

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>STRATEGIC ENVIRONMENT PLANNING &amp; TRANSPORT COMMITTEE</b>		
<b>DATE:</b>	<b>16 NOVEMBER 2022</b>	<b>AGENDA ITEM:</b>	
<b>TITLE:</b>	<b>STREET WORKS PERMIT SCHEME</b>		
<b>LEAD COUNCILLOR:</b>	<b>COUNCILLOR TONY PAGE</b>	<b>PORTFOLIO:</b>	<b>CLIMATE STRATEGY &amp; TRANSPORT</b>
<b>SERVICE:</b>	<b>ENVIRONMENTAL &amp; COMMERCIAL SERVICES</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
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#### 1. PURPOSE OF THE REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Committee of the statutory obligation on the Council to manage all works within the public highway under a 'Street Works Permit' scheme.
- 1.2 To inform the Committee of the procurement process to secure a suitably qualified and experienced consultant to deliver a 'Street Works Permit' scheme for Reading and to seek delegated authority to enter into a contract with the successful tenderer after the tendering process in accordance with the Public Contracts Regulations 2015.
- 1.3 Appendix 1: Financial Implications Report

#### 2. RECOMMENDED ACTION

- 2.1 That the Committee grants approval to tender for a consultant to implement the required 'Street Works Permit' Scheme for Reading, in accordance with the Public Contracts Regulations 2015.
- 2.2 That the Committee grants delegated authority to the Executive Director for Economic Growth & Neighbourhood Services in consultation with the Lead Councillor for Climate Strategy & Transport, the Assistant Director of Legal & Democratic Services and the Director of Finance to enter into relevant contracts required to undertake the 'Street Works Permit' Scheme, as per section 4 of this report.

### **3. POLICY CONTEXT**

- 3.1 The Corporate Plan 2022-2025 sets out the Council's priorities for Reading and provides direction for staff in delivering services to meet the needs of the communities within the Borough whilst working to a budget and Medium-Term Financial Strategy (MTFS) agreed at Council in February 2022.
- 3.2 The Council's Corporate Plan supports the maintenance of a secure and safe highway and strategic road network in order to keep vital services moving, improve air quality and reduce carbon emissions, whilst accommodating the significant levels of planned economic growth.
- 3.3 The aim of the 'Street Works Permit' Scheme is to improve traffic flow while providing an effective use of resources in the delivery of high quality, best value public service. Our Local Transport Plan outlines investments in walking and cycling initiatives, public transport, and electric vehicle infrastructure that will make it easier for residents to make healthy choices, and feel the benefits of clean, green neighbourhoods.
- 3.4 To make travel more secure, safe and comfortable for all users of the public highway network, to reduce disruption on the highway network and to provide conditions that are as safe as reasonably practicable having regards to financial constraints and our statutory duties.

### **4. THE PROPOSAL**

- 4.1 The 'Street Works Permit' Scheme will require the Council to bring in a specialist and experienced consultant to develop the necessary policy, procedures and systems to efficiently administer the scheme, including training and support of staff.

#### **BACKGROUND**

- 4.2 The Council is required by the Government to transition to an efficient method of co-ordinating all works on the public highway. This includes works being undertaken by, or on behalf of, Reading Borough Council who will also be required to follow the same regulations.
- 4.3 Reading Borough Council is amongst the last Local Authorities to transition to this new permit working system, which is considered a superior tool for co-ordination and management of street works, ensuring income to the Local Authority is maximised and minimise disruption on the transport network.
- 4.4 The 'Street Works Permit' Scheme will require an initial investment to bring in a consultant and to bring in staff to administer the scheme. Costs associated with administering the scheme will be recovered through fee income, but there are some initial non-recoverable costs to the Council in developing the scheme, and its support systems, prior to introduction.
- 4.5 The 'Street Works Permit' Scheme will operate on the Council's existing 'Street Manager' platform.

- 4.6 Once the ‘Street Works Permit’ Team is set up it will provide an income stream to cover costs and will be able to support existing Network Management Income budgets. The scheme enables penalty charges for breaches of the permit conditions and enhanced staff resources will ensure timely intervention and robust management, while incentivising permit holders to deliver works as efficiently as possible.
- 4.7 It is envisaged that a Full Time Equivalent (FTE) Highway Inspector post and 2 x FTE Technician posts will be required to administer the scheme once implemented.

#### 4.8 Options considered

**Option 1:** Continue to use the existing ‘Street Manager’ system, which could potentially attract a government sanction, (not yet specified).

**This option is not recommended.**

**Option 2:** Bring in a consultant to assist the Council in implementing a ‘Street Works Permit’ Scheme, which will recover running costs and improve the income opportunity for Network Management once implemented. The scheme will deliver the Government mandate that all Local Authorities transition to a permit scheme of co-ordinating street works to minimise disruption on the transport network.

**This option is recommended.**

- 4.9 The aim of the ‘Street Works Permit’ Scheme is to ensure compliance with the Traffic Management Act 2004 (Section 16(1)), which imposes a Network Management Duty to ensure that the Council secures the expeditious movement of traffic on the Authority’s road network and facilitates the expeditious movement of traffic on road networks for which another Authority is the Traffic Authority. From 30 July 2021, Councils shall have regard to the statutory guidance ‘Traffic Management Act 2004: network management to support recovery from Covid-19’ to deliver their management duty under that Act.

#### Procurement

- 4.10 The estimated value of the contract to implement a ‘Street Works Permit’ Scheme is approximately £100,000.
- 4.11 In accordance with the Public Procurement Rules the Council will publish on the Find a Tender service which replaces the Official Journal of European Union (OJEU) contract notice portal and in accordance with the Council’s Contract Procedure Rules, will be advertised on the Council’s electronic tendering portal, as well as via ‘Contracts Finder’.
- 4.12 As this is a statutory Service, the Council will be required to tender the ‘Street Works Permit’ Scheme Implementation Contract in advance of the 2023/2024 Financial Year and implement the scheme before the start of the 2024/2025 Financial Year.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

### **5.1 Reading Borough Council's vision is:**

To help Reading realise its potential - and to ensure that everyone who lives and works here can share the benefits of its success.

### **5.2 The 'Street Works Permit' Scheme Implementation Contract will contribute to the Council's Corporate Plan 2022 - 2025 objectives of:**

- Healthy environment - Keeping the town clean, safe, green and active
- Inclusive economy - Enabling the infrastructure to continue to support the economy
- Thriving Communities - Remaining financially sustainable and to ensure everyone has an equal chance to use the public highway

### **5.3 TEAM Reading values:**

Together - Collaborative working approach between the Council, consultant, contractors and the public

Efficiency - Continue to explore efficiency savings within the contract

Ambitious - Investing into the public highway & traffic assets

Make a Difference - Providing a safe inclusive public highway network for all users

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

6.1 The Council declared a climate emergency at its meeting in February 2019 and as such recognises the need to minimise the climate impacts of its decisions. To this end, Council on 15th October 2019 formally adopted of the 'Unite Construction Charter' where the Authority supports the 'Get Britain Building' campaign, which is aimed at supporting and sustaining the British construction industry.

6.2 Tenders for any subsequent contracts, (including consultancy contracts), that are necessary will be invited to submit Environmental Implications proposals which will form part of the quality element of the tender evaluation. A social value quality submission will also be required to be submitted with tenders and evaluation.

6.3 Tenders also need to include carbon reduction targets and improved sustainability within tender returns. The intent is to reduce the amount of carbon used to produce the materials at source, reducing the uncontrolled waste in the environment to reduce pollution of the natural environment, use of electric vehicles and plant, as well as how they will achieve their own carbon reduction targets.

6.4 An efficient 'Street Works Permit' Scheme will result in the improved operation of the network, reduce utility roadwork delay, reduce congestion, facilitate movement of pedestrians, cyclists, buses and deliver a better transport experience. The scheme will reduce environmental impacts of transport, enhance safety and improve operational efficiency.

- 6.5 A Climate Impact Assessment has been conducted, which considers a net ‘low-positive’ impact as a result of implementing a ‘Street Works Permit’ Scheme, as the scheme can demonstrate reduced congestion with reduced associated carbon emissions. The scheme will support the Councils Transport Strategy, which is focused on encouraging the use of sustainable transport, walking and cycling as attractive alternatives to the private car. The Council will continue to explore options to reduce its own carbon footprint, as well as those consultants working for Reading.
- 6.6 The Reading Climate Emergency Strategy, which was endorsed by the Council in November 2020, highlights the importance of adapting to climate impacts as well as reducing the emissions which are driving climate change.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 7.2 The public can report transport delays caused by works on the public highway and strategic network for investigation and subsequent issue of penalty permit notices.
- 7.3 This report will be available on the Council’s website following Strategic Environment, Planning & Transport Committee approval processes.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The ‘Street Works Permit’ Scheme Contract consists of improving the use of the public highway by all users, as well as maintaining the network in a safe condition. There is no overall change to service delivery at this time and all users will have a safe & efficient public highway network. Should any future updates/amendments be required, which result in service delivery changes, an equality impact assessment will be carried out.

## **9. LEGAL IMPLICATIONS**

- 9.1 It will be necessary to enter into a contract with the successful tenderer.

- 9.2 The tender process will be undertaken in accordance with the Council’s Contract Procedure Rules and the principles of the Open Process as defined by the Public Contract Regulations 2015 (“the Regulations”).
- 9.3 The Borough Council, as Highway Authority, has a duty under the Traffic Management Act 2004 (Section 16(1)) to ensure that the expeditious movement of traffic on the Authority’s road network and facilitates the expeditious movement of traffic on road networks for which another Authority is the Traffic Authority.
- 9.4 From 30 July 2021, Councils shall have regard to the statutory guidance ‘Traffic Management Act 2004; Network Management to support recovery from Covid-19’ to deliver their management duty under that Act. Highways Act 1980 Section 41 (Clause 1A) and Section 150 to ensure, so far as is reasonably practicable, safe passage along a highway.

**10. FINANCIAL IMPLICATIONS**

- 10.1 The cost of the implementing the ‘Street Works Permit’ Scheme will be up to £100k and will be met from the capital programme.
- 10.2 The revenue costs of operating the ‘Street Works Permit’ Scheme will be fully recoverable through the Scheme charging mechanism once implemented.

**11. BACKGROUND PAPERS**

None.