scheme document, at Appendix 1.

An Equality Impact Assessment has been carried out to ensure that the Permit Scheme is aligned to the Councils policies. The EIA is attached at Appendix 2.

2. Conclusion

Under a Permit Scheme the required forward planning and co-ordination of road works by works promoters should have a beneficial effect for users of the highway network. The control of road space bookings by Lincolnshire County Council will aid the ability to monitor potential work sites, especially on traffic sensitive routes and allow for conditions to be applied to permit applications. The application of these conditions should contribute to a reduction of traffic disruption and help minimise inconvenience to road users.

Rutland County Council has expressed an interest in joining the Lincolnshire Permit Scheme, albeit at a date later than the proposed introduction date of the 5th October 2016. Therefore to facilitate Rutland County Council's possible membership it would be prudent to invoke the scheme as a Joint Scheme. This would also allow other Councils to join the Scheme in the future.

In light of the positive return on consultation and the benefits that would accrue for the highway network in Lincolnshire, it is proposed that the Lincolnshire County Council Permitting Scheme be recommended for adoption with an intended implementation of the 5 October 2016.

3. Consultation

a) Policy Proofing Actions Required

n/a

4. Appendices

These are listed below and attached at the back of the report	
Appendix 1	List of Consultees and Responses
Appendix 2	Equality Impact Assessment
Appendix 3	Lincolnshire Permit Scheme

5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Traffic Management Act 2004 - Part 3	Legal Services
Traffic Management Permit Scheme (England) Regulations 2007 (as amended 2015)	Legal Services
Statutory Guidance for Highway Authority Permit Schemes (October 2015)	Highways
Statutory Guidance for Highway Authority Permit Schemes - Permit Scheme Conditions (March 2015)	Highways

This report was written by Mick Phoenix, who can be contacted on 01522552105 or mick.phoenix@lincolnshire.gov.uk.

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Name / Organisation	Scheme Doc Ref	Comment	Response
Virgin Media	3.1.2	Virgin Media are disappointed that Lincolnshire County Council's Permit Scheme and associated fee's will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that Lincolnshire County Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	The charging mechanisms are set out by regulation and fees are allowed on all roads if required by the scheme. The fees set relate to Lincolnshire County Council's need to cover the costs of operation.
Virgin Media	18.4.4	Virgin Media acknowledge that Lincolnshire County Council will be following the DfT/HAUC guidelines for applying a discount for working wholly outside traffic-sensitive times, but request that works on category 3 and 4 roads are granted by default and for those permits to be at zero fee levels.	The charging mechanisms are set out by regulation and fees are allowed on all roads if required by the scheme. The fees set relate to Lincolnshire County Council's need to cover the costs of operation.
Virgin Media	18.4.5	What happens to revenue generated from permit fees if they exceed the allowable cost of the scheme?	In the event that there is a surplus in a given year, the money will be applied towards the costs of the scheme in the next year and the fee levels adjusted accordingly as required by regulations.
Anglian Water	6.2.7	This refer to 5.5, but there isn't a 5.5 within the document	This will be amended. Please refer to 9.2
Anglian Water	9.2.4	Promoters would need to know under what circumstances an illustration is required, as promoters could not provide this on all permit applications.	Illustrations/TM will be requested by LCC on a case-by-case basis dependent on the location of works and activity proposed.
Anglian Water	9.2.7	Can this be reworded so that this is only required if anything other than the normal hand dig or mini digger is used. What benefit does this give?	Noted. The methods used by promoters can have a significant effect on the level of disruption on the network. Methodologies assist in the overall permit assessment.
Anglian Water	9.2.9	Why is this necessary, under legislation we have 6 months to do interim to permanent, and at time of doing the permit application would not know when permanent would be done if we had to interim. We often plan to do permanent but then for operational reasons have to interim; this would not be known at the application stage.	Noted. This does not direct you to complete first time permanent reinstatements. This can be reworded for clarity.
Anglian Water	9.2.17	Need to add exemptions to S58 for clarity	Legislation outlines exemptions to s.58 which LIPS will adhere to.
Anglian Water	10.1	Need to define if early start requests are by email, telephone or EToN so that we have a consistent approach.	All methods stated in 10.1 are accepted by LCC for requesting early starts. The method used by the promoter could dependent on how much notification is given for the early start request.
Anglian Water	12.1.2	Under legislation it says that the Highway Authority imposes the conditions, promoters will add the conditions they believe are relevant.	Legislation states the Authority "May" impose conditions. It is essential that everyone involved in highway activities takes both the co-ordination objectives and the broader TMA objective of expediting the movement of traffic into account. If the promoter is aware of conditions relevant to their work, these should be added to the permit application. LCC may impose conditions they feel necessary.
Anglian Water	12.1.3	PMR should always be used when requesting additional conditions	PMR's will generally be used if only changes to conditions are required in the permit application. Refusals relating to conditions may be included if there also other errors within the permit application.
Anglian Water	18	Can LCC send a proforma detailing proposed permit charges for checking and agreement on a fortnightly basis. Receipt of a months data in one go would be difficult to turn around in the required timescales.	Noted. This can be discussed individually between promoter and LCC but will not be written into the scheme document.
Anglian Water	18.3.1	If permits are charged for work carried out on fire hydrants, this will be recharged back to Lincolnshire C C by the Water Undertaker, the majority of permit schemes have the following statement in this section. ☐ Any work undertaken on a fire hydrant.	Noted. There are also exemptions for fire hydrants in 5.3
LCC UTILITY MEETING			

Name / Organisation	Scheme Doc Ref	Comment	Response
All UTILITIES	Fee Matrix	<p>The utilities expressed concern that there may be hidden charges. Lincolnshire County Council confirmed that this would not be the case. The utilities thanked Lincolnshire County Council for using common sense.</p> <p>The utilities queried why only major activity greater than 11 days duration also mentioned the use of a TTRO – what happens if utilities needed a road closure for one day or if it was needed in an emergency – would the utilities have to pay a higher rate? (Why could something not be charged for up to a three day duration). To be discussed with Mouchel.</p>	<p>The DfT issued a revised fee structure for permitting set out in paragraph 23 of the “Additional Advice Note – for developing and operating future Permit Schemes” dated February 2013. This was in response to the government’s request to all authorities who operate or intend to operate schemes to facilitate the roll-out of superfast broadband infrastructure. As a result, major works have been divided into 3 charge categories. Any works requiring a closure will attract the higher charge irrespective of duration.</p> <p>The fee structure will remain as guided by DfT.</p>
	Scheme Document		
	5.2	<p>Temporary Traffic Control – needs clarification as to what this actually means. Agreed to amend to read "temporary traffic management".</p> <p>Amended</p>	Amended
	6.2.7	<p>Utilities referred to the reference to 5.5 Lincolnshire County Council agreed to amend – misprint.</p>	Corrected
	9.2.7 – Methodology	<p>What value does this add to the permit? Agreed to review.</p>	<p>The methods used by promoters can have a significant effect on the level of disruption on the network. Methodologies assist in the overall permit assessment. This will not be required on all permits but as requested by LCC on a case-by-case basis.</p> <p>Reworded in scheme document.</p>

Name / Organisation	Scheme Doc Ref	Comment	Response
	9.2.9	Utilities indicated that sometimes they do a job and expect it to be a permanent solution and other times they have to return to a site – why have this as a condition. 9.2.9.2. explains this.	9.2 removed from scheme document and replaced with 9.2.9.2 for clarity.
	9.2.17	Section 58 – does not make any reference regarding exemptions to Section 58 and this should be added for clarity. Agreed to amend.	NRSWA 1991 (s.58) details all exemptions. The scheme document does not outline all exemptions as it will abide by those directed under NRSWA. Had all exemptions been included in the scheme document and NRSWA s.58 were to be amended in the future, the scheme document have to go out to consultation again to update and inform the changes. Referencing and abiding by NRSWA prevents the need for consultation should NRSWA s.58 be amended in the future.
	12.1.2. Conditions	Needs to be reworded – (this looks like the utilities should be putting on the conditions each time). Agreed to amend.	Under section 3.17 of the DfT Technical Specification for EToN 2013 it states: “Permit schemes introduce the concept of Conditions that can be applied to a Permit. The approach adopted is based on the promoter including Conditions in their PAA, Permit and Variation Applications. If the Primary Notice Authority is unhappy with the Conditions applied then the application is refused by issuing either a “Modification Request” or a “Refuse PAA / Permit / Variation” notification.” I would urge against changes to this in the scheme document as direction is provided in the EToN technical specification on how conditions are applied. LCC could have a ‘local’ agreement that promoters apply any relevant conditions be to TS / SSS routes only. The promoter applying conditions also gives greater accountability in planning and managing their work and not all permits will require conditions
	12.2.2.	Lincolnshire County Council confirmed that the DfT statutory guidance would be taken as read so the utilities do not have to provide mandatory conditions every time an application was submitted.	Reworded. 12.2.1 states these do not need to be applied to the permits
	12.3.2	. – Agreed to amend.	Amend 12.3.2 to read – Regulation 13 provides for the Authority to impose conditions on an activity that is not yet the subject of a permit. Effectively, conditions can be discussed and agreed with the promoter within the two hour period of time between an Immediate activity starting on site and the issuing of the Immediate permit application.
	15.7.2 – Extensions	utilities asked "what criminal offence would we be looking at"? Agreed to take it back to Mouchel.	Any breach of Regulation 19 (working without a permit) and Regulation 20 (breach of conditions) is a criminal offence and liable for prosecution.
	15.10 – Multiple Excavations	Utilities asked if Lincolnshire County Council intended to enforce this. Lincolnshire County Council indicated that this would be enforced if Lincolnshire County Council were incurring additional administration costs. Do Lincolnshire County Council really need to know every single hole which is dug by utility companies? Agreed to review.	Yes – LCC will need to know of ALL excavations as under S.59 of NRSWA 1991, all authorities have a duty to protect the structure of the street and the integrity of the apparatus in it. Promoters are required under s.70 of NRSWA to inform the authority of all excavations undertaken by way of registration of reinstatement and failing to do so is a criminal offence under s.70 (6).
	15.10.5	– Utility companies needed to be accurate in what they are telling Lincolnshire County Council. Registration needs to be clear "in line with Section 70" needs to be added.	Amended

Name / Organisation	Scheme Doc Ref	Comment	Response
	16.1 – Illegitimate Phasing	This would never happen so why have a section on it. Agreed to review	History shows that this is a common problem across the industry and has been discussed at HAUC meetings and the issue of illegitimate phasing accepted by the DfT. If promoters are confident this does not apply to them there shouldn't be any issue, however I would advise this remains so there is a clear outline of expectations should this issue arise.
	18.3.1 – Fees	Waiving fees on water hydrant works – utilities to include this point in their feedback to the consultation.	amended 5.3 to read – Testing of water hydrants, provided the work is done outside traffic-sensitive periods
	18.4.4.3 –	Discussion ensued regarding working outside traffic sensitive times. Concern was expressed that invoices needed to be sent to the utilities at least every two weeks and needed to be split as each utility company would need to scrutinize these carefully prior to payment being authorised.	Timing of invoices can be discussed and agreed individually between promoter and LCC and is not dictated within the scheme document due to promoters operating differently. Some require 28 days, others 14 days.
Other Comments			
Natural England		Natural England does not consider that the Lincolnshire Permit Scheme poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.	
Ingoldmells Parish		Ingoldmells Parish Councillors considered the objectives and benefits of the scheme at a recent meeting of the Council and had no hesitation in giving their full support to the proposal.	

Equality Impact Analysis to enable informed decisions

Appendix 2

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Lincolnshire Permit Scheme (LiPS)	Person / people completing analysis	Mandi Robinson.
Service Area	Client Services	Lead Officer	Mandi Robinson
Who is the decision maker?	Mick Phoenix	How was the Equality Impact Analysis undertaken?	Meeting held with Chris Miller, Equality & Diversity representative for Highways and Transportation.
Date of meeting when decision will be made	06/06/2016	Version control	V.1.0
Is this proposed change to an existing policy/service/project or is it new?	New	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Commissioned
Describe the proposed change	Part 3 of the Traffic Management Act 2004 and The Traffic Management Permit Scheme (England)(Amendment) Regulations 2015 gave local authorities powers to operate a permit scheme to improve the management of works on the public highway undertaken by highway authorities and utility companies. Lincolnshire County Council, in its capacity as the local highway authority (excluding motorways and trunk roads), proposes to exercise these powers to introduce a system of permits for street works and road works under the Lincolnshire Permit Scheme (LiPS). This will require permits to be obtained for most road and street works, whether they are undertaken by or on behalf of, utility companies or the highway authority.		

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1st April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state '*no positive impact*'.

Age	No positive impact.
Disability	One of the permit scheme primary objectives is to ensure the safety of those using the street and those working on activities that fall under the Scheme, with particular emphasis on people with disabilities. Provision for enough space for manoeuvre during works – to ensure available road space and parking arrangements that will be necessary to accommodate the needs of people with disabilities. To ensure that disabled parking bays will not be affected or suspended where possible.
Gender reassignment	No positive impact.
Marriage and civil partnership	No positive impact.
Pregnancy and maternity	The Permit Scheme will include changes to introduce an effective traffic management plan, identify and promote safer routes for mothers before works, impacting on permanent and temporary measures of accompanying improvements.
Race	No positive impact.
Religion or belief	No positive impact.

Sex	No positive impact.
Sexual orientation	No positive impact.

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Health benefits associated with encouraging a safer environment for all users, like the prevention of car emissions and accidents due to drivers being frustrated and angry with traffic disruptions caused by road works. Aids a healthier and more sustainable environment for vulnerable road user groups, including cyclists.

Economic value for the city through improved accessibility for citizens within communities encouraging active travel.

The Permit Scheme will ensure that control measures are put in place to facilitate the benefits of all road users. Information will be communicated to utilities to refine processes and take into account a more detailed application for safer works. An interaction with the Council results in a more comprehensive review of proposed works in order to process the application accurately.

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	Justified - although Network Management applies to all highway users, it is recognised that those with limited mobility due to age i.e. prams/pushchairs, walking sticks/frames or mobility scooters, may be affected more seriously by works and other activities taking place on the road network and this is always promoted and considered when planning and carrying out works or events on the highway. Mechanisms, including strict H&S requirements for works/event sites affecting the highway and random works inspections carried out by independent bodies to certify compliance, will form part of the standard business processes. Existing legislation under the Traffic Management Act 2004 provides for this within current specifications and Code of Practice, including street works accreditation qualifications requiring everybody working within the highway to be trained to ensure standards are maintained.
Disability	Justified – although Network Management applies to all highways users, it is recognised that those with limited mobility due to disability i.e. wheelchairs, walking sticks/frames or mobility scooters, guide dogs for the blind, may be affected more seriously by works and other activities taking place on the road network and this is always promoted and considered when planning and carrying out works or events on the highway. Mechanisms, including strict H&S requirements for works/event sites affecting the highway and independent random works inspections carried out to certify compliance, will form part of the standard business processes. Existing legislation under the Traffic Management Act 2004 provides for this within current specifications and Code of Practice, including street works accreditation qualifications requiring everybody working within the highway to be trained to ensure standards are maintained.
Gender reassignment	No perceived adverse impact.

Marriage and civil partnership	No perceived adverse impact.
Pregnancy and maternity	Justified – although Network Management applies to all highways users, it is recognised that those with limited mobility due to pregnancy and maternity i.e. prams/pushchairs, may be affected more seriously by works and other activities taking place on the road network and this is always promoted and considered when planning and carrying out works or events on the highway. Mechanisms, including strict H&S requirements for works/event sites affecting the highway and independent random works inspections carried out to certify compliance, will form part of the standard business processes. Existing legislation under the Traffic Management Act 2004 provides for this within current specifications and Code of Practice, including street works accreditation qualifications requiring everybody working within the highway to be trained to ensure standards are maintained.
Race	No perceived adverse impact.
Religion or belief	No perceived adverse impact.
Sex	No perceived adverse impact.
Sexual orientation	No perceived adverse impact.

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

LCC has engaged in a fourteen-week consultation with both primary and secondary stakeholders including, utility companies, government bodies i.e. DfT, alliance partners, transport providers e.g. bus and train companies, local businesses, specialist groups i.e. British Horse Society, councillors, parish councils and local residents. The consultation has also been made available to the general public via the Council website. The consultation provides a full explanation of the scope of the impending scheme, detailing the key scheme objectives, including; to ensure the safety of those using the street and those working on activities that fall under the Scheme, with particular emphasis on people with disabilities. A meeting took place at the start of the consultation in March 2016 where key businesses within the street works industry i.e. utility companies were invited to discuss the characteristics of the proposed Permit Scheme, resulting in a small number of amendments being made to the Permit Scheme document through positive feedback and deliberation.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	As detailed above. None identified.
Disability	As detailed above. None identified.
Gender reassignment	As detailed above. None identified.
Marriage and civil partnership	As detailed above. None identified.
Pregnancy and maternity	As detailed above. None identified.
Race	As detailed above. None identified.
Religion or belief	As detailed above. None identified.

Sex	As detailed above. None identified.
Sexual orientation	As detailed above. None identified.
Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way? The purpose is to make sure you have got the perspective of all the protected characteristics.	Yes.
Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?	Regulation 4(d) of the Traffic Management Permit Scheme (England) Regulations 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, requires the Council to describe how they will evaluate their scheme through Traffic Performance Indicators (TPI's) and Lincolnshire Performance Indicators (LPI's). An annual report will be produced by the Authority, where the TPI's and LPI's will be fully analysed to evaluate the scheme and revisions made as necessary. Data obtained from the existing customer services centre relating to complaints and praise will also be used.

Further Details

Are you handling personal data?

No

If yes, please give details.

|

Actions required

Include any actions identified in this analysis for on-going monitoring of impacts.

Action

Continually monitor customer satisfaction and performance of those working within the highway.

Lead officer

Mandi Robinson

Timescale

Continual Monitoring.
Annual Performance Reports.

Signed off by

Mick Phoenix

Date

07/06/2016

Lincolnshire Permit Scheme



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1 Introduction

- 1.1 The Lincolnshire Permit Scheme (hereafter referred to as LiPS) has been developed under the powers provided in Part 3 of the Traffic Management Act 2004 (“TMA”) and the Traffic Management Permit Scheme (England) Regulations 2007 (“the 2007 Regulations”), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 (“the Amendment Regulations”).
- 1.2 In preparing this permit scheme, Lincolnshire County Council (hereafter referred to as ‘the Authority’) have had regard to the guidance issued by the Secretary of State and the Department for Transport contained in the Statutory Guidance for Highway Authority Permit Schemes (October 2015) and the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015)
- 1.3 Previous Statutory Guidance and Codes of Practice on Permit Schemes are no longer valid, but may provide background information to support the initial stages of scheme development. They were as follows:
- Traffic Management Act 2004 Statutory Guidance for Permits – issued 28 March 2008;
 - Traffic Management Act 2004 Code of Practice for Permits – issued 28 March 2008;
 - Traffic Management Act 2004 Permit Fee Guidance – issued 1 July 2008;
 - Traffic Management Act 2004 Permit Scheme Decision Making and Development (2nd edition) – issued 1 November 2010; and
 - Traffic Management Act 2004 Additional Guidance for new Permit Schemes – issued 15 January 2013
- 1.4 The LiPS may still reference these documents.
- 1.5 The LiPS is currently a ‘Single-authority Scheme’ but may develop into a ‘Multi-authority Scheme’ should neighbouring authorities adopt this scheme for permitting.
- 1.6 The LiPS replaces the current ‘noticing’ system under the New Roads and Street Works Act 1991 (“NRSWA”) and will operate in a manner that demonstrates parity between applicants at all times and those departments dealing with permits and coordination will be separated from other highways activities.
- 1.7 Provisions of NRSWA that have been dis-applied and modified are set out in Appendix B. Activities licensed under Section 50 of NRSWA do not require permits and such activities will continue to be subject to those requirements of NRSWA as set out in *The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007* and the *Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters*, and as subsequently amended.
- 1.8 The Authority having prepared this scheme and prior to giving effect to this scheme will ensure that a full consultation in relation to the scheme is carried out which includes those stakeholders that are set out in Regulation 3.
- 1.9 The LiPS will come into effect from October 5th 2016 will be reviewed annually in accordance with Regulation 16A.

2 Key scheme objectives

2.1 The scheme's primary objectives are:

- to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road works and other highway events and activities through proactive management of activities on the highway
- to improve the quality and timeliness of information received from all activity promoters to increase and improve the publicly available data for integration into the Council-wide travel information
- to encourage a proactive approach to planning and undertaking of works on the highway from promoters and thus lessen the impact of activities on road users
- to protect the structure of the street and the integrity of the apparatus in it
- to improve the level of on-site compliance by works promoters ensuring works are correctly permitted and conditions adhered to
- to ensure safety of those using the street and those working on activities that fall under the Scheme, with particular emphasis on people with disabilities
- to ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities

2.2 As required by regulations the Authority will provide metrics to show how the scheme is being operated and to measure whether the objectives are being met.

2.3 The performance metrics will be based upon statutory Traffic Performance Indicators and Lincolnshire Performance Indicators that will enable The Authority to monitor their own performance.

2.4 All the Authority and statutory undertaker activities will be included to show operational parity.

3 Scope of the permit scheme

3.1 Streets covered in the LiPS

- 3.1.1 As required by Regulation 7, the “specified area” will be the geographical area encompassed by the Authority’s boundary.
- 3.1.2 All streets maintained by, or on behalf of, the Authority are included within this scheme as set out in Regulation 8. These are available on request and are identified within the authority’s Additional Street Data (ASD).
- 3.1.3 Trunk roads and motorways for which the Highways England is the highway authority are not included in the scheme.
- 3.1.4 Privately maintained streets are not included in this scheme but will be added if they are subsequently adopted by the Authority and will be shown as such within the local street gazetteer.
- 3.1.5 Activities on privately maintained streets will be recorded on the authority’s Street Works Register as notices under Section 53 of NRSWA.

3.2 Street Gazetteer

- 3.2.1 For the purposes of the LiPS the term “street” refers to a length of highway associated with a Unique Street Reference Number (USRN).
- 3.2.2 The Authority will maintain and publish a gazetteer of all streets operating under the permit scheme to level 3 standard (as defined under BS7666) including the USRN and additional street data (ASD) which will contain the information required by, and defined in, the Technical Specification for EToN.

3.3 Reinstatement designation

- 3.3.1 Reinstatement categories are defined in Section 1.3 of the statutory Specification for the Reinstatement of Openings in Highways (SROH) and are the same as those used under NRSWA. Designations for each street in the local street gazetteer will be provided in the authority’s ASD.

3.4 Traffic-sensitive streets

- 3.4.1 Traffic-sensitive streets are defined under Regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

3.5 Strategically significant streets

- 3.5.1 Strategically significant streets (SSS) are defined as including streets which have been designated as traffic sensitive in accordance with the criteria set out in regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section S1.3 of the Specification
- 3.5.2 For the purposes of permit charges and notification timescales, strategically significant streets will fall under the ASD and EToN designation of ‘traffic-sensitive’.

3.6 Other designations

- 3.6.1 Where a street or section of street requires the consultation with another organisation, for instance areas of archaeological or environmental importance or sensitivity, sites affecting the Ministry of Defence etc, this will also be recorded in the authority’s ASD.

4 The Register

- 4.1 In accordance with Section 7 of The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, The Authority will maintain a register of each street covered in their scheme, as well as a register under Section 53 of NRSWA for other street information that are not part of the LiPS.
- 4.2 Requirements for NRSWA registers are contained in the Code of Practice for Coordination of Street Works and Works for Road Purposes and Related Matters.
- 4.3 Access to the register will comply with regulation 34, Part 7 of the Regulations.

5 Activities covered by the permit scheme

- 5.1.1 For the purposes of the LiPS Specified Works are “registerable activities” as defined in The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007 and any subsequent amendments. This applies equally to streets works as defined by Section 48(3) of NRSWA and works for road purposes as defined by Section 86(2) of NRSWA.
- 5.1.2 The term “specified works” is used generically in the regulations. The term “activity” is used in this scheme to encompass any registerable activity that requires a permit.
- 5.1.3 The term “activity” also anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.

5.2 Registerable activities

- 5.2.1 For clarity the following works are registerable for all promoters and information related to them has to be recorded on the register and may only take place with a valid permit.
- all activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation)
 - all activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times
 - all activities that require the use of any form of temporary traffic management as defined in the Code of Practice for Safety at Street Works and Road Works
 - all activities that reduce the number of lanes available on a carriageway of three or more lanes
 - all activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities
 - all activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time

5.2.2 Registerable works also include:

- Bar Holes which are used to detect and monitor gas leaks
- Works for Road Purposes. All works carried out by the Authority are works for road purposes and require a permit if they fall under the definition of registerable
- Other Highways Activities. Works and repairs for District and Parish Councils acting on their own account and not on behalf of the Authority, including works on street lighting etc., are considered as street works and thus will attract the same charges and penalties as any other statutory undertaker.

- 5.2.3 Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of the rules above relating to traffic management impact apply.

5.3 Non registerable activities

- 5.3.1 The following works are not classed as registerable:
- Traffic census surveys have deliberately not been included, as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flow
 - Pole testing which does not involve excavation does not require a permit
 - Testing of water hydrants, provided the work is done outside traffic-sensitive periods

- 5.3.2 Section 50 licences do not require a permit as defined in the regulations, however a licence will be issued in line with the permitting requirements of the LiPS and the activity will be entered onto the Street Works Register to aid coordination.

6 Permit Application Types

6.1 Permit application types

6.1.1 LiPS allows two types of application:

- Provisional Advance Authorisation (PAA). These are used only for major activities (as defined in regulations) which are likely to be large and/or more disruptive and provide advance notice but not necessarily with full details of the final activity. PAAs are similar to Section 54 notices under NRSWA
- Permit Application (PA). These will contain fully accurate and timely details as prescribed and will be required for all registerable activities, including as a follow-up to a PAA. These are similar to Section 55 notices under NRSWA.

6.2 Provisional advance authorisations (PAAs)

6.2.1 The PAA must be applied for not less than three months in advance of the proposed commencement date of those works or as agreed with the Authority.

6.2.2 The Authority must respond to an application for a PAA within one calendar month from the date the application is received by the Authority. The response may either grant the PAA or refuse it, giving reasons.

6.2.3 A PAA may only contain one street or USRN.

6.2.4 All PAAs must comply with the definitive format and content of both paper and electronic permit applications given in the EToN technical specification or subsequent amendments. This includes the requirement that a copy PAA is sent to any interested parties or organisations as detailed within the authority's ASD.

6.2.5 The information required in support of an application for a PAA is set out below. It is recognised that comprehensive information may not be known at this early stage and likely to change, however as much detail should be provided as possible to enable the Authority to adequately assess the submission.

- location of activity
- proposed start and end dates
- an outline description
- times of working, including hours of the day and any weekend provisions
- the road space occupancy
- method of working
- traffic management

6.2.6 A PAA may only contain one street or USRN. A PAA cannot be varied, only resubmitted. The Authority may therefore decide that a new PAA is required if the changes are significant. Alternatively, if the Authority feels the changes are less significant then these changes can be made as part of the full permit application.

6.2.7 In accordance with Regulation 11(5), the granting of the PAA does not guarantee that a Permit will be subsequently issued, particularly if the Authority feels that the activity promoter has not provided suitable detail or where dates have changed so significantly they clash with another activity.

7 Permit Activity Categories

7.1 Activity Categories

7.1.1 The LiPS applies to the following works categories, as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. Application periods are set out in table 1, section 8.

7.2 Major activities

7.2.1 Major activities are those that:

- have been identified in an activity promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity; or,
- require a Temporary Traffic Regulation Order (not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other registerable activities other than immediate activities; or,
- have a duration of 11 days or more, other than immediate activities

7.3 Standard activities

7.3.1 Standard activities are those activities, other than immediate or major activities, that have a planned duration of between four and ten days inclusive.

7.4 Minor activities

7.4.1 Minor activities are those activities, other than immediate or major activities, where the planned duration is three days or less.

7.5 Immediate activities

7.5.1 Immediate Activities are either emergency works or urgent works:

7.5.2 Emergency works, which are defined in Section 52 of NRSWA, are works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property.

7.5.3 Urgent activities are defined in the regulations as activities:

- (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):
- to prevent or put an end to an unplanned interruption of any supply or service provided by the activity promoter;
- to avoid substantial loss to the activity promoter in relation to an existing service; or,
- to reconnect supplies or services where the activity promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,
- includes works that cannot reasonably be severed from such works

8 Issuing a permit and other responses

8.1 Permit responses

- 8.1.1 In accordance with Regulation 16 the Authority will respond to all permit applications within the timescale set out in table 1 below. A response corresponds to an EToN notification of Grant Permit or Refuse Permit or Permit Modification Request, or any other required future EToN notification.
- 8.1.2 The Authority must act reasonably in reaching decisions with respect to applications for a permit. In particular they will consider whether issuing the permit will accord with their statutory duties to co-ordinate and to manage the network and the objectives of the LiPS.

ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response time for issuing a permit or seeking further information or discussion		Response time for responding to applications for permit variations
	PAA	PA		PAA	PA	
Major	3 Months	10 days	2 days or 20% of the original duration whichever is the longer	1 calendar month	5 days	2 days
Standard	N/A	10 days		N/A	5 days	2 days 2 days 2 days
Minor	N/A	3 days		N/A	2 days	
Immediate	N/A	2 hours after		N/A	2 days	
Notes: "days" in the above table refer to working days as defined in NRSWA and the permit regulations. These timescales may be subject to amendment by legislation.						

Table 1.

- 8.1.3 Table 1 provides minimum application timescales for PAAs and permit applications. Larger activities or those on strategically significant streets will have the potential to be more disruptive and therefore require a longer notice period to enable planning and coordination to take place.

8.2 EToN system failures

- 8.2.1 Where there is a failure of the Authority or a promoter EToN system, the Authority will implement an interim alternative strategy for managing permit applications, variations, responses and other notifications to ensure that workflows are not unduly interrupted. This may be via email, fax or post but must first be agreed with the Authority.
- 8.2.2 All applications and notifications must be resubmitted through EToN following recovery of service. Promoters must ensure that all resent notices are sequenced correctly as detailed in the EToN technical specification.

9 Applying for a permit

9.1 Method of making permit applications

- 9.1.1 All permit notifications, including PAAs, permit applications and variations, must be made electronically and must comply with the EToN technical specification.
- 9.1.2 The Authority may accept non-EToN applications from activity promoters who are unable to meet the requirements for EToN transactions, for instance when their electronic systems are unavailable, or for one-off promoters. In these cases, the contents of the applications and notices must comply with the EToN technical specification and may be submitted by email, fax or post on agreement with the Authority.
- 9.1.3 Applications and notifications may be given by email, fax or post to those recipients who expect copies of such notifications but do not have access to EToN, e.g. transport authorities, emergency services or frontagers.
- 9.1.4 Where there is an EToN system failure by either the activity promoter or the Authority, an alternative strategy must be implemented as noted in section 8.2.1.

9.2 Content of a Permit Application and Provisional Advance Authorisation

9.2.1 The EToN specification provides detail on the required fields to be submitted as part of a permit application. Additional information or constraints will be provided as part of the condition text.

9.2.2 Reference number

9.2.2.1 Each application must include a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.

9.2.3 Description of Activity

9.2.3.1 This should be a comprehensive description of what the activity is and its purpose to allow the Authority to assess the likely impact. This must include

- Detail on the works being undertaken
- Description of methodologies employed
- A description of the layout and impact of the activity (for example traffic management)
- Details of any collaborative working; such as details of the other promoters and brief descriptions of the activities being undertaken
- Any other information pertinent to that activity

9.2.3.2 To ensure that information made publicly available can be understood by the public the description of activities and other information should be, within reason, in plain English with minimal industry specific jargon.

9.2.4 Location of activity

9.2.4.1 An accurate location must be provided based on Ordnance Survey National Grid References (NGRs). For a small excavation or opening then a point NGR should be provided. Where a trench is longer than 10m then a polyline or a polygon feature must be provided as described in the EToN technical specification.

9.2.4.2 The location must have a textual description that should match the NGR provided.

9.2.4.3 Where the activity is likely to cause significant disruption a description of the space taken up by the activity should be provided. The Authority may request additional information such as a traffic management plan or schematic to show the site footprint.

9.2.4.4 Promoters applying for Immediate activities should do so within two hours of starting work (see section 7.5). The location should reflect where the activity is actually taking place. If the location then changes a permit variation must be obtained (see Section 15.1)

9.2.5 **Timing and duration**

9.2.5.1 The proposed permit start and end dates (in calendar days) will clearly define the time period an activity will take up road space.

9.2.5.2 Where the street is traffic-sensitive, details of the times of day the activity is to be carried out must be provided, including any proposal to work at night.

9.2.5.3 Details must be provided where the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity or reduce disruption.

9.2.5.4 These constraints on the activity will be submitted as conditions and will be taken into consideration by the Authority.

9.2.6 **Illustration**

9.2.6.1 An illustration may be required for any activity where the Authority considers that the disruption caused by the activity may be significant.

9.2.6.2 An illustration must include details of the activity and location of utility apparatus and the extent of the highway occupancy.

9.2.6.3 The illustration must cover the entire area of the activity including areas used for storage of materials, parking of vehicles, coned areas and so on. In combination, all of this material will be referred to as the traffic management plan.

9.2.6.4 Activities on those streets, or parts of a street, subject to a Special Engineering Difficulty designation will require a plan and section.

9.2.6.5 The illustration should be submitted to the Authority in whatever form specified by the Authority or the current EToN technical specification.

9.2.7 **Methodology**

9.2.7.1 Details of the proposed techniques, such as open cut, trench share, minimum dig etc. should be included where possible as part of the works description, or as requested by LCC on a case-by-case basis.

9.2.8 **Traffic management and Temporary Traffic Regulation Orders**

9.2.8.1 The EToN specification requires certain types of traffic management or traffic control to be indicated on the permit application. Certain traffic management proposals will also require suitable conditions detailing the constraints on these proposals.

9.2.8.2 The activity promoter must supply details of traffic management proposals together with any requirement for action by the local authority or others such as

- A need for a Temporary Traffic Regulation Order (TTRO)
- Lifting of parking restrictions
- Approval for temporary traffic signals (TTS)

- Suspension of bus stops

9.2.8.3 Section 17 details the processes for applying for a TTRO, and provides further information on other traffic management requirements and related matters, including agreements on the use of temporary traffic signals.

9.2.8.4 The extra time required for gaining these approvals need to be taken into account by the activity promoter. They must be referred to when submitting a PAA or included in the permit application.

9.2.8.5 Additional costs associated with these are not included within the scope of this permit scheme.

9.2.9 Reinstatement type

9.2.9.1 The EToN technical specification details the use of the 'number of phases' data element which is used to describe this.

9.2.10 Inspection units

9.2.10.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004. Where there is trench sharing, only the primary promoter is required to give the inspection units.

9.2.11 Contact person

9.2.11.1 The application must include the name and contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made by the activity promoter for out-of-hours contact.

9.2.11.2 On permit applications (and on PAAs if the information is known at the time) the application should include the name of the main contractor carrying out the activity. This will help with the Authority's consideration of the application and with any discussions that need to take place before the permit can be issued.

9.2.12 Proposed conditions

9.2.12.1 Where there are constraints in the permit application, it must include conditions that specify in detail the activity and support the application. These conditions are set out in the Statutory Guidance for Highway Authority Permit Schemes – Permit scheme conditions (March 2015). This guidance provides a set of condition texts that are referred to as Conditions in this document. See also chapter 12.

9.2.13 Phasing and multiple activities

9.2.13.1 A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works.

9.2.13.2 One permit can only contain one phase and the dates given in a permit application will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.

9.2.13.3 The promoter must clarify that an activity is to be carried out in more than one phase on the application and phased activities must relate to the same works. These could be single or multiple-but-linked excavations, or a trench dug progressively along the street as part of a continuous operation, or where a permanent reinstatement or remedial works are undertaken at a later date.

9.2.13.4 Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. However, unconnected activities carried out by the same promoter in one street should not be treated as parts, or phases, of a single set of works.

9.2.13.5 Each phase will require a permit and the same activity reference must be used for all phases, or cross-referenced to the other phases. If the works are classed as Major they will also require a Provisional Advance Authorisation, except in the case of remedial works. Each phase will be classed as a separate activity or works, for the purposes of NRSWA (for instance Section 74, guarantee periods etc.).

9.2.14 Cross Boundary activities

9.2.14.1 Where an activity or project crosses the boundary between authorities the works promoter must submit the relevant notices or permit applications to each authority. Early discussion with both authorities will help avoid conflicting requirements.

9.2.14.2 Where it is anticipated that an activity may impact the network of a neighbouring authority then the activity promoter should take this into consideration when planning the activity and ensure that this authority is also engaged early on in the planning process. Early discussion with both authorities will help avoid conflicting requirements.

9.2.15 Interim to Permanent Reinstatements

9.2.15.1 When an activity is completed with an interim reinstatement then the activity will be regarded as having more than one phase and a new permit must be obtained for the permanent reinstatement phase. The same works reference number must be used ("cross referenced" to the original activity).

9.2.16 Remedial Works

9.2.16.1 Remedial works will require a new permit to be obtained for the remedial phase. The same works reference number must be used as the original activity ("cross referenced" to the original activity).

9.2.16.2 Where remedial works fall within the definition of Major works, a Provisional Advance Authorisation will not be required. Where remedial works fall within the definition of 'immediate' or are required to remedy dangerous defects, the activity will be categorised as Immediate.

9.2.17 Section 58 restrictions on further activities

9.2.17.1 The Authority will exercise its powers to restrict further works in all or part of a street following substantial road or street works (NRSWA Section 58 and 58a respectively) covered by the LiPS.

9.2.18 Apparatus belonging to others

9.2.18.1 There may be other apparatus where activities are planned and under NRSWA Section 69, those carrying out activities must ensure that the owners of that apparatus are able to monitor the activity and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is a criminal offence.

10 Early Starts

10.1 The Authority will consider a promoter's request for an early start (a reduction to the minimum notice period as set out in table 1, section 7.1) and such a request will not be unreasonably refused. An early start must be applied for in the manner requested by the Authority. This may be via an initial phone call or email, or directly via EToN.

10.2 The Authority may allow early starts to a permit providing that

- it does not conflict with other activities
- there is a legitimate reason for the request and not a result of poor works planning by the activity promoter
- activity promoters do not use early starts regularly to conceal poor works management

10.3 An activity must not start before the expiry of the application period except where an early start has been agreed with the Authority.

11 Collaborative Working

11.1 The Authority will proactively seek to encourage collaborative working opportunities between any activity promoters. It is accepted that there are often issues with such arrangements, particularly contractual complications and CDM or site management. Nevertheless, every opportunity will be sought to minimise the disruption to users of the highway.

11.2 Collaborative working may include

- trench sharing
- activities that share traffic management or road space
- multi-agency activities that limit the number of days an area of road space is occupied

11.3 In the event of collaborative working the primary promoter should take overall responsibility as the agreed point of contact with the Authority. The secondary promoter(s) retain the same responsibility for submitting permit applications for work to be carried out by them or on their behalf.

11.4 Discounts are available for those promoters that are able to deliver work in a proactive way to lessen the impact of their activities through collaboration, details of which can be included in the permit application.

12 Conditions

12.1 General Principles

- 12.1.1 The LiPS uses standardised conditions as developed by the National Permit Forum (and issued as Statutory Guidance March 2015, (see Appendix C) to assist promoters to identify and use these to best effect through a common and consistent approach.
- 12.1.2 Permit conditions might be applicable to any activity and it is for the activity promoter to supply the required conditions as part of their permit application or permit variation.
- 12.1.3 Where the Authority considers it necessary and appropriate to apply conditions that differ from the proposals in the application then the Authority will either refuse the permit or request a modification stating the reasons for this.

12.2 Mandatory conditions

- 12.2.1 Certain conditions apply to all permits, or permits for certain kinds of activity in all cases. The LiPS does not require these conditions to be formally attached to individual permit applications or granted permits as they are taken as being contained in either form on all permits or applications.
- 12.2.2 The following conditions apply to all permits:
- NCT 11a: It is a requirement of the LiPS that the unique works reference number will be displayed on the site at all times. The works reference number is as described in the EToN technical specification and, for the purposes of being displayed on site, does not need to include the suffixes that relate to the permit application or permit reference (the application and notification sequencing).
 - NCT 1a and 1b (covering traffic sensitive and non-traffic sensitive streets). It is a requirement of the LiPS that the permit will specify the start and end dates of the permit, which may include weekends or bank holidays.

12.3 Conditions placed on Immediate activities

- 12.3.1 Immediate activities are by definition emergency or urgent and therefore may commence without a permit being in place.
- 12.3.2 Regulation 13 provides for the Authority to impose conditions on an activity that is not yet the subject of a permit. Effectively, conditions can be discussed and agreed with the promoter within the two hour period of time between an Immediate activity starting on site and the issuing of the Immediate permit application.
- 12.3.3 Failure to comply with conditions may leave the activity promoter liable to criminal prosecution.

13 Granting a permit

13.1 Issuing a permit

13.1.1 If the Authority is content that all the information contained in the application meets an acceptable standard of detail to enable it to consider fully the impact of the activity and the suitability of the timing and methodology and any conditions attached to the application, it will issue a permit by way of a Grant Permit EToN notification.

13.1.2 Each permit issued will be given a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.

13.2 Deemed Permits

13.2.1 When the Authority fails to respond within the required timescales, or where for technical reasons the response does not reach the activity promoter within the required timescales, that permit is considered to be deemed to be granted.

13.2.2 In these situations, the activity promoter is at liberty to continue to undertake their activity in line with their original permit application. However, the activity should not take place in a manner different to that intended by the original application and indicated by the permit content and proposed conditions.

13.2.3 When it becomes apparent to the Authority that a permit has deemed, then it is good practice for the Authority to consider the permit as it stands and contact the relevant activity promoter if it becomes clear that the activity should not proceed as detailed. This might be because the conditions or the contents of the application itself are insufficient, or where a conflict between activities is likely, or where the activity is likely to cause considerable disruption that could be mitigated through discussion and changes.

13.2.4 In these cases, the activity promoter should discuss and agree any changes required by the Authority. The fee for the variation, or cancellation and resubmission, to that original deemed permit should be waived by the Authority.

14 Modifications to permits and permit refusals

14.1 Amending a permit application

- 14.1.1 If it is necessary to seek further clarification of the information contained in the application then the Authority will endeavour to resolve this within the mandatory response times so that the estimated start date and duration of the original application remains.
- 14.1.2 Where possible the Authority should submit a Modification Request EToN notification with clear instructions of actions required to allow the activity promoter the opportunity to make amendments to their application and resubmit this within the required timeframe.
- 14.1.3 As long as the timeframes are met, the original start and end dates of the first application can be kept and no early start agreements are required.
- 14.1.4 If the matter cannot be resolved satisfactorily within the timeframes or the response period then the Authority will refuse the application.
- 14.1.5 If the Modification Application is not subsequently submitted within the required timeframes then in accordance with Regulation 16(3) the Authority will consider the application refused.
- 14.1.6 The EToN technical specification sets out the requirements and timelines in more detail.

14.2 Refusing a permit

- 14.2.1 The Authority cannot refuse legitimate activities. However if the application does not contain the required information to the satisfaction of the Authority then the Authority will refuse the permit by way of a Refuse Permit EToN notification and must clearly detail the reasons for refusal so that the activity promoter is able to amend their subsequent application.
- 14.2.2 Where an application has been refused and the activity promoter is able to submit a suitably amended application that requires an 'early start' (see also section 10) to maintain the original requested time slot, the Authority will endeavour to agree the same start date. However, this is at the discretion of the Authority being confident in the amended application and that there is no subsequent conflict with another activity.
- 14.2.3 Where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity at the same time, the Authority may refuse a permit for the period requested but propose to grant it for different times. The refusal should clearly state a suitable timeframe, or invite the activity promoter to contact the Authority to discuss acceptable options before applying for a new permit.

15 Permit Variations

15.1 Variations to permits

15.1.1 Regulation 15 provides for the LiPS to allow permit variations. Variations to a permit need to be made before the permit expires or passes its end date. The method and content of applying for a Variation notification are detailed in the ETON technical specification.

15.1.2 A PAA cannot be varied. In circumstances where the details of a PAA have changed but a full Permit has not yet been issued, the activity promoter must inform the Authority of the proposed changes and the Authority will indicate whether a new PAA is required or a Permit Application containing the new information must be made.

15.2 Variations initiated by the activity promoter

15.2.1 From time to time an activity promoter will need to apply for a justifiable variation to a permit and/or its conditions. Some situations where a variation may be needed are:

- because the proposal in the original application was inaccurate or unrealistic
- because the location or the method of working has changed in some way
- where the activity promoter requires an extension to the agreed duration

15.2.2 The Authority recognises that it should not prevent necessary activity, so the variation is likely to be granted, although the Authority may require the conditions attached to the original permit to be varied or new conditions added if the changes to the permit warrant it.

15.3 Applying for a variation

15.3.1 The activity promoter should make a request to vary the permit as soon as it becomes clear that the activity might require a change or may overrun so that the Authority can investigate the request to satisfy itself that the proposed variation is appropriate and reasonable.

15.3.2 Regulation 15 (2) provides the following ways of applying for a permit variation:

- where the existing permit has more than 20% of its duration or more than two days to run, whichever is the longer, the activity promoter must apply for a variation electronically. This is to ensure that the variation is captured within the Authority mandatory response time.
- in any other case the activity promoter should first telephone the Authority to ascertain whether the Authority is prepared to grant the variation. If the Authority agrees then the variation must be applied for electronically.

15.3.3 It must be noted that a permit cannot be varied after it has expired (passed the permit end date). In these cases a new permit must be applied for. The activity promoter may be working illegally during this period.

15.4 Fees for promoter initiated variations

15.4.1 Applications for permit variations initiated by the activity promoter may be subject to a fee if not submitted before a permit has been issued.

15.4.2 Where a variation to extend a permit takes that permit into a higher works category, the activity promoter will be required to pay the difference between the permit fees for the two categories as well as the permit variation fees.

15.4.3 Permit fees for the Authority are given in Appendix D

15.5 Variations initiated by the Authority

15.5.1 Once a permit is issued, the activity promoter should have reasonable confidence that the road space will be available to them. Nevertheless, there may be circumstances beyond the Authority's control that necessitate a change in either the permit or its conditions.

15.6 Fee for authority initiated variations

15.6.1 No fee is payable for permit variations initiated by the Authority, unless at the same time, the activity promoter seeks variations which are not the result of the circumstances causing the Authority action. In such a case a variation fee would be payable.

15.7 Extensions

15.7.1 To extend a permit, a permit application must be made by the Promoter a minimum of two days before the permit expires or at a point when the existing permit has more than 20% of its duration to run, whichever is the longer.

15.7.2 The Authority is under no obligation to allow an activity to run beyond its permitted period. An activity that continues past its end date without a valid permit in place may constitute a criminal offence.

15.7.3 Where the Authority considers the proposed extension to be reasonable and the activity does not conflict with other planned activities then the Authority will not unreasonably withhold the extension.

15.7.4 There may be occasions where the Authority does not consider the proposed extension to be reasonable. For instance, this might be due to poor works management by the activity promoter or an issue on site that the Authority considers should have been dealt with more expediently. In these cases, the Authority will grant a variation to the permit so that the activity promoter is operating with a valid permit in place. However, the Authority will use its powers under Section 74 of NRSWA to charge the activity promoter for an overrun of the 'reasonable period'.

15.7.5 Although in many cases the Authority will grant the permit extension to minimise the disruption of a return visit, it may be necessary for the activity promoter to vacate the street to allow another activity to take place or to open up space for traffic. In these situations the activity promoter must submit a new application to complete the activity at a later date.

15.8 Suspension or revoking a permit

15.8.1 Regulation 10(4) allows the Authority to revoke a permit where it considers that an activity promoter is failing to comply with the terms of that permit and its conditions.

15.8.2 The Authority will consider whether other sanctions are more suitable than, or necessary in addition to, the revoking of a permit such as issuing fixed penalty notices or taking remedial action (see Chapter 19).

15.8.3 Where a new permit or permit variation is required to resume an activity, a fee will be payable in line with the permit charges set by the Authority, unless the Authority has to revoke a permit through no fault of the activity promoter in which case there will be no charge for a replacement application.

15.9 **Cancelling a permit**

- 15.9.1 If a promoter wishes to cancel a permit or withdraw a permit application for which they have no further use, they should submit a cancellation notice for that permit, as detailed in the EToN technical specification.
- 15.9.2 There is no fee for cancelling a permit although the charge for issuing the permit originally will remain payable.
- 15.9.3 Any activity that takes place after a permit is cancelled may constitute a criminal offence.
- 15.9.4 A permit that is 'in progress', or one for Immediate activities, should not be cancelled unless that works status has been submitted in error. The EToN technical specification details how these situations should be dealt with.

15.10 **Multiple excavations**

- 15.10.1 Immediate activities may require the activity promoter to make several registerable openings in a street, for instance to locate a fault or a leak. As such the activity promoter must submit the first permit application detailing the location of the initial excavation within two hours of starting work.
- 15.10.2 The activity promoter must telephone the Authority within two hours and give the location for further excavations on the same street within 50metres of this initial excavation. No permit variation will be required and therefore no charge will be applied.
- 15.10.3 Where the additional excavations are more than 50metres from the first, a permit variation will be required. A standard permit variation charge will apply. The Authority may opt to waive this charge if it feels the activity and notifications are being well managed.
- 15.10.4 Further excavations will be dealt with in the same way as these two examples, in 50-metre bands.
- 15.10.5 It should be noted that all excavations must be accurately recorded upon registration of the works in line with s.70 of NRSWA 1991
- 15.10.6 If additional excavations are carried out in different streets (different USRN), or at a location that is substantially separate from the previous excavations then a separate permit application must be applied for.
- 15.10.7 If the activity promoter has made all reasonable efforts to contact the Authority by telephone and cannot, they should record that and send the message electronically.
- 15.10.8 Although the above examples relate to Immediate works, there may be scenarios where such a process may be followed for other activity types. The activity promoter should contact the Authority first to gain approval before initiating this process.

16 Illegitimate phasing of Activities

16.1 Illegitimate phasing of activities

16.1.1 Where the Authority can establish to its reasonable satisfaction that a subsequent permit application has been made at any given location as a result of:

- The closure of works following a refusal by the Authority to grant an extension to the duration of a previous permit, or
- The premature closure of the works by the activity promoter, before all those works specified in the works description given by the activity
- promoter works are completed, to avoid an overrun under Section 74 occurring

16.1.2 The Authority may grant a subsequent permit with start and finish dates to allow the initial activity to be completed. The duration for this subsequent permit will reflect the illegitimate phasing of activities for these works and overrun charges will be applied in accordance with the current Section 74 regulations.

16.2 Charging for overrunning activities

16.2.1 The Authority will operate an overrun charging scheme under Section 74 of NRSWA, alongside this permit scheme.

16.2.2 The scheme will apply as set out in the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (as amended) and any future amendments as detailed in regulations or the relevant code of practice.

16.2.3 Permit scheme Regulation 37(4) modifies Section 74 of NRSWA to allow the duration of the activity to be set or modified through the permit application and variation process.

16.2.4 Where the Authority has reason to believe that overrun charges are being avoided through the misuse of permit phases, it will treat a subsequent permit application as an illegitimate use of phases.

17 Activities requiring traffic restriction orders

17.1 Temporary Traffic Restriction Orders

- 17.1.1 Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14 to 16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991, and regulations made under the 1984 Act and subsequent amendments.
- 17.1.2 Orders without a time limit may also be made for works. This requires a longer legal process and the need to consult with the Emergency Services and organisations representing people who use the roads or are likely to be affected by the Order. Orders must be revoked on completion of the works. For such Orders the activity promoter should contact the Authority to discuss.
- 17.1.3 Activity promoters should be aware of additional timescales the traffic authority may need to process such approvals and build this into their application.
- 17.1.4 For Orders less than 18 months duration, 2 notices must be published in a local newspaper, a 'Notice of Intention' at least 7 days before the Order is made and a 'Notice of Making' within 14 days of making the Order. The Order must come into operation before the commencement of the works. The Authority must also notify the Police and any other traffic authority or Concessionaire whose roads will be affected by the Order before the Order is made. The Emergency Services and other organisations such as Parish Councils and Bus Companies will also be informed. Orders affecting Public Footpaths, Bridleways, Cycleways and Byways open to all traffic may only be extended for a further period after 6 months with the consent of the Secretary of State.

17.2 Temporary notices

- 17.2.1 This procedure will only apply to immediate activities.
- 17.2.2 The promoter will inform the Authority as soon as practicable if a closure or traffic restriction is needed, or in any case with the Immediate permit application.
- 17.2.3 The Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether a notice will be made.
- 17.2.4 The Authority must state in the notice:
- the reason for issue
 - its effect
 - alternative routes (where applicable); and,
 - the date and duration of the notice.
- 17.2.5 The Authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the notice is issued.

17.3 Continuation of Closures and Restrictions

- 17.3.1 A five-day temporary traffic closure or restriction notice cannot be extended.
- 17.3.2 A 21-day notice may be extended by one further notice for a maximum of 21 days. Both five-day and 21-day notices may be followed immediately by an Order. The

Order may be made without the 'Notice of Intention'. The 'Notice of Making' must still be published in a local newspaper prior to the Order coming into force.

17.3.3 If the original estimate of the duration of the activity changes, a request for a permit variation will be necessary.

17.4 **Policy**

17.4.1 When a notice or order has been made, the activity promoter must comply with the requirements of the Authority and the police for the closure of the road.

17.5 **Charges**

17.5.1 Section 76 of NRSWA allows traffic authorities to recover the costs of issuing temporary notices or making TTROs. Upon receipt of an application for a TTRO, the Authority can provide utilities with the estimated cost. These costs are not part of the LiPS. Invoices will be itemised, for example:

- cost of the order;
- advertising in local papers;
- administration fees.

17.5.2 There may also be charges made for erecting and maintaining the on-site notices that are required.

17.6 **Temporary traffic signals**

17.6.1 Any use of temporary traffic signals requires agreement from the Authority. The EToN technical specification provides a transaction for the activity promoter to submit an application for temporary traffic signals that is linked to a particular PAA, permit or application.

17.6.2 The Authority will consider the application in the context of the proposed activity and if the activity promoter has provided all the required information relating to the operation of the temporary signals to the satisfaction of the Authority, it will be approved.

17.6.3 If the application is not approved then the Authority will provide the reasons for non-approval as part of the response. This application response will be separate to the response to the linked permit application or PAA.

17.6.4 For Immediate activities the traffic signal application must be submitted with the Immediate application where it is anticipated that temporary traffic signals are to be used.

18 Fees

18.1 Permit charges

18.1.1 Under Regulation 30 the LiPS is able to charge statutory undertakers a fee in the following circumstances

- The application of a provisional advance authorisation
- The issue of a permit
- The variation of a permit or the conditions of a permit
- The difference between fees for an activity when it moves from one works category to another

18.2 Fee levels

18.2.1 Fee levels have been developed by the Authority that are considered proportionate to the significance of the street and the likely amount of work required to effectively coordinate and manage activities on that street.

18.2.2 In accordance with the statutory guidance, major activity permit fees are split into 3 bands depending on duration of works. These are provided in Appendix D

18.3 Waiving permit fees

18.3.1 Regulation 30 also provides a mechanism for discounting or waiving the normal permit fee. Under the LiPS a promoter will not be charged a fee:

- if the activity promoter is a highway authority or is carrying out Works For Road Purposes
- if a permit is deemed to be granted because the Authority had failed to respond to an application in the time required
- if a permit variation is initiated by the Authority
- where the Authority has to revoke a permit through no fault of the activity promoter there will be no charge for a replacement permit
- where the works are Diversionary Works as a result of a Major Highway or Bridge works, initiated by the Highway Authority, as described in Section 86 of NRSWA

18.4 Reduced permit fees

18.4.1 A minimum discount of 30% will be applied in the following situations:

18.4.2 Collaborative works

18.4.2.1 Regulation 31(4) provides for a permit fee discount where activity promoters are collaborating, either in timing or extent of the programmed activity, to reduce the impact of their works. This includes where statutory undertakers are collaborating with highway authority works.

18.4.3 Multiple applications for single activity

18.4.3.1 The Statutory Guidance requires the Authority to apply a discount where an activity promoter submits multiple permit applications where an activity is part of a project that involves working on more than one adjacent streets. For example if repairs on a pipe go round a corner from one street into another. It is not intended to cover whole area wide projects in a single permit.

18.4.4 Working only outside traffic-sensitive times

18.4.4.1 A discount will be applied where an activity promoter is able to undertake their works wholly outside of traffic-sensitive times on a strategically significant street.

18.4.4.2 In general, this is only applicable on works that are less than one-day duration since these can fall between or after peak periods. However, this discount may also be applied to works where carriageway impact is minimised for peak or traffic-sensitive periods, for instance opening up the carriageway by using plating, or a change of traffic management/control etc. when operatives are not working on site.

18.4.4.3 Suitable permit conditions would need to be attached (Chapter 12), and it would be necessary to gather evidence from site (for instance photos or inspection records) to show that this condition was being maintained for the duration of the activity or as agreed. Suitable evidence provided by the activity promoter or contractor should be acceptable as long as it meets the requirements of the Authority to ascertain compliance.

18.4.5 **Fee review**

18.4.5.1 In accordance with Regulation 16A, the Authority will review its level of fees to ensure that the overall fee income does not exceed the allowable costs. The outcome of the fee reviews will be published and open to public scrutiny.

18.4.5.2 If a sustained surplus or deficit occurs over a number of years the fee levels will be adjusted accordingly.

19 Permit offences and sanctions

19.1 Permit offences

19.1.1 The permit regulations create two offences for statutory undertakers

- Carrying out activities on the street without a permit, or in the case of immediate works not applying for a permit within two hours of the works starting
- Carrying out activities on the street or highway in a way that contravenes the conditions attached to a permit, or the conditions that are applied to an immediate activity before a permit is issued for those activities.

19.1.2 Permit offences do not apply to the Authority activities; however the Authority will monitor these activities in the same way it does statutory undertakers to ensure a consistent approach.

19.2 Sanctions

19.2.1 Where possible the Authority will seek to resolve problems informally to achieve compliance with the permit scheme. Where this fails, or where an activity promoter persistently offends, or the Authority considers that an informal resolution is not appropriate, then the Authority has three sanctions it may use

- Issue a notice to take remedial action
- Issue a Fixed Penalty Notices
- Prosecution

19.3 Remedial action

19.3.1 Regulation 18 allows the Authority to issue a notice requiring remedial action within a timeframe where a promoter is working without a permit or in breach of a permit condition.

19.3.2 Where a promoter does not take the remedial action within the timeframe, the Authority will take such steps as it considers appropriate to achieve the outcome in the notice, and may recover any costs from the undertaker.

19.4 Fixed Penalty Notice

19.4.1 Regulations 21 to 28 (and the Schedules set out in the regulations) allow the Authority to issue Fixed Penalty Notices in respect of the criminal offences.

19.4.2 Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty and Regulation 25 provides for a discount for early payment. The penalty amount is £500 for working without a permit, but a discounted amount of £300 is available if payment is made within 29 days. For working in breach of a condition the penalty is £120 and the discounted amount £80.

19.5 Prosecution

19.5.1 Where a Fixed Penalty Notice has been issued for an offence, but the Authority forms the view that it would be more appropriate to prosecute the offender the Authority must withdraw the Notice under Regulation 27 before bringing the proceedings. Once the Fixed Penalty Notice has been paid, however, no prosecution in relation to the offence can be brought.

19.5.2 The Authority may prosecute the offence through the courts following the usual processes. Normally this option will be invoked where an undertaker is persistently offending on an issue that the Authority considers serious.

19.6 Dispute procedures

19.6.1 The Authority and activity promoters must use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. However it is recognised that occasionally this may not be possible.

19.6.2 If agreement cannot be reached locally on any matter arising under this permit scheme or the associated Code of Practice for Permits or regulations then the dispute should be referred on the following basis.

19.6.3 Straightforward issues

19.6.3.1 Where the Authority and the activity promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a regional HAUC for review. That review should take place within five working days from the date of referral. The Authority will accept the result as binding.

19.6.4 Complex issues

19.6.4.1 If the Authority and the activity promoter(s) involved in the dispute think the issues are particularly complex, HAUC (England) will be asked to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (England) joint chairs.

19.6.4.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (England). The Authority will accept the conclusions of the review panel as binding.

19.6.5 Adjudication

19.6.5.1 If agreement cannot be reached by the procedures described, for instance if one or more of the parties does not accept the ruling of the Regional HAUC or HAUC (UK) review as binding, the dispute should be referred to independent adjudication provided that the parties agree that the decision of the adjudicator is deemed to be final. The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (England), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

19.6.6 Arbitration

19.6.6.1 Disputes relating to matters covered by the following Sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA;

- Section 61 (6) - consent to placing apparatus in protected streets
- Section 62 (5) - directions relating to protected streets
- Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged
- Section 74A (12) - charges determined by reference to duration of works
- Section 84 (3) - apparatus affected by major works
- Section 96 (3) – recovery of costs or expenses

20 Monitoring the permit scheme

20.1 Measuring the objectives

20.1.1 Regulation 4(d) requires the Authority to describe how they will evaluate the scheme.

20.1.2 The metrics that will be used to measure how the scheme is performing will be based upon Traffic Performance Indicators (TPI's) developed by HAUC and additional Lincolnshire Performance Indicators (LPI's) (see APPENDIX E)

20.1.3 TPI's and LPI's will be published monthly by the Authority and will be made available in a raw format (without additional analysis) on their website and at performance and coordination meetings.

20.1.4 An annual report will be produced by the Authority, where the TPIs and LPI's will be analysed more fully to evaluate the scheme. As a minimum, the LiPS will be evaluated every 12 months of operation for the first 3 years and then every three years thereafter as required by Regulation 16A.

20.1.5 The outcome of the evaluation shall be made available to the persons referred to in Regulation 3(1) within 3 months of the relevant anniversary.

21 Transitional arrangements

- 21.1 The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.
- 21.2 The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.
- The permit regime will apply to all activities where the administrative processes, such as application for a permit or Provisional Advance Authorisation, start after the commencement date
 - Activities which are planned to start on site more than one month after the changeover date (for all activity categories including Major) shall operate under the permit scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the activity promoter will have to cancel these and re-apply for a permit or PAA
 - Any other activities which started under the notices regime will continue under that regime until completion
- 21.3 The Authority have an order to bring the scheme into effect from October 5th 2016 at which point permit fee charges and FPN's will be applicable.
- 21.4 As required in Regulation 3, the Authority will give a minimum of four weeks' notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme.

APPENDIX A – Glossary of terms

Activity, activity promoter	Covers both utilities' street works and highway authorities' own works. See Promoter.
Above ground works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it
Additional street data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG.
Apparatus	As defined in Section 105 (1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus".
Appeal	Where there is an unresolved disagreement between the activity promoter and the Authority about a Permit Authority's decision or actions the promoter may appeal using the procedure in 19.6 of LiPS.
Arbitration	As defined in section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers"
Bank holiday	As defined in Section 98 (3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Bar hole	A bar hole is used to detect and monitor gas leaks as described in the code of practice for permits.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	As it says in section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge authority	As defined in section 88(1)(b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested"
Bridleway	As defined in section 329 of the HA 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway"
BS7666	British Standard number 7666 relating to gazetteers.
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way

	(other than a cycle track) over which the public have a right of way for the passage of vehicles"
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan area
Code of Practice for Permits	As published by Department for Transport March 2008
Conditions Permit Conditions	Conditions applied by the authority as standard conditions or specific conditions to an individual permit. Contained in the EToN activity conditions field
Contravention	As defined in section 329 of HA 1980, "contravention in relation to a condition, restriction or requirement, includes failure to comply with that
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities roads
Council	As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local authority"
Critical gyratory or roundabout system	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot
Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise
DfT	Department for Transport
Disability	As defined in section 105(5) of NRSWA, "section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act"
Disability Equality Duty	Means the duty under Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that "(1) Every public authority shall in carrying out its functions have due regard to— (a) the need to eliminate discrimination that is unlawful

	under this Act; (b) the need to eliminate harassment of disabled persons that is related to their disabilities; (c) the need to promote equality of opportunity between disabled persons and other persons; (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons; (e) the need to promote positive attitudes towards disabled persons; and (f) the need to encourage participation by disabled persons in public life. (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act
Distribution Network Operator (DNO)	Operator of an electricity distribution network
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers
Emergency works	As defined in section 52 of NRSWA
EToN	Electronic Transfer of Notifications, the system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between promoters and the Authority
Excavation	"Breaking up" (as defined above)
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs - Request for Comments) are the standard documents that define the operation of the internet)
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway"
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
Frontager	A person or body occupying premises abutting the street
Frontagers	A person or body occupying premises abutting the street

Geographical information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface
HA 1980	The Highways Act 1980
HAUC(England)	The Highway Authorities and Utilities Committee for Englan
Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes"
Highway	As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in sections 1 and 329 of the HA 1980
Highway works	"works for road purposes" or "major highway works"
Highways Act 1980	(dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Immediate activities	immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
KPI (Key Performance Indicator)	One of the DFT performance indicators used to show parity as defined in Regulation 40, and provided in the Code of Practice for Permits. See Appendix E
Land	As defined in section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land"
Local authority	As defined in section 270(1) of the Local Government Act 1972 and includes the Common Council of the City of London
Local planning authority	Local planning authority has the same meaning as in the Town and Country Planning Act 1990
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility

Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time
Maintainable highway	As defined in section 329 of HA 1980
Maintainable highway	As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more"
Major bridge works	As defined in section 88(2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge"
Major highway works	As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Major transport works	As defined in section 91(2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking"

Minor activities	Are minor works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as those activities other than immediate activities where the planned duration is 3 days or less
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time
Model Condition	One of the standardised condition texts used by the scheme and provided by HAUC (UK) National Conditions guidance document. Prefixed by "NCT".
National Grid Reference	Location reference using nationally defined eastings and northings The format in which it is presented must in all cases match that required by the Technical Specification for EToN
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data Nationally consistent street gazetteer (NSG), a database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
National Street Gazetteer (NSG) – also referred to as Nationally Consistent Street Gazetteer	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
Network management duty	As stated in Part 2 of TMA
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information
NRSA	New Roads and Street Works Act 1991
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities
ODD	operational district data
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street
Order	A document signed by a person authorised by the Authority to give effect to or vary or revoke a permit scheme
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey
OSGR	Ordnance Survey Grid Reference
Passenger Transport Authority	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area

Passenger Transport Executive	The executive arm of a Passenger Transport Authority
Pedestrian Planning Order	This refers to an order made under section 249(2) or (2A) of the Town and Country Planning Act 1990(6)
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions
Permit application	The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime
Permit Authority	Concerning a Permit Scheme, a local highway authority or other strategic highways company which has prepared a permit scheme under section 33(1) or (2) of the TMA
Permit Management System	A computer based system to record permit applications and consents. A Street Works Register
Permit Scheme	A scheme approved by the Secretary of State or by the Authority (under the amended regulations) under which permits for activities are sought and given
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases"
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority
Protected street	are defined in NRSWA s61 (1)
Provisional Advance Authorisation (PAA)	The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSW
Provisional street	A provisional street is a street that does not yet have an entry in the NSG. Typically these will be newly created and/ or private streets
Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991
Railway	As defined in section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway"
Reasonable period	As defined in section 74(2) of NRSWA
Reasonable times	Reasonable times may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)

REC	Regional electricity company
Registerable activities	Registerable activities correspond to “specified works” in the Traffic Management Permit Schemes (England) Regulations 200
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good"
Relevant authority	As defined in section 49(6) of NRSWA
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations
Road	"Highway"
Road category	This means one of the road categories specified in Chapter S.1 of the code of practice entitled “Specification for the Reinstatement of Openings in Highways” dated June 2002, as revised or re-issued from time to time
Road works	Works for road purposes
Schema	XML) Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents
Sewer	Sewer as defined in the Water Industry Act 1991 " includes all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings"
Sewer authority	As defined in section 89(1)(b) of NRSWA
Small Openings and Small Excavations	All openings with a surface area of two square metres or less
Special Engineering Difficulties (SED)	By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets or extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property
Standard activities	Are standard works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. These are activities, other than Immediate activities, that have a duration of between 4 and 10 days inclusive
Standard Condition	A condition that applies to all permits or all permits of a certain activity type. Standard conditions do not need to be included on a permit application or permit as they are taken as being included. See Chapter 6

Strategically significant streets (SSS)	Definition given in the 'Statutory Guidance for Highway Authority Permit Schemes (October 2015)': "Strategically significant streets (SSS) are defined as including streets which have been designated as traffic sensitive in accordance with the criteria set out in regulation 16 of <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i> , as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section S1.3 of the <i>Specification for the Reinstatement of Openings in Highways (A Code of Practice -April 2010)</i> "
Street	As defined in section 48(1) of NRSWA
Street authority	As defined in section 49(1) of NRSWA
Street works	As defined in section 48(3) of NRSWA
Street works licence	As stated in section 50(1) of NRSWA
Temporary Traffic Regulation Order	This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984
Terms, Permit terms	The works promoter specified activity at the specified location at specified times executed in a specified way etc. as defined in a granted, deemed or varied permit.
The Regulations	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 337
TMA	The Traffic Management Act 2004
Traffic	As defined in section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic authority	As defined in section 121A of the Road Traffic Regulation Act 1984
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines
Traffic Management	Traffic management is dictated by road space/occupation. Permit Regulations note that: "traffic management arrangements" includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)
Traffic order	This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984
Traffic sensitive street	This means a street designated by a street authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be

	construed as a reference to works to be executed at the times and dates specified in such designation
Traffic sign	As defined in section 105(1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984"
Tramway	As defined in section 105(1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street"
Transport authority	As defined in section 91(1)(a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking"
Transport undertaking	As defined in section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority"
Trunk road	As defined in section 329 of the HA 1980
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666
Undertaker	As defined in section 48(4) of NRSWA,
Unique street reference number (USRN)	As defined in the British Standard BS7666
Urgent activities	Are urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
Working day	As defined in section 98(2) of NRSWA
Works	Street works or works for road purposes
Works clear	A notice under NRSWA s74(5C) following interim reinstatement
Works closed	A under NRSWA s74(5C) following permanent reinstatement
Works for road purpose	As defined in section 86(2) of NRSWA
XML	Extensible Markup Language

APPENDIX B – Modifications and disapplications of NRSWA

B1 Disapplication of NRSWA

B1.1 The permit regulations disapply or modify certain sections of NRSWA. In permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations.

<i>NRSWA section</i>		<i>Change</i>	<i>Permit regulations – Revised arrangements</i>
S53	<i>The street works register</i>	<i>Disapplied</i>	<i>Permit regulations prescribe similar provisions for permit registers</i>
S54	<i>Advance notice of certain works</i>	<i>Disapplied</i>	<i>Replaced by applications for provisional advance authorisation.</i>
S55	<i>Notice of starting works</i>	<i>Disapplied</i>	<i>Replaced by applications for permits</i>
S56	<i>Power to direct timing of street works</i>	<i>Disapplied</i>	<i>Replaced by permit conditions and variations, including those initiated by the Authority.</i>
S57	<i>Notice of emergency works</i>	<i>Disapplied</i>	<i>Replaced by applications for immediate activities.</i>
S66	<i>Avoidance of unnecessary delay or obstruction</i>	<i>Disapplied</i>	<p>Replaced by equivalent provisions for permit authorities to require promoters in breach of the permit requirements to take remedial action and failing that for the authority to act.</p> <p><i>24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.</i></p>

Table 2: Promoter's Duties – disapplied sections of NRSWA

<i>NRSWA section</i>		<i>Change</i>	<i>Permit regulations – Revised arrangements</i>
<i>S58</i>	<i>Restriction on works following substantial road works</i>	<i>Modified</i>	The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58(5) to (78). <i>The regulations provide the equivalent of S 58A powers by allowing authorities to take into account whether promoters responded to the S 58 notice by submitting an application for their planned activities</i>
<i>S58A</i>	<i>Restriction on works following substantial street works</i>	<i>Modified</i>	<i>Schedule 3A is modified to work in conjunction with permits.</i>
<i>S64</i>	<i>Traffic-sensitive streets</i>	<i>Modified</i>	<i>Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.</i>
<i>S69</i>	<i>Works likely to affect other apparatus in the street</i>	<i>Effectively extended</i>	<i>Permit regulations create an equivalent requirement on highway authority promoters.</i>
<i>S74</i>	<i>Charge for occupation of the highway where works are unreasonably prolonged</i>	<i>Modified</i>	<i>Permit regulations make provision to operate in parallel with permits.</i>
<i>S88</i>	<i>Bridge, bridge authorities and related matters</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits.</i>
<i>S89</i>	<i>Public sewers, sewer authorities and related matters</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits.</i>
<i>S90</i>	<i>Provisions as to reinstatement of sewers, drains or tunnels</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits.</i>
<i>S93</i>	<i>Works affecting level crossings or tramways</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits.</i>

Table 3 Promoter's duties – modifications to NRSWA

APPENDIX C – Permit Conditions

C1 Where there are constraints in the permit application, it must include conditions that specify in detail the activity and support the application.

C2 These conditions are set out in Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015)

APPENDIX D – Table of fees

Lincolnshire County Council		
Reinstatement category of street	Road Category 0-2 or Traffic-sensitive	Road Category 3-4 and non-traffic-sensitive
Provisional Advance Authorisation	£101	£72
Major Activity greater than 11 days duration or requiring a TRO	£210	£130
Major Activity between 4 & 10 day duration	£117	£75
Major Activity up to 3 day duration	£64	£43
Standard activity	£117	£75
Minor Activity	£64	£43
Immediate activity	£40	£26
Permit Variation	£45	£35

APPENDIX E – Performance Indicators

E1 Traffic Performance Indicators

E1.1 Regulation 40 requires the scheme to show parity of treatments for all types of activity promoters.

E1.1.2 A set of Key Performance Indicators has been developed by the HAUC (England) Permit Forum to demonstrate the effectiveness of the scheme in meeting the stated objectives. Such TPIs may be redeveloped by the DfT and/or HAUC (England) and may be subject to change from time to time. The LiPS will always follow the latest TPI requirements.

- TPI-1 - Work Phases Started (Base Data)
- TPI-2 - Works Phases Completed (Base Data)
- TPI-3 - Days of Occupancy Phases Completed
- TPI-4 - Average Duration of Works
- TPI-5 - Phases Completed involving Overrun
- TPI-6 - Number of Deemed Permit Applications
- TPI-7 - Number of Phase One Permanent Registrations

*These measures, with the exception of deemed permits are all currently available in existing noticing/permit systems, meaning notice and permit authorities can be directly compared.

E2 Lincolnshire Performance Indicators

E2.1 Parity of treatment for all activity promoters particularly between statutory undertakers and the Authority works and activities as required by Regulation 40, will be demonstrated through Lincolnshire Performance Indicators and detailed as follows:

E2.1.2 LPI 1: The number of approved extensions.

It will be expressed as:

- The total number of permit issued
- The number of requests for extensions shown as a percentage of permits issued
- The number of agreed extensions as a percentage of extensions applied for

E2.1.3 LPI 2: The number of PAA and permit applications cancelled

It will be expressed as

- The number cancelled as a percentage of the total of each

E2.1.4 LPI1 and LPI2 will help to show the effectiveness of the promoter in planning works correctly.

E2.1.5 Additional LPI's were developed to measure:

E2.1.6 LPI 3: The number of remedial reinstatements measured by Promoter

It will be expressed as

- The number of permits granted where the phase type is remedial

E2.1.7 This will indicate the level of non-compliance with specifications and quality of workmanship (defects)

E2.1.8 LPI 4: The number of FPN's that have been issued, identified by works promoter

It will be expressed by

- The number of FPN's issued

**Open Report on behalf of Richard Wills,
Executive Director for Environment & Economy**

Report to:	Highways and Transport Scrutiny Committee
Date:	11 July 2016
Subject:	Lincolnshire Road Safety Partnership School Safety Watch - Status Report

Summary:

This report provides a short briefing to the Highways and Transport Scrutiny Committee regarding School Safety Watch. This is a new initiative aimed primarily at Lincolnshire schools but may include other establishments where children regularly attend.

Recommendation(s):

Members of the Highways and Transport Scrutiny Committee are invited to consider and comment on the report and highlight any recommendations or further actions required.

1. Background

School Safety Watch (SSW) is a Lincolnshire Road Safety Partnership (LRSP) initiative which builds upon the well-established Community Speed Watch (CSW) scheme.

CSW was designed to empower local communities to tackle non-safety critical speeding issues. CSW replaced previous initiatives including the passive notices used in 'Parish Calm' whilst also addressing the shortcomings of manually deployed reactive signs used in 'Parish Link'. CSW utilises both passive and reactive speed information signs.

The reactive 'dot matrix' CSW signs are powered by rechargeable batteries and attach to a bracket on a post, such as a lamp post and are designed to move between different brackets. Communities often purchase a number of brackets that are permanently fixed to lamp posts and rotate the reactive signs between them. This initiative also allows smaller parishes to share the signs. In order to ensure the signs have the maximum impact they do not remain in any one place for more than a six week period.

CSW has achieved a significant visual presence throughout the county resulting in enquiries regarding installation of signs at school locations.

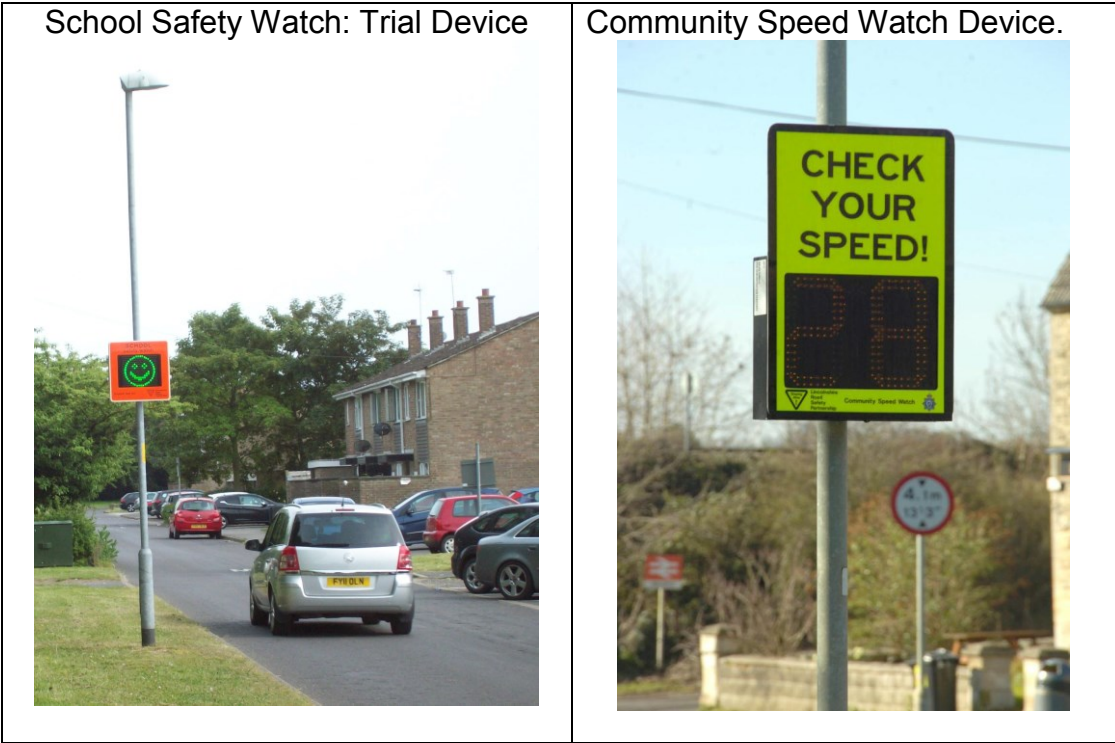
The new SSW scheme will act as an independent initiative under the CSW banner with the method of sign deployment differing from the original scheme.

In the case of SSW, feedback from schools has indicated that they are unlikely to participate in a scheme where the safety sign has to be relocated periodically. Further, as this scheme seeks to address issues at a specific location outside the school, moving signs would not be practical. As such, LRSP are exploring the feasibility that SSW devices could be permanently located, either on a suitable LCC utility, lamp post, or dedicated post.

It is felt that the permanent siting of SSW devices in contrast to the temporary siting of CSW devices could create grievances by some users of CSW who would prefer to leave signs up permanently. In order to address this issue the interactive device used in SSW is different both in its appearance and the facilities it provides. It is hoped this will ensure the scheme is seen as independent from CSW.

SSW will employ an enhanced interactive warning device which detects and displays vehicle speed. Messages are graded for effect in green, yellow and red and can be displayed in a steady or flashing format. The device also has an enhanced facility to display alternative messages at pre-programmed times of the day. The device can be automatically turned on and off at programmed times, i.e. only operating at times deemed relevant by the school.

Device Images



SSW devices cost approximately £2000 each. This is similar to the CSW signs. Both signs are powered by rechargeable batteries.

2. Conclusion

The LRSP Strategic Board gave approval for SSW to be trialled at two schools. The first SSW sign is currently located at a nursery pre-school site in Tattershall. The sign will be in situ for 10 days. William Farr secondary school will provide the second trial location in due course.

LRSP will collate data and community feedback from these trials and report to the full Highways Scrutiny Committee meeting scheduled for July.

3. Consultation

Has The Local Member Been Consulted?

Yes.

Has The Executive Councillor Been Consulted?

Yes.

Policy Proofing Actions Required

N/A

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Andrew Trevithick, who can be contacted on 01522 805800 or andrew.trevithick@lincolnshire.gov.uk

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Policy and Scrutiny

**Open Report on behalf of Richard Wills,
Director responsible for Democratic Services**

Report to:	Highways and Transport Scrutiny Committee
Date:	11 July 2016
Subject:	Highways and Transport Scrutiny Committee Work Programme

Summary:

This item enables the Committee to consider and comment on the content of its work programme for the coming year.

Actions Required:

Members of the Committee are invited to consider and comment on the work programme as set out in Appendix A to this report and highlight any additional scrutiny activity that could be included for consideration in the work programme.

1. Background

The Committee's work programme for the coming year is attached at Appendix A to this report. The Committee is invited to consider and comment on the content of the work programme.

Work Programme Definitions

Set out below are the definitions used to describe the types of scrutiny, relating to the items on the Work Programme:

Budget Scrutiny - The Committee is scrutinising the previous year's budget, or the current year's budget or proposals for the future year's budget.

Pre-Decision Scrutiny - The Committee is scrutinising a proposal, prior to a decision on the proposal by the Executive, the Executive Councillor or a senior officer.

Performance Scrutiny - The Committee is scrutinising periodic performance, issue specific performance or external inspection reports.

Policy Development - The Committee is involved in the development of policy, usually at an early stage, where a range of options are being considered.

Consultation - The Committee is responding to (or making arrangements to) respond to a consultation, either formally or informally. This includes pre-consultation engagement.

Status Report - The Committee is considering a topic for the first time where a specific issue has been raised or members wish to gain a greater understanding.

Update Report - The Committee is scrutinising an item following earlier consideration.

Scrutiny Review Activity - This includes discussion on possible scrutiny review items; finalising the scoping for the review; monitoring or interim reports; approval of the final report; and the response to the report.

2. Conclusion

To consider and comment on the Work Programme.

3. Consultation

a) Policy Proofing Actions Required

This report does not require policy proofing.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Highways and Transport Scrutiny Committee Work Programme
Appendix B	Forward Plan of Decisions relating to Highways and Transport Scrutiny Committee

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Daniel Steel, Scrutiny Officer, who can be contacted on 01522 552102 or by e-mail at daniel.steel@lincolnshire.gov.uk

HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE

Chairman: Councillor Michael Brookes

Vice Chairman: Councillor Andrew Hagues

11 July 2016		
Item	Contributor	Purpose
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report
Permit Scheme – Outcome of Consultation	Mick Phoenix, Regulation Manager	Update Report
Lincolnshire Road Safety Partnership School Safety Watch - Status Report	Steven Batchelor, Lincolnshire Road Safety Partnership	Status Report

12 September 2016		
Item	Contributor	Purpose
Highways Asset Management Plan	Paul Rusted, Infrastructure Commissioner	Pre-Decision Scrutiny Executive Councillor: 19 September
Performance Report, Quarter 1 1 April to 30 June 2016	Paul Rusted, Infrastructure Commissioner	Performance Scrutiny
Street Lighting Transformation Project Update	Richard Hardesty, Senior Project Leader	Update Report
Total Transport & Passenger Transport Market Moderation (TransportConnect Ltd) Update	Anita Ruffle, Group Manager PTU	Update Report
Preparations for Winter 2016/17 / Winter Maintenance Working Group	David Davies, Principal Maintenance Engineer	Update Report
Enhancing our Users' Experience	Satish Shah, Network Manager South	Update Report

24 October 2016		
Item	Contributor	Purpose
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report

28 November 2016		
Item	Contributor	Purpose
Performance Report, Quarter 2 1 July to 30 September 2016	Paul Rusted, Infrastructure Commissioner	Performance Scrutiny
Street Lighting Transformation Project Update	Richard Hardesty, Senior Project Leader	Update Report
Winter Maintenance Update	David Davies, Principal Maintenance Engineer	Update Report
CCTV Pilot Scheme for Parking enforcement outside schools update	Matt Jones, Parking Services Manager	Update Report
Future Service Delivery Update	Paul Rusted, Infrastructure Commissioner	Update Report

23 January 2017		
Item	Contributor	Purpose
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report

27 February 2017		
Item	Contributor	Purpose
Performance Report, Quarter 3 1 October to 31 December 2016	Paul Rusted, Infrastructure Commissioner	Performance Scrutiny
Street Lighting Transformation Project Update	Richard Hardesty, Senior Project Leader	Update Report

To be scheduled

- Regulation Services – Charges and Savings
- Highways Asset Management Strategy
- Traffic Regulation Order Policy
- Recruitment of School Crossing Patrol Staff
- Network Rail briefing on barrier timings at level crossings
- Speed Limit Policy and Traffic Policy for Schools Update

For more information about the work of the Highways and Transport Scrutiny Committee please contact Daniel Steel, Scrutiny Officer on 01522 552102 or by e-mail at daniel.steel@lincolnshire.gov.uk

Forward Plan of Decisions relating to Highways and Transport Scrutiny Committee

DEC REF	MATTERS FOR DECISION	DATE OF DECISION	DECISION MAKER	PEOPLE/GROUPS CONSULTED PRIOR TO DECISION	DOCUMENTS TO BE SUBMITTED FOR DECISION	HOW AND WHEN TO COMMENT PRIOR TO THE DECISION BEING TAKEN	RESPONSIBLE PORTFOLIO HOLDER AND CHIEF OFFICER	KEY DECISION YES/NO	DIVISIONS AFFECTED
I011656 New!	Street Lighting Policy Amendment	18 July 2016	Executive Councillor: Highways, Transport and IT		Report	John Monk, Group Manager (Design Services) john.monk@lincolnshire.gov.uk	Executive Councillor: Highways, Transport and IT and Executive Director for Environment and Economy	No	All Divisions
I011796 New!	Lincoln Eastern Bypass - Decision to award archaeological contract	10 August 2016	Executive Councillor: Governance, Communications, Commissioning, Finance and Property	Executive Councillor for Highways, Transport and IT	Report	Senior Project Leader - Major Schemes Tel: 01522 555587 Email: lee.rowley@lincolnshire.gov.uk	Executive Councillor: Governance, Communications, Commissioning, Finance and Property and Executive Director for Environment and Economy	Yes	Lincoln Birchwood; Lincoln Boultham; Lincoln Bracebridge; Lincoln East; Lincoln Glebe; Lincoln Hartsholme; Lincoln Moorland; Lincoln North; Lincoln Park; Lincoln West
I011793 New!	Adoption of the Lincolnshire County Council Permitting Scheme	6 September 2016	Executive	Full consultation was carried out in accordance with Statutory Guidance	Report	Regulation Services Manager Tel: 01522 552105 mick.phoenix@lincolnshire.gov.uk	Executive Councillor: Highways, Transport and IT and Executive Director for Environment and Economy	Yes	All Divisions
I011808 New!	Changes to Highway Asset Management Plan	19 September 2016	Executive Councillor: Highways, Transport and IT	Highway Asset Management Plan	Report	Infrastructure Commissioner Tel: 01522 553071 Email: paul.rusted@lincolnshire.gov.uk	Executive Councillor: Highways, Transport and IT and Executive Director for Environment and Economy	Yes	All Divisions

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