

**Notice of a public meeting of
Executive**

To: Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Orrell, Runciman, Smalley, Waller and Widdowson

Date: Thursday, 14 January 2021

Time: 5.30 pm

Venue: Remote Meeting

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 18 January 2021**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 1 - 10)

To approve and sign the minutes of the last Executive meeting, held on 15 December 2020.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on Tuesday, 12 January 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Forward Plan (Pages 11 - 14)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. City of York Council Recovery and Renewal Strategy - January Update (Pages 15 - 50)

The Chief Operating Officer to present a report which provides an update for January 2021 on the council's activities both directly in response to Covid-19 and to support recovery and renewal, and seeks approval for recommendations made by the Executive Member for Finance & Performance in November 2020.

6. The York Business Improvement District Renewal Ballot (Pages 51 - 74)

The Interim Director of Place to present a report which sets out proposals for a second term for the York Business Improvement District (BID), outlines the renewal prospectus and voting process, and seeks Executive support to allow a renewal ballot for the York BID to take place between 28 January and 25 February 2021.

7. Street Works – Changing from Noticing to a Permitting Scheme (Pages 75 - 150)

The Corporate Director of Housing, Economy & Place to present a report which seeks approval to introduce a permit scheme to govern all utility and highway works activities within the council's highways network, in order to achieve improvements to these activities and comply with the Department of Transport's request that all highways authorities move to a permit scheme.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Executive
Date	15 December 2020
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Orrell, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

Part A - Matters Dealt With Under Delegated Powers

69. Declarations of Interest

Members were asked to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda.

Cllr Craghill and Smalley each declared a prejudicial interest in Agenda Item 9 (Make It York – Impact of Covid-19), as Directors of Make It York. They both left the meeting during consideration of this item and took no part in the debate or decision thereon.

Cllrs D'Agorne and Waller each later declared a personal interest in Agenda Item 9, as Directors of York BID.

70. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting should any discussion arise on Annex 2 to Agenda item 8 (New Stadium Leisure Complex Commercial Proposal on Restaurant Units), on the grounds that it contains information relating to the financial or business affairs of particular persons. This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

71. Minutes

Resolved: That the minutes of the Executive meeting held on 26 November 2020 be approved as a correct record, to be signed by the Chair at a future date.

72. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters within the Executive's remit, expressing concerns about the adequacy of reports to the meeting in terms of presenting balanced and costed options.

Phil Pinder spoke on Agenda Item 9 (Make It York – Impact of Covid-19), as Chair of Make It York. Referring to a petition signed by 100 business owners objecting to the proposal to offer funding to Make It York, he urged Members to reject the proposal.

Martin Bradnam spoke on Item 9 on behalf of Hospitality Association York. He also objected to the proposal to fund MIY, stating that thorough consideration should be given to alternative options.

Cllr Douglas spoke on Item 9 as Opposition Spokesperson for Economy & City Development, asking the relevant Executive Members to review the council's governance of MIY and how the proposed funding could offer tangible benefits.

73. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

74. Update on the Council's Preparations for the UK's Exit from the European Union - End of Transition

The Chief Operating Officer presented a report which provided an update on the City of York Council's preparations for the end of the Transition period, scheduled for 1 January 2020, following the UK's exit from the European Union ('Brexit') on 31 January 2019.

A review based upon government guidance had been undertaken of areas of potential change within the council, as summarised in paragraphs 16-48 of the report. Liaison with other authorities in the region was set out in paragraphs 49-54. It was difficult at this stage to identify any significant or quantifiable impact across York, due the uncertainty of future arrangements and the ongoing effects of Covid-19. However, officers confirmed they were confident that York had done all it could to prepare, noting that 6,650 of the city's 7,000 EU residents had applied to the Settlement Scheme

Members acknowledged the difficulties faced by officers in the current circumstances and thanked those involved in the preparations. The Chair urged government to do everything it could to secure a deal with the EU and encouraged those EU residents who had not yet applied to the Settlement Scheme to do so before the July 2021 deadline.

Resolved: (i) That the preparations that have taken place ahead of the end of Transition be noted.

(ii) That officers be requested to continue to monitor the end of Transition and its potential impacts on the council and the city.

(iii) That officers be asked to continue to work at a national, regional and local level to support the city's preparations for the end of Transition.

Reason: To help ensure that the city, and the country, is prepared for the changed environment after Transition.

75. City of York Council Renewal and Recovery Strategy - December Update

The Chief Operating Officer presented a report which provided an update on the council's activities in response to Covid-19, both directly and to support recovery and renewal.

It was highlighted that York's infection rate had continued to fall over the lockdown period, and on 2 December the Secretary of State for Health and Social Care had praised the city for its local test and trace arrangements. The council was continuing its

efforts to lobby government to move York from Tier 2 to Tier 1 and to secure additional funding for local businesses and residents facing financial hardship.

The Chair and Members paid tribute to the city's key workers, public health team and volunteers, noting that the Communications team had received a Public Sector Excellence award.

Resolved: That the contents of the report be noted.

76. Make It York - Impact of Covid-19

The Assistant Director of Communities & Culture and the Finance Manager presented a report which proposed a series of actions in response to a request from Make It York (MIY) for financial support to mitigate the impact of Covid-19 on the company. Sean Bullick, the MD of MIY, was also in attendance to answer any questions.

The report reflected work carried out by the MD to strengthen the evidence for the future financial projections for MIY in the light of Covid-19, following a report to Shareholder Committee on 5 November 2020. This indicated that, if no action was taken, the company would soon become insolvent, with severe consequences for the council and the city as outlined in paragraph 7. The Board of MIY had therefore requested that the council provide a revenue contribution, rent deferrals and a loan facility to enable it to return to profitability in 2022/23.

Officers corrected an error in the report – the reference to the '25/26' financial year in paragraph 16d) should read '24/25.' In response to matters raised under Public Participation, it was noted that the future contract with MIY would be the subject of a further report to Executive in early 2021.

Resolved: (i) That the requirement for Make It York (MIY) to make a revenue return to the council in 2020/21 in respect of trading activity across the city be waived.

(ii) That the first two quarters' rent due from MIY in 2020/21 for use of premises on Museum Street and the Silver Street offices be deferred.

(iii) That a loan facility of £300k from the council be accessed by MIY only if necessary.

(iv) That officers provide a letter of guarantee to MIY with access to a maximum of £1m over the next two years should it be required.

Reason: To secure the future of Make It York.

77. New Stadium Leisure Complex Commercial Proposal on Restaurant Units

[See also under Part B]

The Finance Manager and the Head of Asset & Property Management presented a report which provided an update on the Commercial Deal agreed by Executive on 19 October 2017 regarding disposal and development of land adjoining the new Community Stadium, and set out options for the way forward.

The update focused on the three Commercial Units included in the deal, which had been leased to Legal & General (L&G). The terms of the lease obliged L&G to use reasonable endeavours to secure tenants for the units, but reduced the amount payable by £1.375m should none of the units be let by completion of the build. None of the units had been let.

Three options were available, as detailed in paragraphs 18-51 of the report:

Option 1 – accept that the units are not let and £1.375m will not be received from L&G.

Option 2 – take a 25-year lease of the units from L&G, on the terms set out in exempt Annex 2.

Option 3 – accept full ownership of the units, with no further financial contribution from L&G.

Analysis of the options had identified Option 1 as the recommended option, in terms of providing the greatest financial certainty to the council and limiting future liabilities. Officers confirmed that the Customer & Corporate Services Scrutiny Management Committee, having considered the report at their meeting on 7 December, were broadly supportive of Option 1.

Resolved: (i) That Option 1 be approved, accepting that the three restaurant units are not let at Practical Completion and the associated reduction of

£1.375m in capital receipt towards the Stadium project.

(ii) That the additional ongoing Treasury Management costs of £96k, which will need to be incorporated into future years' budget strategies, be recognised.

Reason: To ensure that the stadium is fully funded at the lowest risk to finances going forward.

78. Council Housing Energy Retrofit Programme

The Interim Director of Place and the Assistant Director of Housing presented a report which set out proposals for the retrofit of the council's housing stock, to deliver energy efficiency measures in support of the ambition for zero carbon emissions in the city by 2030.

With homes creating a third of York's carbon emissions, it was considered vital to take steps to make improvements. This investment in the council's housing stock would also bring significant benefits to residents, including reduced fuel poverty. The total budget available in the HRA for the retrofit programme was £2m. This was not enough to achieve the objectives in full, so a combination of actions was needed, as outlined in paragraph 34 of the report. Paragraphs 36-42 set out and appraised the following options for investment of the agreed budget:

Option 1 – undertake planning and strategic development first;

Option 2 – allocate the whole £2m capital budget to energy performance works on the worst performing homes;

Option 3 – commence decarbonisation work in tandem with strategy development work. This was the recommended option, as it would allow the council to match fund grant opportunities and approach applications with a clearly defined strategy and a track record of delivering works.

It was reported that the Housing and Community Safety Policy & Scrutiny Committee, in considering the report at their meeting on 11 December, had expressed broad support for Option 3.

Resolved: (i) That the outcomes of the pre-decision scrutiny undertaken at the Housing & Safer Neighbourhoods Scrutiny Committee be noted.

- (ii) That the objectives of the Council Housing Retrofit programme be approved.
- (iii) That Option 3 (commence decarbonisation work in tandem with strategy development work) be approved as the preferred option to allocate the agreed capital budget.
- (iv) That the ambitions for carbon neutrality be incorporated into the Housing Asset Strategy and plans.
- (v) That funding and investment models to support the decarbonisation of council and private homes in York be explored and a further report be brought to Executive setting out proposals in respect of these.
- (vi) That authority be delegated to the Assistant Director of Housing & Community Safety, in consultation with the Executive Member for Housing & Safer Neighbourhoods, to apply for grant opportunities to further support York residents to access their own energy saving grants.

Reason: To improve the energy performance of some of the city's poorer-performing council houses, both to reduce energy bills and to support the council's ambition for York to be carbon neutral by 2030, while taking the first steps in creating a pipeline of retrofit work in York which will support skills development and new green jobs.

Part B - Matters Referred to Council

79. New Stadium Leisure Complex Commercial Proposal on Restaurant Units

[See also under Part A]

The Finance Manager and the Head of Asset & Property Management presented a report which provided an update on the Commercial Deal agreed by Executive on 19 October 2017

regarding disposal and development of land adjoining the new Community Stadium, and set out options for the way forward.

The update focused on the three Commercial Units included in the deal, which had been leased to Legal & General (L&G). The terms of the lease obliged L&G to use reasonable endeavours to secure tenants for the units, but reduced the amount payable by £1.375m should none of the units be let by completion of the build. None of the units had been let.

Three options were available, as detailed in paragraphs 18-51 of the report:

Option 1 – accept that the units are not let and £1.375m will not be received from L&G.

Option 2 – take a 25-year lease of the units from L&G, on the terms set out in exempt Annex 2.

Option 3 – accept full ownership of the units, with no further financial contribution from L&G.

Analysis of the options had identified Option 1 as the recommended option, in terms of providing the greatest financial certainty to the council and limiting future liabilities. Officers confirmed that the Customer & Corporate Services Scrutiny Management Committee, having considered the report at their meeting on 7 December, were broadly supportive of Option 1.

Recommended: That a further £1.375m prudential borrowing be applied to the Community Stadium project to offset the loss of commercial investment in the project.

Reason: To ensure the stadium project is fully funded at the lowest risk to council finances going forward.

80. Amendment to Council Tax Support Scheme

The Assistant Director of Customers & Digital Services presented a report which recommended an amendment to the council's Council Tax Support (CTS) scheme, following consultation on implementing a De Minimis limit in respect of any change to a CTS customer's personal income before issuing them with a revised bill.

The amendment was proposed to prevent customers from receiving multiple council tax bills resulting from the fluctuation

of levels of Universal Credit with every change in income, however small. As required by law, a consultation had been carried out, via the questionnaire attached as Annex A to the report. Responses, as shown in Annex B, had been positive, with over 75% of respondents in favour of the proposals. Support would be made available through the Discretionary Council Tax Reduction scheme to those customers negatively affected by income changes within the tolerance limit.

Recommended: That Council approve an amendment to the CTS scheme to implement a De Minimis limit of £2.50 before a council tax support customer is required to receive a revised council tax bill.

Reason: To support financial inclusion and protect financially vulnerable customers from confusing and unnecessary multiple bills.

Chair's Closing Remarks

In concluding the last Executive meeting of the 2020 calendar year, the Chair repeated his thanks to all the city's key workers, as well as to council staff, and expressed his admiration for the resilience of York residents in their response to the pandemic. He wished everyone a Happy Christmas and a better year in 2021.

Cllr K Aspden, Chair

[The meeting started at 5.32 pm and finished at 7.12 pm].

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Forward Plan: Executive Meeting: 14 January 2021

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 11 February 2021

Title and Description	Author	Portfolio Holder
<p>Q3 20-21 Finance and Performance Monitor Purpose of Report: To provide overview of the councils overall finance and performance position at the end of Q3 20-21. Executive will be asked to: note and approve the report.</p>	<p>Debbie Mitchell, Ian Cunningham</p>	<p>Executive Member for Finance & Performance</p>
<p>Q3 20-21 Capital Programme Monitor Purpose of Report: To provide an overview of the council's overall capital programme position at the end of Q3 20-21. Executive will be asked to: note and approve.</p>	<p>Debbie Mitchell, Emma Audrain</p>	<p>Executive Member for Finance & Performance</p>
<p>Capital and Investment Strategy Purpose of Report: To set out a framework for all aspects of the council's capital and investment expenditure including prioritisation, planning, funding and monitoring. Executive will be asked to: recommend the strategy to Full Council.</p>	<p>Debbie Mitchell</p>	<p>Executive Member for Finance & Performance</p>
<p>Capital Programme 2021/22 to 2025/26 Purpose of Report: To present the capital programme, including detailed scheme proposals. Executive will be asked to: recommend the proposals to Full Council.</p>	<p>Emma Audrain</p>	<p>Executive Member for Finance & Performance</p>

Title and Description	Author	Portfolio Holder
<p>Financial Strategy 2021/22 Purpose of Report: To present the Financial Strategy, including detailed revenue budget proposals.</p> <p>Executive will be asked to: recommend the proposals to Full Council.</p>	Sarah Kirby	Executive Member for Finance & Performance
<p>Treasury Management Strategy Statement and Prudential Indicators Purpose of Report: To set out the treasury management strategy, including the annual investment strategy and the minimum revenue provision policy statement and prudential indicators.</p> <p>Executive will be asked to: recommend the strategy to Full Council.</p>	Debbie Mitchell	Executive Member for Finance & Performance
<p>City of York Trading Limited – Approval of the Shareholder Agreement Purpose of Report: CYT Limited have updated their Shareholder Agreement and in accordance with the Council's Constitution this needs amended updated Agreement requires the approval of the Executive.</p> <p>Executive will be asked to: approve the amended Shareholder Agreement for City of York Trading Limited.</p>	Janie Berry	Executive Member for Finance & Performance

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 18 March 2021

None currently listed.

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
City of York Trading Limited – Approval of the Shareholder Agreement <i>See Table 1 for details.</i>	Janie Berry	Executive Member for Finance & Performance	14 January 2021	11 February 2021	To enable further work to be undertaken on the report.

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Executive**14 January 2021**

Report of the Chief Operating Officer
Portfolio of the Leader of the Council

City of York Council Recovery and Renewal Strategy – January Update**Summary**

1. This report provides an update on activities both directly in response to Covid-19 and the work to support recovery and renewal. This follows previous Executive decisions to approve the Recovery and Renewal Plan, which frames the Council's recovery activity for this year.
2. In this month's report, an update is provided on the latest public health context, in addition to a review of economic and place activities over the last 6 months. The announcement of a further period of lockdown on 4 January, whilst entirely necessary, clearly creates additional challenges in supporting the city and for the continuity of services. Planning in response to this latest development is continuing at the time of writing.
3. It is highly likely given the fast-changing nature of the pandemic that some of the information within this report will have changed between publication and the Executive meeting. Updates will, therefore, be given at the meeting.

Recommendations

4. Executive is asked to:
 - a. Note the contents of the report
 - b. Note the steps taken to date to respond to the pandemic that are set out in Annex 1.
 - c. Executive endorse the recommendation of the Executive Member for Finance and Performance in November 2020 (outlined in Annex 1) to :-
 - i. Implement a discretionary grants scheme providing support to the businesses outlined and at the levels indicated in the paper to run until March 2022.
 - ii. Instruct the Head of Economic Growth to develop more detailed proposals for a business support voucher scheme

for consideration at a subsequent Executive Member Decision Session

- iii. Allocate a preliminary budget of £200k from the Additional Relief Grant (ARG) funding to fund future activity aimed to accelerate economic activity during the next reopening
- iv. That officers bring back a further report to the relevant Executive Member Decision meeting to consider amendments to the Additional Relief Grant ARG eligibility criteria.

Background

- 5. On 25 June 2020, Executive received a report to outline the council’s 1-year Recovery and Renewal Strategy. This highlighted the need for a revised set of strategies to address the very significant and immediate impacts of coronavirus across all aspects of life in our city.
- 6. The strategy set the following principles upon which we will build our response:
 - a. Prioritise the health and wellbeing of our residents, against the immediate threat of coronavirus and the consequences of changes to the way we live. Public Health guidance will be paramount in all the decisions we make.
 - b. Support the economic recovery of the City, helping to create a strong, sustainable and inclusive economy for the future. Learning lessons from the challenges of coronavirus, promote a system that utilises the strengths of our city and region to the benefit of all York’s residents and businesses.
 - c. Protect and prioritise the City’s environment and reinforce our work to mitigate and adapt to climate change.
 - d. Pursue improvements in service delivery where they have been identified as part of the Response phase, creating a more efficient and resilient system.
 - e. Reinforce and restore public confidence in the resilience of public agencies and resilience to future challenges and emergencies.
- 7. Included in June’s report was a One Year Transport and Place Strategy, as the first part of the economic recovery approach. A report in July supplemented this with a Business Support Plan, a Skills and Employment Plan and a Tourism Marketing Plan.

CYC Recovery and Renewal Plan (1 year)				
Economic Recovery Plan			Communities	Corporate
Business Support	One Year Transport	Skills and Employment	Recovery from coronavirus: A	Organisational Development Plan

Plan	and Place Plan	Plan	community- based approach	
Tourism Marketing Plan				

Latest Outbreak Update

8. Given the rapidly changing context and increase in cases in York, an update on the latest situation will be given verbally to the Executive at the meeting.
9. Since the middle of December, the number of cases of Covid in York has risen rapidly. The latest officially validated rate (on 29.12.20) was 380.8 new Covid cases per 100,000 of population within a rolling 7 day period. The national and regional averages at this date were 476.9 and 222.7 respectively. Indications are that the rate has continued to rise since then.
10. This places York in a position where cases are rising fast from what was a low base. On the current trend, the number of cases will surpass the national average relatively quickly. It is likely that the new variant of coronavirus is contributing to this increase in cases.
11. York was moved into the Very High tier (Tier 3) of restrictions on 31 December. On 4 January, the Prime Minister announced a further period of national lockdown, expected to last at least into mid-February. The full details of what this means can be found here:
<https://www.gov.uk/guidance/national-lockdown-stay-at-home?priority-taxon=774cee22-d896-44c1-a611-e3109cce8eae>
12. The Council has continued to work with national and local partners to bolster the testing capacity within the city. A new provision of Lateral Flow Antigen testing started just before Christmas, with residents able to book a test without symptoms if they are:
 - a. aged 18 or over, and they come into contact with lots of other people as part of their work in the hospitality, retail, or transport sectors (including taxi drivers)
 - b. aged 18 or over, and they work with, live with, or support those most at risk from coronavirus
 - c. a pupil of a secondary school in York, and their school has advised them to be tested
13. This testing provides results within a few hours and allows those who may be most at risk of spreading the infection to ensure they are not Covid-positive.

14. Rollout of vaccinations has begun, with the Moor Lane car park being used as an open air mass vaccination site. The recent approval of the Oxford vaccine provides additional hope of a rapid deployment of vaccinations. The Council will continue to support health partners in the rollout of vaccination, ensuring prioritisation for those most at risk.
15. In addition to following the restrictions relevant to York, it is important that all residents continue to follow the Hands, Face, Space guidance and minimise non-essential contact which could spread the virus.

Recovery Updates

Economic

16. A full update on the activities to support the city's economy over the past 6 months, and a look ahead at activities to support recovery, is provided in Annex 1.

Communities

17. The community hubs have continued to operate over the Christmas period, with relatively low levels of demand. This has begun to increase, however, and it is expected that the need for support will increase further as we move into lockdown once more.
18. Schools worked hard over the Christmas break, with colleagues from the council and health partners, to put in place testing arrangements for returning secondary students. These operated alongside the symptom-free tests noted in paragraph 12 above. However, the decision to close schools from 5 January requires schools to support online learning. The council will now work with schools to support this transition as far as possible.
19. Teams in Public Health and Adult Social Care have been working closely with the Hospital to support patients, particularly on discharge from hospital. The additional arrangements put in place to provide accommodation for people with care needs who have tested positive for Covid or need to isolate have been extremely useful. There remain significant pressures on the hospital and continuing to ensure the discharge pathways are well supported remains a priority for both the council and health partners.

Corporate

20. A key priority for the council is to ensure continuity of front line service delivery where staff are impacted by Covid (either directly infected or through the need to self-isolate or support others). Prioritisation protocols

used in the first lockdown are being revisited to ensure continuity wherever possible.

21. It is highly likely that some areas of service provision will be impacted by lockdown restrictions and a full list of these will be available on the council's website as soon as possible.

Council Plan

22. The Recovery and Renewal Strategy outlines activities for the next year to allow the continued achievement of Council Plan outcomes.

Implications

- **Financial** – No specific impacts identified in this report.
- **Human Resources** – No specific impacts identified.
- **One Planet Council / Equalities** – A principle of recovery is to ensure climate change is considered in decisions taken. The economic recovery plans recognise and respond to the unequal impact of coronavirus and the risk of increasing levels of inequality as a result.
- **Legal** – No specific impacts identified.
- **Crime and Disorder** – No specific impacts identified.
- **Information Technology** – No specific impacts identified.

Risk Management

23. There remain significant areas of risk in responding to this crisis across all areas of recovery. The highest priority continues to be the health and wellbeing of residents and all planning and decisions will be taken with this in mind.

Contact Details

Authors:

Will Boardman
Head of Corporate Policy and
City Partnerships

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

Report Date 06/01/21
Approved

Wards Affected: List wards or tick box to indicate all

All

Annexes

Annex 1 - Update on the city's response to Covid-19

Annex 1a - Movement Insights analysis

For further information please contact the author of the report

Background Reports

Update on Coronavirus Response – 7 May 2020

<https://democracy.york.gov.uk/documents/s139955/Coronavirus%20Executive%20Report.pdf>

City of York Council Recovery and Renewal Strategy - June

<https://democracy.york.gov.uk/ielssueDetails.aspx?IId=59688&PlanId=0&Opt=3#AI55501>

CYC Recovery and Renewal Strategy Update – July

<https://democracy.york.gov.uk/mglssueHistoryHome.aspx?IId=59899>

CYC Recovery and Renewal Strategy update - August

<https://democracy.york.gov.uk/ielssueDetails.aspx?IId=60167&PlanId=0&Opt=3#AI55914>

CYC Recovery and Renewal Strategy update – September

<https://democracy.york.gov.uk/documents/s142400/Recovery%20and%20Renewal%20Update%20Report.pdf>

CYC Recovery and Renewal Strategy update – October

<https://democracy.york.gov.uk/ielssueDetails.aspx?IId=60724&PlanId=0&Opt=3#AI56530>

City of York Council Recovery and Renewal Strategy - November Update

<https://democracy.york.gov.uk/documents/s144127/Recovery%20and%20Renewal%20Update%20-%20November%202020%20v0.3.pdf>

City of York Council Recovery and Renewal Strategy – December update

<https://democracy.york.gov.uk/ielssueDetails.aspx?IId=61412&PlanId=0&Opt=3#AI57153>



Annex 1

Topic: Update on the city's response to Covid-19

Date: January 2021

Authors: Tracey Carter – Interim Director of Place
Andy Kerr - Head of Regeneration Programmes
Simon Brereton – Head of Economic Development
Claire Foale – Head of Communications
Tony Clarke – Head of Transport

Summary

1. The following report sets out the impact of Covid-19 on York, and how the city has responded to the pandemic to date. It also outlines how the council will continue to work with partners and stakeholders as social distancing continues through to the full roll out of the vaccine.

Recommendations

2. To deliver the next phase of Covid-19 response it is recommended that:
 - a. Executive note the next steps taken to date to respond to the pandemic that are set out in this report
 - b. Executive endorse the recommendation of the Executive Member for Finance and Performance in November 2020 to :-
 - i. Implement a discretionary grants scheme providing support to the businesses outlined and at the levels indicated in the paper to run until March 2022.
 - ii. Instruct the Head of Economic Growth to develop more detailed proposals for a business support voucher scheme for consideration at a subsequent Executive Member Decision Session
 - iii. Allocate a preliminary budget of £200k from the Additional Relief Grant (ARG) funding to fund future activity aimed to accelerate economic activity during the next reopening
 - iv. That officers bring back a further report to the relevant Executive Member Decision meeting to consider amendments to the Additional Relief Grant ARG eligibility criteria.

The impact of Covid-19 in York

3. 2020 was defined by the Covid-19 global pandemic which has resulted in an unprecedented modern day disruption to our daily lives. In the

battle to restrict the spread of the infection, protect the NHS, and save lives, significant restrictions and measures, unprecedented in peacetime Britain, have been required of the general public. This has had wide-ranging impacts on society and the economy, and the disruption and economic impact is likely to continue well into 2021. Although huge breakthroughs have been made in the development of vaccines that will allow a return to normal, it is unlikely that the level of immunity required to relax all restrictions will be in place for some time. What a return to normal will look like is also uncertain, as many of the fundamental societal and structural economic changes may have long term impacts.

4. The initial international response to Covid-19 escalated rapidly, with a change in UK government policy based on revised modelling resulting in a national lockdown being imposed in March 2020. Schools, hospitality, non-essential retail were all closed from the 26 March. The country entered a new world of home schooling and home working for those that could, whilst vast swathes of the economy were paid by the government to stay at home as the term furlough entered the public lexicon. From March until the 17 June, when non-essential retail began to reopen, our city and retail centres were deserted, parks closed, and people only able to leave the house for one hour of exercise each day. An army of frontline and key workers kept the country running, from NHS staff treating the seriously ill to delivery drivers keeping the public supplied with food and essential items.
5. A cautious return to normality began with the re-opening of non-essential retail in June, but the world was a very different place, defined by social distancing that necessitated limited capacities, outdoor queues and the reshaping of our public spaces and high streets. This was followed by the re-opening of hospitality in early July, but with again severely reduced capacities and ever-increasing restrictions over the coming months, from table service only, requirements to buy a substantial meal with alcohol, and being unable to meet others from outside of your household. Over the summer guidance to work from home wherever possible changed, and then was quickly reinstated. Furlough was extended through to next March. Regional tiers were introduced, and a second national lockdown then followed in November as the government sought to respond to the ever-changing trends in infection rates, hospitalisations, and those sadly dying from Covid-19.
6. The country emerged from the second lockdown into regional tiers with York in the second of 3 tiers. However, national infection rates increased once again with much of the south of England progressing into Tier 3 and then into a new Tier 4 as a new variant of COVID was discovered in Kent. This new variant quickly took hold throughout the south and eventually travelled north and abroad giving rise to the pre-

Christmas closure of ports and airports to travellers and freight from the UK. York went into Tier 3 on 31st December but infection rates in the city continued to rise with the hospital coming under significant strain responding to winter pressures and an increase in Covid related admissions. On the 4th January 2021 a third national lock down was announced.

The City's response to the pandemic to date

7. York's response to the pandemic has been a concerted city-wide effort, drawing together public health, volunteers, businesses, education establishments and all city partners and stakeholders in a focused and coordinated response.
8. At the start of the pandemic the councils' gold and silver command structure led the emergency response with the Local Resilience Forum, steering the public sector response to the pandemic to ensure the NHS were not overwhelmed and that front line staff could be accommodated in safe environments.
9. Community hubs were established to ensure food and medicine was provided and delivered to those shielding and vulnerable by an army of volunteers who offered their time and skills. Effective communication has provided clear public health messaging, business support and guidance, and information on social distancing and restrictions. The "Let's Be York" campaign created a city-wide approach that was adopted by all stakeholders, and ensured clear guidance but in a balanced and measured way.
10. The council's Executive approved a Covid-19 Economic Recovery Plan in June 2020, which was developed in conjunction with key stakeholders through sector round tables and direct engagement. The strategy had three key strands; Business Support Plan, Transport and Place Strategy, and Skills and Employment Plan
11. The Covid-19 Business Support Plan has seen a huge expansion of business engagement, with the Councils Revenue Service providing over £117m of grant and rates relief totalling 6,783 payments to over 5,000 businesses across the city. In addition to this a further 670 business were supported through the enhanced micro grant scheme with £2.2m of support. This followed an initial council funded micro grant scheme providing £1m of support to approx. 1,000 small and self-employed businesses.
12. Working through three meetings each of 12 themed roundtables and a coordinating Business Leaders' Group, we have listened hard to

businesses of all sizes across the diversity of sectors to get what help has been available to as many businesses as possible. For our own business tenants, we have been able to help cash flow by deferring rent payments. Our approach has been underpinned by a new collaborative approach, with the FSB, Make It York, York & North Yorkshire Chamber, Institute of Directors and the Universities pooling our resources and sharing information and briefings for the benefit of businesses across the city.

13. The One Year Transport and Place Strategy was developed and delivered in weeks in response to the government's Safer Public Place guidance to prepare the city and our regional centres for the reopening of non-essential retail and hospitality in the summer. This allowed safe social distancing, but also created the environment for businesses to be able to reopen, protecting jobs and safe-guarding the city's economic future.
14. On Skills and Employment, we have brought together information on the help available to individuals seeking new work, and on apprenticeships and employment support for businesses, and established an Employment Hub on the Make It York website. We have established a new Skills Board for the city, bringing together business representatives, training providers and civic partners to jointly plan and deliver skills and employment support.
15. The council has also worked with the BiD and Make It York to ensure that businesses have been supported to reopen, visitors and residents have been encouraged to return to the city when safe to do so, and that public spaces have been safely managed and provided opportunities for outdoor seating. A weekly operational group chaired by the council has led to a number of initiatives and changes to policy and guidance to facilitate these interventions. This included a joint venture between the BiD and council at College Green during the summer to provide a managed outdoor seating for businesses in the area and the extension of the footstreets which has allowed over 70 new pavement café licences.

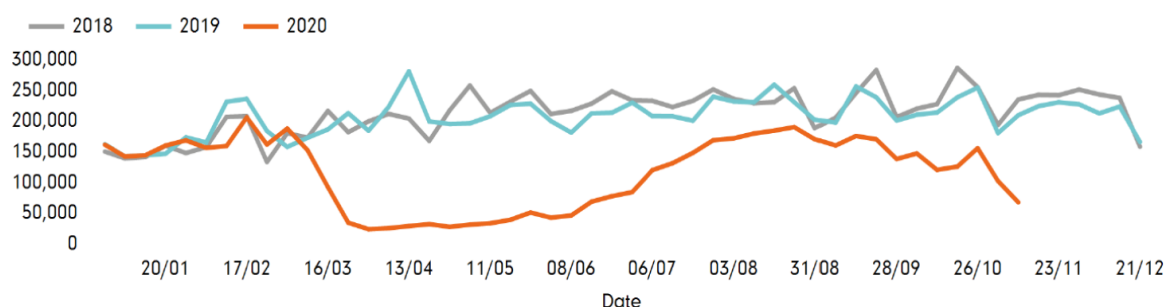
The impact of the response

16. To date our economy has fared better than many other cities and is well placed to recover once the vaccines are rolled out but the early months of 2021 are expected to be extremely challenging.
17. York continues to be an attractive place for visitors and the city centre has adapted rapidly to support new ways of trading. Where other major cities have struggled to encourage people to return given their

reliance on office working and retail alone to draw footfall, York is a place people want to visit and spend time. The pro-active response as a city to encourage the safe return of these visitors and to adapt the city centre for social distancing enabled our businesses to reopen and generate revenue. But the challenging picture for businesses should not be underestimated. Three national lockdowns and the expansion of the regional Tier system will continue to have a huge impact on our local economy and many businesses will find the reduction in Christmas trade very difficult, with strict restrictions now in place and expected to continue through the coming winter and in to next spring .

Footfall

Graph: Footfall in York Jan 2020 to 1st Nov 2020



18. The impact of lockdown can be clearly seen on the above graph produced from Springboard camera counts as city centre footfall disappeared. The summer saw a gradual but strong return of footfall to the city centre as non-essential retail and hospitality reopened, reaching 75% of expected levels over the summer, although dropping markedly as regional tiers were introduced. However, it is important to note that York has outperformed many over cities where the monthly footfall numbers have been typically at less than 50% of pre-pandemic levels, reflecting York's attraction as a destination where people want to visit and walk around rather than a specific work or retail only destination.

Spend

19. Prior to the March 2020 lockdown, CYC and York BID agreed to trial new ways to measure footfall and spend in the city centre. Annex 1a provides the first report from the new Movement Insights system, which will continue to develop over the year ahead. This analysis provides key information on customer spending, and shows strong sales in city centre restaurants, retail, supermarkets and clothing in the period July to September 2020. Customer origin is also identified, with 68% of customers in the last week of October being from within 6 miles of the city centre, in contrast to the pre-COVID balance of one third locals to two thirds visitors. The balance of locals to visitors has

therefore changed significantly, while total numbers are well-down on pre-COVID levels. Spend in the crucial pre-Christmas period of November and December is not yet known, but hoteliers, the restaurant sector and hospitality are all concerned about the impact of both the November lockdown and the emergence into Tier 2 and then Tier 3 and now into lock down which will exacerbate the usual dip in spend post-Christmas.

Property vacancies

20. Shop and restaurant vacancies have inevitably risen in York over the year. Figures, derived from the Business Rates system in December 2020, show city centre vacancies at 8.57%, up from 7.4% earlier in the year. It has been noticeable in recent months that there has been an acceleration in the rate of closure among national and international retail and hospitality chains. This is worrying given it was in the busy key spend period, and many more may be under threat now we are into the New Year. However, it should be noted that York is still well below the national average for vacancy rates, and the strong independent sector and nature of York as a destination leaves the city better placed than many to recover in a post-vaccine environment.

Unemployment

21. The impact of the COVID pandemic is shown very clearly in the claimant count¹ which saw the largest increase in at least 35 years in the months since lockdown when the count rose from 1,800 to 5,000 in April, however the total has remained stable since then. However, Centre for Cities have been monitoring increases in unemployment across their cohort of 68 UK centres² and York is the city with the lowest percentage increase in unemployment, despite the influence of our retail, tourism and hospitality businesses.
22. Two factors are influencing our claimant count statistics.
- We know that many of the city's students undertake part time work to support their studies, typically in the retail, tourism and hospitality sectors. As students were sent home at the start of lockdown, they do not show in the York claimant count.
 - As the claimant count measures those receiving out-of-work benefits, and its availability is influenced by other sources of household income, this is perhaps a consequence of the high level

¹ Data from <https://www.nomisweb.co.uk/query/select/getdatasetbytheme.asp?collapse=yes>

² <https://www.centreforcities.org/data/uk-unemployment-tracker/>

of part time work in the city, with many of those now out of work unable to claim benefits.

23. Updates figures for the Job Retention Scheme (JRS) and Self Employment Income Support Scheme (SEISS) have been published by Government³. These show a total of 6,800 people furloughed by York employers and a further 5,700 claiming self-employed support at the end of September 2020. The furlough figures have dropped substantially from the 30,300 reported for July, unlike the self-employed figures which have fallen only slightly from 6,500.

Future outlook

24. Overall these measures are positive in the context of the scale of the pandemic and how the city has performed comparative to other areas. York remains a popular destination for visitors and is well equipped to succeed in an increased home-working world. Clearly the longer term economic impacts of COVID are not yet clear. National forecasts suggest that recovery will take several years at least, and York will need to work hard to attract investment and find replacement employment if the retail, leisure and hospitality sectors take longer to bounce back. However, the partnership approaches developed in York over the past nine months have created a strong new platform on which to drive that economic recovery, with the Council working closely with BID, Chamber, FSB, IoD, our Universities and colleges and Make It York. However, in the short term attention needs to focus on providing leadership and support to proactively to support our individual businesses as social distancing continues in to next year.

Likely next phases of public health pandemic response and restrictions

25. It is envisaged that despite the vaccine rollout starting, social distancing and other forms of restrictions will be required through to the summer of 2021. This is due to volume of vaccinations that will need to be administered to achieve the level of immunity which will allow the restrictions to be relaxed. This means that there is some way to go before the social and economic consequences of social distancing begin to dissipate, and the economic fallout of Covid-19 is likely to be felt for a long period of time and lead to a readjustment of the city's economy.

³ <https://www.gov.uk/government/statistics/self-employment-income-support-scheme-statistics-october-2020> and <https://www.gov.uk/government/statistics/coronavirus-job-retention-scheme-statistics-november-2020>

Available money and resources for the next stage

26. As set out in a paper to the 12th November 2020 decision session of the Executive Member for Finance and Performance, CYC have distributed £5m of Local Restrictions Support Grant (LRSG) to York businesses in rateable properties as at 6th January. York was also allocated £4.2m of Additional Restrictions Grant (ARG) funding to support business who do not qualify for LRSG through the remainder of the pandemic. This funding is provided with some scope for discretion in allocation, but must be used to provide support to businesses which have either been forced to close or who have lost a significant volume of trade as a result of the pandemic.
27. An extension to the Covid business grant scheme was announced on the 5th January 2021 to cover the second lock down with a further £4.6b of Covid Support Grant funding nationally. Confirmation of York's share of this funding is still awaited and a report will be brought to the January 18th decision session of the Executive Member for Finance and Performance.

Proposed next stage responses

28. The following section sets out the key next stages in the continued response to Covid-19.

Business support & grants

29. The Executive Member made recommendations to the Chief Operating Officer to allocate York's ARG funding , and Executive are asked to note and confirm those decisions which were to:
- a. Implement a discretionary grants scheme providing support to the businesses outlined and at the levels indicated in the paper to run until March 2022.
 - b. Instruct the Head of Economic Growth to develop more detailed proposals for a business support voucher scheme for consideration at a subsequent Executive Member Decision Session
 - c. Allocate a preliminary budget of £200k to fund activity aimed to accelerate economic activity during the next reopening
 - d. Keep the allocations under review as the pandemic progresses, and bring update reports back to Executive Member Decision Sessions should the budget need to be adapted
30. The discretionary grant scheme ran for a first round through the national lockdown which was in operation 5 Nov – 2 Dec 2020, receiving

945 applications against an indicative budget of £1m with payments made to date of c£515k. Remaining funding will be available to provide business grants during lockdowns and business interruptions into 2021.

31. A small number of businesses have been identified who have not qualified for any grant schemes and are not captured by the criteria of the ARG set out in November. It is therefore recommended that Officers bring back a further report to the relevant Executive Member Decision meeting to consider amendments to the ARG eligibility.
32. The business support voucher scheme is currently in development and will be established, as agreed, through a further Executive Member Decision Session. We aim to provide support to small and micro-businesses as they look towards recovery and consider how best to develop new products and services and find new markets.

City centre and local centres

33. The city and local centres remain the area of the city's economy that is impacted the most by social distancing given the in person and face to face nature of the offer. The long term outlook for high street retail has been challenging for some time due to the impact of the internet on shopping habits. This trend has escalated rapidly under the global pandemic as the non-contact nature of online shopping, the physical restrictions on movement, and the ease of home deliveries when home working has expanded the attractiveness of the digital retail offer. Non-essential retail shops meanwhile were closed completely during the three lockdowns and on reopening saw their capacity restricted and expensive investment required in creating Covid-safe environments. The already challenging future for high street retail remains precarious and is likely to see further failures of established and local businesses, and a fundamental restructuring of the sector.
34. Hospitality, whilst expected to bounce back quickly post-pandemic, has been hit even harder by social distancing and Covid restrictions. The reduced capacity of venues has had a significant impact on viability; the Tier 2 requirement to serve a substantial meal has meant some businesses have been unable to operate; and the restrictions on meeting other households has severely hit customer numbers. The extension of the footstreets to allow outdoor pavement café licences and the creation of outdoor managed spaces over the summer had a positive impact and allowed many places to open and function, and the government's Eat Out to Help Out scheme was successful in encouraging people to visit restaurants and pubs.

35. However, the move to tier 2, then tier 3, with associated restrictions on meeting others inside and the colder weather of the winter months, have made this more challenging and the post-Christmas period was already due to be difficult before the third lockdown was announced. It should be noted that the sector has however been hugely creative in adapting to the circumstances, with takeaway services, cook at home offers, and covered seating areas being quickly provided. The council have supported these measures throughout, relaxing restrictions on outdoor seating and heating, and working proactively with businesses to bring their plans to fruition.
36. A key point to note is how the pandemic has reiterated the linkages between different economic sectors. They do not operate in isolation, and a visit to the city centre for both residents and visitors from further afield often does not have a single purpose. A trip to the market to buy fresh food may be inspired or coupled with a family meal; a haircut may be allied with meeting a friend for a coffee; shopping for new shoes may be rewarded with a mid-afternoon drink; a day in the office often translates to a lunchtime sandwich and a post work pint. And, without other factors, all of these in isolation may not be enough in themselves to draw someone in to the city centre.
37. Although spend does not automatically follow footfall, it does follow that footfall is needed for spend. The focus to this point has been to create a Covid-safe city centre where people would feel safe to return, and the careful curation of events, spaces and marketing that would draw people back to the city centre whenever public health advice would allow. This has allowed York to perform well in comparison with other places, and it will remain the focus of work over the coming months. In addition to the measures set out in the tourism strategy section below the council will continue to work with the BiD and Make It York to find appropriate ways to animate and attract people in to the city, and support businesses to operate under social distancing when restrictions begin to ease. This will be a dynamic and flexible offer which will respond to insights data and changing national and local guidance.

Transport

38. The Economic Recovery – Transport and Place Strategy was designed to cover a one year period from its implementation in June 2020. The strategy contained a raft of measures that would be stepped up and down dependent on the restrictions that were in place at any given time, including:
- The temporary extension of the footstreets in line with the government’s Safer Public Place Guidance
 - The creation of space and signage to allow social distancing

- Free parking for key workers during the first lockdown
- Parking incentives to encourage people back to the city centre when public health guidance allowed
- New cycling routes and infrastructure
- Protection of public transport in York
- The reopening and one way walking routes on the bar walls

39. When the strategy was introduced it was linked to the national alert levels which were in place at that time. As those alert levels began to change and were then replaced with the regional tier system a decision was taken to decouple the interventions from those alert levels to allow localised decision making based on York's circumstances. However, having reviewed the strategy has allowed timely and decisive interventions to respond to the ever-changing circumstances of the pandemic, and it remains relevant for the next stages through to the full roll out of the vaccine.

40. An update on the Transport impact of the pandemic was provided to the Executive Member for Transport in October. This identified the schemes which were being delivered using tranche 1 of the Emergency Active Travel Fund Grant and the proposed schemes to be delivered using tranche 2 if the application was successful. Following the granting of £658k of additional funding a further report on the delivery of the Active Travel Fund (formerly EAT Tranche 2) Schemes will be presented to the Executive Member for Transport on 18 January.

41. One of the biggest interventions that has had the greatest impact on the operation of the city centre has been the changes to the footstreets. Times of operation have been changed and the extent of the core area has been increased on a temporary basis. These changes have provided more space for social distancing and enabled businesses to take advantage of the additional space with pavement cafés – over 80 café licences in place. The changes were due to initially run until December 2020, but the ongoing need for social distancing and space for external dining has meant that the Executive have approved for the majority to be retained until September 2021. Due to the overall positive impacts they have created for the city it is also proposed for a number of the key footfall areas to potentially become permanent, with the statutory process and consultation to take place in early 2021. Whilst the majority of people have supported these measures it has displaced some blue badge parking in the city centre and the decision to retain them has been accompanied with a new range of mitigations to offset that impact, as well as a strategic review of access to the city centre working with disabled groups.

42. During the summer additional space was also provided for pedestrians and cyclists in the city on Bishopthorpe Rd, Castle Mills bridge and Coppergate. These measures were kept under review in response to changing guidance and traffic movements. The measures on Coppergate remain in place subject to a more detailed study and statutory process to determine whether they should be made permanent. Further measures to improve routes for cyclists are being developed with schemes proposed on Bootham/Shipton Rd and Navigation Road.
43. Throughout the period the Council has been working with bus operators to maintain a good level of service for people who need to travel by bus. Government grants have enabled the majority of services to continue during this period but demand has reduced significantly due to changes in work patterns and falling visitor numbers. Social distancing has reduced route capacity, and additional buses have been provided on some busy routes, including some home to school services. All of the Park & Ride services except Poppleton Bar (Covid 19 Test Centre) are currently operating, and First have been able to introduce their new electric bus fleet on park and ride and most operators have upgraded their buses to meet the standards of York's Clean Air Zone. Passenger levels across the bus network had recovered to approx. 60% of pre-Covid levels, before the second lockdown in November, but have fallen since. In common with many historic cities, greater reductions in passenger numbers have been seen on longer distance and park and ride services than on the local "city" bus network. Rail use remains significantly lower than pre-Covid.
44. General traffic levels have varied throughout the period depending on the lockdown restrictions in place but are generally approx. 10-15% below pre-covid levels. AM peaks are less busy, inter peak levels are very similar to previous levels and pm peaks are busier than the am peak but still lower than previous levels. Cycling levels at peak times are generally lower (up to approx. 45% reduction on Millennium Bridge) as there are significantly fewer commuter cyclist on the network although off peak levels are closer to pre-Covid levels and it is contended that there is significantly more leisure cycling with home workers cycling for exercise, often during the day – assuming patterns in York are similar to those seen in other places in the UK.
45. The key next step in the Transport and Place Strategy is to ensure that congestion levels are minimised during the change back to previous work patterns – through encouraging both active travel and a return to public transport use over time – and with traffic levels already similar to pre-Covid levels the Council this is becoming critical.

Improvements to the cycle network are already planned using the Active Travel Fund and strategic Council investment.

46. A key element of this strategy will be encouraging passengers back to public transport as the requirements to social distance are reduced. Pre-covid there were approximately 50,000 bus journeys in York, and 25,000 rail journeys, every day. Most days there would be around 2,000 cars parked at the city's park and rides – enough to make a traffic queue 10km long. On busy days, such as during school holidays and in the run up to Christmas, all 5,000 spaces on the system would be filled – enough to make a traffic queue 25km long. There were also significant numbers of coach trips to and from York, and locally the coach industry provided an important support function for many York attractions – either through providing excursions or special shuttle services for events and attractions. Coach services, of course, allow large numbers of visitors to York to access the city and attractions with only minimal impact on congestion.
47. In the initial pandemic response public health messaging was to avoid using public transport wherever possible, and social distancing in any case reduces the capacity of trains and buses. The initial period when facemask use was only necessary on public transport, there were significant service reductions alongside a perception that public transport use carried an increased risk of covid infection led to a reduction of about 75% passenger numbers during the first lockdown, with many bus and rail users transferring to using their cars. Excursion coach services effectively ceased entirely.
48. CYC is assuming that vaccine deployment will overcome the issues which have suppressed trip making on buses, trains and coaches, and given the importance rail, coach and bus (particularly park and ride) have played in bringing commuters, shoppers and visitors to York looks to support the public transport network in the city's recovery from covid.
49. As such, it is vital that, as part of an integrated and sustainable transport system, bus, coach and rail return as heavily used modes of access to York. Reduced customer numbers on park and ride services, particularly, and across the network more generally has resulted in a real risk that services reduce their frequency and/ or increase fares as grants and subsidies put in place to deal with the short term impact of covid are withdrawn. It should also be remembered that public transport is a significant source of employment in York, with several hundred people in the city working for bus, coach and rail operators.

50. In particular, we will look to encourage bus use for commute, shopping and visitor trips to York, in the hope that passenger numbers will increase to pre-covid levels, reducing the car trips, congestion and emissions in line with York's Local Transport Plan and decarbonisation objectives. It is assumed that rail use will be encouraged by the rail operators. CYC will work with Make it York and coach operators to continue to market the city to coach visitors.

51. The priority over the coming months will be to address these concerns with public transport providers and use the levers in the Transport and Place Strategy, and the wider policy framework more generally, to ensure that passenger numbers return to pre-pandemic levels. CYC are already working with the bus operators in the York Quality Bus Partnership on a number of recovery initiatives with bus operators.

Annex

Annex 1a – Movement Insights analysis

How York city centre performed in 2020

Summary report looking at footfall, visitor origin and visitor spend data

Introduction



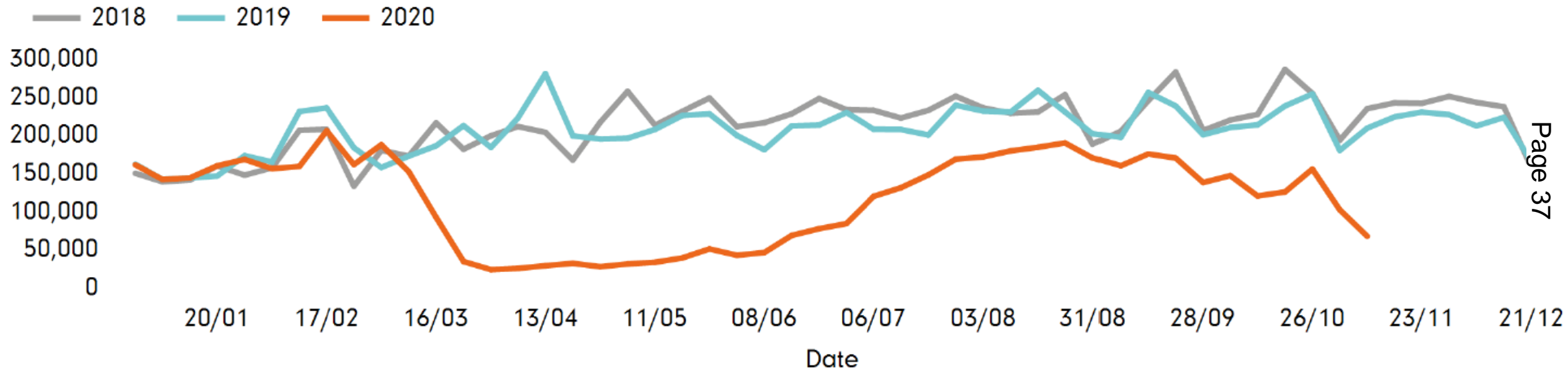
York BID and City of York Council have purchased information from Movement Insights to better understand the performance of York City centre. In summary;

- ❑ this report is by no means definitive – part of its purpose is to demonstrate the type of data the city now has the ability to analyse;
- ❑ all information is anonymous;
- ❑ data from O2 (one third of all UK mobile users) shows the origin of visitors that come to York city centre. This can be analysed weekly to compliment footfall data;
- ❑ data from Visa (accounting for £1 in every £3 spent in the UK) can be analysed quarterly;
- ❑ data analysis is primarily focused on the city centre, although data is available for York local authority area;
- ❑ analysis of data will be used to better understand city performance and help inform investment decisions e.g. targeted marketing spend;
- ❑ this report focuses on data from January 2020 through to November 2020.

Footfall

The drop in visitors coming to York city centre in 2020 is clear & stark!

Graph: Footfall in York Jan 2020 to 1st Nov 2020

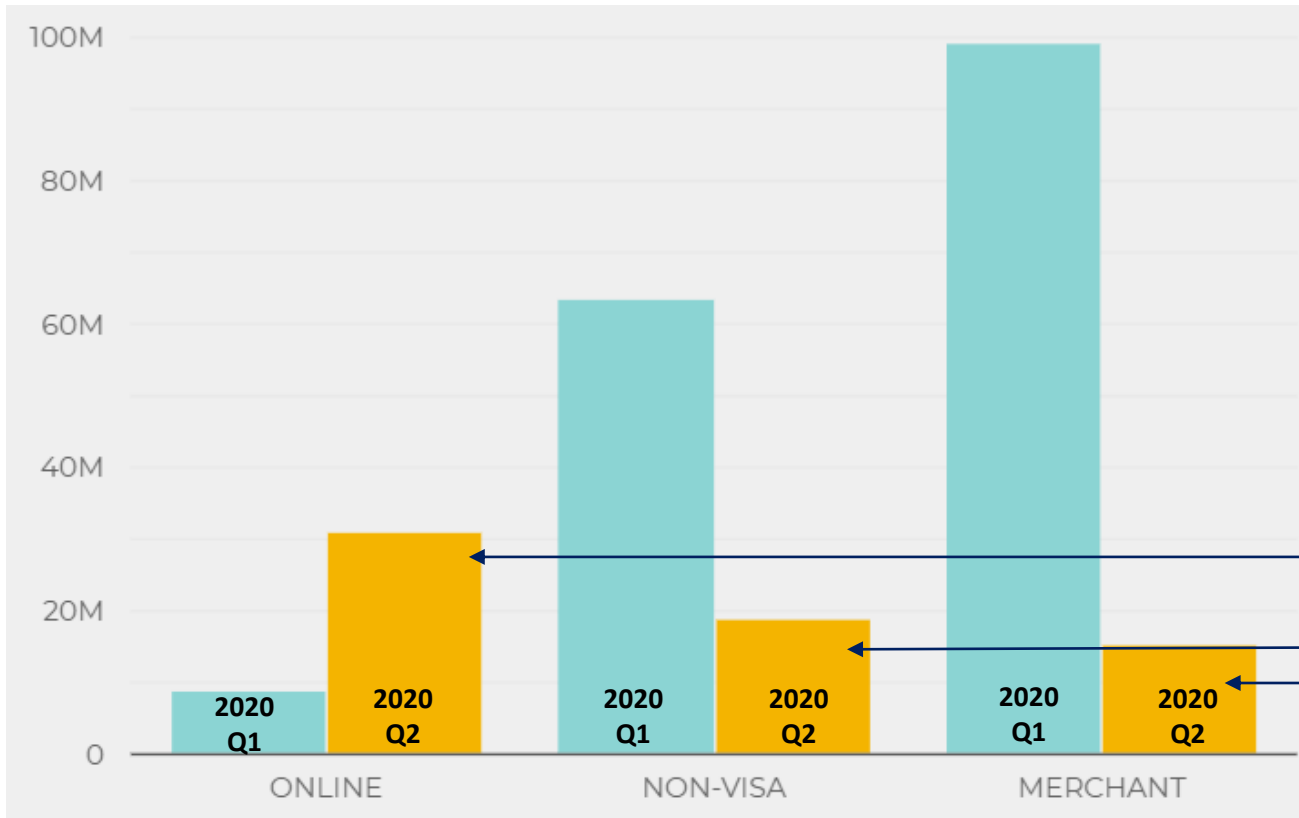


- ❑ Footfall in York was performing as normal before mid March. The graph shows a steep drop off during lockdown.
- ❑ Footfall started to recover from June, but year to date (1st Jan – 15th Nov) it is **43.4% down** on the equivalent time period in 2019. The UK average is **44.1% down**.
- ❑ York did perform better than many UK cities over the summer period, due to the demand for staycations. For example, when looking at the week ending 30th August, footfall in York was down -17% on the same week in 2019, where the equivalent UK average was -33%.

Spend

Drop in city centre spend in Q2 (lockdown) pronounced

Graph: 2020 Q1 vs Q2 spend for Visa online, Visa merchant and non Visa/cash



- Online spend increased 245%
- Non Visa and cash dropped -70% and Visa merchant -84%

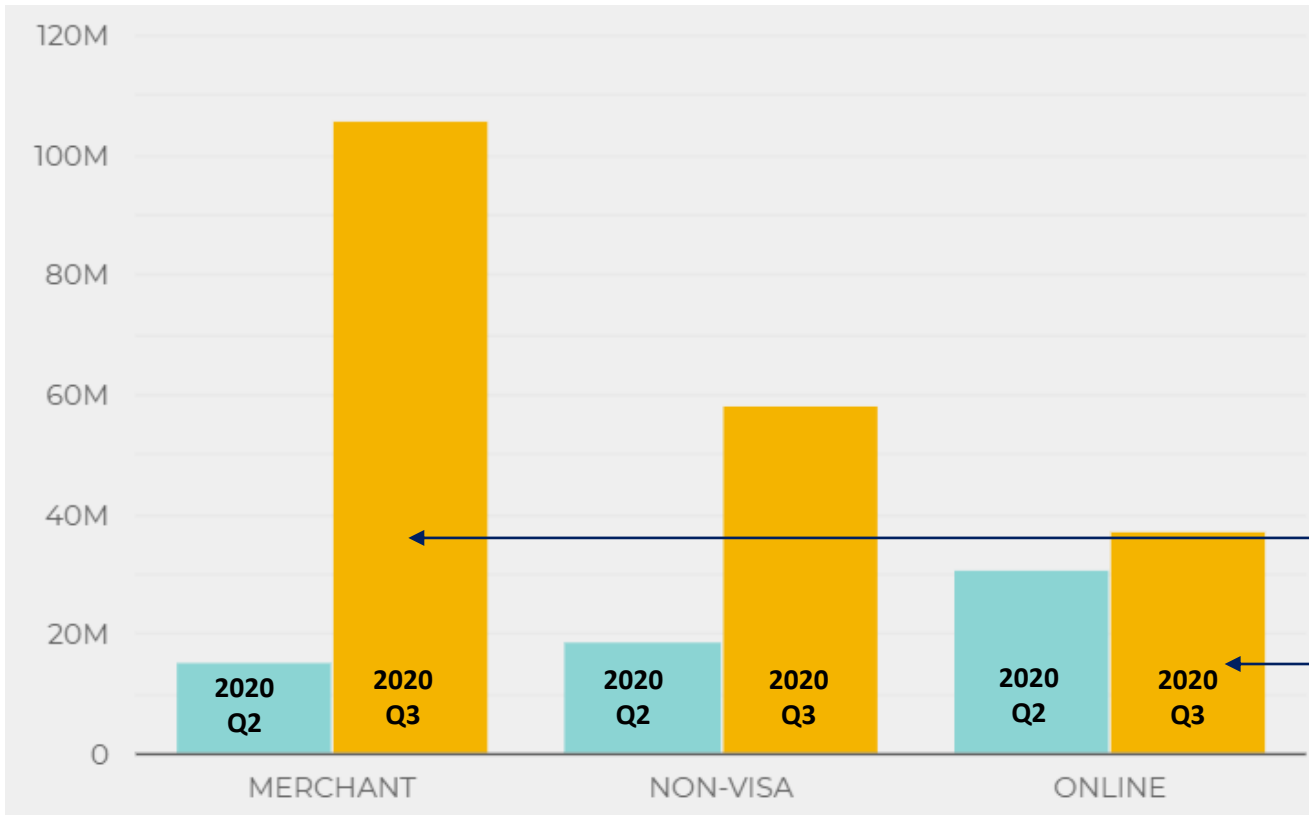
Notes:

- BID has access to VISA data for 2020 quarters (calendar year) 1-3, with some historical data for 2019.
- York city centre, defined as YO1 postcode (circa 1km radius from the centre).
- Note that UK entered full lock down restrictions 23rd March 20, with non essential retail opening 15th June.
- Merchant data = Visa spend in store / Non Visa = other card providers / online = internet spend for people living in YO1 postcode

Spend

The city centre recovered in Q3, but shift to online remained and increased

Graph: 2020 Q2 vs Q3 Spend for Visa online, Visa merchant and non Visa & cash



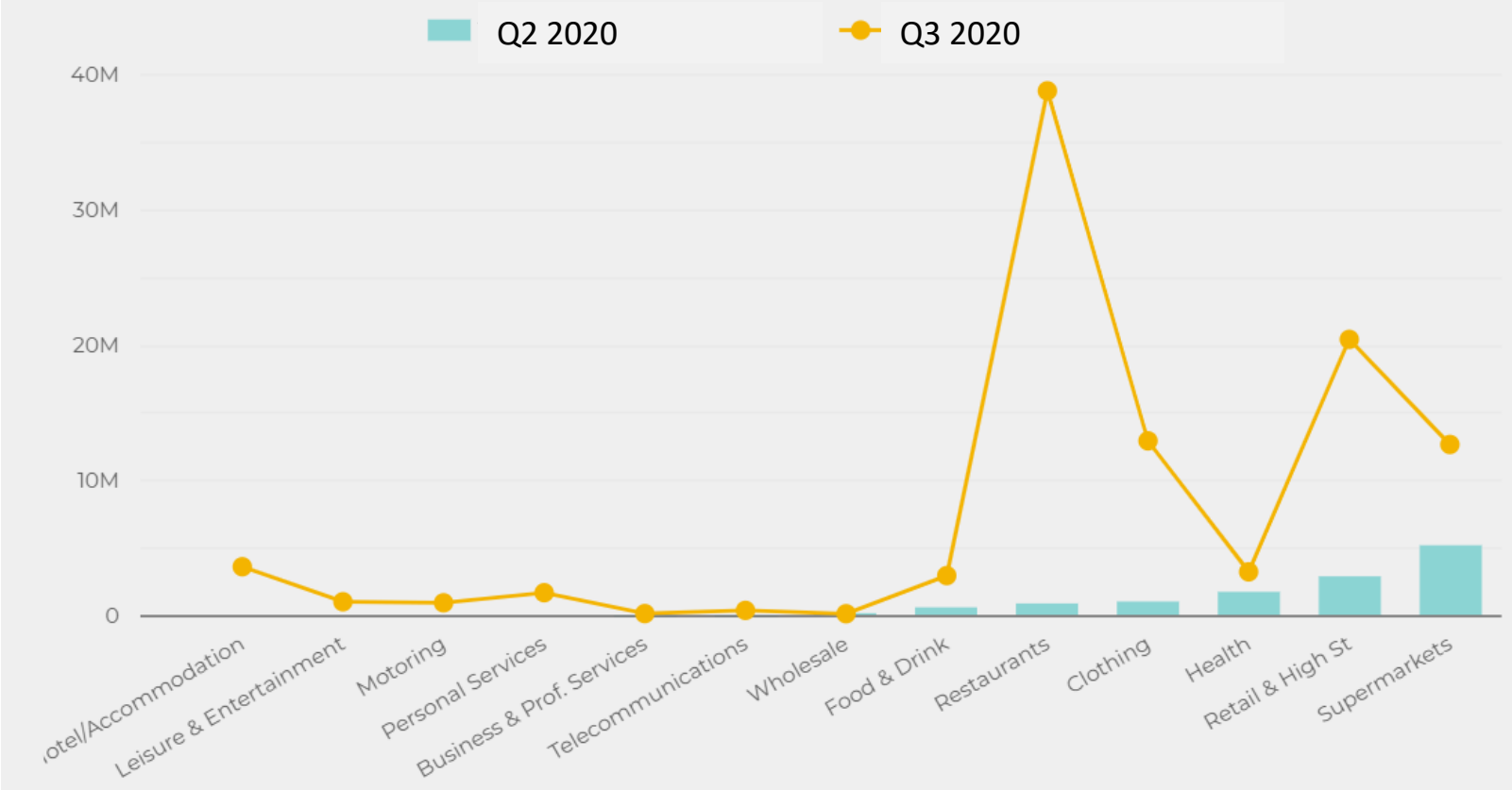
- ❑ Q3 Visa merchant up **582%** on Q2 at £106m spend. For comparison, Q4 2019 (run up to Xmas) saw £146m spent.
- ❑ Online remains strong 37m, 20% higher than Q2 (lockdown) and 315% higher than Q1 (pre-covid trading).

- ❑ Data gives an indication of **how the city centre recovered**
- ❑ Merchant data = Visa spend in store / Non Visa = other card providers / online = internet

Spend

The spending bounce back was significant for certain sectors

Graph: 2020 Q2 vs Q3 for Visa merchant only



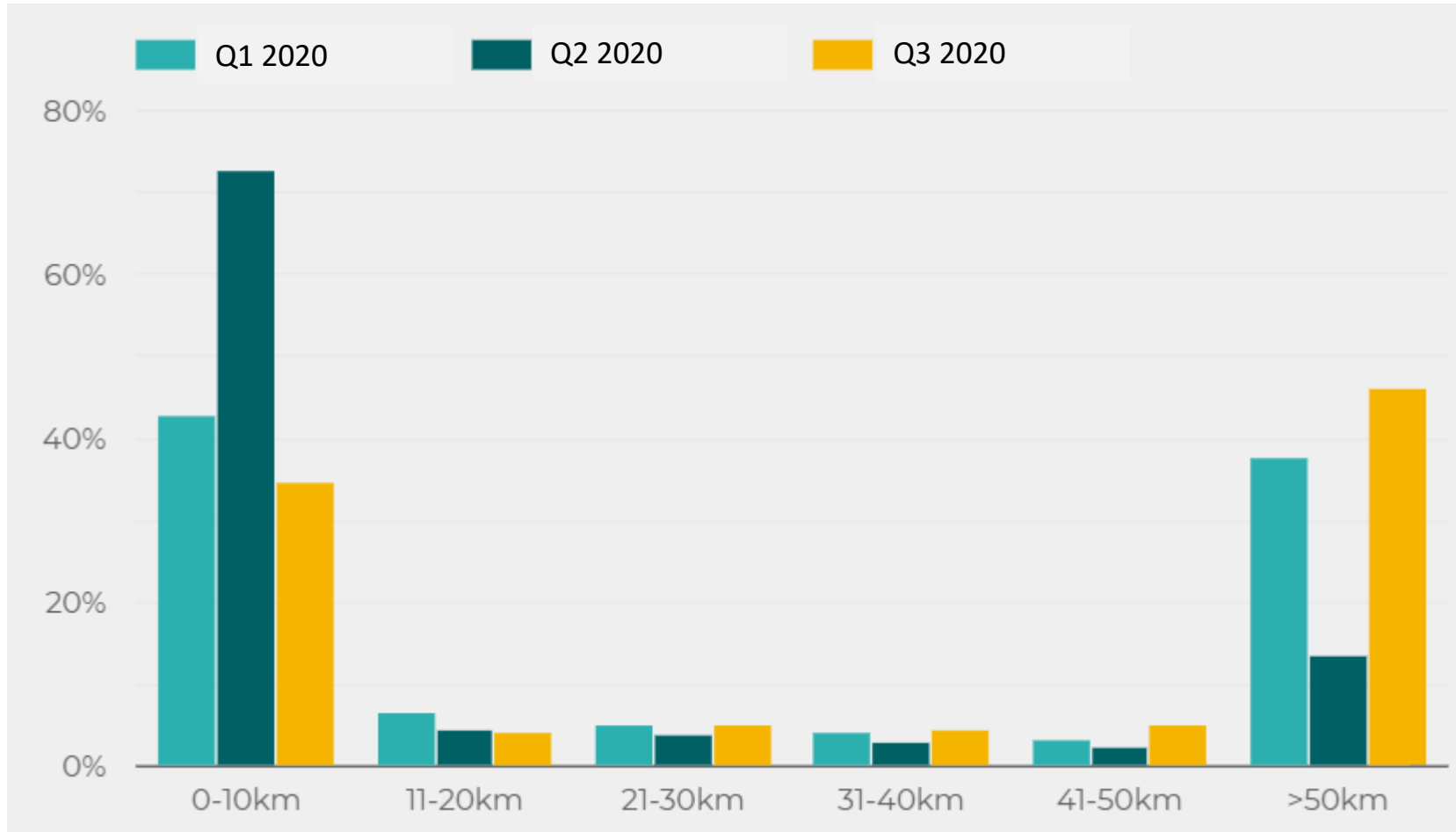
Big benefactors of the city re-opening clearly restaurants, retail and city centre supermarkets

- The table shows the VISA merchant data, Q2 vs Q3 broken down by category.
- NOTE: Categories such as professional services and hotel/ accommodation must be treated with caution, as payments often made online in advance, as opposed to with the merchant in the city centre.

Spend

There are two distinct 'spenders' in the city; locals and visitors from further afield

Graph: % Merchant spend by distance (Q1 – Q3 2020)



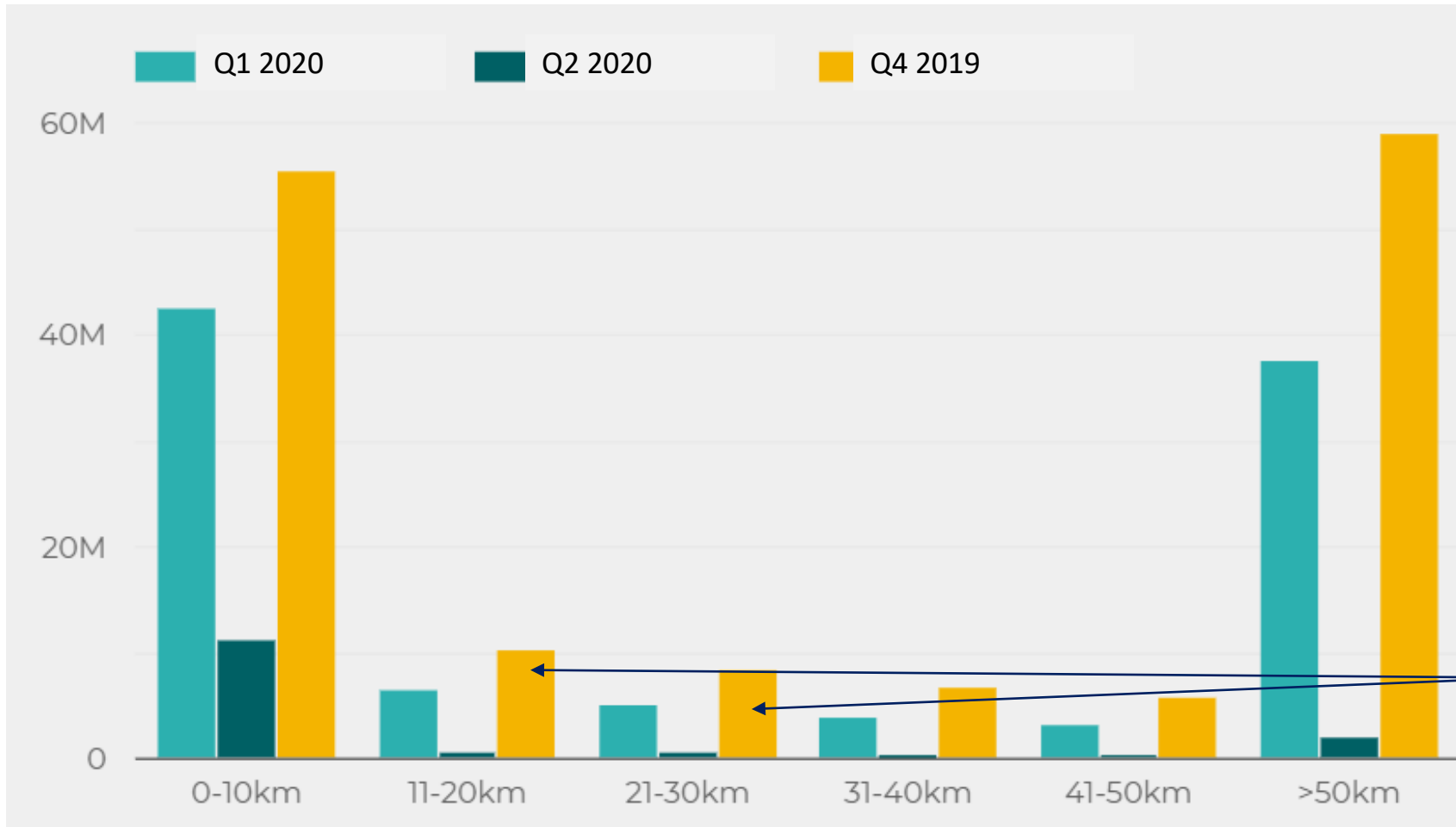
- ❑ Q1 (Jan – Mar) largest spenders in city centre were local people within 10km.
- ❑ During Q2 lockdown, 73% of spend came from locals.
- ❑ In Q3 (the recovery), 46% of spend came from visitors 50km + away.

❑ Data is for VISA merchant spend

Spend

Lost spend from visitors >50km means marketing to York hinterland crucial

Graph: £ Merchant spend by distance Q1 & 2 2020 & Q4 (run up to Xmas) 2019

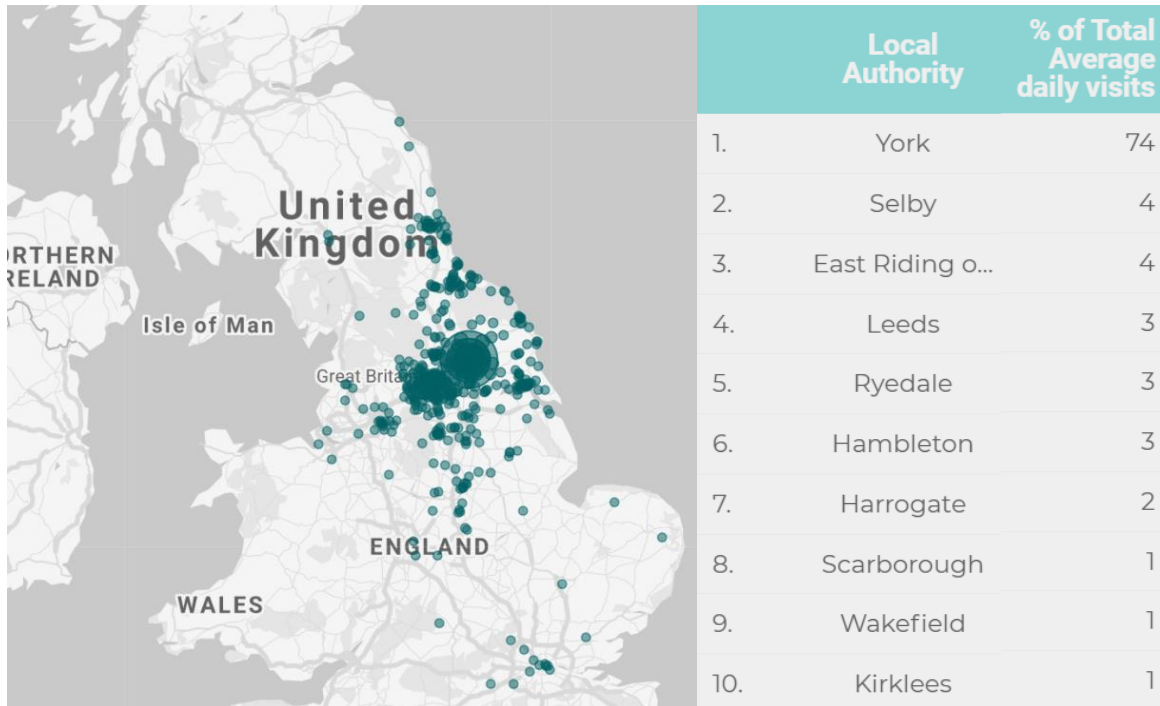


- Q4 2019 (run up to Christmas, circa £59m spent by visitors 50km+. Large majority of these consumers likely not to come in 2020!
- £55m was spent by local people.
- A further £10m by those 11-20km away and £8m from those 21-30km away.
- Targeting these groups for Christmas 2020 essential!

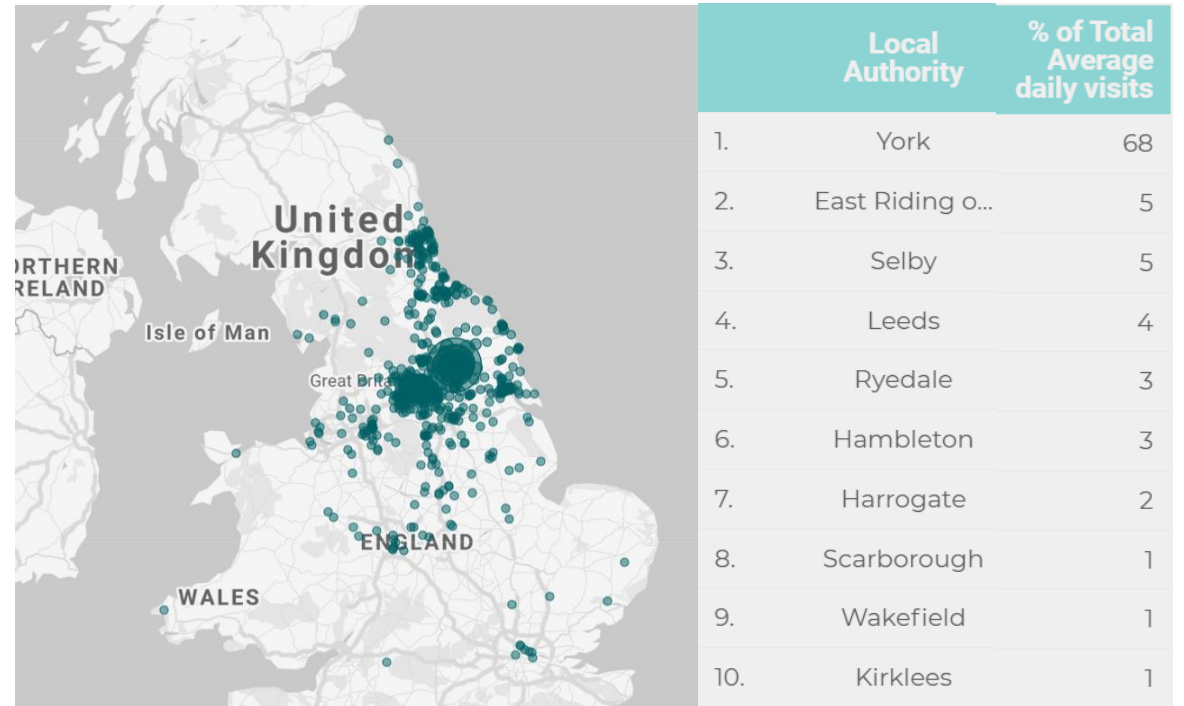
Visitor Origin

The main users of the city centre are local - even in half term holiday, 68% of people using city were from York

Map: Visitors to York week ending 25th October



Map: Visitors to York week ending 1st November (half term)

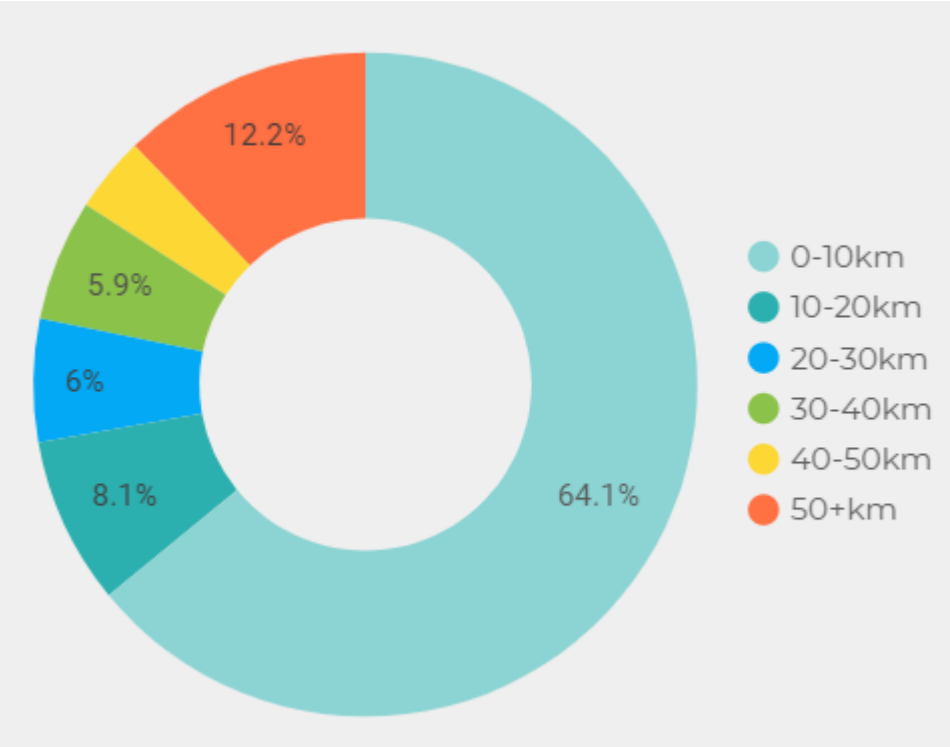


☐ Data from O2 is anonymous

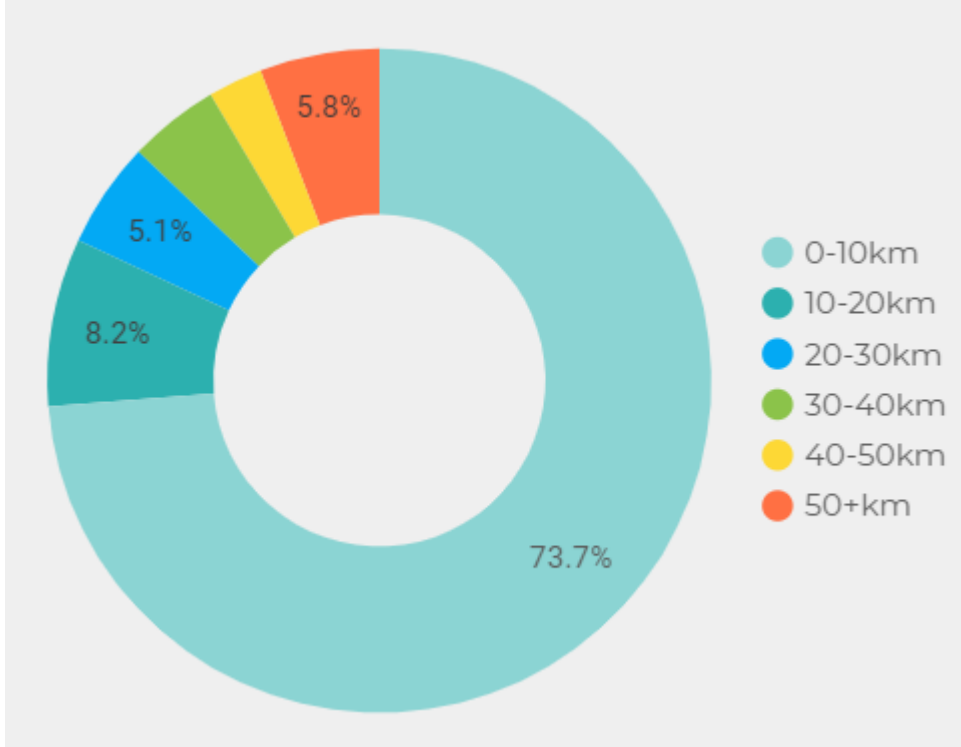
Visitor catchment distance

Holiday periods effect visiting patterns for those living 0-10km and 50km+; but patterns for those living 10 – 50km remains consistent.

Graph: Catchment distance wk/ ending 6th Sept 20 (last week summer holidays)



Graph: Catchment distance wk/ ending 25th Oct 20 (a 'non holiday week')

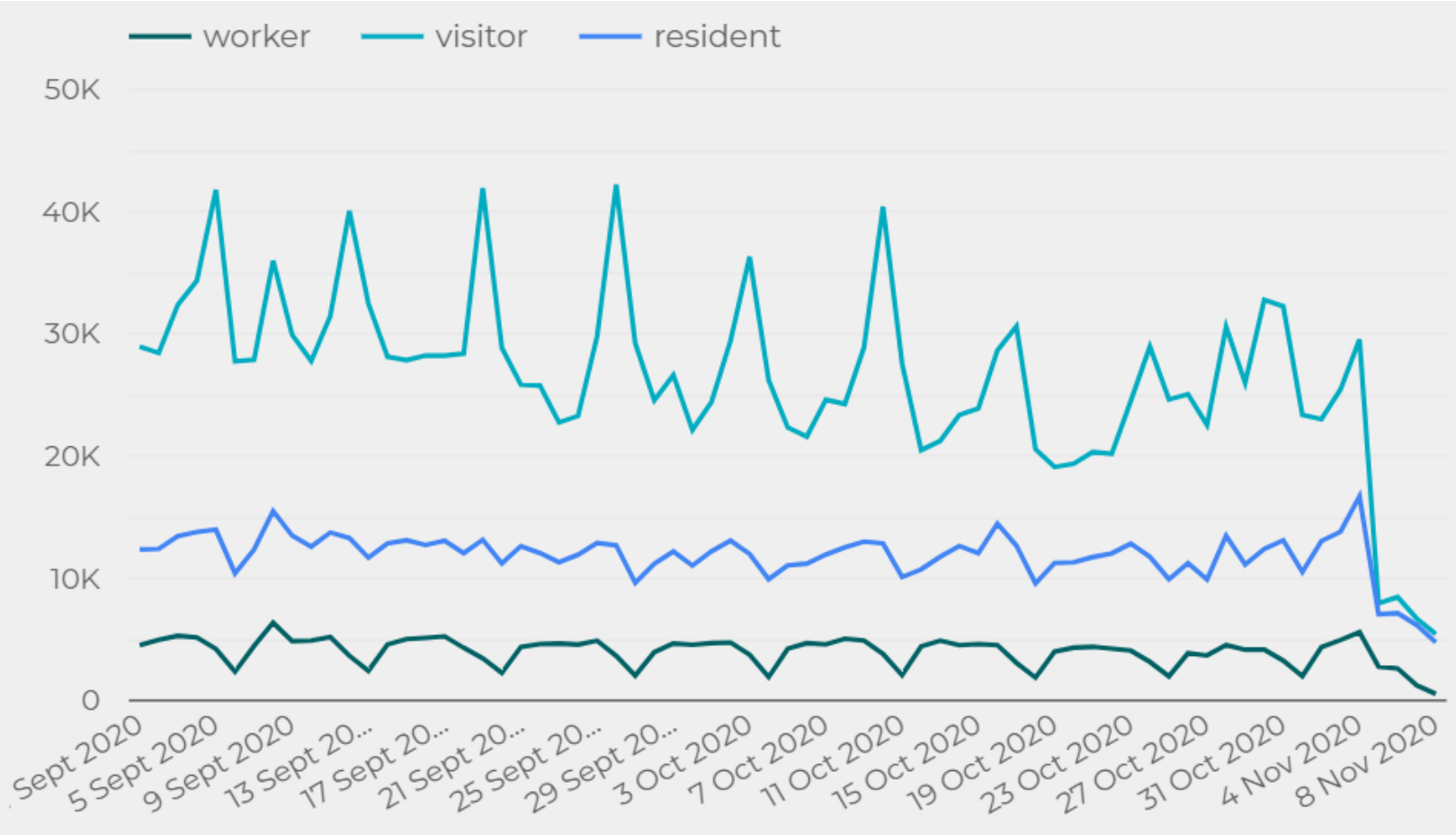


- ❑ Data includes residents, visitors and workers.
- ❑ The graphs show clearly that the majority users of the city centre are what would be classed as local i.e. within 10km of city centre.
- ❑ Data from O2 only starts 1st Sept, so no data available before this period i.e. unable to look at whole summer holiday period.

Visitor Type

Data shows that workers, visitors and residents have all respected second lockdown

Graph: Daily number of journeys by visitor type



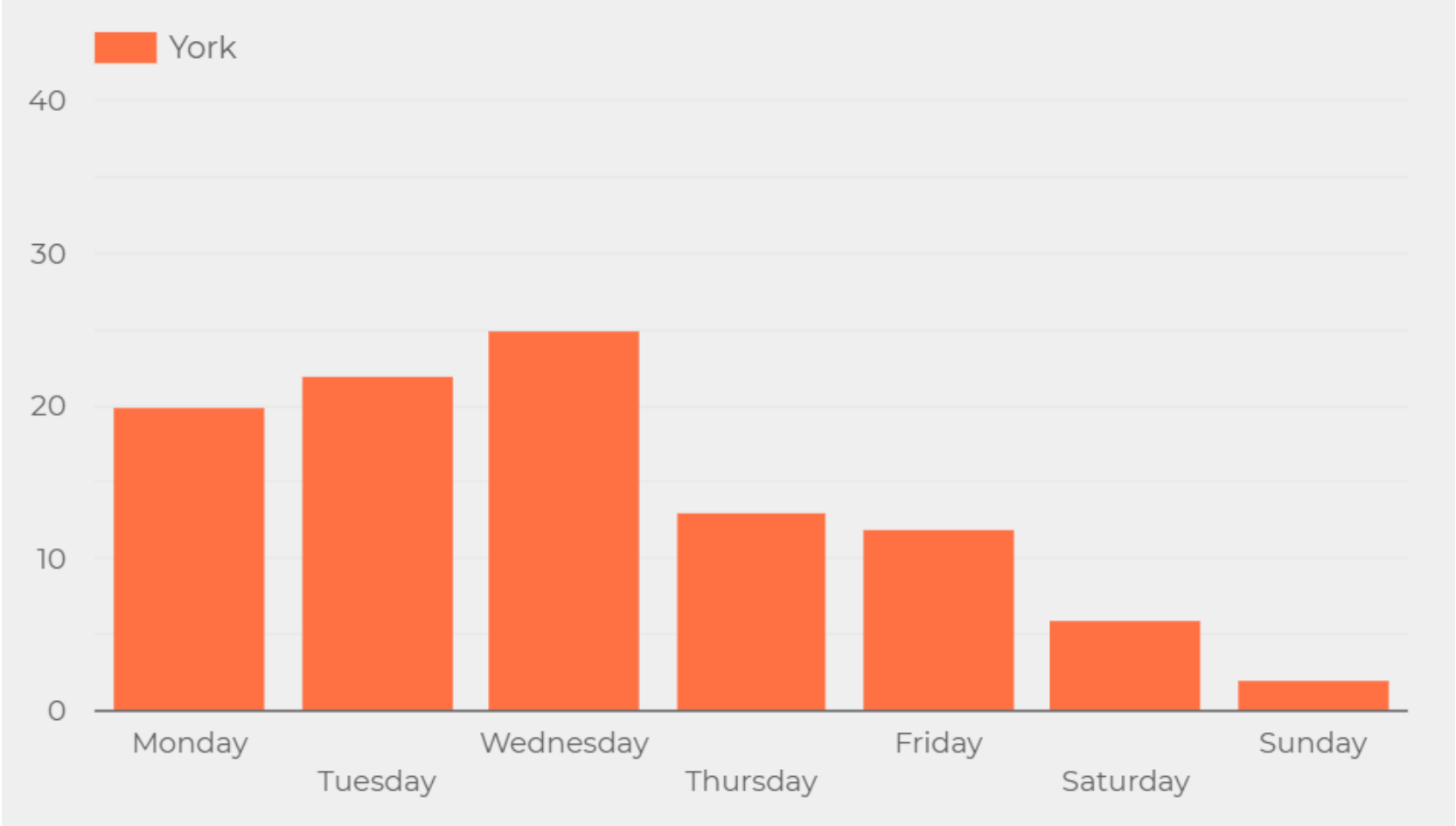
- Graphs shows clear patterns on usage, with visitors coming at the weekend (Saturdays in particular) where resident usage is consistent.
- Sunday is the day with least workers in the city centre.

- Time period is 1st Sept – 8th Nov 2020
- Resident** is classed as someone who lives within 1km of city centre
- Data collection only started 1st Sept, so there is no comparison information for what pre-Covid journeys by visitor type look like

Worker patterns in lockdown 2

Data shows that workers make more journeys into the city at the start of the week

Graph: % of journeys for workers/ commuters wk/ ending 8th Nov

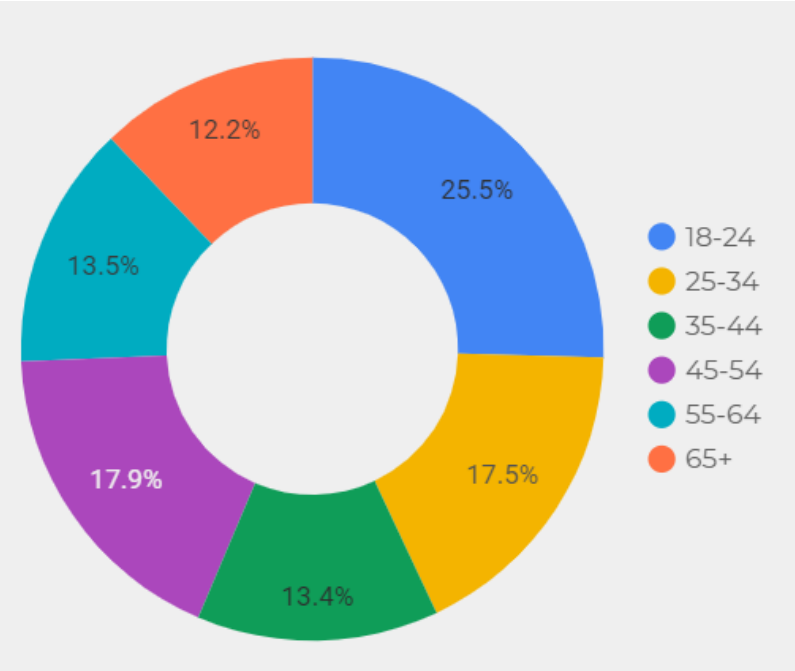


□ Time period week ending 8th Nov 2020
□ Worker locations are where users spend a substantial period during the working day (all data anonymised)

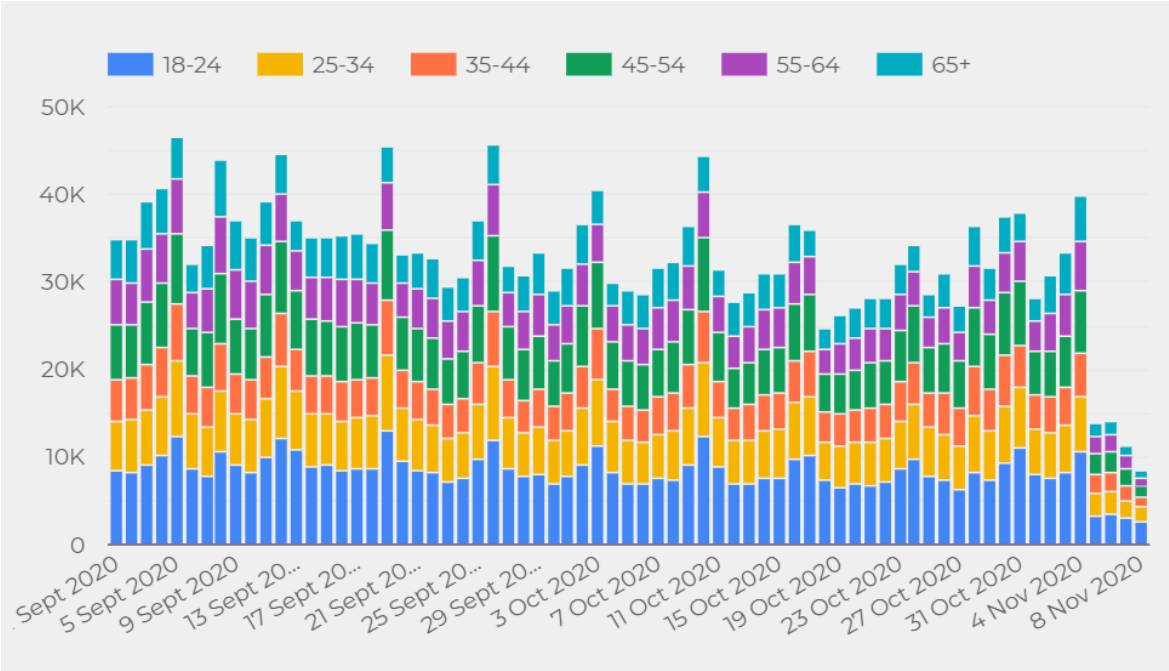
Visitor age

During Oct half term main users of city centre those aged 18 - 34

Graph: Visitor age for wk ending 1st Nov 20 (Oct half term)



Graph: Visitor by age 1st Sept – 8th Nov 20



- ❑ Second national lockdown began 4th November 2020
- ❑ Individual days can be analysed to observe patterns e.g 18 – 34 percentage share of visits increases on Saturdays, probably linked to early eve economy.

Thank You

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Executive

14 January 2021

Report of the Interim Director of Place
Portfolio of the Executive Member for Economy and Strategic Planning

The York Business Improvement District renewal ballot

Summary

1. This report sets out proposals for a second term for the York Business Improvement District (BID), outlines the renewal prospectus and voting process and seeks Executive support to allow a renewal ballot for the York Business Improvement District to take place between 28th January and 25th February 2021.

Recommendations

2. The Executive is asked to:
 - a) Support the BID in their campaign to secure a second term in York through a City-wide ballot of businesses
 - b) Request that the Leader of the Council casts the Council's ballot votes in support of a further term.

Reason: To allow the work of the BID and its partners to continue to boost the City Centre economy, and to ease difficult trading conditions for retailers, particularly in a post-pandemic recovery environment.

- c) Note the content of the BID Business Plan and the Council's Baseline Service Level Agreements
- d) Note the role of the York BID, Make It York and other key City partners in supporting the City Centre economy.

Reason: To be clear on the role of all partners, as well as the commitments of the Council, in maintaining statutory services

Background

3. A BID is a business-led partnership that enables coordinated investment in the management and marketing of a commercial area, and is a defined geographical area. (see Annex 1) Governed by legislation to ensure fairness and transparency, a BID is created for a five year period following a successful ballot of local businesses.
4. During the term of the BID, all businesses defined within the BID Business Plan geography will be required to pay the mandatory levy, irrespective of whether they cast a vote in the ballot or not.
5. There are now over 300 BIDs across the UK¹. The first York BID was voted in by City Centre levy payers in November 2015, and began operation in April 2016.
6. The BID has proved popular with the majority of levy payers, testimonials for which are included in the refreshed Business Plan, and has played a significant part in supporting York businesses and promoting York City Centre. This has been of particular value and importance since March 2020 when the devastating impact of COVID 19 upon the City became clear.
7. Schedule 1, Regulation 4, Section 2a of The Business Improvement Districts Regulations (Local Government, England)² states that a BID organisation may only be in situ for a five year term before it must be re-elected by the levy payers via a ballot renewal. As the York BID's first term draws to an end, it is now campaigning to win support from levy payers for a second term.
8. The Council is a major levy payer, contributing around £25,000 per annum to the BID for 15 hereditaments (property or building), and has also part-funded several key projects for the benefit of York businesses during its first five year term, with contributions in excess of £800,000. The table below sets out the major schemes that the Council has helped to support in the City.

¹ According to the Institute of Place Management website
<https://www.placemanagement.org/special-interest-groups/welcome-to-the-bid-foundation/about-bids/>

² <https://www.legislation.gov.uk/uksi/2004/2443/contents/made>

Project	NET	Year	Lead	Description
Year 1 Rangers & Greeters	£25,000	2016	York BID	Contribution towards launching Street Rangers and City Greeters scheme
Parliament Street Works	£50,000	2019 - 2020	CYC	Removal of redundant fountain & toilet block on Parliament Street
Taxi Marshalls Scheme	£12,280	2018 - Present	York BID	Annual taxi marshal scheme for Duncombe Place taxi rank
College Green Shared Space	£15,000	2020	York BID	Shared public space on College Green (managed for 10 week period)
Community Clean-Up Grant	£27,000	2019 - 2020	York BID	Grant for additional cleaning projects in the community
Place Dashboard	£4,650	2019-2020	York BID	Software licence for city performance data
Car Parking	£330,000	2020 - Present	CYC	Refurbishment and upgrade of technology in Piccadilly and Marygate Car Park
Wayfinding & Signage	£350,000	2018 - Present	York BID	New city centre wayfinding scheme
Movement Insights	£18,000	2020-Present	York BID	Software licence for city performance data

N.B. - Please note that CYC led/are leading on the Parliament Street works and Car Parking projects. The figures shown for Wayfinding and Car Parking are not necessarily the exact cost to the Council but the maximum budget which has been allocated.

9. As well as providing essential baseline services - see Annex 2 - the Council collects the BID levy on behalf of the BID, and has a vote in the ballot renewal process itself.
10. City of York Council is represented on the BID Board by the Executive Member for Economy and Strategic Planning and the Deputy Leader with Portfolio for Transport. Specialist officers are frequently invited to these monthly meetings.

Baseline Agreements

11. The programme of services included in the BID prospectus is in addition to the significant service provision already undertaken by the Council, complementing work already ongoing.
12. The Baseline Agreements are developed with City of York Council, and include the minimum services provided by the authority, as well as details of employees and equipment required. These services are a combination of statutory and discretionary, and reflect the current financial position in 2020/21.

13. These baseline agreements are subject to change with each budget cycle. This is especially important to note in 2021/2022 as the Council mitigates the financial impact of COVID 19 on its own budgets.
14. The Council baseline agreements pertinent to the BID services, provided in Annex 2, are:
 - Street Cleaning
 - Streetlighting
 - Highways Maintenance
 - Parking Services

BID ballot date and preparation

15. The renewal campaign for the York BID's second term, as with many other BIDs across the country, has been subject to delay because of the COVID 19 pandemic. Consequently the original ballot timescale of November 2020 slipped to January 2021. This was a decision made by the BID Board, with advice from specialist consultants, The BID Business.
16. The new January 2021 ballot date allows for businesses to concentrate on the peak Christmas and New Year periods. It also means that first term of the BID does not over-extend into any timescales that might invite, or allow, potential legal challenge to the BID operation due to contravention of national BID regulations.

Impact of the York BID

17. During their five years of operation, the York BID has delivered a series of high impact, highly visible events, programmes and initiatives that have helped to support traders during a prolonged and especially difficult period for local high streets across the country.
18. They have also had major role in helping to restore confidence in the high street following the debilitating effects of the COVID 19 pandemic, and in supporting local businesses badly affected by the consequent loss of custom.
19. Funding for the five year period from levy collection monies is predicted to meet its target of £3,990,000 total levy funds collected (as budgeted in the initial Business Plan).

20. This funding has allowed projects and initiatives to go forward from the four programme areas of focus in the first BID Business Plan, encompassing:

- Safe and Secure
- Events and Festivals
- Business Support
- Appearance and Environment

21. Achievements and initiatives to boost the City economy, promote local business and build upon footfall numbers include:

- The award winning York BID Street Ranger service has helped to reduce anti-social behaviour and tackle low level crime in the City Centre
- Producing an award winning Christmas display of lights, with over 160,000 LED bulbs spanning 15kms
- Organising a business support campaign of festive displays, events and lighting to draw people back to the City Centre under the banner of *'Make a world of difference – Shop local this Christmas'*
- Partnering with the Council, and in accordance with the wishes of levy payers, the BID have worked to produce two pay on exit car park schemes at Piccadilly and Marygate
- Operating a seven day a week Street Cleaning Service to complement that already set out in the Council's baseline agreement
- Identifying £156,000 of savings on utilities and bills for businesses
- Launching a Taxi Marshall Scheme from Duncombe Place to reduce ASB and bolster safety for the night time economy
- Sponsoring or supporting events designed to increase footfall and promote the City Centre: the Micklegate Run Soapbox Challenge, York Ice Trail, Bloom!, Yorkshire Day, York Business Week, York Food and Drink Festival, and the Fossgate Festival
- Staging three successful York Restaurant Week events, valued at around £250k to the local economy
- With the Council, in consultation with York Civic Trust, part-funding a new contemporary City-wide wayfinding scheme with redesigned signposts and information boards

- Investing in vinyl wrapping for vacant retail units to enhance the City Centre aesthetic
- Commissioning and supporting street art, and over 100 floral displays over the course of a year
- Launching a York Gift Card scheme, tailored to York shops only, that can now be used in over 300 outlets
- Training over 100 employees from local business in First Aid

Actions in response to COVID

22. To encourage shoppers back into York and to stimulate expenditure in the City Centre, the BID have partnered with CYC to deliver measures to build confidence and trust.

23. Actions have included:

- Providing and maintaining 17 hand sanitiser stations at various point across the City Centre
- Organising and part funding with CYC a pop up space for 10 weeks on College Green for people to consume food and drink from small businesses with otherwise limited space to accommodate customers, thereby allowing them to trade as effectively as possible
- Street Ranger checks – 200 businesses signed up to this service, where the Street Rangers check on locked business to flag issues of concern, such as unexpected activity in an empty property
- Volunteer City Hosts to offer a welcome to York, answer questions and build consumer confidence
- Assistance offered to local businesses applying to the Council for road closures, footstreet enhancements and pavement café licences
- Signposting businesses to relevant guidance on COVID-safety and business support grants

24. The BID and the Council have worked to develop improved data about the use of the city centre, commissioning Movement Insights Ltd to provide greater level of movement and spend data to complement the Council's existing footfall counter provision, and to gain a more detailed understanding of how the City Centre is used, and by whom. This supports evidence-based interventions using gap analysis and robust figures, rather than anecdotal information. Whilst this

commission was instigated before COVID, it will be a useful tool in monitoring the recovery of the high street over the coming months.

Changes made to the BID parameters

25. Campaigning for a second BID term has allowed an opportunity to review the various BID parameters from year one, and as a result a key alteration has been made.
26. Firstly, the levy payment threshold has increased. The current system means that any business in a hereditament with a rateable value of £12,500 or more must pay a levy contribution. The BID Board agreed to raise the threshold to a rateable value of £17,500, thereby reducing the need to collect very small contributions, usually around £125 per annum.
27. The effect of this decision has been to reduce the number of hereditaments by 213 to 912, however the level of levy funding to be collected annually will remain more or less the same. This will also simplify the management of the original cohort of 1,125 levy payers and streamline communication on key issues.
28. The BID geography remains unchanged from the first term.

Revised BID Business Plan

29. The BID team has produced a refreshed Business Plan ahead of the renewal ballot, building upon the achievements of the last five years and concentrating on the priorities of levy payers after a consultation period with them.
30. A copy of the BID's Business Plan can be found in Annex 3 of this report.
31. The proposed core themes for a second BID term are:
 - Encourage an accessible City Centre
 - Encourage the experience economy
 - Promote green and sustainable initiatives
 - Be instrumental in shaping a City Centre master plan in the context of 'evolving high streets'
 - Promote greater integration between digital and physical infrastructure

32. Many of these topics align closely with the Council's own priorities as set out in the Council Plan, as well as some of the more strategic aspirations of colleagues such as York and North Yorkshire LEP, including working towards achieving zero carbon status as a region.

Consultation

33. The BID team have sought advice and guidance from BID Industry bodies, including The BID Foundation and the Association of Town Centre Managers.
34. The BID Team is responsible for building and maintaining robust working relationships with all potential BID members and is required to engage businesses in every aspect of the process.
35. City Centre businesses and local partners have been consulted during the development phase of the refreshed BID Business Plan, and will also be made aware of the ballot plans through a concerted renewal campaign.
36. The Baseline Agreements have been written with the input of relevant managers from the Council.

Options

37. Given the detail above, the options for the Executive are:
 - a) Vote to Support the BID as part of the ballot renewal process
 - b) Vote to withdraw support for the BID

Analysis

38. If option a) is supported, the BID will continue its work in support of the economy of the City Centre and local businesses, as well as the ensuring the delivery of the contents of their Business Plan.
39. If option b) is supported, the BID will cease to function as an organisation, ending any further work in York.

Reason: Based upon the analysis above, option a) is the recommended option, supporting the BID into a second five year term.

Council Plan

40. The applicable Council Plan 2019-2023 core outcomes are:

- Well paid jobs and an inclusive economy – vacant shop premises
- A greener and cleaner city – including improving green spaces, street cleansing and recycling
- Getting around sustainably – cycling, walking in the City Centre
- Safe communities and culture for all – includes footfall and anti-social behaviour

41. The ethos of the BID and its work supports the programme summary of the administration's progressive partnership, as well as planned work such as the City Centre Strategy, inclusive growth projects, delivery of the refreshed Economic Strategy and strengthening the Council's commitment to supporting high streets and our communities.

Implications

Financial

42. The Council is a key contributor, paying around £25k in levy payments as West Offices sits within the BID levy geography.

Human Resources (HR)

43. Not applicable.

Equalities

44. All equality implications will be managed through the BID process.

Legal

45. Our legal protections are set out within a Memorandum of Understanding (MOU) drawn up by agreement between the Council's Legal Team and the BID. This MOU is necessary to cover the relationship between the Council and the BID Company.

46. The baseline agreements and Operating Agreement appear in these schedules.

Crime and Disorder

47. The BID is a key strategic partner working to implement counter-terrorism and anti-social behaviour measures in the City Centre

48. One the BID Programme strands covers 'Safe and Secure'. Initiatives to date include the introduction of the Street Rangers, part-funding York BID Taxi Marshals in Duncombe Place, increasing the number of secure cycle parks in the City Centre by 10% and setting up the Anti-

Social Loitering Scheme to deter ASB that occurs in the doorways of business premises.

49. Additionally, key themes for the BID from the perspective of retailers is to tackle the culture of afternoon drinking, the large number of stag and hen parties, and the sensitive matter of street kitchens in the City Centre. Multi-agency discussions are continuing in order to find a workable solution to these issues.

Information Technology (IT)

50. Not applicable at present.

Property

51. The BID have worked closely with landlords of empty retail units in the City Centre to preserve the appearance of the high street. They embarked upon a 'wrapping' or 'shop jacket' project in order to maintain the quality of the high street aesthetic.

Contact Details

Author:

Chief Officer Responsible for the report:

Author's name

Penny Nicholson

Title

Economic Growth Officer

Tel No.

551506

Chief Officer's name

Neil Ferris

Title

Corporate Director of Economy & Place

Report Approved

Date

18
December
2020

Co-Author's Name

Simon Brereton

Title

Head of Economic Growth

Dept Name

Economic Growth Team

Tel No.

552814

Specialist Implications Officer(s) List information for all
None

Wards Affected: Guildhall, Fishergate, Micklegate

For further information please contact the author of the report

Background Papers:

Report to the Executive Member for Economy and Strategic Planning
Decision Session on 18th November 2019:

[Exec Member BID Renewal ballot paper 18th Nov 2019.pdf](#)

Annexes

Annex 1 – Graphic of BID geography area, plus streets included

Annex 2 – City of York Council baseline agreements

Annex 3 – Draft copy of the BID Business Plan

List of Abbreviations Used in this Report

BID	Business Improvement District
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BID Geography



Agar Street	Foss Island Road	Minster Gates	St Johns Street
Albert Street	Foss Islands Road	Minster Yard	St Leonards Place
Albion Street	Fossgate	Moatside Court	St Margarets Terrace
Aldwark	Franklins Yard	Monk Bar	St Martins Lane
Ancroft Close	Friargate	Monk Bar Court	St Mary'S Square
Back Swinegate	Garden Place	Monkgate	St Maurices Road
Baile Hill Terrace	George Hudson Street	Monkgate Cloisters	St Sampsons Square
Bar Lane	George Street	Museum Gardens	St Saviourgate
Barbican Road	Gillygate	Museum Street	St Saviours Place
Barker Lane	Goodramgate	Navigation Road	Station Avenue
Barleycorn Yard	Granary Court	Navigation Road	Station Rise
Bartle Garth	Grape Lane	Nessgate	Station Road
Bedern	Grays Court, Chapter	New Street	Stonegate
Bishopgate Street	House Street	Newgate	Stonegate Court
Bishophill Junior	Hampden Street	Newton Terrace	Stonegate Walk
Bishophill Senior	High Ousegate	North Street	Swinegate
Blake Street	High Petergate	Nunnery Lane	Swinegate Court East
Blossom Street	Hope Street	Ogleforth	Swinegate Court West
Bootham	Hothams Court	Palmer Lane	Tanner Row
Bridge Street	Hungate	Paragon Street	Tanners Moat
Buckingham Street	Hunt Court	Parliament Street	Terry Avenue
Carmelite Street	Jewbury	Patrick Pool	The Stonebow
Castlegate	John Saville Court	Pavement	The Werkdyke
Chapel Row	Jubbergate	Paver Lane	Toft Green
Chapter House Street	Kent Street	Pear Tree Court	Tower Street
Church Lane	King Street	Peasholme Green	Trinity Lane
Church Street	Kings Court	Peckitt Street	Turpin Court
Clifford Street	Kings Square	Peel Street	Victor Street
Coffee Yard	Kings Staith	Percys Lane	Walmgate
College Street	Kyme Street	Peter Lane	Wellington Row
Colliergate	Lady Pecketts Yard	Piccadilly	Whip-Ma-Whop-Ma Gate
Coney Street	Lambert Court	Precentors Court	
Coppergate	Layerthorpe	Priory Street	
Coppergate Walk	Lead Mill Lane	Prospect Terrace	
Cromwell Road	Leicester Way	Queen Street	
Cumberland Street	Lendal	Queens Staith	
Davygate	Lendal Bridge	Queens Staith Mews	
Davygate Centre	Library Square	Rosemary Court	
Deangate	Little Shambles	Rosemary Place	
Dewsbury Terrabce	Little Stonegate	Rougier Street	
Dixon Lane	Long Close Lane	Rougier Terrace	
Dixons Yard	Lord Mayors Walk	Shambles	
Duncombe Place	Low Ousegate	Silver Street	
Dundas Street	Low Petergate	Skeldergate	
Exhibition Square	Lower Friargate	Skeldergate Bridge	
Fairfax Street	Lower Priory Street	Smales Street	
Falkland Street	Margaret Philipson Court	South Esplanade	
Fawcett Street	Margaret Street	Speculation Street	
Feasegate	Market Street	Spen Lane	
Fetter Lane	Merchant Exchange	Spurriergate	
Fewster Way	Merchantgate	St Andrew Place	
Finkle Street	Micklegate	St Andrewgate	
Fishergate	Mill Street	St Denys Road	
Foss Bank		St Helens Square	

Baseline Agreements

The appended Council baseline agreements cover:

- Street Cleaning
- Streetlighting
- Highways Maintenance
- Parking Services

SCHEDULE 1

Baseline Agreements: 2021-2026*

Baselines are subject to annual review and agreement by the BID and CYC following approval of the Council's annual budget.

The purpose of this baseline agreement is to set out, for the avoidance of doubt, the **STANDARD SERVICES** provided by the Council within the BID area and to set the benchmark criteria against which the provisions of additional services will be assessed.

Services provided by the BID levy are complementary to these baseline services.

Service	Street Cleansing
Head of Service	Head of Operations
Telephone	(01904) 553108
Email	

Baseline activity	Street cleansing of the City Centre
Service specification	<p>Tasks undertaken include manual and mechanical cleansing, emptying of litter bins, litter picking and collection, cleaning of the Market areas.</p> <p>City Centre cleansing begins at 05.00, targeting hotspots then covering other areas. This continues throughout the day, focussing on high traffic vicinities, such as entertainments areas.</p> <p>Maps of the areas to be cleaned are appended here. As these have been taken directly from the City of York Council Open Data Platform, these are set out by Ward area, rather than following the exact geography of the BID area. The wards covered are Guildhall, Fishergate and Micklegate, and the two sets of maps cover mechanical and manual cleaning.</p>

Statutory or discretionary?	Statutory			
Timing of activity	<p>City Centre street cleansing is carried out within the foot streets, seven days a week throughout the year.</p> <p>April to September <i>Monday to Friday – 05.00 to 20.00:</i> The number of operatives on duty fluctuates throughout the day with a minimum number of three operatives and a maximum number of eight. <i>Saturday and Sunday – 05.00 to 19.00:</i> The number of operatives on duty fluctuates throughout the day with a minimum number of four operatives and a maximum number of five.</p> <p>October to March These will change slightly between October and March due to weather and daylight hours. The mechanical sweeper/scrubber does not operate during this period.</p> <p>Additional duties include co-ordinating/ overseeing the Spring Clean initiatives across the City</p>			
Staffing and equipment	1X Mechanical sweeper 1 X Mechanical sweeper/scrubber 1 x Pedestrian controlled sweeper Various hand held manual equipment 1 x Supervisor 12 x City Centre Cleansing Operatives			
Key performance measures	Measure	2017/18	2018/19	2019/20
	<ul style="list-style-type: none"> CSPEC6– Graffiti: Number of issues reported (all land types) 	156	183	385
	<ul style="list-style-type: none"> SLA01 - 2 Hour Cleansing cases completed within SLA 	62%	45%	61.7%
	<ul style="list-style-type: none"> SLA02 - 2 Hour Cleansing cases completed within SLA - (YTD) 	61%	43%	61.7%
	<ul style="list-style-type: none"> SLA03 - Standard Cleansing cases completed within SLA 	86%	71%	72.4%
<ul style="list-style-type: none"> SLA04 - Standard Cleansing cases completed within SLA - (YTD) 	84%	70%	72.4%	

Non-compliance procedure	No contract, but cost of service provision is approximately £250,000, subject to change with each annual budget allocation.
Existing value of contract/ service	As per agreed BID boundary
Boundary area	As the council looks to implement neighbourhood working for waste and public realm services there is an opportunity to review how the services are delivered with the BID.
Proposed additional BID activity	Not yet known
Cost of additional BID activity	Unknown.

Service	Street lighting
Head of Service	Derek Grant, Street Lighting Delivery Manager
Telephone	(01904) 553090
Email	derek.grant@york.gov.uk

Baseline activity	Provision/ maintenance of street lighting within the City of York council boundary, including all street lights, illuminated signs, bollards, and floodlighting
Service specification	<p>The street lighting service is unique within York, as both installation and maintenance of all street lighting assets are undertaken by City of York Council's internal Street Lighting Team.</p> <ul style="list-style-type: none"> • Citywide maintenance of street lighting and illuminated signs, floodlighting and bollards. • Cyclical maintenance on routine lamp changes/maintenance. • Any alterations to existing installations are undertaken including column relocations and conversion of lights to newer more energy efficient technologies. • New lighting installations for Council highway schemes. • A design and install service for developers is offered by city of York councils street lighting team as regards any new developments/works including section 38/278 schemes. • A Street lighting design service is available through City of York council if developers require design only. • All electrical testing is undertaken by the internal street lighting team. • Structural testing on steel/concrete lighting columns is undertaken on a rolling annual program by a CYC preferred specialist contractor. • 24 hour Emergency call out facility is in place to cover any out of hours dangerous situations arising. • Festive light installations for local Traders' Associations or Parishes.
Statutory or discretionary?	Under Section 97 of the Highways Act 1980, it is not mandatory for authorities to install street lighting, but once installed on adopted highways there is a responsibility for maintenance.
Timing of activity	The maintenance service operates 7 days a week, 24 hours a day, and includes a CRM web based system for public reporting of street lighting issues/faults for fault reporting and an email reporting capability linked to the City of York Council website

Staffing and equipment	<p>Staff 7 X FTE 1 X PT : including Delivery Manager, Technical Officer, Street Lighting Technician (PT), 2 x Electricians, 2 x Street Lighting Operatives 1 x Electrician Apprentice</p> <p>Equipment: 2 x 14.5 metre MEWPS (cherry pickers) 1 x SL rig 18 Tonne</p>
Non-compliance procedure	<p>COYC strive to adhere to their SLA requirements as regards fault repairs 4 days and emergency call outs 2 hours.</p> <p>Electrical testing is undertaken to 18th Edition BS7671 and completed on all street lights within a minimum six year period as per requirements.</p> <p>Structural testing on concrete/steel lighting columns is undertaken by a COYC preferred specialist contractor on an ongoing annual program.</p>
Existing value of contract/ service	Budget annually circa £800k.
Boundary area	As per agreed BID boundary in the Business Plan
Proposed additional BID activity	Various proposals set out in Business Plan including Christmas displays, plus additional new projects over the course of the BID term.
Cost of additional BID activity	Not known – varies

Service	Highways Maintenance
Head of Service	Bill Manby
Telephone	(01904) 553233
Email	bill.manby@york.gov.uk

Baseline activity	Maintenance and repair of the highways network whilst minimising disruption on the transport network and protecting infrastructure
Service specification	<p>The highway maintenance service covers a wide range of activities. It is delivered by a number of in-house teams, working in conjunction with external service providers. The Highway Maintenance Service teams are responsible for the maintenance and repairs of the highway assets.</p> <p>We provide advice and support to across the council on proposed works including the adoption of highway as well as the construction works by others on the highway and play a strategic role in making sure it is to the highest of standards and includes whole life costs.</p> <p>The team provide forward programmes for both carriageway and footway schemes utilising high definition images of the highway and subsequent site investigations. From the survey data we return the annual valuation of all highways and assets complying with the requirements of Whole Government Accounting including calculating depreciation and replacement costs.</p> <p>In addition to the large scale works the teams undertake thousands of small scale repairs annually, these are allocated to our teams comprising of Blacksmiths, Drainage Highways, Ancient Monuments and Street Lighting and graffiti removal.</p> <p>These works identified above are raised by the highways inspectors, and repaired by the highways maintenance teams.</p> <p>The Street Lighting programme includes replacing the lamp heads with new more energy efficient LED lanterns, and structurally testing columns and an annual basis, As a result of tests and inspections we have a risk based approach to managing these structural assets and a programme for replacements.</p>
Statutory or discretionary?	Statutory
Timing of activity	This is an 07:30 - 17:30 activity with an out of normal working hours emergency response service
Staffing and equipment	<ul style="list-style-type: none"> • 34 FTE • 3 Supervisors • (9) 18 ton hook lift vehicles

	<ul style="list-style-type: none"> • (2) 7.5 ton hook lift vehicle • (4) 3.5 Pick Up Vehicle 				
Key performance measures	Grade	2018	2019	2020	Average % rate of change
	Grade 2 Signs of Surface Wear	0.83	1.08	1.14	-0.25
	Grade 3 Mid Life	46.17	43.48	41.35	-2.15
	Grade 4 Functionally Impaired	39.28	36.60	35.30	0.87
	Grade 5 Structurally Impaired	13.72	18.84	22.20	1.53
	Average rate of deterioration over the last 5 years by grade				
	This inspection data is collated by GAIST to produce five condition categories for sections of public highway, being grade 1 (very good), grade 2 (good), grade 3 (fair), grade 4 (poor) and grade 5 (very poor).				
Non-compliance procedure	Basic maintenance is supported with three 180 excavators with planer attachments				
Existing value of contract/ service	£100,000				
Boundary area	As per agreed BID boundary				
Proposed additional BID activity	Not yet known				
Cost of additional BID activity	Not yet known				

Service	Parking Services
Head of Service	Graham Titchener
Telephone	(01904) 551495
Email	graham.titchener@york.gov.uk

Baseline activity	Parking Services for York
Service specification	<ul style="list-style-type: none"> • Parking enforcement • Maintenance of all Council-owned car parks • Parking permits • (N.B. Parking Services is the lead department and supervises the administration of this, which is based within Customer Services and Business Support) • Penalty Charge Notice (PCN) appeals and representations • Abandoned vehicles
Statutory or discretionary?	Statutory
Timing of activity	<ul style="list-style-type: none"> • All non-enforcement work is within standard office hours • All enforcement work is done year round with three shift patterns per day, seven days per week • In addition to this we have one technician who works within normal office hours, but who is on also on call outside normal office hours.
Staffing and equipment	<p>X 19 Civil Enforcement Officers and Assistant Supervisors X 1 Parking Enforcement Supervisor X 1 Representation Officer X 5+ Parking Business Support staff supervised by Representation Officer but based within Business support X 1 Technician X 3 vans</p> <p>Customer Services provide a staffed parking desk in West Offices covered by one officer and numerous Customer Services Representatives who are the first point of contact by phone dealing with customer permits, abandoned vehicle reports and PCNs amongst other parking related business and questions. All functions are supported by various hardware systems, mainly for the enforcement service</p>
Non-compliance procedure	Council Traffic Regulation Orders, Council policy, operating under numerous Traffic and Highway legislation but mainly the Traffic Management Act 2004, led by the Department for Transport.

Existing value of contract/ service	No contract, but cost of service provision is approximately £1.3m, part funded by the Council and part self-funding
Boundary area	As per agreed BID boundary but also covers the whole of the York boundary.
Proposed additional BID activity	<p>Working on the roll out of the pay on exit systems for Marygate and Piccadilly car parks, with support for the Piccadilly car park improvement and longer opening times</p> <p>Work closely with the BID around city centre accessibility, safety and support for local economic development.</p>
Cost of additional BID activity	BID are looking to provide an additional £100k for improvement works to Piccadilly car park.

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Executive**14 January 2021**

Report of the Corporate Director of Housing, Economy and Place
Portfolio of the Executive Member for Transport

Street Works – Changing from noticing to a permitting scheme**Summary**

1. The aim of this report is to seek approval from the Executive to introduce a permit scheme to govern all utility and highway works activities within City of York Council's highway network. The introduction of a permit scheme will:
 - a. Support a more pro-active approach to managing street and road works, including the ability to refuse applications;
 - b. Reduce disruption and delays on the road network;
 - c. Provide additional funding to support the Street Works function, improving street and road works coordination and safety (as the authority will be able to charge utilities to cover the costs of permits, although authorities may not use their permit schemes to generate surplus revenue);
 - d. Enable City of York Council to comply with the Department for Transport's repeated requests that all highway authorities in England move to a permit scheme (letters to City of York Council were dated November 2020 and July 2018).

Recommendations

2. This report recommends the adoption of the permit scheme presented (Option A). Executive are asked to:

Approve the proposed permit scheme and fee levels and its implementation (the Scheme is provided in Annex A, fee levels in Annex B and the proposed team structure in Annex F) and delegate authority to the Corporate Director for Economy and

Place to implement future changes to the scheme and associated fees (in consultation with the s151 Officer and the Director of Governance or her delegated officers)

Reason:

- To improve CYC's ability to manage applications to work on its road network, including the ability to refuse applications, enabling the Council to better meet its Network Management Duty;
- To reduce disruption on the road network and delays for all road users; and
- To encourage a greater emphasis on safety on street and road works sites through an enhanced site inspection regime.

Background

3. The aim of this report is to seek approval from the Executive to introduce a permit scheme to govern all utility and highway works activities within City of York Council's (CYC) highway network.
4. This report follows feasibility work undertaken in 2019 and a statutory consultation on a proposed permit scheme, in compliance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations 2007, conducted, which started in August 2020 and closed on 15th October 2020.
5. This report presents an assessment of City of York Council's options to manage street and road works and makes recommendations for the introduction of a permit scheme to be considered by City of York Council's Executive in January 2021.
6. If a decision is taken to introduce a permit scheme, the Street Works team will aim to implement this change by April 2021.
7. The implementation of a permit scheme will:
 - Support a more pro-active approach to managing street and road works, by enabling the authority to better manage applications to work on its road network, including the ability to refuse applications where required;
 - Reduce disruption and delays on the road network;

- Provide additional funding to support the Street Works function, improving street and road works coordination and safety;
- Enable City of York Council to respond positively to the letters from the Transport Minister for Roads, Buses and Places, dated November 2020 and the previous letter from the Secretary of State for Transport dated July 2018. Both letters sought the implementation of permit schemes by all highway authorities in England. In November 2020, the DfT indicated that 49 of the local highway authorities in England were now operating or intending to start the operation of a permit scheme (there are 153 local highway authorities in England¹).

Consultation

8. The draft permit scheme document was subject to a public consultation exercise between August and October 2020. Statutory consultees were contacted and provided with the draft scheme for comments, in compliance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations 2007. A summary of this consultation is included in Annex C.

Internal CYC consultation was undertaken with the Corporate Finance Team, IT and Business Intelligence, the Highway Asset Management and Transport Major Project teams.

Options

9. Options presented to Executive are:
 - **Option A** - Approve the proposed permit scheme and fee levels and its implementation (the Scheme is provided in Annex A, fee levels in Annex B and the proposed team structure in Annex F) and delegate authority to the Corporate Director for Economy and Place to implement future changes to the scheme and associated fees (in consultation with the s151 Officer and the Director of Governance or her delegated officers);
 - **Option B** - Ask officers to develop a different scheme to be taken back to consultation and through the decision process; or
 - **Option C** - Stop any further work on a permit scheme and remain a noticing authority.

¹ Source: <https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1486/full-report.html>

Analysis

10. What are the key differences between the current system and a permit scheme?

CYC currently funds the management of street works coordination (a duty section 59 of the New Roads and Streetworks Act 1991) from internal budgets, including income generated from penalties and fees recovered mainly from utility companies and their contractors.

Under a permit scheme, work promoters are charged a reasonable fee and this is calculated to recover staff and overhead costs associated with the management of the permit scheme, up to a maximum level set by the Department for Transport (DfT).

Authorities not implementing a permitting scheme are still required to maintain a register of these activities and have a legal duty to coordinate (the Network Management Duty), but are not able to charge for the costs of providing this service.

Permit schemes require both statutory undertakers (undertaking street works) and the authority's own direct highway services (undertaking road works) to apply to book road space for their activities rather than notify the authority when they want to work.

Permit applications can be refused, meaning that the process is more proactive than under the notification system (under which the authority can ask for changes and impose conditions but not refuse the works).

Typically, permit schemes can be expected to deliver the following benefits:

- Improved works coordination: permits would better support CYC to meet its Network Management Duty by enabling the authority to better manage applications to work on its road network, including the ability to refuse applications where required;
- Reduced disruption on the road network and delays for road users: permits would support CYC in minimising disruption and inconvenience across the network for all road users;
- Permit income: fees and charges received from permits can go directly to the operation of the scheme (e.g. to cover staff, IT, monitoring, coordination and training costs). This will enable

CYC to recruit additional Street Works team members to better coordinate and conduct more inspections. These costs are not currently recovered by CYC;

- Safety on street and road works sites: permits encourage a greater emphasis on safety through an enhanced site inspection regime (and the ability to fund additional Street Works staff). Site safety improvements would benefit site operatives and all road users, with a special emphasis on the more vulnerable.

11. What is included in the proposed permit scheme?

The proposed permit scheme (see Annex A) will operate within the geographical area encompassed by the City of York boundary, including all streets maintained by, or on behalf of, the Authority.

The scheme's primary objectives are:

- Increase the efficient running of the highway network through proactive management of activities on the highway;
- Improve the quality and timeliness of information received from all promoters;
- Encourage a proactive approach to planning and undertaking of works on the highway;
- Protect the structure of the street and the integrity of apparatus in it;
- 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; and
- Ensure parity of treatment for all promoters.

Permit fees (see Annex B) have been set by taking the following factors into consideration:

- Levels to be proportionate to the significance of the streets where works are planned and the duration of the planned works;
- Levels to reflect the likely amount of work required for the Authority to effectively coordinate and manage activities;
- Ability to waive permit fees where appropriate and to reduce the amount charged where the impact of the planned works has been reduced by the promoter.

Permit fees will be waived during the first month of the scheme to enable the team to work closely with promoters through the transition period.

12. Option analysis

Option A – Approval of the proposed scheme

- **Pros:** The proposed scheme has been developed using models and guidance provided by the DfT. Scheme development work has included data analysis, cost benefit analysis, benchmarking exercises with other local authorities, and a statutory consultation process. The scheme complies with existing legislation and statutory guidance and can therefore be adopted by the authority and come into force once the authority makes the required order. This will enable the authority to provide a positive response to the most recent letter from Transport Minister for Roads, Buses and Places. It will also provide additional income to fund the Street Works team's permit related activities and bring CYC in line with schemes already in place in neighbouring authorities.
- **Cons:** The introduction of a permit scheme will result in additional costs for statutory undertakers and their contractors working in York. The authority's own works (road works) will also be subject to the permit scheme, resulting in additional work for the Council's own projects and maintenance teams, as the requirement for parity of treatment is essential to the permit approval process and the operation of a permit scheme.

Option B – Further work to develop a different scheme

- **Pros:** It would be possible to develop a different scheme, with options including a change in fee levels (within the national maximum set by the DfT), a change in streets covered by the permit scheme, or a stronger differentiation in charges for different types of streets, potentially following the request made by some undertakers for works in less significant streets to be permitted free of charge.
- **Cons:** If charges were to be increased, this would require further analysis to ensure that income from the scheme does not exceed the total allowable costs prescribed in the permit regulations. If fees were to be reduced or works on some

streets were to be permitted free of charge, additional budget would need to be provided by CYC to fund staff requirements for the Street Works team or the team would need to be smaller and provide a lower level of service. Changes would need to be subject to a new statutory consultation process, delaying the implementation of a scheme by several months.

Option C – Remain a noticing authority

- Pros: Lower costs for statutory undertakers who wouldn't have to pay permit fees. No (or very limited) changes required to existing processes and Street Works team.
- Cons: The authority would have responded negatively to the most recent letter from Transport Minister for Roads, Buses and Places. The Secretary of State has the power to direct an authority to prepare and introduce a permit scheme and this might be imposed on York. No additional income to fund the Street Works team's activities and CYC would remain an outlier amongst neighbouring authorities.

Council Plan

13. Although the management of street and road works is not identified as a priority in the Council Plan 2019-2023, a failure to adopt best practice in street and road works management will have a negative impact on a range of Council Plan priorities including:
 - 1) "A Greener and Cleaner City";
 - 2) "Getting Around Sustainably";
 - 3) "Good Health and Wellbeing";
 - 4) "Open and Effective Council"; and
 - 5) The City wide outcome of "Supporting a good quality of life for everybody".

Implications

14. Implications identified are listed below.

- **Financial** - Additional spending is anticipated to increase staff resources for the Street Works team (as shown in Annex F). This should however be balanced by the increased income from the permit scheme. The proposal includes a transition month where permits will not be charged for during the first calendar month of the scheme to encourage cooperation between the authority and the undertakers and address any teething issues collaboratively.

Financial analysis of the proposed scheme indicates the following:

- Anticipated annual cost of running the scheme: between £400,000 and £450,000 (excluding the authority's own road works and activities which are not permit related); and
- Estimated annual income from the permit scheme: between £400,000 and £450,000. This does not include revenue generated under NRSWA such as charges for works overrunning, penalty notices, other licences and other activities which are not permit related.

The TMA allows charging for the work resulting in the issuing of permits (and variations to permits), with maximum fee levels set nationally. However, permit authorities may not use their permit schemes to generate surplus revenue, only to cover costs.

- **Human Resources (HR)** - Existing job descriptions to be updated and new job descriptions to be created. Updated and new JDs to be graded. Recruitment to take place, initially using some WWY or temporary contracts to ensure that the permit scheme brings sufficient revenue to support the proposed increase in staff number.
- **Equalities** - The move to permits and associated increase in staff resource should have a positive impact on access for all road users, including those with reduced mobility.

- **Legal** - The scheme will come into force through the powers conferred by Section 33A (2) of the TMA by an Order made by the Authority.
- **Crime and Disorder** - There are no known crime and disorder implications.
- **Information Technology (IT)** - The move to permits within existing software (Street Manager and Yotta Mayrise) will be managed with the suppliers (Yotta) as part of the existing contract. The need to update the Local Street Gazetteer has been raised with the relevant teams and resources might be required to support this process (also linked to the highway asset management team's move to a new Asset Management System).
- **Property** - There are no known property implications.
- **Other** - Highway Asset Management and Transport Major Projects teams will be required to submit permits for road works (where permitting criteria are met). This has been discussed with the relevant teams and included in the implementation plan.

Risk Management

15. The Street Works team will aim to implement the permit scheme by April 2021 (if approved). There is a risk that this implementation could be delayed if there are delays in critical tasks to prepare for the scheme such as recruitment and training and/or street gazetteer and supporting IT systems updates.

Contact Details

Author:

**Helene Vergereau
Traffic and Highway
Development Manager
Transport Department
Tel No. 01904 552077**

**Chief Officer Responsible for the
report:**

**James Gilchrist
Assistant Director for Transport,
Highways & Environment**

**Report
Approved**



Date 6 January
2021

Specialist Implications Officer(s) List information for all

Financial Implications

Patrick Looker

Finance Manager

Tel No.551633

Legal Implications

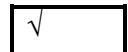
Cathryn Moore

Legal Manager – Projects

Tel No. 552487

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Report to the Executive Member for Transport and Planning 15
November 2018.

Letter from the Secretary of State for Transport to City of York Council,
dated 18 July 2018

CYC Proposed Permit Scheme, Draft V1.0 (for consultation)

Annexes

Annex A – Draft permit scheme for approval

Annex B – Draft fee levels for approval

Annex C – Statutory consultation summary

Annex D – Permit scheme checklist

Annex E – Cost Benefit Analysis summary

Annex F – Proposed team structure

Annex G – Implementation tasks and programme



STREET WORKS PERMIT SCHEME

TRAFFIC MANAGEMENT ACT 2004

Annex A - Draft permit scheme for approval

City of York Council

November 2020

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1. Introduction

The City of York Council permit scheme (hereafter referred to as “the scheme”) has been developed and is in accordance with the powers provided in Part 3 of the Traffic Management Act 2004 (“TMA”) and the *Traffic Management Permit Scheme (England) Regulations 2007 Statutory Instrument 2007 No. 3372* made on 28 November 2007 (“the 2007 regulations”), 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” or both together generally referred to as “the regulations”).

In preparing this permit scheme, City of York Council (“the Authority”) has 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* (“statutory guidance”) and the *Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions* (“permit conditions guidance”), and other guidance from the Highway Authorities and Utilities Committee (England) (“HAUC guidance”).

The Authority having prepared this scheme and prior to giving effect to this scheme has undertaken a full consultation in relation to the scheme as set out in Regulation 3.

1.1 Relationship to NRSWA 1991

The scheme replaces the current ‘noticing’ system under the New Roads and Street Works Act 1991 (“NRSWA”) and will operate in a non-discriminatory manner.

Provisions of NRSWA that have been dis-applied and modified are set out in statutory guidance and have been replaced by equivalent requirements under the TMA for the operation of a permit scheme. These are also set out in Section 12 of this document.

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* (“Noticing regulations”) and associated codes of practice.

1.2 The permit scheme

All current and future amendments of NRSWA and TMA legislation, regulation or statutory guidance applies to this scheme.

The permit scheme does not alter or reduce the duties to cooperate and coordinate activities on the public highway set out in sections 59 and 60 of NRSWA.

As required by Regulation 4(c), the Authority 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. Key performance indicators will be used to evaluate non-discrimination and permit scheme operation.

The Authority will operate the scheme in a manner that facilitates nationally significant infrastructure projects.

The scheme will come into force through the powers conferred by Section 33A (2) of the TMA by an Order made by the Authority. If approved, the scheme is intended to come into effect no later than April 2021.

The scheme and its operation will be reviewed in accordance with Regulation 16A.

1.3 Street works register, Street Manager and technical specifications

In July 2020, the DfT introduced Street Manager, a new digital service which replaced the Electronic Transfer of Notices (EToN) technical specification. The Authority has implemented the move to Street Manager and complies with the system's requirements.

Throughout the document the term 'technical specification(s)' is used to refer to the latest Street Manager requirements, guidance, and processes.

The manner of communicating and service of notifications will also follow any guidance set out by the Street Manager system, HAUC, or within statutory guidance.

2. Scheme objectives

2.1 Primary objectives

The scheme's primary objectives are:

- Increase the efficient running of the highway network through proactive management of activities on the highway;
- Improve the quality and timeliness of information received from all promoters;
- Encourage a proactive approach to planning and undertaking of works on the highway;
- Protect the structure of the street and the integrity of apparatus in it;
- 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; and
- Ensure parity of treatment for all promoters.

2.2 Monitoring performance against the objectives

In accordance with Regulation 4(d), the Authority will provide metrics to show how the scheme is being operated and to measure whether the objectives are being met.

The performance metrics will be based in part upon Traffic Performance Indicators included in the statutory guidance, the monitoring and evaluation guidance developed by HAUC, and measures developed by the Authority to reflect their own local objectives and performance monitoring.

Performance indicators will be published quarterly by the Authority and will be made available at performance and coordination meetings.

As required by Regulation 16A an evaluation report will be produced by the Authority annually for the first three years, and thereafter at least every three years. The report will include:

- Analysis of performance indicators to show whether the scheme is meeting its objectives;
- Consideration of whether the fee structure needs to be changed in light of any surplus or deficit; and
- The costs and benefits of the scheme (whether financial or not).

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

3. Scope of the scheme

3.1 The register

In accordance with Part 7 of The Regulations, 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, where these are not part of the permit scheme.

The register will be publicly accessible, in compliance with Regulation 34.

3.2 Streets covered in the scheme

The scheme will operate within the geographical area encompassed by the City of York boundary.

All streets maintained by, or on behalf of, the Authority are included within this scheme as set out in Regulation 8. These are identified within the Authority's Additional Street Data (ASD).

Privately maintained streets are not included in this scheme but will be added if they are subsequently adopted by the highway authority and will be shown as such within the local street gazetteer (Section 87 NRSWA).

Activities on privately maintained streets will be recorded on the Authority's street works register as required under Section 53 of NRSWA.

Trunk roads and motorways for which Highways England is the highway authority are not included in the scheme.

3.3 Street Gazetteer

For the purposes of the scheme the term "street" refers to a length of highway associated with a Unique Street Reference Number (USRN) as determined by the National Street Gazetteer Concessionaire.

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.

Where the ASD designations are revised by the Authority, the criteria and procedures detailed in the relevant Code of Practice or subsequent guidance will be followed.

3.4 Associated Street Data designations

The categories of street subject to special controls under the City of York permit scheme are:

- Strategically significant streets (SSS);
- Streets with special engineering difficulties;
- Streets subject to early notification of immediate activities.

Strategically Significant Streets

Strategically Significant Streets (SSS) include:

- Traffic sensitive streets - designated in accordance with the criteria set out in Regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007; and
- Streets which fall into reinstatement categories 0, 1 or 2 - defined in the Specification for the Reinstatement of Openings in Highways.

Designations for each street in the local street gazetteer are provided in the Authority's ASD.

Streets with special engineering difficulties

Under Section 63 of NRSWA, the term "special engineering difficulty" (SED) relates to streets or parts of streets associated with structures, or streets of extraordinary construction, where activities 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.

Under Schedule 4 of NRSWA, plans and sections of proposed activities must be approved by each relevant authority with an interest in the structure concerned, i.e. the street authority, and/or the sewer, transport or bridge authority. This remains the case where streets are subject to this permit scheme

Early notification of immediate activities

Some streets or parts of a street can be identified as particularly vulnerable to traffic disruption. For these locations, the Authority may request the earliest possible information about an immediate activity to initiate traffic management arrangements, provide information to the public and reduce the impact of the activity. These streets will be indicated within the Authority's ASD as those where "early notification of immediate activities is required". Promoters carrying out such activities shall contact the Authority, in the manner specified in the ASD, immediately after the activity has commenced and before the application is made.

Other designations

Where works on a street or section of street require consultation with another organisation, for instance areas of archaeological or environmental importance or sensitivity, this will be recorded in the Authority's ASD and promoters must consult with the relevant authorities.

3.5 Activities covered by the scheme

The term “specified works” is used generically in the permit regulations. For the purposes of the scheme, specified works are any activities falling within the definition of “registerable activities” as defined in the noticing regulations 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.

The term “activity” is used in this scheme to encompass any registerable activity that requires a permit, or any other activity affecting the public highway which may in turn affect the coordination and management of the road network.

All works carried out by, or on behalf of, the highway authority are “works for road purposes” and require a permit if they fall under the definition of registerable.

Registrable activities as listed in the NRSWA 1991 Code of Practice for the Co-ordination of Street Works and Works for Road Purposes is included in Appendix 1 (4th edition, October 2012).

Criminal offence

All registerable activities for which a Permit is required and has not been sought and granted cannot be carried out without committing an offence (see Section 9).

4. Principles of permit applications and responses

4.1 General principles

Any promoter of a registerable activity to be carried out on the public highway must obtain a permit from the Authority. The permit will allow the promoter to carry out the specified activity:

- At the specified location;
- Between the dates shown; and
- Subject to any conditions that may be attached.

The content of applications and notifications and communications relating to all aspects of the permit will be made using, and will comply with, the definitive format and content of the protocols as set out in the technical specification, which may change from time to time.

Failure of electronic systems

Where there is a failure of the Authority's or a promoter's electronic system, or where a promoter is not able to meet the requirements of an electronic transaction for any reason, 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 can be via email but the format and content must first be agreed with the Authority.

All applications and notifications must be resubmitted through the electronic street works register following recovery of the service. Promoters must ensure that all resent notices are sequenced correctly as detailed in the technical specification.

4.2 Section 58 restrictions on further activities

The powers to restrict further works in all or part of a street following substantial road or street works (NRSWA Section 58 and 58a respectively) apply to streets covered by the scheme.

The Authority will exercise its powers under these Sections in accordance with regulation 37(2) and statutory guidance.

4.3 Application types

The scheme provides for two forms of application:

- Provisional Advance Authorisations (PAA) - These are only used for major activities (as defined in the regulations) and provide advance notice but not necessarily with full details of the final activity. PAAs are similar to Section 54 notices under NRSWA; and
- Permit Applications (PA) - These contain accurate and timely details of the activity and are required for all registerable activities (for major activities a PA must also be submitted once a PAA has been applied for and approved). These are similar to Section 55 notices under NRSWA.

4.4 Activity categories

The scheme applies to the following works categories, as defined in the noticing regulations.

Major activities

Major activities are those that:

- Have been identified in a promoter's 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 registerable activities other than immediate activities; or
- Have a duration of 11 days or more, other than immediate activities.

For major activities, a PAA must be submitted at least three months in advance of the proposed date for the activity. Once this has been approved by the Authority, the promoter must submit a permit application in support of the PAA at least ten working days before the activity is due to commence.

The permit application should contain the final detailed information on the proposed activity. It may be that this differs from that provided in the PAA, in which case the promoter should provide additional details to support these changes. Approving a PAA does not mean that the Authority is under any obligation to grant a subsequent permit. The permit application will be assessed in the same manner as any other permit application.

Standard activities

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

The permit application must be submitted at least ten working days in advance of the proposed commencement date of the activity.

Minor activities

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

The permit application must be submitted at least three working days in advance of the proposed commencement date of the activity.

Immediate activities

Immediate activities are either emergency works or urgent activities.

Emergency works (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. This applies to both street works and works for road purposes which fall within the definition of registerable activities. The term also includes activities not falling within that definition but which cannot be severed from those that do – such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the permit given for the parent activity).

Urgent activities are defined in the Regulations as activities (not being emergency works) required (or which the person responsible for the works believes on reasonable grounds to be required):

- (i) To prevent or put an end to an unplanned interruption of any supply or service provided by the promoter; or
- (ii) To avoid substantial loss to the promoter in relation to an existing service; or
- (iii) To reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and
- (iv) Includes works that cannot reasonably be severed from such works.

Where a promoter considers that their activity is classed as immediate they may proceed with the activity required without having a permit in place. However, an immediate permit should be applied for within two hours of works commencing on site, or by 10am on the next working day where the activity commences out of normal weekday working hours (or the 'noticing' hours specified in the technical specification).

4.5 Timing of applications and responses

The following table summarises the time periods of applications for permits and variations, and the time limits for the Authority to respond.

Table 1: Application and response periods

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 longest	1 calendar month	5 days	2 days
Standard	N/A	10 days		N/A	5 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 or by the technical specification (noting that current Street Manager specification states 28 calendar days response for a PAA)						

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

Where the street is non-strategically significant the permit start and end dates will allow for flexibility in the start of the activity. The starting window will be 5 working days for major and

standard activities and 2 working days for minor activities. Once the activity is started it must be completed within the duration period specified in the permit.

Where the street is strategically significant, the permit will not be valid before the start date stated on the permit and will cease to be valid once the end date has passed unless a variation is granted. If the activity start date is logged as starting later than the proposed start date then the activity will effectively have a shorter duration in which to be completed.

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

These constraints on the activity will be submitted as conditions (see Section 5) and will be taken into consideration by the Authority.

4.6 Content of permit applications

The information required for a permit application will include full details of the work to be carried out to enable the Authority to fully understand the scope of the activity being planned and to assess the impact on the road network, road users, residents and other nearby activities.

A permit application may only contain one street or USRN.

Some of the information listed below will be in the form of permit conditions (see Section 5). The requirements are set out in statutory guidance and HAUC guidance.

A permit application must include the following elements.

Reference number - Each application should include a unique reference number. Details of the numbering system is given in the technical specification.

Description of activity - A detailed description of the activity should be provided in plain English to enable the Authority to assess its likely impact. This must include:

- Details of the works being undertaken;
- Description of methodologies employed;
- Estimate of the excavation depth;
- 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; and
- Any other information pertinent to that activity.

Location - Promoters should give the USRN together with a textual location, and an accurate location based on National Grid References (NGRs). The minimum location that should be provided is one NGR in the centre of the excavation for small excavations or a polyline, where there is a long trench, as set out in the technical specification or other guidance. Where necessary, information about the space taken up by the activity in the street should also be provided. The textual description should match the NGR provided or the application risks being rejected.

Timing and duration – Durations need to accurately reflect the works to be undertaken. Each application for a permit should include proposed start and end dates, and to indicate whether the permit should allow for work at weekends and on bank holidays (where applicable). Additional information which might be required includes:

- For Strategically Significant Streets, details of the times of day the activity is to be carried out, including any proposal to work at night. If the promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, this should also be provided. All this information will be taken into account when determining permit durations and conditions; and
- For a major activity, where the dates on a permit application differ from those on the preceding PAA, the promoter should explain the reason(s) for the change.

Illustration - Works promoters may need to provide an illustration of the works where the activity is significant in terms of potential disruption. The Authority will be mindful of the added burden this may place on the promoter, and will only request an illustration where the additional information is necessary. This requirement may apply to any works type and may include details of the activity (plans, traffic management drawings, digital photographs, disruption calculations, etc.) and may be transmitted according to the technical specification or through email as agreed by the Authority.

Works on streets, or parts of a street, which are subject to a Special Engineering Difficulty (SED) designation, will require a plan and section or other specified information. Approvals for SEDs should be obtained before a full permit application is made.

Methodology for works - Details of the planned techniques, such as open cut, trench share, minimum dig technique or no dig should be provided.

Traffic Management - Details of the traffic management proposed will be required. This includes:

- Any requirement for action by the highway authority such as the need for Temporary Traffic Regulation Orders (TTROs/TTRNs), lifting of parking restrictions, and approval for portable light signals must be included, or referred to, in the permit application or PAA application ; and
- A TTRO will require a separate application and additional time to administer outside the permitting processes.

Depth – In general it will be assumed that the excavation depth will be less than 1.5 metre. Where the depth is expected to vary significantly, or where it will be greater than 1.5 metre, promoters should provide their best estimate of the excavation depth. While this may be expressed as a range, it should nonetheless provide a meaningful indication of the nature and extent of activity involved.

Reinstatement type - The application should wherever possible indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

Inspection units - The application should state the number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the current Inspections Code of Practice and associated regulations and guidance. Where there is trench sharing, only the primary promoter is required to give the inspection units.

Contact person - The application must include the name and contact details of the person appointed by the promoter to deal with any problems that may occur during the activity, including any provision made by the promoter for out-of-hours contact. The application should include the name of the main contractor carrying out the activity to help with consideration of the application and any discussions that need to take place before the permit is granted.

Proposed Conditions - Where there are constraints in the permit application, it must include conditions to support the application. This is provided for within Regulation 10. These conditions are based on the *Statutory Guidance for Highway Authority Permit Schemes – Permit scheme conditions*.

Permit conditions might be applicable to any activity and should be applied following due consideration.

Where necessary, the Authority will request that certain conditions be added to, or removed from, the application before issuing the permit.

Where the wording enables discretion (for times etc.), these should be reasonable, deliverable, and aimed at effective network management and the effective monitoring and management of activities.

The Authority must respond to a permit application as set out in the timing rules. The response may either grant the permit or refuse it, giving reasons (see Section 6).

4.7 Provisional Advance Authorisation (PAA)

Provisional Advance Authorisations (PAAs) provide a mechanism to plan in advance for major activities.

Unless the activity is to undertake remedial works (see Section 4.8), PAA enable promoters to provisionally 'book' road space prior to further planning and discussion with the Authority. A PAA must be followed-up by a full permit application within the required timeframes (see Section 4.5).

A PAA may only contain one street or USRN.

The PAA must be applied for at least three months in advance of the proposed commencement date of the works or as agreed with the Authority. An application for a PAA must specify proposed start and end dates. However, as it may be difficult to be certain of the start date three months before the event, the proposed start date is regarded as provisional and may be amended in the application for a final permit.

The detail supplied in, or in support of, a PAA is the same as required on a permit application. Although comprehensive information may not be available at this early stage, as much detail should be provided as possible to enable the Authority to adequately assess the submission.

The Authority must respond to an application for a PAA within one calendar month from the date the application is received by the Permit Authority (noting that this time limit might be reviewed in guidance or through the implementation of Street Manager which only allows for 28 calendar days). The response may either grant the PAA or refuse it, giving reasons (see Section 6).

The information contained within the PAA will provide confirmation as to whether the proposed activity has the potential to be especially disruptive to local residents, businesses or road users. In such circumstances, the Authority will require the promoter to provide advance publicity as the Authority deems necessary.

Where the Permit Authority decides that the promoter needs to provide additional information (such as traffic management drawings or plans), or undertake a publicity exercise prior to submission of the follow-up permit application, they will inform the promoter. This will be part of the ongoing planning and agreement process between the approval of the

PAA and the submission of the permit application. The promoter should provide this information or provide evidence or confirmation of the publicity exercises undertaken as part of the conditions of the full permit application.

Where a TTRO is required, the promoter may commit to apply for one as part of the PAA submission. If the promoter has not correctly applied for the required TTRO in advance of the permit application, the application might be refused.

It is recognised that the dates and the detail of the PAA should be considered as provisional. The promoter must inform the Authority as soon as possible if these details change significantly. As a PAA cannot be varied, only resubmitted, the Authority may decide that a new PAA is required if the changes are significant. Alternatively, the Authority may accept changes made as part of the full permit application at a later stage.

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

4.8 Phasing, interrupted and multiple activities

A phase of an activity is defined as 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.

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.

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.

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.

The promoter must clarify that an activity is to be carried out in more than one phase on the application. 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, reinstatement guarantee periods, etc).

Cross Boundary Activities

Where an activity or project crosses the boundary between authorities, or where it is anticipated that an activity may impact the network of a neighbouring authority, the promoter should take this into consideration when planning the activity and ensure that the neighbouring authority is also engaged early on in the planning process.

Early discussion with both authorities will help avoid conflicting requirements. A separate permit may be required for each authority.

Projects

Activities involving more than one street could form part of one project in management and contractual terms but separate permits and Provisional Advance Authorisations will be required for each street.

Interim to permanent reinstatements

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 should be used. ("cross referenced" to the original activity).

Remedial works

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

Where remedial works fall within the definition of major works, a PAA will not be required.

Where remedial works fall within the definition of 'emergency' or 'urgent' works or are required to remedy dangerous defects, the activity will be categorised as immediate.

Severable works

The definition of emergency works in Section 52 of NRSWA provides that items of work which "cannot be reasonably severed" from the emergency works are regarded as part of them. The same test applies to urgent works.

Typically, immediate activities shall consist only of a repair to end the emergency, or restore the service, and complete the necessary reinstatement. Follow-up activities undertaken to provide a permanent solution are "severed" and subject to a separate permit application, using the same works reference as the original activity ("cross referenced" to the original activity).

Interrupted activities

There may be circumstances where a promoter is unable to complete their activity in one phase as originally intended. This may be due to difficulties that could not have been reasonably foreseen, for instance adverse weather conditions or an engineering complication. The promoter should contact the Authority as soon as this becomes apparent.

If the Authority is content for the excavation to remain open, a permit variation will be required to extend the current permit. It should be noted that the Authority may not consider the reason for the extension to be acceptable and may not extend the 'reasonable period'. In this case, the activity would be subject to Section 74 overrun charges.

If the Authority requires the excavation to be closed down, reinstated, and returned to use, then agreement should be sought from the Authority on the timing of the subsequent permit to complete works at a later date.

Whenever an activity is interrupted, the promoter must first agree a way forward with the Authority before starting any of the processes above. Failure to do so may result in the Authority treating the subsequent application as an illegitimate use of activity phases.

Third Party Damage

If the activity is interrupted because the promoter or contractor has caused third party damage, then it is the promoter's responsibility to seek the Authority's approval for a permit variation to allow the damage to be repaired.

In the interest of good practice, a permit is required by the third party while they are undertaking these works, to enable the Authority to identify that another party is working at this location. This permit will not be chargeable and nor will Section 74 charges apply to the third party.

The normal notifications and timing rules apply to the third party permit application although in the interests of expediency an 'early start' should be requested for the subsequent permit application and the promoter is expected to complete the repairs without unreasonable delay.

The activity site and the reinstatement remains the responsibility of the original promoter until it is able to clear site and issue a Works Stop notification, unless otherwise agreed between all promoters and the Authority.

4.9 Illegitimate Phasing of Activities

The Authority may grant a subsequent permit with start and finish dates to allow the initial activity to be completed, 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 promoter, before all those works specified in the works description given by the promoter are completed, to avoid an overrun under Section 74 occurring.

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.

4.10 Early start requests

An activity must not start before the expiry of the application period except where an early start (a reduction to the minimum notice period as set out in Table 1) has been agreed with the Authority.

The Authority will allow an early start to a permit providing that:

- It does not conflict with other activities;
- There is a legitimate reason for the request and it is not a result of poor works planning by the promoter; and
- Promoters do not use early starts regularly to conceal poor works management.

The Authority will generally follow the advice set out in HAUC guidance or the technical specification, unless it is reasonable to amend this policy due to promoter disregarding their obligations or due to ongoing performance issues that are not being addressed, such as poor works planning and/or management.

5. Conditions

5.1 General principles

The scheme uses standardised conditions issued as *Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions*. The scheme will adhere to any future changes introduced through statutory guidance.

Permit conditions might be applicable to any activity and it is for the promoter to supply the required conditions as part of their permit application or permit variation.

Where the Authority considers it necessary and appropriate to apply conditions that differ from the proposals in the application, the Authority will either refuse the permit or request a modification stating the reasons for the request.

5.2 Mandatory conditions

Certain conditions apply to all permits, or permits for certain kinds of activity in all cases. The scheme 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.

The following conditions apply to all permits:

- NCT 11a: It is a requirement of the scheme that the unique works reference number will be displayed on the site at all times. The works reference number is as described in the technical specification or set out in statutory guidance relating to permit conditions; and
- NCT 1a and 1b (covering strategically significant streets and non-strategically significant streets). It is a requirement of the scheme that the permit will specify the start and end dates of the permit, which may include weekends or bank holidays.

5.3 Conditions placed on immediate activities

Immediate activities are by definition emergency or urgent and therefore may commence without a permit being in place. Regulation 13 provides for the Authority to impose conditions on an activity that is not yet the subject of a permit.

City of York Council will require any immediate activity using temporary traffic signals on streets identified as Strategically Significant (as identified in the local street gazetteer) to be manually controlled during the period identified as traffic sensitive. This requirement will be addressed through national condition “NCT08b Manual control of traffic management”.

Should a promoter require a road closure, the scheme requires that the promoter contacts the Authority by telephone prior to, or within two hours, of works starting on site, in addition to the normal permit notification. This should be referenced as “Authority has been contacted to advise of road closure”.

Conditions can be discussed and agreed between the promoter and the Authority within the two-hour period between an immediate activity starting on site and the issuing of the immediate permit application. Alternatively, conditions may be requested or applied following the permit being issued, using the necessary responses set out in the technical specification. This may be as a result of the permit assessment or following a site inspection.

Failure to comply with conditions may leave the promoter liable to a criminal offence.

6. Permit responses and changes to the application prior to the permit being granted

The scheme will follow the communications protocols set out in the technical specification for requesting modifications to permit applications. Third parties who have an interest in a particular street (as defined within the ASD) will be copied into responses.

6.1 Granting a permit application

Issuing a permit

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” notification. The timescales for responding to a PA or PAA are set out in Table 1 and given in statutory guidance.

Each permit issued will be given a unique reference number. Details of the numbering system are given in the technical specification.

Deemed permits

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

In these situations, the 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.

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 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.

In these cases, the 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 will be waived by the Authority.

6.2 Modifying a permit application

A promoter may submit a modified application at any point before the previous version has been assessed and responded to by the Authority.

If further information is required, 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.

If a modification application is not subsequently submitted within the required timeframes then in accordance with Regulation 16(3) the Authority will consider the application refused.

The technical specification and HAUC guidance sets out the requirements in more detail.

6.3 Refusing a permit application

The Authority cannot refuse legitimate activities. However, if the application does not contain the required information, and a request for a modification (section 6.1) is not suitable, the Authority will refuse the permit.

The reasons for refusal will be stated clearly so that the promoter is able to amend their subsequent application. The scheme will follow the HAUC guidance and the technical specification on permit responses where practical.

Where an application has been refused and the promoter is able to submit a suitably amended application that requires an early start 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.

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 a different period. The refusal should clearly state a suitable timeframe, or invite the promoter to contact the Authority to discuss acceptable options before applying for a new permit.

6.4 Responding to an immediate application

Immediate works will have started on site prior to the application being received or assessed. An immediate application should not be refused outright, as this might lead to a situation where the promoter is forced to work illegally.

Promoters should endeavour to make sure that all immediate permits are as accurate as possible with as much detail as possible including any conditions that they feel are pertinent to the works (noting those required and set out in Section 5.3).

If an application does not provide the required information to the satisfaction of the Authority the Authority will seek to discuss the problems with the promoter in the first instance, and if necessary follow this up by granting the permit and submitting an imposed change notification once suitable corrective action to the permit has been agreed. The permit will remain valid and now include the amendments stated on the imposed change notification.

The Authority will treat immediate permits as high priority to ensure that any required permit changes can be made by the promoter before the works are completed, thus not creating any coordination or administration issues at a later date.

The fee for any modified application submitted because of an Authority imposed variation will be waived.

If the information contained in the immediate application has significant errors and the Authority feels it is not possible to request or impose a change, the Authority will contact the promoter. The Authority will then refuse the application and request that a new permit application to be submitted without delay. Typically, this situation might arise where the technical specification does not allow certain changes to an application.

6.5 Responding to a Provisional Advance Authorisation

A PAA is not a permit application. However, the process for the submission and assessment of a PAA closely follows that of a permit application. The Authority will follow the process detailed above, and may either grant the PAA or refuse it, giving reasons.

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

7. Permit variations and modifications

7.1 General principles

In accordance with Regulation 15, the scheme allows for permits to be varied by both the promoter and the Authority. The method and content of applying for a variation notification are summarised below with more detailed information available in the technical specification or in other guidance. A permit variation needs to be agreed before the permit expires or passes its end date. There is a fee for a permit variation.

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 promoter must inform the Authority of the proposed changes and the Authority will indicate whether a new PAA is required or the new information can be included in the permit application.

7.2 Variations initiated by the promoter

From time to time a promoter will need to apply for a justifiable variation to a permit and/or its conditions. Situations where a variation may be needed include:

- Information included in the original application was inaccurate or unrealistic;
- The location or the method of working has changed; or
- The promoter requires an extension to the agreed duration.

The Authority recognises that it should not prevent necessary activity, so the variation is likely to be granted, notwithstanding the principles set out in NRSWA Section 74 and the quality of the amended information. The Authority may also require the conditions attached to the original permit to be varied or new conditions added if the changes to the permit warrant it.

Applying for a variation

The 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 check that the proposed variation is appropriate and reasonable.

Regulation 15 (2) and statutory guidance 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 longest, the promoter must apply for a variation electronically. This is to ensure that the variation is captured within the Authority's mandatory response time;
- In any other case, the promoter should first telephone the Authority, to ascertain whether the Authority is prepared to grant the variation. If the Authority agrees, the variation must then be applied for electronically.

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

Any USRN-related data (i.e. street name, area, highway authority, works reference number) cannot be changed, therefore a new permit will be required if these details change.

If the Authority is content that all the information contained in the variation 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” response.

The Permit Authority will respond to a variation request within the required timeframes (see Table 1).

Duration extension request

Extending a permit duration is a specific form of permit variation.

In certain situations, a promoter may not be able to complete the works within the original permit duration and an extension to the permit may be required.

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

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 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 but issue a duration challenge to the NRSWA ‘reasonable period’. This will ensure that the promoter is operating with a valid permit in place, but allow the Authority to use its powers provided under Section 74 NRSWA.

Although the Authority may grant a permit extension to minimise the disruption of a return visit in some cases, in other cases, it may be necessary for the promoter to vacate the street to allow another activity to take place or to open up space for traffic. In these situations, the Authority will work with the promoter to clear the site as soon as possible, and the promoter must submit a new application to complete the activity at a later date.

An extension request must follow the rules set out above. Duration variations submitted electronically where there is less than 20% or two days of the activity duration remaining, may lead to a duration challenge outright.

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

Multiple excavations

Immediate activities may require the promoter to make several registerable openings in a street, for instance to locate a fault or a leak. The promoter must submit the first permit application detailing the location of the initial excavation within two hours of starting work.

The promoter must telephone the Authority within two hours and give the location for further excavations on the same street within 50 metres of this initial excavation. No permit variation will be required and therefore no charge will be applied.

Where the additional excavations are more than 50 metres from the first, a permit variation application will be required. The Authority may opt to waive the variation charge if the activity and notifications are managed well.

Further excavations will be dealt with in the same way as these two examples, in 50-metre bands.

If additional excavations are carried out in different streets (different USRN), or at a location that is substantially separate from the previous excavations, a separate permit should be applied for.

If the promoter has made all reasonable efforts to contact the Authority by telephone and cannot, they should record that and send the message electronically.

Although the above examples relate to immediate works, there may be scenarios where such a process may be followed for other activity types. The promoter should contact the Authority first to gain approval before initiating this process.

It should be noted that all excavations must be accurately recorded upon registration of the works (section 70 NRSWA).

7.3 Changes initiated by the Authority

Once a permit is issued, the promoter should have reasonable confidence that the road space will be available to them. Nevertheless, there may be circumstances that necessitate a change in either the permit or its conditions. For example, a requirement to change the traffic management, or amend some conditions because of safety issues or extra traffic being diverted onto the road, etc.

The Authority will contact the promoter as soon as it becomes aware of a potential problem to discuss the best way to deal with the situation. It is vital that both parties work together to ensure the circumstances on the ground can be properly coordinated and managed, while ensuring the promoter can best control their changing situation to minimise further inconvenience and disruption and expedite the works swiftly.

If changes to the activity are required and agreed, a permit variation detailing the new terms should be applied for by the promoter which can then be granted. It may be necessary for the Authority to first send a comment to clarify the changes required or to confirm the outcome of other communications.

It is possible for the Authority to impose a change to the permit conditions of a permit directly but this should only take place if the request is reasonable and the site or the promoter has already been informed.

It may be that instead of a permit variation, a new permit is required, particularly if the promoter is required to suspend their operation or leave site. This should be agreed first between the Authority and promoter.

The Authority recognises that requesting a variation to a permit may cause substantial disruption to the promoter. However, where agreement cannot be reached, the Authority may take other steps as necessary, including revoking the permit or sanctions under NRSWA. The promoter should comply with reasonable requests made by the Authority however may invoke dispute resolution procedures after the event.

No fee is payable for permit variations initiated by the Authority, unless at the same time the promoter seeks variations which are not the result of the circumstances causing the Authority action.

7.4 Suspension, postponement or cancellation of a permit

There is no mechanism in the regulations to formally suspend or postpone a permit, only for varying or revoking it.

If the Authority has to suspend or postpone an activity which has already been granted a permit, the Authority will use the permit variation provisions as described above to enforce the change of dates. No fee will be charged where this has been initiated by the Authority.

Suspension or revoking a permit

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

The Authority will inform the promoter immediately if it becomes necessary to do so and allow a reasonable timeframe for the promoter to either, suspend its activities pending an agreement to continue working, or to make the site safe and leave site. Where necessary the Authority may use its powers under Regulation 18 to clear the street or take any other action necessary.

The Authority should consider whether other sanctions are more suitable than, or necessary in addition to, the revoking of a permit.

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 it is revoked by the Authority through no fault of the promoter, in which case there will be no charge for a replacement application.

Where a permit was granted but subsequently revoked by the Authority prior to commencement of the specified works, the Authority will refund the permit fee in full, where the revocation is no fault of the permit holder.

7.5 Cancelling a permit

If works have not started and the permit is no longer required, it is essential that the permit is cancelled as soon as possible to allow the road space to be made available for other works promoters and to maintain up to date accurate information within the street works register. The method of cancelling an application or permit is set out in the technical specification.

The scheme encourages promoters to cancel unwanted permits to help free up road space and improve the management of the network.

If possible, promoters should contact the Authority in advance when cancelling an activity on a strategically significant street where active traffic management was proposed or where a TTRO is in place. This contact should be as far in advance as possible of the proposed permit start date, so that the Authority can put in place any mitigating action it considers necessary.

There is no fee for cancelling a permit, although the charge for issuing the permit originally will remain payable.

Any activity that takes place after a permit is cancelled may constitute a criminal offence.

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 technical specification details how these situations should be dealt with.

8. Permit charges

Under Regulation 30, statutory undertakers can be charge a fee in the following circumstances:

- The submission of an application for a Provisional Advance Authorisation (see below for specific circumstances);
- The issue of a permit;
- The variation of a permit or of the conditions of a permit; and
- The difference between fees for an activity when it moves from one works category to another.

8.1 Fee levels

Fee levels adopted by City of York Council are presented in **the separate Fee Levels document**. The fees are considered proportionate to the significance of the streets where works are planned and the likely amount of work required for the Authority to effectively coordinate and manage activities.

In accordance with the statutory guidance, major activity permit fees are split into three bands depending on the duration of the works.

A PAA will only be charged on receipt of an associated permit application (i.e. where it is received and a subsequent permit application is also received) irrespective of the outcome of the assessment of either of these applications.

8.2 Waiving permit fees

Regulation 30 also provides a mechanism for discounting or waiving the normal permit fee. Under the City of York scheme a promoter will not be charged a fee in the following cases:

- The promoter is a highway authority or is carrying out works for road purposes;
- A permit is deemed to be granted because the Authority had failed to respond to an application in the time required;
- Immediate works completed wholly within a weekend, only if the works stop notice has been received prior to the Authority assessing the permit;
- A permit variation is initiated by the Authority;
- The Authority has to revoke a permit through no fault of the promoter (no charge for a replacement permit or the revoked permit charge shall be refunded);
- 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; and
- A permit application is submitted 'for information only' or for coordination purposes and does not fall under the definition of a registerable activity, or specifically in the case of a permit application submitted to identify signal heads on a junction that is not part of the main works area.

8.3 Reduced permit fees

A discount of 30% will be applied in the following situations.

Collaborative works

Regulation 31(4) provides for a permit fee discount where 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, or any other activity on the highway that the Authority sees fit to include.

Multiple applications for single activity

A discount will be applied where a 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 need to go round a corner from one street into another. It is not intended to cover area wide projects in a single permit.

Working only outside traffic-sensitive times

The scheme offers a 30% discount for works in traffic-sensitive streets where those works take place wholly outside traffic-sensitive times, in accordance with Amendment Regulation 12 (b) which amends Regulation 30.

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, at the discretion of the Authority 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 significant change of traffic management/control, when operatives are not working on site.

Suitable permit conditions must be attached and it will be necessary to gather evidence from site (for instance photos or inspection records) to show that this condition is being maintained for the duration of the activity or as agreed. These instances will need to be agreed with the Authority in advance of the activity taking place i.e. within the permit application itself or by other means.

8.4 Other situations where a fee may be reduced

The Authority may reduce a permit charge at its discretion where it feels it is reasonable to do so. Some example of such situations might include:

- Where a permit that is granted and subsequently cancelled due to circumstances beyond the promoter's control, where no works have taken place;
- Immediate works that are completed (i.e. a Works Stop notification has been received) before the Authority has had the opportunity to assess the permit application. For instance where the activity took place outside of normal working hours. It should be noted that there are still a series of task assessments undertaken on such a PA and subsequent notifications and so any discount may take into account the work required to ensure accuracy and timeliness of the submission;
- Where a permanent first time reinstatement is carried out on a Section 81 defect within the response time of that specific Section 81 defect (e.g. five working days for non-emergency defects), City of York Council will waive the permit fee following a successful reinstatement inspection, and

- Planned works where the promoter has identified a failure to send a permit application and wishes to remedy this. It should be noted that if this situation occurs often then the Authority may charge the full fee, and may also consider other sanctions.

The Authority will take into account HAUC guidance on the matter of discounts and consider any discounts or requests in a reasonable manner.

8.5 Invoicing

The Authority will provide a schedule of charges to each promoter each month in the form of a 'draft invoice', for review and reconciliation with their own systems.

Following this submission, the promoter will have a two-week period to respond with any query or dispute.

Following agreement with the promoter or after the end of the two-week period, the Authority will submit a final invoice under its normal terms of payment.

8.6 Fee review

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 set out in Regulation 29. The outcome of the fee review will be published on the Authority's website.

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

9. Permit offences and sanctions

9.1 Permit offences

The Regulations create two offences for statutory undertakers:

- Regulation 19 - 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; and
- Regulation 20 - 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.

Permit offences do not apply to the Authority's activities. The Authority will however monitor these activities in the same way as those of statutory undertakers to ensure a consistent approach.

9.2 Sanctions

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

- Issue a notice to take remedial action;
- Issue a Fixed Penalty Notice (FPN); or
- Prosecution.

Remedial action

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

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

Fixed Penalty Notice (FPN)

Regulations 21 to 28 (and the Schedules set out in the Regulations) enable the Authority to issue FPNs in respect of the criminal offences. FPNs may be issued in the format provided by the technical specification.

FPNs 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 permit condition, the penalty is £120 and the discounted amount £80.

FPNs may not be given more than 91 calendar days after the offence, beginning on the day on which the offence is committed.

Prosecution

Where a FPN has been issued for an offence and has not been paid after 36 days, or 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 FPN has been paid, no prosecution can be brought in relation to the offence.

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

9.3 Dispute procedures

The Authority and promoters will 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.

If an agreement cannot be reached locally on any matter arising under this permit scheme or the associated HAUC guidance or regulations, the dispute will be addressed as set out in the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters.

9.4 Application of proceeds from sanctions

Regulation 28 states that the authority may deduct the costs of operating the FPN scheme from the fixed penalties received under section 37 (6) of the TMA. The authority must then apply the net proceeds to promoting and encouraging safe, integrated, efficient, and economic transport facilities and services to, from, and within the area covered by the scheme.

10. Transitional Arrangements

As required in Regulation 3, the Authority will give a minimum of four weeks' notice of the commencement of the scheme (changeover date), following the Order being made, to all those previously consulted on the permit scheme.

City of York Council intends to commence the permit scheme no later than April 2021.

The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime. The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.

The permit scheme will apply to all activities where the administrative processes, such as application for a permit (PA) or Provisional Advance Authorisation (PAA), starts after the changeover date.

Activities which are planned to start on site more than one month after the changeover date (for standard, minor and immediate activities) or three months (for major activities as required) 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 promoter will have to apply for a permit.

The Authority will proactively examine the street works register in advance of implementation to help identify those notices that may need to be amended in this way in advance of the scheme commencement and throughout the first month of operation.

Any other activities which started under the notices regime will continue under that regime until completion.

Waiving of fees during transition

The Authority proposes to operate the first calendar month under the permit scheme with no charge for permits issued.

This bedding-in period will allow a transition that will not penalise genuine mistakes and allow both the Authority and promoters to work closely together to ensure the first month of the permit scheme implementation concentrates on the important aspects of the scheme and provides an opportunity for concerted dialogue.

11. Monitoring the scheme

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

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. These Traffic Performance Indicators (TPIs) are included in Annex A of the statutory guidance and listed below. They may be redeveloped by the DfT and/or HAUC (England) and may be subject to change from time to time. The scheme will include the latest TPI requirements. Current TPIS include:

- 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; and
- TPI 7 - Number of phase one permanent registrations.

TPIs and any other performance measures that the Authority intends to use, will be published monthly by the Authority and will be made available on the Authority's website and at performance and coordination meetings.

As required by Regulation 16A, an annual report will be produced by the Authority, where the measures will be analysed more fully to evaluate the scheme. The scheme will be evaluated every twelve months for the first three years and then every three years thereafter.

12. Disapplication and modification of NRSWA

12.1 Regulations 36 and 37

The permit regulations disapply or modify certain sections of NRSWA.

Table 2 presents an overview of these changes, listing the duties of promoters and street authorities under NRSWA which are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations, or have been modified to accommodate the issuing of permits rather than the exchange of notices. Detailed descriptions of the NRSWA sections and revisions under TMA are provided in statutory guidance.

Table 2: Parts of NWSRA modified by the permit scheme

NRSWA sections		Change	Permit Regulations – revised arrangements
S53	The street works register	Disapplied	Permit regulations prescribe similar provisions for permit registers
S54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorisation.
S55	Notice of starting works	Disapplied	Replaced by applications for permits
S56	Power to direct timing of street works	Disapplied	Replaced by permit conditions and variations, including those initiated by the permit authority.
S57	Notice of emergency works	Disapplied	Replaced by applications for immediate activities.
S66	Avoidance of unnecessary delay or obstruction	Disapplied	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. 24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.
S58	Restriction on works following substantial road works	Modified	The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58(5) to (78). 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
S58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits.
S64	Traffic-sensitive streets	Modified	Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.

NRSWA sections		Change	Permit Regulations – revised arrangements
S69	Works likely to affect other apparatus in the street	Effectively extended	Permit regulations create an equivalent requirement on highway authority promoters.
S74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit regulations make provision to operate in parallel with permits.
S88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits.
S89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with permits.
S90	Provisions as to reinstatement of sewers, drains or tunnels	Modified	Modified to work in conjunction with permits.
S93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with permits.
S105	Minor definitions	Modified	Modified to work in conjunction with permits

It should also be noted that the wording for paragraph 7(a) of the Schedule to the *Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007* has been modified by Regulation 38.

Appendix 1 – Registrable activities

Registrable activities as listed in the NRSWA 1991 Code of Practice for the Co-ordination of Street Works and Works for Road Purposes (4th edition, October 2012).

Registerable activities

The following works are registerable and therefore specified works for all promoters. Information related to them has to be recorded on the register and may only take place with a valid permit.

1. All activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation);
2. All activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times;
3. 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;
4. All activities that reduce the number of lanes available on a carriageway of three or more lanes;
5. All activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities; and
6. All activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time.

It is for promoters to ensure that permit applications for such activities are made and that a permit has been subsequently approved in order for the activity to be carried out.

Non-registerable activities

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 result in changes to the normal pattern of traffic flow;
- Pole testing which involves excavation only requires a permit if rules 2 to 6 for registerable works apply. In all circumstances, a registration notice under Section 70 (3) of NRSWA should be sent within 10 days of completion;
- Testing of fire hydrants by fire service vehicles, provided the work is done outside traffic-sensitive periods;
- Road marking works that are not part of other works, unless one or more of the rules 2 to 6 for registerable works apply;
- Core holes not exceeding 150 mm in diameter, unless one or more of the rules 2 to 6 for registerable works apply;
- When bar holes are carried out to detect and monitor gas leaks, and it is known that no further activity in the street is required. A registration notice under Section 70 (3) of NRSWA should be sent within 10 days, once final monitoring checks have been

established. The bar holes will count as a single excavation and reinstatement for registration purposes. However, an immediate permit must be sent in accordance with the timing rules (see Section 4) where any further activities associated with the bar holes take place that are registerable; and

- Licences for executing works in the public highway to install or maintain apparatus (where the promoter is not a Statutory Undertaker) do not require a permit, however a licence will be issued under Section 50 NRSWA, in line with the permitting requirements of the scheme, and the activity will be entered onto the street works register to aid coordination.

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STREET WORKS PERMIT SCHEME

TRAFFIC MANAGEMENT ACT 2004

Annex B - Draft fee levels for approval

City of York Council

November 2020

Permit charges

Under Regulation 30, statutory undertakers can be charge a fee in the following circumstances:

- The submission of an application for a Provisional Advance Authorisation (see below for specific circumstances);
- The issue of a permit;
- The variation of a permit or of the conditions of a permit; and
- The difference between fees for an activity when it moves from one works category to another.

Fee levels

Fee levels adopted by City of York Council are presented in Table 1 and are considered proportionate to the significance of the streets where works are planned and the likely amount of work required for the Authority to effectively coordinate and manage activities.

In accordance with the statutory guidance, major activity permit fees are split into three bands depending on the duration of the works.


Table 1: Permit scheme fee profile

Activity/application type	Strategically significant streets*		Non-strategically significant streets	
	City of York permit scheme	Maximum allowable (DfT)	City of York permit scheme	Maximum allowable (DfT)
Provisional Advance Authorisation	£91	£105	£63	£75
Major Activity (11 days or more)	£211	£240	£124	£150
Major activity (4-10 days)	£109	£130	£67	£75
Major activity (1-3 days)	£64	£65	£44	£45
Standard Activity	£109	£130	£67	£75
Minor Activity	£64	£65	£44	£45
Immediate Activity	£59	£60	£39	£40
Permit variation (all works category)	£45	£45	£35	£35

*Strategically Significant Streets (SSS) include:

- Traffic sensitive streets - designated in accordance with the criteria set out in Regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007; and
- Streets which fall into reinstatement categories 0, 1 or 2 - defined in the Specification for the Reinstatement of Openings in Highways.

A PAA will only be charged on receipt of an associated permit application (i.e. where it is received and a subsequent permit application is also received) irrespective of the outcome of the assessment of either of these applications.

	
COUNCIL MANAGEMENT TEAM	Date of meeting
Report of the Director of Economy and Place	XXXXXX

Street Works – Changing from noticing to a permitting scheme

Annex C - Statutory consultation summary

A public consultation on a draft permit scheme took place in August-October 2020, in compliance with Regulation 3 of the Traffic Management Permit Scheme (England) Regulations 2007¹.

Consultation process

A notice was published on City of York Council's website at www.york.gov.uk/consultations and emails providing information on the consultation were sent to statutory consultees and key stakeholders as follows:

- Utilities and contractors, including: Barhale, BT Openreach, City Fibre, Fast Flow; GHD/Galliford Try; Global Surveys, IETG, Jacob Field Services, Mott MacDonald Bentley (MMB), Morrison Utility Services, Network Plus, NMCN, Northern Gas Networks, Northern Powergrid, O'Connor Utilities Limited, Peter Duffy Limited; RPS, Sapphire Utility Solutions Ltd, Virgin Media, Vodafone, Yorkshire Water;
- Local bus operators;
- Emergency services;
- The neighbouring local authorities of North Yorkshire and East Riding; and
- The Department for Transport.

¹ Regulation 3 states:

"Consultation for new permit schemes

3.—(1) Prior to submitting a permit scheme to the Secretary of State under section 33 of the 2004 Act, the Permit Authority shall consult—

(a) every person who carries out works in the proposed specified area from time to time, to the extent the Permit Authority is aware of them doing so;

(b) every local authority other than the Permit Authority in whose area is situated any street to which the proposed permit scheme relates;

(c) where any street to which the proposed permit scheme relates is in Greater London, Transport for London;

(d) where any street to which the proposed permit scheme relates is in the passenger transport area of a Passenger Transport Executive, the relevant Passenger Transport Executive;

(e) the emergency services which operate in the proposed specified area;

(f) the Secretary of State;

and such other persons as the Permit Authority considers appropriate."

Consultation responses

Responses to the consultation were received from the following stakeholders, with comments and issues and CYC's response summarised in the table below:

- Northern Powergrid;
- BT Openreach; and
- Virgin Media.

Comments or issues	Raised by	CYC response/ amendments
General comments on the Street Works Permit Scheme issued for consultation		
There are several references to a Technical Specification. Please clarify which technical specification this is referring to.	Northern Powergrid	<i>Section 1.3 defines the term and has been updated to reflect the move to Street Manager.</i>
Please confirm where strategically significant streets are defined in regulations/guidance.	Northern Powergrid	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 the Specification for the Reinstatement of Openings in Highways. <i>Information added to Section 3.4 for clarity.</i>

Comments or issues	Raised by	CYC response/ amendments
Openreach would also like further clarification/discussion around the volume of highway works compared to utility works.	BT Openreach	This information can be provided separately based on Street Manager records. <i>No amendment required.</i>
Comments on Section 1 Introduction		
<p>Section 1.2</p> <ul style="list-style-type: none"> • Virgin Media acknowledge that the proposed start date of the new Permit Scheme will be no later than April 2021 (pending outcome of consultation process) • Virgin Media acknowledge that City of York Council will operate the Scheme in a manner that facilitates infrastructure projects and asks if this includes the continued roll out of superfast broadband within their area? 	Virgin Media	The Authority will operate the scheme in a manner that facilitates nationally important infrastructure projects. This includes the roll out of superfast broadband. <i>No amendment required.</i>
Comments on Section 2 Scheme objectives		
<p>Section 2.1</p> <p>Virgin Media agrees with the key factors highlighted regarding better planning, scheduling and management of activities to minimise disruption to any road user or pavement user. Virgin Media agrees that an overall drive to further improve the timing and duration of works to minimise disruption, where safe and practical to do so is a good thing however believe the current co-ordination process allows for this without the need for a Permit Scheme.</p>	Virgin Media	The Department for Transport's Statutory Guidance for Highway Authority Permit Schemes states that " <i>the Department for Transport considers that well-designed, outcome-focused, and reasonably implemented permit schemes provide the best method of managing a highway authority's road network and the works that take place in or on the public highway</i> ". City of York Council[s approach is in line with this guidance. <i>No amendment required.</i>

Comments or issues	Raised by	CYC response/ amendments
Comments on Section 3 Scope of the Scheme		
Section 3.2 Virgin Media recommend as per the DfT that only CAT1&2 or traffic sensitive streets have fees attached.	Virgin Media	See “Comments on Proposed Permit Scheme Fee Levels” below.
Section 3.5 Activities covered by the scheme - To future proof your scheme, we suggest you remove this as it will no longer be in the code of practice for coordination which is currently HAUC guidance	BT Openreach	<i>List from Code of Practice moved to Appendix 1.</i>
Comments on Section 4 Principles of permit applications and responses		
Section 4.6 Reference is made to March 2015 statutory guidance should be 2020	Northern Powergrid	The guidance was updated in 2019 and the updated guidance came into force in July 2020. <i>This has been amended in the document, also in Sections 1, and 5.1.</i>
Section 4.8 Clarity of phases on application may not always be possible. Virgin Media recommend revising the word ‘must’ to ‘should’	Virgin Media	A variation can be submitted if phases change. <i>No amendment required.</i>

Comments or issues	Raised by	CYC response/ amendments
<p>Section 4.8 Interrupted Works: Virgin Media would not be expected to pay for another Permit if City of York Council directs Virgin Media to close down works and reinstate if Virgin Media are not at fault.</p>	Virgin Media	<p>This is included in the scheme: Section 7.3 states <i>“No fee is payable for permit variations initiated by the Authority, unless at the same time the promoter seeks variations which are not the result of the circumstances causing the Authority action”</i>. Section 7.4 states <i>“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 it is revoked by the Authority through no fault of the promoter, in which case there will be no charge for a replacement application.”</i> No amendment required.</p>
<p>Section 4.8 Third party damage - It is the 3rd Party's responsibility to submit a permit application</p>	Northern Powergrid	<p>NRSWA Code of Practice for the Co-ordination of Street Works, paragraph 2.10 states: <i>“If works are interrupted because the undertaker, or his contractor, has caused third party damage, then it is the undertaker’s responsibility to notify the authority of a revised estimated end date, taking into account the likely duration of the repair works. The works remain the responsibility of the original undertaker until it is able to issue a Works Clear or Works Closed notice”</i>. No amendment required.</p>
<p>Section 4.10 Clarity as to what specifically would constitute ‘ongoing performance issues that are not being addressed’?</p>	Virgin Media	<p><i>Text added to define in line with Section 4.10: “such as poor works planning and/or management”</i>.</p>

Comments or issues	Raised by	CYC response/ amendments
Comments on Section 5 Conditions		
<p>Section 5.3 Conditions placed on immediate activities - Manual control of PTS cannot be imposed as a blanket condition. The requirement is site specific and must be agreed.</p>	Northern Powergrid	<i>Wording of Section 5.3 revised to make clear that the Authority will require manual control of traffic management for immediate activities taking place on Strategically Significant Streets.</i>
<p>Section 5.3 Conditions placed on immediate activities - Road closures - if this notification is required the streets should be identified in the gazetteer.</p>	Northern Powergrid	Section 3.4 states “Designations for each street in the local street gazetteer are provided in the Authority’s ASD”. <i>No amendment required.</i>
Comments on Section 6 Permit responses and changes to the application prior to the permit being granted		
<p>Section 6.4 Please explain where the 2 hr response requirement is supported in regulations/guidance.</p>	Northern Powergrid	<i>This has now been amended to describe the use of Imposed Change Notifications as per HAUC Guidance. An Imposed Change Notification will generally be used when needing to amend an immediate permit and once issued, the permit includes the amendments stated on the imposed change notification.</i>
<p>Section 6.4 Guidance states that immediate permits should not be refused</p>	Northern Powergrid	Modification requests cannot be used for immediate works (HAUC guidance section 5.3). HAUC guidance states “any required changes to immediate permits should be requested via the issue of the HA Imposed changes notification after a Grant response has been issued”. However, the authority reserves the right to refuse an immediate works permit if it includes significant errors. The authority would then request a new permit to be submitted. <i>No amendment required.</i>

Comments or issues	Raised by	CYC response/ amendments
Comments on Section 8 Permit charges		
Section 8.1 Typo "Feel Levels"	Northern Powergrid	<i>Typo corrected and document title updated.</i>
Section 8.1 Virgin Media acknowledges a PAA will only be charged on receipt of an associated Permit application	Virgin Media	
Section 8.3 Virgin Media acknowledges reduction of fees when working collaboratively	Virgin Media	
Section 8.4 Other situations where a fee may be reduced - Please define what respective response times are.	Northern Powergrid	<i>Example of five working days for non-emergency defects added in Section 8.4 for clarity.</i>
Section 8.4 Other situations where a fee may be reduced - If Immediate works stop notifications have been sent prior to approval there is no charge. Currently HAUC Guidance says Immediate works completed wholly within a weekend: It is recommended that no fee should apply.	Northern Powergrid BT Openreach	<i>Immediate works completed wholly within a weekend added to Section 8.2 Waiving permit fee (in line with HAUC guidance).</i>
Comments on Section 9 Permit offences and sanctions		
Section 9.2 Prosecution - incorrect non-payment timescale stipulated	Northern Powergrid	<i>Changed to 36 days.</i>
Section 9.3 Virgin Media acknowledges that any dispute of a Permit should be resolved locally. As Virgin Media works often have tight deadlines waiting for review from HAUC can often cause customer led timescales to be missed.	Virgin Media	<i>As stated in Section 9.3. No amendment required.</i>

Comments or issues	Raised by	CYC response/ amendments
Comments on Section 10 Transitional Arrangements		
The transition arrangements should allow minor, standard works notified prior to scheme commencement and starting within the first month of the permit scheme to be completed under noticing. Likewise Major works starting within 3 months should also continue under noticing. see Sec 9.7 of the Stat guidance for HA permit schemes	Northern Powergrid	<i>Section 10 text amended in line with statutory guidance.</i>
Virgin Media acknowledges Permits will be waived for the first month of operation of the new Scheme.	Virgin Media	Permit fees will be waived but permits will be required. <i>No amendment required.</i>
Virgin Media requests Fixed Penalty Notices (FPNs) be suspended for the first month of operation of the new Scheme in the spirit of the waived Permits to not penalise genuine mistakes.	Virgin Media	Request rejected as FPNs are imposed for offences and these are similar to offences under the noticing regime. <i>No amendment required.</i>
Comments on Section 11 Monitoring the scheme		
Isn't TPI - traffic management performance Indicators	Northern Powergrid	KPIs listed in the Statutory Guidance (Annex A) are identified as TPIs. <i>Sections 2.2 and 11 updated to clarify.</i>

Comments or issues	Raised by	CYC response/ amendments
Comments on Proposed Permit Scheme Fee Levels		
<p>As you are aware all new permit schemes now have to follow the Statutory Guidance for Highway Authority Permit Schemes issued October 2015. Within this document it outlines a more rigorous approach to the assessment of category 0, 1 and 2, and traffic-sensitive locations than those categorised as 3 and 4. This approach enables lower fees to be applied (or waived). Permit authorities must encourage works promoters to work wholly outside of traffic-sensitive times by offering discounted fees. By following DfT advice both the Council and works promoters will be able to focus on working together to plan those works likely to cause the most disruption, rather than a blanket approach including streets that are not traffic-sensitive.</p>	Virgin Media	<p>The fee levels have been set in line with statutory guidance, generally below the set maximum levels. The fees also distinguish between road categories, with lower fees set for non-strategically significant streets.</p> <p><i>No amendment required.</i></p>

Comments or issues	Raised by	CYC response/ amendments
<p>Para 3.3 of the DfT Advice Note for local highway authorities developing new or varying existing permit schemes states “unless there is a very strong benefit case otherwise; it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive Street roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only ‘notice’ equivalent treatment by the authority.”</p> <p>By setting the fees to the proposed levels Openreach would have to consider future projects for G-Fast and Superfast Broadband rollout in York to be not commercially viable. An alternative is for consumer prices to be increased to cover the increase in permit fees.</p> <p>Openreach therefore do not support York’s proposal to charge for all permits. Openreach believe whilst permits may still be applied for and agreed on category 3, 4 and non TS routes; the equivalent of noticing treatment should be given to these permits.</p> <p>As a balanced view Openreach would support higher fees on strategically significant streets i.e. cat 0 -2 and traffic sensitive streets if this will help the authority cover the costs of running a permit scheme. Openreach, however, do not support the introduction of fees on the lower category of streets</p>	<p>BT Openreach</p>	<p>This advice was included in the DfT Advice Note published in 2016 but has not been included in the most up to date statutory guidance, which provides the maximum fee structure for (a) Road Category 0, 1 & 2 or Traffic Sensitive and (b) Road Category 3 & 4 and non-Traffic-sensitive.</p> <p>The authority aims to control activities on all streets and believes that activities on type 3 & 4 roads are as important to residents and roads users as those on 0-2 and Traffic Sensitive Streets. The permit scheme should be cost neutral and tis would not be achievable without charges for permits on category 3 and 4 streets. The annual evaluations will determine whether the costs of running a scheme have been covered and fees may be adjusted either up or down to ensure the scheme remains cost neutral.</p> <p><i>No amendment required.</i></p>

Comments or issues	Raised by	CYC response/ amendments
Virgin Media are pleased that City of York Council are not charging maximum fees on all roads within their proposed permit Scheme, but would prefer no charges on category 3 and 4 roads	Virgin Media	See response above.

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STREET WORKS PERMIT SCHEME

TRAFFIC MANAGEMENT ACT 2004

Annex D – Permit scheme checklist

City of York Council

November 2020

Permit scheme checklist

The DfT Statutory Guidance for Highway Authority Permit Schemes states:

- “Before introducing an order to implement a permit scheme, the Authority is required to prepare information and evidence (including information from the consultation exercise) to support the decision of the Authority to bring a permit scheme into operation”; and
- “The Authority must ensure that all aspects of the proposed scheme comply with the 2007 regulations (as amended), before making the order giving effect to the scheme. Notice of such an order should be provided to statutory undertakers at least four weeks before the order comes into effect”.

The guidance provides a checklist to ensure that the proposed scheme meets these requirements. The checklist is reproduced below with comments from officers.

Ref*	Subject	Yes/No	Place in scheme documents
1	Scheme compliance statement – which includes: <ul style="list-style-type: none"> • The legal name of the authority/authorities included • An assurance of Street Manager compliance • A table showing Regulatory compliance • Confirmation that all financial requirements have been met 	Yes	<ul style="list-style-type: none"> • Legal name of the authority included - see Scheme document Section 1 • Street Manager compliance - see Scheme document Section 1.3 • A table showing Regulatory compliance – this table • Confirmation that all financial requirements have been met - see Scheme document and Cost Benefit Analysis summary document
2	The Permit Scheme document must: <ul style="list-style-type: none"> • Clearly define the streets the scheme applies to • Detail the team that will be in place to operate scheme • Detail the approach to post-implementation evaluation • Demonstrate benchmarking undertaken & completed 	Yes	<ul style="list-style-type: none"> • Clearly define the streets the scheme applies to - see Scheme document Section 3.2 • Detail the team that will be in place to operate scheme – See Proposed Team Structure document • Detail the approach to post-implementation evaluation - - see Scheme document Section 11 • Demonstrate benchmarking undertaken & completed - see Cost Benefit Analysis summary document. Benchmarking was also undertaken by comparing fee levels with other local authorities.

Ref*	Subject	Yes/No	Place in scheme documents
3	Demonstration of compliance with the non-discrimination obligation [utility and authorities’].	Yes	See Scheme document Sections 1 and 2
4	Permit Scheme Objectives (including the improvements expected – suggested limited to around 4).	Yes	See Scheme document Section 2
5	How the Permit Authority proposes to evaluate the scheme so as to measure it continually against its objectives [the ‘when’ is set out in regulations].	Yes	See Scheme document Sections 2 and 11
6	The costs and benefits (whether or not financial) which the Permit Authority anticipates will result from that permit scheme.	Yes	See Scheme document Section 2 and Cost Benefit Analysis Summary document
7	The evidence considered by the Permit Authority as to the fees which may be charged, and the reasons for its decision (fees matrix). To confirm that the fees and costs are developed in line with the Regulations (15.3.1) and proportionate to the value added by issuing a permit.	Yes	See Cost Benefit Analysis Summary document
8	The proposed variation implementation date	Yes	Proposed implementation date currently stated as by April 2021 (to be confirmed once decision is taken on implementation)
9	Details of any transitional arrangements which the Permit Authority would wish to apply in relation to the permit scheme coming into effect.	Yes	Scheme document Section 10
10	Consultation Report – changes to scheme clearly shown in response to the consultation.	Yes	See Statutory consultation summary document
11	Consideration of 'Nationally Significant' initiatives for example: Implementation of Superfast Broadband, HS2, etc.	Yes	Scheme document Section 1.2
12	When operating a permit scheme each authority must comply with the NRSWA, TMA and the 2007, 2015 and 2020 Regulations, and must have regard to statutory guidance.	Yes	Scheme document Section 1 and throughout

*Reference from DfT Statutory Guidance for Highway Authority Permit Schemes, Annex B: Check List.

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STREET WORKS PERMIT SCHEME

TRAFFIC MANAGEMENT ACT 2004

Cost Benefit Analysis Summary - For consultation

City of York Council

January 2020

Introduction

City of York Council has used the calculator provided by the Department for Transport (DfT) to assess the benefits of the proposed permit scheme.

The assessment has been carried out for the 2010 base year (using 2018 data) and over a 25 year appraisal period, taking account of the following characteristics (based on historical data).

- Number of works per annum (current estimates under noticing): Approx. 6,300 (included estimated Remedials and cancelled/abandoned works);
- Average works duration (current estimates under noticing): 6.7 days.

Operational summary

The proposed permit scheme has been assessed on the basis of the following operational characteristics:

- Proposed permit scheme one-off implementation costs, Present Value of one-off costs in 2010 prices: Approx. £129,600;
- Proposed permit scheme annual operational costs, Present Value of annual costs in 2010 prices: Approx. £575,700;
- Permit Scheme annual revenue, Present Value of annual permits fee income in 2010 prices: Approx. £331,300;
- Number of personnel required for the proposed permit scheme: Approx. 4.9 FTE; and
- Number of personnel currently employed on noticing: Approx. 2.7 FTE.

Cost benefit analysis


A summary of the Cost Benefit Analysis undertaken is presented in Table 1. Key assumptions supporting this analysis include:

- Assumed reduction in road works: 5% (DfT) – primary scenario);
- For capital costs of implementation, risk and optimism bias is set at a total adjustment of 38% as per DfT guidance;
- A discount rate of 3.5% has been applied to convert all annual values to net present values before allowing for inflation;
- All revenue and capital costs have had a market cost adjustment of 19% as per DfT guidance (WEBTag); and
- All costs and revenues are given in 2018 prices, however since QUADRO output is in 2010 prices, all costs and revenue have an 8 (financial) year discount with GDP deflation of 89.191% as per Office of National Statistic GDP deflator guidance (March 2019).

Table 1: Cost Benefit Analysis summary

Benefit type	Benefit (£)
Consumer User Benefits	£666,423
Business User Benefits	£400,071
Accident Benefits	-£82
Fuel Carbon Emission Benefits	-£15
Indirect Tax Revenue Benefits	-£50,515
<i>Subtotal Quantified Annual Repeat Benefits (2010 Prices)</i>	£1,015,882
Annual Repeat Permit Fee Income (2018 Prices)	£371,492
Annual Repeat Permit Fee Income (2010 Prices)	£331,337
<i>Present Value of Benefits (2010 Prices)</i>	£1,347,219
<i>Net Present Value of Benefits (25 Years Operation)</i>	£22,204,211
SUMMARY	
Net Present Value of Benefits	£22,204,211
Net Present Value of Costs	£9,618,216
Benefit to Cost Ratio	2.309

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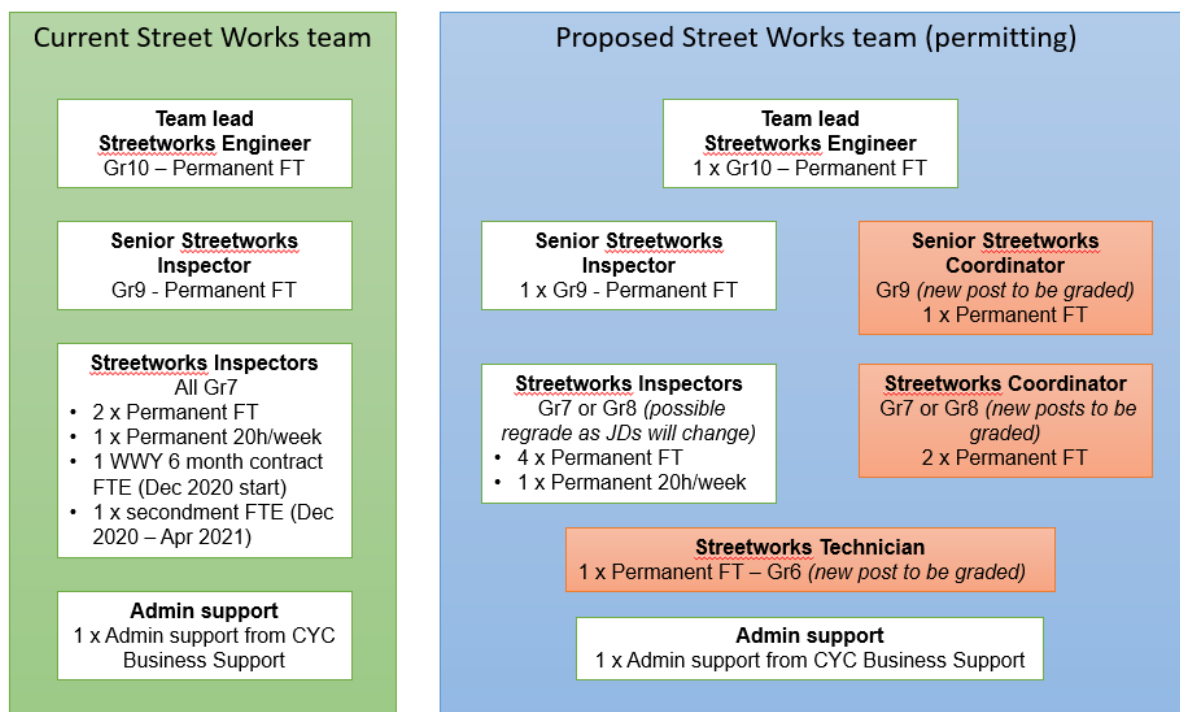
	
COUNCIL MANAGEMENT TEAM	Date of meeting
Report of the Director of Economy and Place	XXXXXX

Street Works – Changing from noticing to a permitting scheme

Annex F – Proposed team structure

DRAFT SUBJECT TO FINANCE & HR REVIEW

The diagram below shows the current and proposed team structure for CYC's Street Works team.



This shows the following key changes:


- A new Street Works coordination team composed of:
 - One new Senior Streetworks Coordinator post (assumed Grade 9);
 - Two new Streetworks Coordinator posts (assumed one Grade7 and one Grade 8);
- A new Street Works technician post (assumed Grade 6); and
- A consolidation of Streetworks Inspector posts from a reliance on temporary contracts and secondments to increase the number of permanent posts to enable the authority to run an effective permit scheme.

The table below summarises the key elements of each role and indicates what proportion of the role has been assumed to be spent on permitting activities. This will be reviewed as the scheme is implemented, in line with the requirements of the statutory guidance and applicable regulations.

Post	Key elements of role	Proportion of FTE spent on permitting activities
Team Lead Streetworks Engineer	<p>Provide line management for the Street Works team.</p> <p>Ensure the implementation and continued successful operation of the CYC Permit Scheme.</p> <p>Ensure consistency and compliance with legislation, processes and procedures and best practice.</p> <p>Lead on dispute resolution, performance management.</p> <p>Lead policy development and implementation.</p>	50%
Senior Streetworks Inspector	<p>Manage all works within the highway to minimise the impact on traffic and other highway users, ensuring compliance with the CYC Permit Scheme, NRSWA code of practice specifications and health & safety legislation.</p> <p>Provide line management for the inspection team.</p> <p>Liaison with utility companies including attendance at site meetings.</p> <p>Investigate, respond and action complaints and enquiries from members of the public, councillors and others within set timescales.</p>	70%
Streetworks Inspector	<p>Inspect all aspects of public utility and highway authority work carried out in the public highway to ensure compliance with the CYC Permit Scheme, the New Roads and Streetworks Act (1991) and the Traffic Management Act (2004) and associated codes of practice.</p> <p>Undertake sample and investigatory inspections, Section 74 and Section 81 inspections and responsible for gathering and collating evidence in relation to the enforcement of NRSWA and submission of</p>	65%

Post	Key elements of role	Proportion of FTE spent on permitting activities
	<p>evidence to statutory undertakers.</p> <p>Liaison with utility companies including attendance at site meetings.</p> <p>Record outcomes of inspection visits and other information on appropriate software so information can be used for site meetings, resolving disputes and the issuing of penalty charges.</p> <p>Monitor remedial works resulting from defective reinstatements and ensure defect fees are issued accordingly.</p>	
Senior Streetworks Coordinator	<p>Provide senior professional co-ordination advice and make complex decisions in the management of street and road works</p> <p>Analyse the provisional advance applications (PAA) for major works and permit applications to ensure a coordinated approach is used to minimise traffic disruption.</p> <ul style="list-style-type: none"> • Oversee and deal with conflicts and find solutions • Impose variations on permits • Add works comments to permits • Grant or refuse PAAs • Analyse and agree Permit modification requests • Analyse and then respond to traffic signal applications <p>Instigate/supervise follow up actions for enforcement of permits.</p> <p>Manage and review the co-ordination processes to ensure that the Authority meets its duty (e.g. Traffic Management Act 2004) and that the co-ordination team operates within the CYC permit scheme.</p> <p>Provide line management for the co-ordination team.</p> <p>Contribute to policy development and implementation.</p> <p>Communicate with stakeholders at all levels including multi agency partners, Councillors, MPs, utility companies, public transport</p>	70%

Post	Key elements of role	Proportion of FTE spent on permitting activities
	providers, senior managers as well as members of the public.	
Streetworks Coordinator (one Coordinator and one Assitant)	<p>Analyse permit applications to ensure a coordinated approach is used to minimise traffic disruption.</p> <p>Issue site inspections to check works durations and compliance within permit scheme.</p> <p>Issue, log and monitor Defect notices as well as Fixed Penalty Notices in relation to NRSWA inspections.</p> <p>Instigate follow up actions for enforcement of permits.</p> <p>Communicate with stakeholders at all levels including multi agency partners, Councillors, MPs, utility companies, public transport providers, senior managers as well as members of the public.</p>	70%
Streetworks Technician	<p>Provide day-to-day general support for coordination and inspection teams.</p> <p>Investigate and draft responses to enquiries or complaints.</p> <p>Compile and provide reports for Street Works Co-ordination meetings, Permit Scheme monitoring and evaluation, etc.</p> <p>Produce reports to invoice re-chargeable costs/fees to the appropriate statutory undertakers.</p> <p>Maintain LSG data, particularly in relation to Section 50 & 58 notices</p> <p>Consider applications for Section 50 licences (installing private apparatus in the public highway)</p>	70%
Admin Support	Respond to customer queries, provide day to day office support, prepare invoices and follow up any payment issues.	50%

	
COUNCIL MANAGEMENT TEAM	Date of meeting
Report of the Director of Economy and Place	XXXXX

Street Works – Changing from noticing to a permitting scheme

Annex G – Implementation tasks and programme

DRAFT SUBJECT TO REVIEW

Key tasks required to implement a permit scheme (if approved):

- IT and systems
 - Review of local street gazetteer information and road categories, 1 month consultation on updated list required before implementation (guidance document [available here](#)).
 - Move to permits within Street Manager and Yotta Mayrise – Yotta support already secured through existing contract
- HR and staff training
 - Review existing job descriptions (JDs) and prepare new JDs
 - JD grading
 - Recruitment (authorisation and recruitment process)
 - Staff training on permit scheme and SM/Mayrise used for permits (existing and new staff)
 - Training for internal teams who will need to submit permits (highway asset management and major project teams)
- Permit scheme order
 - Draft and seal the order to make the scheme - The scheme will come into force through the powers conferred by Section 33A (2) of the TMA by an Order made by the Authority

High level programme for permit scheme implementation (if approved)#

Key tasks	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21
Governance						
CMT decision to submit proposed scheme to Executive approval						
Executive approval						
Order prepared and sealed						
IT and systems						
LSG review						
Consultation on updated LSG						
LSG update implementation						
Move to permits in Street Manager and Yotta Mayrise						
HR and staff training						
Review existing job descriptions (JDs) and prepare new JDs						
JD grading						
Recruitment (authorisation and recruitment process)						
Staff training on permit scheme and SM/Mayrise used for permits (existing and new staff)						
Training for internal teams who will need to submit permits (highway asset management and major project teams)						