

Proforma for Response

PART 1 - Information about you

Name Salma Islam
Address 111 Buckingham Palace Road, London
Postcode SW1W 0SR
email info@njug.org.uk
Company Name or Organisation (if applicable) The National Joint Utilities Group Ltd (NJUG)

Please tick one box from the list below that best describes you /your company or organisation.

- Statutory Undertaker
- Small to Medium Enterprise (up to 50 employees)
- Large Enterprise
- Representative organisation (e.g. disability charity)
- Trade Union
- Interest group
- Local Government
- Central Government
- Emergency Services
- Member of the public
- Other (please describe):

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

37 utilities and 14 utility contractors

Views were collected through consultation with member representatives

If you would like your response or personal details to be treated **confidentially** please explain why:

Part 2 - Your Comments

Q1: Do you consider that a Common Permit Scheme, including all applicant Boroughs and Transport for London, is the most appropriate type of permit scheme for London? If not, please explain why not. Yes No

We believe that a Joint Scheme under a single administrator is the best approach for London to avoid allowable individual variations that are difficult for utilities to manage, which sometimes leads to misunderstandings and inadvertent non-compliance. This has been proven under the current Phase 1 scheme.

Q2: Do you think the London Permit Scheme accurately reflects the requirements of the draft Statutory Guidance for Permits as found at <http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart3/>? Yes No

The scheme makes no mention of how it will manage and report on the parity between permit authorities and other promoters.

Q3: Do you think the London Permit Scheme accurately reflects the requirements of the draft Code of Practice for Permits as found at <http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart3/>? If you have answered "No" please explain in what areas the London Permit Scheme does not reflect the requirements of draft Code of Practice for Permits? Yes No

The London Permit Scheme reiterates narrative from the Code of Practice but not how the permit authority will actually administer and manage the elements of the scheme as required by the code of practice.

The scheme does not align the March 2008 Code of Practice for Permits with the current August 2009 Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters which do not complement each other. The DfT stated throughout the consultation period regarding the introduction of permit schemes that the NRSWA codes of practice and the Permits code of practice should be in harmony.

Q4: Do you think the London Permit Scheme accurately reflects the requirements of The Traffic Management Permit Scheme (England) Regulations 2007? Yes No

Some elements of the scheme do not adhere to regulations, the codes of practice or the technical specification. For example:

Regulation 16: 8.4 - Maximum Response Times is in conflict with 8.4.3, 8.4.4, 8.4.5, 8.4.6 and 8.4.7.

We would welcome the opportunity to discuss these discrepancies further with authority colleagues with a view to enhancing the scheme to improve compliance and clarity.

Q5: Are the matrices provided in support of the scheme clear? Yes No

None originally supplied, although those that have been obtained since are not evidence based and make a number of subjective assumptions which are not factually based.

Q6: Do you understand when Promoters have to make an application for a Provisional Advance Authorisation and/or a Permit? Yes No

The COP defines this in great detail although the LoPS refers to this being the first communication on any major works and takes no account of any pre-planning and consultation that promoters would want to achieve before submitting the Provisional Advance Authorisation in order to get it right first time.

Q7: Are variations to Permits described sufficiently clearly? Yes No

Guidelines would assist clarity, along with examples of what is considered a modification and where this would be classed as a variation.

Q8: Do you understand when fees will be charged? Yes No

It is not clear whether or not fees are payable when permit authorities require utilities to close works down, as a fee will already have been paid and it is unreasonable for an undertaker to have to pay a further fee to recommence works (unless the original fee has been refunded).

Where permanent reinstatement cannot be achieved first time due to local authority specifications a fee should not be charged for the second phase of works. This would apply for example, if the specialist materials are not kept in stock by the permit authority.

Q9: Do you agree that the measures to evaluate parity are sufficient (sufficiently robust) Yes No

The Monitoring and Evaluation of Objectives (22) requires the permit authorities to

evaluate whether or not the objectives are being met. The setting up of the LoPS Committees and Task Forces is welcomed but they fail to demonstrate how parity is specifically being evaluated.

The inclusion of a definition for “specified works” for permit authorities is essential in order to evaluate parity.

NJUG would welcome confirmation that the conditions applied to permit authority works as detailed within the permit for those works, will be on display in the Local Authority register for anyone who wants to compare them.

Q10: Do you understand what conditions may be applied in granting a permit. Yes No

A number of conditions within the scheme appear to be outside the remit of the Permit Regulations

- 1) It is the responsibility of the permit authority to administer and manage the scheme. However promoters are required to coordinate with local authority departments before submitting a permit application which could subsequently be refused
- 2) Conditions must be set by the authority, not the utility.

Q11: Are the penalties for not correctly applying for a permit clearly identified? Yes No

Q12: Are the penalties for not abiding by permit conditions clearly identified. Yes No

Continuity and security of utility supplies and health and safety could be put at risk by rigid application of permit conditions. For example if work should stop at 4:30 but the customer is not available until 4:29.

Where the NSG is not correctly maintained, as per BS7666 and the Technical Specification of the National Street Gazetteer, we suggest that any associated penalties must be waived.

NJUG also believes there needs to be some visibility for condition failures associated with permit authority works.

Q13: Do you think that the monitoring proposed for the scheme is adequate? Yes No

Whilst the setting up of the Task Forces is welcomed, there are no clearly defined pre or post permit scheme baselines for evaluating the objectives as the KPIs are not expansive enough. It is recognised that the working groups are continuing to iron out problems, but this should be done prior to the additional scheme phases being implemented.

Q14: Do you think that the costs benefits shown for the scheme are clearly described? Yes No

- 1) The introduction of the TMA was designed to enable a 10% reduction in congestion caused by street works but the LoPS claims all of this on 2003 traffic data and takes no account of the effects TMA has already delivered
- 2) The annual running costs only include back office FTE's not operational requirements to conform to the scheme, which are potentially far greater within local authorities.
- 3) 1.1 Costs: NJUG fails to see the relevance of software costs being included as utilities have equal costs which are ignored.
- 4) 1.2 Benefits: Reductions in car accidents and site operator accidents through improved organisation of works is a NRSWA 1991 requirement not TMA associated.
- 5) The Cost Benefit Analysis (8) is based upon an estimated reduction in carriageway life due to utility works – this assertion has not been justified or validated and should therefore be removed.
- 6) Throughout the Cost Benefit Analysis refers to street works as opposed to works promoters' works, giving the impression of ignoring highway authority works completely.

Q15: Is there any aspect of the London Permit Scheme which requires further clarification? Yes No

Various aspects of the current Phase 1 permit scheme remain confusing and in contradiction not only with DfT guidance but also regulations, technical specification and the Code of Practice for Permits as well as itself.

It is noted that various permit working task forces and working groups are slowly eradicating and solving problems with the current permit scheme, it is therefore strongly recommended that all problems with the current scheme be resolved before expanding the scheme.

Q16: Do you have any suggestions for improving the London Permit Scheme? Yes No

Much of the scheme produces statements that simply imply something will be developed, incorporated or done, at a high level. The detail behind this needs to be included in the scheme documentation

- 1) Immediate Works, by their nature, are performed to create a safe and secure environment, with the priority being to secure the safety of people, apparatus and supplies, and areas of the scheme could create a delay to these activities.
- 2) As most benefit to congestion can be gained on major routes, NJUG suggests category 0, 1 and 2 streets, plus traffic-sensitive category 3 and 4 should be the only streets included within the scope of the scheme. This will enable a focus on the busiest streets to enhance co-ordination.

Q17: Do you have any other comments on the London Permit Scheme? Yes No

Temporary Traffic Regulation Orders/Notices

A separate application for a TTRO has always appeared to works promoters to be unnecessary duplication of work when the duty to decide if a TTRO should be made rests with the permit authority.

NJUG finds it is difficult to understand why costs and times vary widely from local authority to local authority (between £600 - £2050 and anything from 6 to 16 weeks).

Parking Bay Suspensions/ Environmental

The aim of the scheme is for works to be completed in a timely manner and to reduce disruption and congestion. In order for works to be successfully co-ordinated and administered it makes sense for the permitting authority to deal with the permit and parking bay suspensions together rather than the works promoter having to deal separately with the relevant departments within the same local authority. This would provide efficiency savings for both utilities and local authorities.

Traffic Management

The administration of traffic lights at junctions should complement Table 1 – Application and Response times. Under Regulation 16, if the works promoter provides the prescribed information in the application, the permit authority cannot refuse the permit solely on the basis that it is unable to turn it around in time.

Government Security Zone (GSZ)

It will not be possible for the works promoter to give notice to the police that they will be working in the GSZ before it is granted a permit, deemed or otherwise. As the

permit authority is responsible for issuing permits it makes more sense for the permitting authority to provide this information to the police, not the works promoter.

Small Excavations

The current March 2008 Code of Practice for Permits should align with the current August 2009 Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters. The codes do not complement each other. The DfT stated throughout the consultation period regarding the introduction of permit schemes that the NRSWA codes of practice and the Permits code of practice should be in harmony. Specifically, section 7.3.4 of the Co-ordination code of practice concerning exemptions for small excavations should align with section 9.1.1 of the Code of Practice for Permits, giving authorities flexibility regarding advance notice for very short duration footway excavation works not exceeding 150 mm in magnitude in non traffic-sensitive minor roads. These small excavations are frequently carried out to complete the final phase of a customer connection in duct previously laid in anticipation of providing communications services to a street in order to restrict further disruption of the highway by having to undertake full excavations from the main duct every time a customer requested service. They are normally completed to permanent reinstatement standard, requiring no further return to site, in one or two hours restoring the street to full public use very quickly.

Coring

A complimentary addendum to section 9.1.1 of the Code of Practice for Permits is the removal of the requirement for a permit when carrying out a reinstatement test core as discussed and agreed in principle by TfL at an early London Code of conduct review meeting at City Hall with Kulveer Ranger and Mark Beasley. This would obviously encourage utilities to carry out compliance testing in order to share their performance ratings with the authorities without being financially compromised, or restricted in programming many test cores in many streets.

Please send this completed form to:

Email: permitscheme@lbhf.gov.uk or

Ian Hawthorn
Head of Network Management and Enforcement
5th Floor Town Hall Extension
King Street
LONDON
W6 9JU

The deadline for responses is: **5pm on Wednesday 20th April 2011**