

Record of Decisions

Introduction of Permit Scheme for Street Works in Torbay

Decision Taker

Cabinet on 22 September 2020.

Decision

- (i) That the implementation of a Permit scheme to manage road and street works in Torbay as set out in the submitted report be supported, and:
- (ii) That the proposed Policy for Torbay Council's Permit Scheme for Road and Street Works, as set out in the Appendix 1 to the submitted report and the proposed Fee Structure as set out in Appendix 2 to the submitted report to manage the Highway Permit scheme, be approved, and:
- (iii) That Cabinet instructs the Director of Corporate Services to make the Legal Order under Part 3 of the Traffic Management Act 2004 to provide the required legal powers for Torbay Council to operate a Highway Permit Scheme.

Reason for the Decision

In July 2018 the Secretary of State for Transport wrote to all South West Highway Authorities to request that serious consideration was given to the introduction of Highways Permit Schemes in their respective areas, stating that he may consider using his powers to direct authorities to introduce such a scheme.

Implementation

This decision will come into force and may be implemented on 5 October 2020 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

It is proposed that Torbay Council as the Local Highway Authority introduces a Street Works Permit Scheme to replace the existing Noticing process. The benefits of such a scheme would be to provide Highways Officers with increased control over works undertaken on its highway network, with the potential to reduce disruption to road users and residents.

Councillor Morey proposed and Councillor Steve Darling seconded a motion that was agreed unanimously by the Cabinet as set out above.

Alternative Options considered and rejected at the time of the decision

There is no statutory requirement to implement a Permit Scheme, however a clear directive from the former Secretary of State for Transport suggests that there is an expectation that all LHA's will operate a permit scheme. There is a case to argue that the current Noticing scheme in Torbay has worked well to date and may choose not to implement a Permit scheme. The directive has indicated that such a stance may not be accepted by the Department for

Transport and the Secretary of State may consider instructing the implementation of a Permit Scheme. In view of this, retaining the current process is not recommended.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

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29 September 2020

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet