

Phil Norrey  
Chief Executive

To: The Chair and Members of the  
Corporate Infrastructure and  
Regulatory Services Scrutiny  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

Your ref :  
Our ref :

Date : 17 June 2019  
Please ask for : Wendy Simpson 01392 384383

Email: [wendy.simpson@devon.gov.uk](mailto:wendy.simpson@devon.gov.uk)

**CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY  
COMMITTEE**

Tuesday, 25th June, 2019

A meeting of the Corporate Infrastructure and Regulatory Services Scrutiny Committee is to be held on the above date at 2.15 pm at Committee Suite - County Hall to consider the following matters.

P NORREY  
Chief Executive

**A G E N D A**

**PART I - OPEN COMMITTEE**

- 1 Apologies
- 2 Minutes  
Minutes of the meeting held on 26 March 2019 (previously circulated).
- 3 Items Requiring Urgent Attention  
Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.
- 4 Announcements
- 5 Public Participation  
Members of the public may make representations/presentations on any substantive matter listed in the published agenda for this meeting, as set out hereunder, relating to a specific matter or an examination of services or facilities provided or to be provided.

## **MATTERS FOR CONSIDERATION OR REVIEW**

### **6      Election of Commissioning Liaison Member**

In line with the recommendations of the 'Scrutiny in a Commissioning Council' Task Group Report, the Committee be asked to select a Commissioning Liaison Member, whose role will be to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:

<https://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

### **7      Scrutiny Work Programme**

In accordance with previous practice, Scrutiny Committees are requested to review the list of forthcoming business and determine which items are to be included in the Work Programme. The Scrutiny Work Programme can be found at:

<https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>

The Committee may also wish to review the content of the Cabinet Forward Plan to see if there are any specific items therein it might wish to explore further. The Cabinet Forward Plan can be found at: <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>

### **8      Connecting Devon and Somerset (CDS) Broadband - update (Pages 1 - 6)**

Report of the Head of Economy, Enterprise and Skills (EES/19/4), attached.

### **9      Traffic Speed Task Group (Pages 7 - 48)**

Report of the Task Group, attached.

### **10     Devon Permit Scheme for Road and Street Works (Pages 49 - 98)**

Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/50), attached.

### **11     Highways Performance Dashboard (Pages 99 - 104)**

Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/51), attached.

### **12     Maintenance of Vegetation and Drainage Adjacent to Highway (Pages 105 - 108)**

Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/52), attached.

### **13     Treasury Management Stewardship Annual Report (Pages 109 - 130)**

Report of the County Treasurer (CT/19/59), attached.

### **14     Risk Register Annual Report (Pages 131 - 144)**

Report of the County Treasurer (CT/19/55), attached.

### **15     Locality Budget Annual Report (Pages 145 - 148)**

Joint Report of the County Treasurer and Chief Officer for Communities, Public Health, Environment & Prosperity (SC/19/1), attached.

## **MATTERS FOR INFORMATION**

16

### **Items Previously Circulated**

Below is a list of information previously circulated to Members since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee.

- (a) Link to 'Scrutiny Frontiers' publication by the Centre for Public Scrutiny (25/3/19)
- (b) Slides from the Preparing for Brexit Masterclass (26/3/19)
- (c) Copy letter from the Head of Scrutiny to Cabinet Member Cllr Gilbert regarding the Connecting Devon and Somerset broadband programme (9/4/19)
- (d) Presentation and flipchart notes from Property Consultancy Members' Workshop on 11 April (24/4/19)
- (e) Scrutiny Guidance (17/4/19)

## **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

Nil

*Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

### Membership

Councillors A Dewhirst (Chair), P Colthorpe, Y Atkinson, K Ball, J Berry, R Bloxham, J Brook, P Crabb, A Eastman, R Edgell, I Hall, J Hook, R Radford, M Shaw, C Slade and C Whitton

### Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

### Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Wendy Simpson 01392 384383.

Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores..

### Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

### Public Participation

Devon's residents may attend and speak at any meeting of a County Council Scrutiny Committee when it is reviewing any specific matter or examining the provision of services or facilities as listed on the agenda for that meeting.

Scrutiny Committees set aside 15 minutes at the beginning of each meeting to allow anyone who has registered to speak on any such item. Speakers are normally allowed 3 minutes each.

Anyone wishing to speak is requested to register in writing to the Clerk of the Committee (details above) by the deadline, outlined in the Council's [Public Participation Scheme](#), indicating which item they wish to speak on and giving a brief outline of the issues/ points they wish to make. The representation and the name of the person making the representation will be recorded in the minutes.

Alternatively, any Member of the public may at any time submit their views on any matter to be considered by a Scrutiny Committee at a meeting or included in its work Programme direct to the Chair or Members of that Committee or via the Democratic Services & Scrutiny Secretariat ([committee@devon.gov.uk](mailto:committee@devon.gov.uk)). Members of the public may also suggest topics (see: <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>)

All Scrutiny Committee agenda are published at least seven days before the meeting on the Council's website.

### Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

### Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: [centre@devon.gov.uk](mailto:centre@devon.gov.uk) or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

## **Committee Terms of Reference**

(1) To review the implementation of the Council's existing policy and budget framework and ensure effective scrutiny of the Council's Treasury Management Strategy and policies and consider the scope for new policies for the Council's use and management of its resources and the discharge of its corporate and strategic services and governance arrangements and community safety activity, including emergency planning and the Council's functions in the scrutiny of authorities responsible for crime and disorder strategies.

(2) To review the implementation of existing policies and to consider the scope for new policies with regard to all aspects of the discharge of the Council's 'place shaping and universal population services' functions concerning the environment, economic activity and enterprise, integrated planning and transport and community services, including libraries, arts and cultural heritage of the County, an integrated youth service and post 16 education & skills;

(3) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity and relate overview and scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;

(4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

## **NOTES FOR VISITORS**

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

**SatNav** – Postcode EX2 4QD

## **Walking and Cycling Facilities**

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

## **Access to County Hall and Public Transport Links**

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

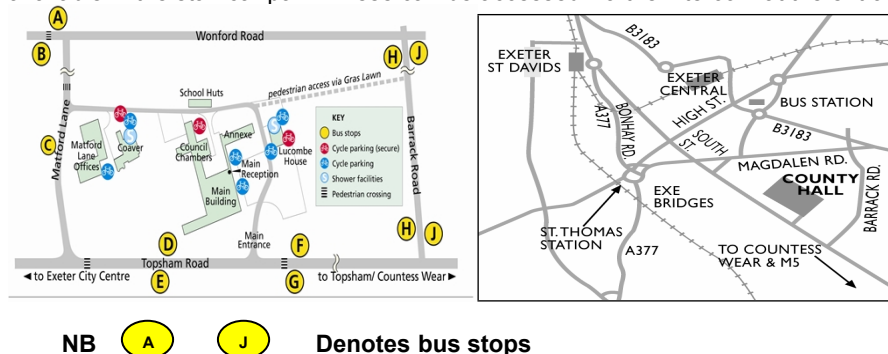
## **Car Sharing**


Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

## **Car Parking and Security**

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



**NB**   Denotes bus stops

## **Fire/Emergency Instructions**

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

## **First Aid**

Contact Main Reception (extension 2504) for a trained first aider.

## **Connecting Devon and Somerset Update**

Report of the Head of Economy, Enterprise and Skills

### **1. Summary**

To date more than 300,000 homes and businesses across Devon and Somerset can access superfast broadband, with a further 38,000 having access to improved broadband. Every month hundreds more homes and businesses are being connected thanks to the Connecting Devon and Somerset programme (CDS). Take up of broadband services is nearly 60%, an increase from the 54% we last reported. This level of take up is above the national average.

Since the last update report to CIRS Scrutiny, CDS has delivered broadband coverage to a further 3,500 premises in Northern Devon working with Airband and is successfully completing a series of Community Challenge Pilots. An update briefing was also issued to Members and other stakeholders in May.

All five of the Gigaclear contracts remain in default and re-design work by the company is progressing and completes at the end of July.

CDS is engaging with the market to test options and opportunities to extend broadband coverage, including gigabit access and is working alongside Government in developing and rolling out its Rural Connectivity Programme.

### **2. Background**

The CDS programme is the largest of its kind in England. It is supported with funding from the Department for Digital, Culture, Media and Sport, the EU's European Regional Development Fund, the Heart of the South West Local Enterprise Partnership and local authorities, including Devon County Council. Somerset County Council is the accountable body, and the programme works very closely with Building Digital UK (BDUK).

To date, the programme has provided access to superfast broadband to more than 300,000 homes and businesses, often in sparsely populated rural areas and over challenging terrain. A further 38,000 homes and businesses have benefited from improved broadband speed. The take up rate for these new services currently stands at 59.44% compared with a national average of 52.4% and is generating significant resources for reinvestment thanks to the Government's gainshare agreement with BT.

Airband is currently building a new network for CDS that will provide access to superfast broadband for around 16,000 homes and businesses across the area by June 2020 and is providing a network to serve around 5,000 hard to reach properties in Dartmoor and Exmoor National Parks with superfast broadband.

CDS awarded five contracts in December 2016 to Gigaclear Ltd based in Abingdon, Oxfordshire to deliver ultrafast broadband across Devon and Somerset. CDS was able to extend coverage in December 2017, having secured additional ERDF funding to a total of 47,810 homes and businesses. Gigaclear are investing £60.5m of their own resources with CDS contributing £31m public sector subsidy to deliver this coverage. Gigaclear also committed to deliver services to a further 43,000 premises under their own commercial programme and a further investment of £67.3m into their commercial build programme.

# Agenda Item 8

The award of these contracts was approved by BDUK and the CDS Board, with BDUK playing a full role in the assurance of the proposed contracts.

An announcement was made at the end of last year that the Gigaclear contracts were in delay. CDS and Gigaclear jointly issued a [briefing](#) to stakeholders, including councillors and MPs in early November. This sets out detail on the five main reasons for the delays incurred by Gigaclear and the current situation with the contracts:

- Poor operational capacity and decision-making within Gigaclear
- Lack of operator capacity
- Slow deployment by contractors
- Lack of detailed planning
- Failure to redesign the build methodology

### 3. Programme Performance

As agreed at the last CIRS Scrutiny Committee an update on the CDS Programme was circulated to Members and other stakeholders last month.

#### Airband Contracts

Airband are delivering well in the Northern Devon area which includes North Devon, Torridge, West Devon and part of Mid Devon. Currently just over 7,300 premises have been covered with a further 1800 premises due to be completed by the end of June. This is a significant contribution to the contract total of circa 16,000 by June 2020. Conversations are also advancing with the company on their piloting fibre connections and options to include a fibre solution under this contract. The take up from the new network across this part of Devon is 6.7% currently and the company continues to invest in marketing and communications activity to increase this.

The contract for Dartmoor and Exmoor National Parks is nearing completion. Airband have covered more than 5000 homes and businesses and are close to connecting their 1000<sup>th</sup> customer on their network. This programme has benefited from effective engagement between the provider, communities and the National Parks and has led to some innovative solutions being found to ensure new infrastructure is in keeping with the protected landscape. At Simonsbath for example, Airband worked closely with the community and Exmoor National Park Authority to overcome challenging terrain and an environmentally sensitive site location. By using photovoltaic cells to avoid the need to lay an intrusive power cable to the transmitter, a sustainable connectivity solution was achieved to one of the hardest to reach parts of the area.

#### Community Challenge Fund

CDS has piloted a Community Challenge Fund in three communities across the area. The Community Challenge Fund scheme enables local communities to select an approved private sector partner and co-produce a broadband solution that works best for them with some financial support and advice from CDS.

Pilots have been successfully trialled in Harford and Lower Combe in Devon with Openreach and Airband, and a third is underway in Yatton in North Somerset with Openreach. In total 138 homes and businesses will have access to full fibre to the premise broadband with the



capability to deliver speeds up to 1 Gbps. The pilots have been supported by £70,000 capital funding from CDS.

The pilots have proved really effective at enabling local people in communities with different needs to co-produce a broadband solution that works best for them with CDS support. Each community has had different characteristics and challenges, ranging from deeply rural areas and protected landscapes to urban fringes.

CDS is proposing to apply this good practice learned from these pilots to help other communities to develop their own solutions, and where there is good buy-in from the community and cost-effective options proposed, CDS can offer capital funding support. This is under development and adds a new dimension to complement the CDS broader programme. It also supports the Government's full fibre policy. Further details, including advice to communities and how to apply for financial support will be announced in due course.

## Gigaclear Contracts

Gigaclear is continuing to build a full fibre network in 31 communities across the CDS area. Five are now live fully or in part, covering 453 homes from the CDS programme and a further 584 homes under their commercial deployment. These communities are based on Millhayes in the Blackdown Hills area, Rooksbridge in Somerset, and Abbots Leigh, Failand and Wolvers Hill in North Somerset. Gigaclear through its commercial deployment has also served a community based on Ford Street in the Blackdown Hills, delivering to a further 23 properties without Superfast Broadband. Gigaclear have recently announced delays for the remaining community areas and those which are not yet fully live. They have updated their website indicating revised timescales where known and are sending an apology and an update on the situation to affected communities. This is incredibly disappointing and CDS continues to press Gigaclear to accelerate delivery and ensure that they are keeping residents informed.

Gigaclear remains on notice of default across all five contracts awarded to them by CDS. Residents and businesses have been badly let down by the company, which has provided an unreserved apology for the situation, however communities remain with no certainty on when they may receive improved broadband. CDS has made it clear to Gigaclear and their owner Infracapital that this uncertainty cannot continue indefinitely. CDS is not the only area in the UK where Gigaclear are in delay.

Gigaclear is working on a re-design and is provided this to CDS at the beginning of July. CDS has allowed the company additional time to complete this re-design and for the company to evaluate and cost alternative methods of network construction. CDS will not shrink from taking tough action if that is deemed necessary at the conclusion of this process. Demonstrable progress against a work programme from the re-design is required from Gigaclear who are working with industry experts to complete this work.

As a consequence of the delay to the Gigaclear roll out, CDS working closely with the Department for Digital, Culture, Media and Sport, (DCMS) has sought an extension for £18.7millions of Government capital grant to March 2023. This has been supported as a priority by DCMS and has benefited from the support of local authority partners, the LEPs and Members of Parliament. In recognition of representations made by DCMS and CDS, there has been positive responses from HM Treasury which is finalising an agreement for a funding extension with DCMS as part of the Spending Review process.

# Agenda Item 8

An extension provides CDS with the flexibility to either agree an acceptable revised time table with Gigaclear to complete a new ultrafast full fibre network or for CDS to pursue alternative full fibre solutions for residents and businesses.

## Market engagement

CDS has launched an Open Market Review to identify commercial operator plans to deliver superfast and gigabit broadband. Evidence of investment to back these plans is also being sought. Alongside this review CDS has invited providers to a series of meetings to explore opportunities to extend broadband coverage, both superfast and gigabit access. There are circa 55,000 premises across the CDS area who have less than 30 Mbps broadband. Approximately half are in rural locations and half within market and coastal towns. The Open Market Review will confirm this assessment. The purpose of the market engagement is to test and explore approaches and options with providers to serve these premises, and the appetite and capacity in the market to taking such options and approaches forward. CDS has no pre-determined options and is open to consider all opportunities including, but not limited to

- potential further procurement of solutions to apply additional public subsidy,
- community-led solutions, taking forward the community challenge fund pilots,
- stimulating demand leading to commercial investments
- opportunities to connecting public buildings to act as hubs for their wider communities and
- all types of appropriate commercial models.

CDS are keen to learn about the market's capacity and capability to deliver these approaches and the maturity of the market to compete for these options.

CDS is also taking the opportunity to prudently examine potential alternatives for some of the current Phase 2 programme areas under contract with Gigaclear, some 47,000 premises, predominantly in rural areas should that need arise.

Market engagement meetings are taking place throughout June and July.

## Gainshare / Clawback Reinvestment

Reinvestment of Gainshare sums from the BT contract are nearing a conclusion, and its hoped that an announcement will be made this summer.. This is likely to indicate a further 2000 homes will benefit from a full fibre solution over the next few years delivered by Openreach from circa £6m investment from clawback sum. As has been previously reported the focus of this initial use of clawback will focus on areas with significant levels of deprivation and with poor levels of broadband speed, balanced against the need to demonstrate value for money.

## Better Broadband Voucher programme / Gigabit Vouchers

Since joining the above national programme, more than 100 vouchers have been requested from across the CDS area. This national scheme provides support to residents and businesses where they have less than 2 Mbps speed and not part of a planned deployment from another publicly funded scheme within the next 12 months.

BDUK also continue to operate a Gigabit Voucher Scheme which provide businesses and residential properties with vouchers of up to £2500 and £500 respectively when they come together to develop local partnerships to provide fibre connections capable of at least 100

Mbps. BDUK have reported that more than 800 voucher requests have been made across the CDS area.

Rural Gigabit Connectivity (RGC)

The Government has identified that approximately 10% of all UK premises, largely in rural and remote areas, are unlikely to receive Gigabit-capable connections commercially by 2033. RGC is a two-year, £200m UK-wide Government programme focused on this type of area. It will trial an “outside-in” approach designed to ensure more remote communities are not left behind in the roll out of full fibre networks. RGC includes connecting public buildings such as schools to act as local hubs in rural areas. CDS are currently working with BDUK and the Department for Education to identify public buildings, including schools who may benefit from this scheme. The idea is to create a network that other commercial broadband providers can build on and extend full fibre to the surrounding area. The programme also includes a rural Gigabit voucher component, offering up to £3,500 for small businesses and up to £1500 for residents. These opportunities and options to extend further will be explored under the market engagement activity set out above.

Keri Denton  
Head of Economy, Enterprise and Skills

**Electoral Divisions: All**

Cabinet Member for Economy and Skills: Councillor Rufus Gilbert

*Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Keri Denton

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Ref.
------------------	------	-----------

Nil

kd080319cirssc Connecting Devon and Somerset Update  
hk 02 140619



# Traffic Speed Task Group

June 2019

# Agenda Item 9

## Contents

Section		Page
1	<b>Recommendations</b>	<b>2</b>
2	<b>Introduction</b>	<b>4</b>
3	<b>National Speed Policy Context</b>	<b>5</b>
	Environmentally friendly vehicle Policy	<b>6</b>
4	<b>Why do Drivers Speed?</b>	<b>7</b>
5	<b>Local Policy and Safety Context</b>	<b>8</b>
	The SCARF Process	<b>9</b>
6	<b>20mph Speed Limits</b>	<b>11</b>
	Findings from the Atkins report	<b>12</b>
	20's plenty for us	<b>13</b>
7	<b>Re-envisioning Traffic Speeds and Living Streets</b>	<b>16</b>
	Safe Systems and Healthy Streets Approach	<b>21</b>
	Nudging Speed Down	<b>22</b>
8	<b>Enforcement</b>	<b>26</b>
	Community Speed Watch	<b>28</b>
	Speed Limiting Technology	<b>29</b>
9	<b>Conclusion</b>	<b>30</b>
10	<b>Sources of Evidence</b>	<b>31</b>
	Witnesses	<b>31</b>
	Bibliography	<b>33</b>
11	<b>Membership</b>	<b>35</b>
12	<b>Contact</b>	<b>35</b>
	Appendix I: Glossary of Terms	<b>36</b>
	Appendix II: Torbay Matrix for consideration of 20 mph	<b>37</b>
	Appendix III: Collision and KSI Data for Devon	<b>39</b>

## 1. Recommendations

The Task Group ask the Corporate Infrastructure and Regulatory Services Scrutiny Committee, Devon County Council Cabinet and the Police to endorse and take action on the report and recommendations below; with a report on progress against the recommendations in nine months' time.

Ambition	Recommendation	Agency	Timeframe
1. Taking a different approach to our policy of setting traffic speeds and embedding the safe systems approach	1.1 Review and refocus the Road Safety Strategy and current Speed Limits Policy to reflect;  a) The wider consideration of health, sustainable travel and whole environmental impacts of speed management; b) Adoption of the safe systems approach; c) Inspirations from the TfL Healthy Streets Strategy; d) DfT 2013 Speed Limit Policy recommendations e) Public consultation on substantial changes.	DCC	Within 6 months
	1.2 All new residential developments (over 50 houses) to be designed as 20mph from 2019 onwards.	DCC	From now
	1.3 Trial a default residential 20 mph limit in Newton Abbot and Kingkerswell.	DCC	
2. Supporting local areas to determine their own environment	2.1 Review the SCARF process to reflect changes made to the Road Safety Strategy and Speed Limits Policy, ensuring local communities have a meaningful and transparent say on proposed local schemes, using a matrix similar to that used in Torbay. (Appendix 2)	DCC	Within 6 months
	2.2 Develop a local toolkit that Communities and Town and Parishes can use to create Healthy Streets supporting a hyper local approach to communication on lower speeds as well as practical steps that can be taken in local areas. This should be supported where possible with practical support and training.	DCC Highways and Comms	9 months
3. Enforcement of existing limits	3.1 DCC to be more open to innovative trials, including associated monitoring, where safe to do so and funding can be secured.	DCC	From now
	3.2 A named County Councillor to sit on the Speed Watch Community development group to lead on the planning and development of Speed Watch across Devon.	Police/ PCC	From now

# Agenda Item 9

Ambition	Recommendation	Agency	Timeframe
	<p>3.3 Improving the approach and processes around Community Speed Watch to include;</p> <ul style="list-style-type: none"> <li>a) Clear lines of communication with County and Parish Councillors as well as local police</li> <li>b) Resolution of the blockages in accessing equipment</li> <li>c) Better access to training for volunteers</li> <li>d) Publicity of other opportunities for people in Devon to volunteer to support local police work including Speed Watch.</li> <li>e) Consideration of a shared database to share and publicise speed offences – e.g. as used in Kent and Sussex.</li> </ul> <p>To ultimately increase the number of communities involved in the Speed Watch programme.</p>	Police/PCC/lead Council or once appointed	From now
4. Leading by example	4.1 Sign up to the 'Driving for Better Business' initiative and promote across Devon.	DCC	From now
	4.2 The 'doing what matters' team to take forward the recommendations and report with leaders to ensure maximum impact.	DCC	Nine months
	4.3 Write to all Devon MPs to encourage Government to push for greater use of Intelligent Speed Adaptation for works vehicles eg. Buses, taxis etc.	DCC	On conclusion of review



## 2. Introduction

- 2.1 Speed, speeding and road safety have been consistent themes throughout the evolution of the scrutiny process at Devon County Council. The first task group concerned with speed was established by the Place Scrutiny Committee in 2008. Recommendations included taking a consistent and clear approach to the implementation of all speed limits and speed management across Devon be maintained and publicised, that representation be made to the government to change the guidance governing 20mph limits, and that 20 mph speed restrictions be pursued in the vicinity of Devon Schools. However, Cabinet resolved that 20 mph speed limits should only be introduced with reference to school's individual circumstances.<sup>1</sup>
- 2.2 During the Place Scrutiny Committee meeting on 11 September 2015, Members requested that the Committee consider reviewing DCC's speed limit policy. There were concerns that the recent South Devon Link Road speed limit proposals risked compromising current DCC policy on speed limits. There were also concerns surrounding the implementation of the policy where some roads with 30mph limits had given way to unrestricted national speed limits.<sup>2</sup>
- 2.3 The Corporate Infrastructure and Regulatory Services Scrutiny Committee (CIRS) agreed on 12 June 2018 that a Task Group be set up to review DCC's existing speed limit policy. The terms of reference for the review were:
- to review DCC's existing speed limit policy;
  - to explore the ways in which vehicle speeds can be managed in conjunction with enforcement and education, for the benefit of people's health;
  - to consider how DCC could further involve local communities in decisions surrounding speed limits and to examine the approach of other local authorities to this; and
  - to understand how DCC's policy relates to anticipated government guidance.
- 2.4 Since its inception, the task group has met ten times and taken evidence from twenty-six witnesses, named at the end of this report. The task group also carried out a survey and then a focus group/round table discussion with Town and Parish Councils across Devon.
- 2.5 The Task Group has approached the issue of speed with a broader approach; viewing the community, road safety and appearance of vehicle speeds as having a significant impact upon community environment and human health. The recommendations and the conclusion in the report are designed to prompt policy makers to think differently about speed and move beyond a reductive intervention based only upon injury or death.
- 2.6 The Task Group has understood the difference between setting the speed limit on a road at the right level and then also ensuring that drivers comply with the speed limit. In some Communities even when traffic is travelling at the legal limit it can still feel too fast and deter healthy lifestyle choices. Technology is being developed that will limit speeds on vehicles, however this will only be useful in conjunction with the right speed limit. The task group would like to see communities playing a bigger part in setting and supporting healthy movements of traffic.

---

<sup>1</sup> Environment, Economy and Culture Overview and Scrutiny Committee 9/9/08, Minutes, <https://democracy.devon.gov.uk/CeListDocuments.aspx?Committeed=135&MeetingId=1464&DF=09%2f09%2f2008&Ver=2> (accessed, 05/06/2019)

<sup>2</sup> Devon County Council, minutes of the Place Scrutiny Committee, 11 September 2015, Item 90 – 'Speed Limit Policy'.

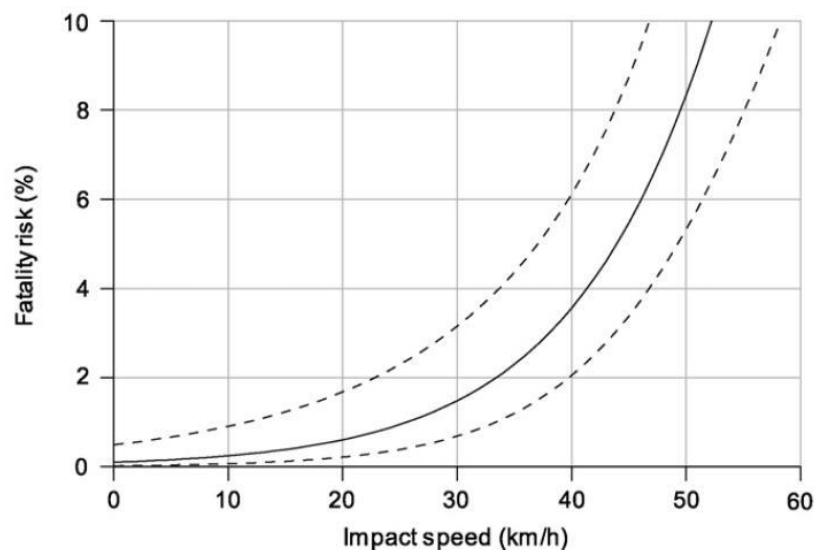
## 3. National Speed Policy Context

- 3.1 The Highways Agency is responsible for determining speed limits on the trunk road network. Local highways authorities can set their own speed limits on the local road network and in situations where local needs and conditions suggest a speed limit which is lower than the national speed limit, but these speed limits must be clearly signed. Local Highways authorities must also consider guidance issued by the Department for Transport when setting speed limits.<sup>3</sup>
- 3.2 Nationally there were 24,831 serious injuries in road traffic accidents reported to the police in 2017. There was a total of 170,993 casualties of all severities in reported road traffic accidents in 2017. This is 6% lower than in 2016 and is the lowest level on record. The number of fatalities aged 60 and over in reported road traffic accidents has increased from 533 in 2016 to 559 in 2017. This increase was driven by more older fatalities as pedestrians in 2017.

*'Local speed limits should not be set in isolation, but as part of a package with other measures to manage vehicle speeds and improve road safety'*<sup>4</sup>

- 3.3 Effective speed management involves many components designed to work together. Speed limits in areas where vehicle speeds are not self-limited by features such as on-street parking or by natural features such as road bends, are effective when supported by speed calming measures such as speed cushions or road narrowings. Increased road width and space are linked to increased vehicle speeds.<sup>5</sup>

Chart showing the correlation of speed and fatality



- 3.4 Impact speed is the underlying determinant of injury severity during traffic collisions. For every 1 mph reduction in average speed, collision frequency reduces by around 5%. Drivers travelling at higher speeds have less time to react to their environment. Longer stopping distances mean that resulting

<sup>3</sup> Department for Transport, 'Speed Limits', Department for Transport Circular 01/2013, 'Setting Local Speed Limits', January 2013. <https://www.gov.uk/speed-limits> (accessed 07/05/2019)

<sup>4</sup> Department for Transport, 'Setting Local Speed Limits', 01/2013, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/63975/circular-01-2013.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf), (accessed 07/05/2019)

<sup>5</sup> Department for Transport, 'Setting Local Speed Limits', 01/2013, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/63975/circular-01-2013.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf), (accessed 07/05/2019)

crashes are more severe, causing greater injury.<sup>6</sup> As speed increased, so does the severity of injury, this is demonstrated on the chart below where there is a fatality risk of 1.5% at 20mph compared to an 8% chance at 30mph. The dotted lines represent the 95% confidence interval.<sup>7</sup>

- 3.5 In built up areas the general speed limit is 30mph; on single carriageway roads it is 60 mph and on dual carriageways, 70 mph. However, in urban areas, particularly around schools, there has been a growing trend for local authorities to reduce the limit to 20 mph. It is important to remember that the speed limit is the absolute maximum - it does not mean that it is safe to drive at this speed in all conditions.<sup>8</sup>

## Environmentally friendly vehicle policy

- 3.6 The effectiveness of speed management measures in reducing vehicle speeds must be matched with their appropriateness for local people and balanced with issues such as noise and air pollution and congestion. Managing vehicle speed is essential for sustainable transportation policies, which are friendly to the environment, promote safety, and protect public health. Community coherence and an improved environment are increasingly recognised as key outcomes of speed reduction measures.
- 3.7 Making engineering measures appropriate for local people is difficult to achieve. Dangerous vehicle speeds discourage forms of active travel such as cycling and walking. Excessive vehicle speeds also bring problems to communities such as noise pollution, which can undermine the quality of life of local people. When new speed calming measures are introduced, meaningful monitoring must be in place to ensure that these speed calming measures are having the desired effects on vehicle speeds.
- 3.8 There is a complex relationship between speed management and vehicle emissions. The effects of speed limits on air pollution should not be generalised; different studies have produced varying results and an uneven picture. The task group has heard that lower speeds are better for the environment to a point, as vehicle engines reach maximum efficiency at specific speeds. However not all vehicles are made equally, with different emissions and optimal running speeds between petrol and diesel cars, not to mention different engineering on different models. With at least one study demonstrating that lowering speeds to 20mph reduces NO2 and CO2 emissions for diesel cars but increases them for petrol cars<sup>9</sup> and this does not apply to engines over 2.0 litres.
- 3.9 In urban environments, and where drivers do not maintain a constant speed, accelerating and frequently braking can disproportionately increase vehicle emissions. Traffic calming engineering works can unfortunately exacerbate this problem with heavy braking up to the measure (e.g. a chicane or speed hump) and then rapid accelerating away. As a result, the National Institute for Health and Care Excellence (NICE), has recommended “20 mph limits without physical measures to reduce speeds in urban areas where average speeds are already low (below around 24 mph) to avoid unnecessary vehicle accelerations and decelerations.”<sup>10</sup>

---

<sup>6</sup> Taylor, M. C., Lynam, D. A. and Baruya, A. (2000), TRL Report 421 – ‘The Effects of Drivers' Speed on the Frequency of Road Accidents’. Crowthorne: TRL, cited in DfT, ‘Setting Local Speed Limits’;

<sup>7</sup> The Royal Society for the Prevention of Accidents. ‘20mph factsheet’ <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/20-mph-zone-factsheet.pdf> Nov 2017

<sup>8</sup> House of Commons Briefing Paper, ‘Speed Limits in England’, 21 September 2017, p.3; <https://www.gov.uk/speed-limits>; The Department for Transport, ‘Speed Compliance Statistics, Great Britain: 2016’, 29 June 2017, p. 1.

<sup>9</sup> Imperial College London; Transport and Environmental Analysis Group, Centre for Transport Studies: ‘An evaluation of the estimated impacts on vehicle emissions of a 20mph speed restriction in central London’, April 2013 <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/air-quality/Documents/speed-restriction-air-quality-report-2013-for-web.pdf> (accessed 06/06/2019)

<sup>10</sup> National Institute for Health and Care Excellence, ‘Air pollution: outdoor air quality and health’, June 2017, p62 <https://www.nice.org.uk/guidance/ng70/chapter/Recommendations> (accessed 06/06/2019)

# Agenda Item 9

## 4. Why do Drivers Speed?

- 4.1 The task group spoke to a senior academic from the University of Exeter to better understand why drivers might speed to equip the task group with greater understanding upon which to base their recommendations. As well as to gain greater insight into some of the contradictions in speed policy and approaches and public opinion.

**‘26% of drivers who support 20mph admit to frequently breaking those limits’<sup>11</sup>**

- 4.2 The task group heard that there is a difference between the cognitive attitude and the affective attitude of a driver. A cognitive attitude is the logical differentiation as to whether speeding is harmful or beneficial. (Is anyone going to get hurt/can I get to my destination quicker?) The affective attitude is the feeling as to whether speeding is enjoyable or not.
- 4.3 These attitudes do not have to be aligned, which leads to cognitive dissonance, meaning that speeding can be seen simultaneously as good and bad. If a motorist thinks speeding is probably bad but whizzing along a country road feels good, then they are likely to speed.
- 4.4 Feelings are a stronger determinant than rational thought, as demonstrated on the slide below. Furthermore, positive expectance beliefs and attitudes are more influential than negative ones in changing behaviour, particularly affective attitudes. Therefore, a negative cognitive attitude (I think speeding is bad) has the weakest influence on behaviour while positive affective attitudes (I love going fast) have the strongest.

### What factors influence a driver's decision to speed?

Speeding is ...	Good	Bad
What I think		Weakest influence
How I feel	Strongest influence	

- Why? Optimistic/positivity bias – “Bad things happen to other people”
- Is it actually a ‘decision’? How conscious are drivers of their ‘behavioural inventory’ ?



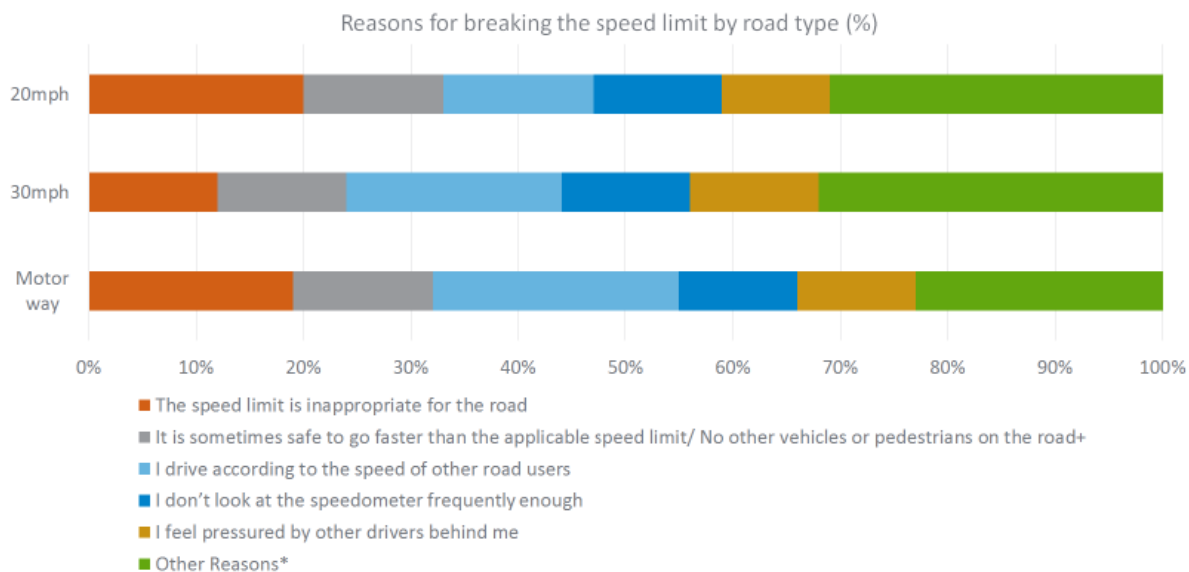
- 4.5 Perceived capability and perceived task difficulty also have significant impacts upon driver behaviour and risk taking. So, a road that appears hazard free, with clear visibility, smooth surface etc is more likely to encourage risk taking behaviour. If the driver in question has a high impression of their own

<sup>11</sup> Tapp et al 2015 ‘Vicious or virtuous circles? Exploring the vulnerability of drivers to break low urban speed limits’  
<http://eprints.uwe.ac.uk/29286/3/Tapp%20et%20al%2020mph%20limits%20-%20paper%20responding%20to%202nd%20reviews%20-%20version%20sent.pdf> (accessed 06/06/2019)

skill as a driver, they are even more likely to break the speed limit. This is particularly an issue where low speed limits have been placed on inappropriate roads where faster speeds do not feel difficult to achieve. So, to decrease this, perceived capability must be reduced, and perceived task difficulty must be increased. Perceived capability can be reduced through education, persuasion and enforcement. Perceived difficulty can be reduced through engineering or other measures so that roads with slower speed limits feel objectively different to those with faster speed limits.

- 4.6 The RAC undertook research as part of their yearly review of motoring attitudes and behaviours. The graph below shows the self-reported reasons that people give for breaking the speed limit on roads with different speed limits.

Source: RAC Report on Motoring, 2017



12

## 5. Local Policy and Safety Context

- 5.1 Councillors have reported that vehicle speeds are a highly emotive issue for the public. Groups such as older people (aged 60 and over) are more vulnerable to dangerous vehicle speeds. There is also an increasing number of older people in the population, especially in Devon.<sup>13</sup>
- 5.2 Appendix 3 of this report detailed the urban and rural road collisions from 2013-17. The heat map and associated graph in the Appendix demonstrates that collisions that result in casualties being killed or seriously injured (KSI) in Devon is increasing, particularly on rural roads. In Devon it is unsurprising that rural roads make up a consistent 70% of serious collisions over the past five years. The task group has heard that there are 48 collision clusters currently in Devon, if it were possible to address the top 20 then the authority could make some serious inroads in changing the trend. Treating these clusters would make a significant difference to the KSI.
- 5.3 Devon has a low number of children that are Killed or Seriously Injured (KSI) in traffic collisions but fears about the dangers of speeding from parents still exist and prevent some children from

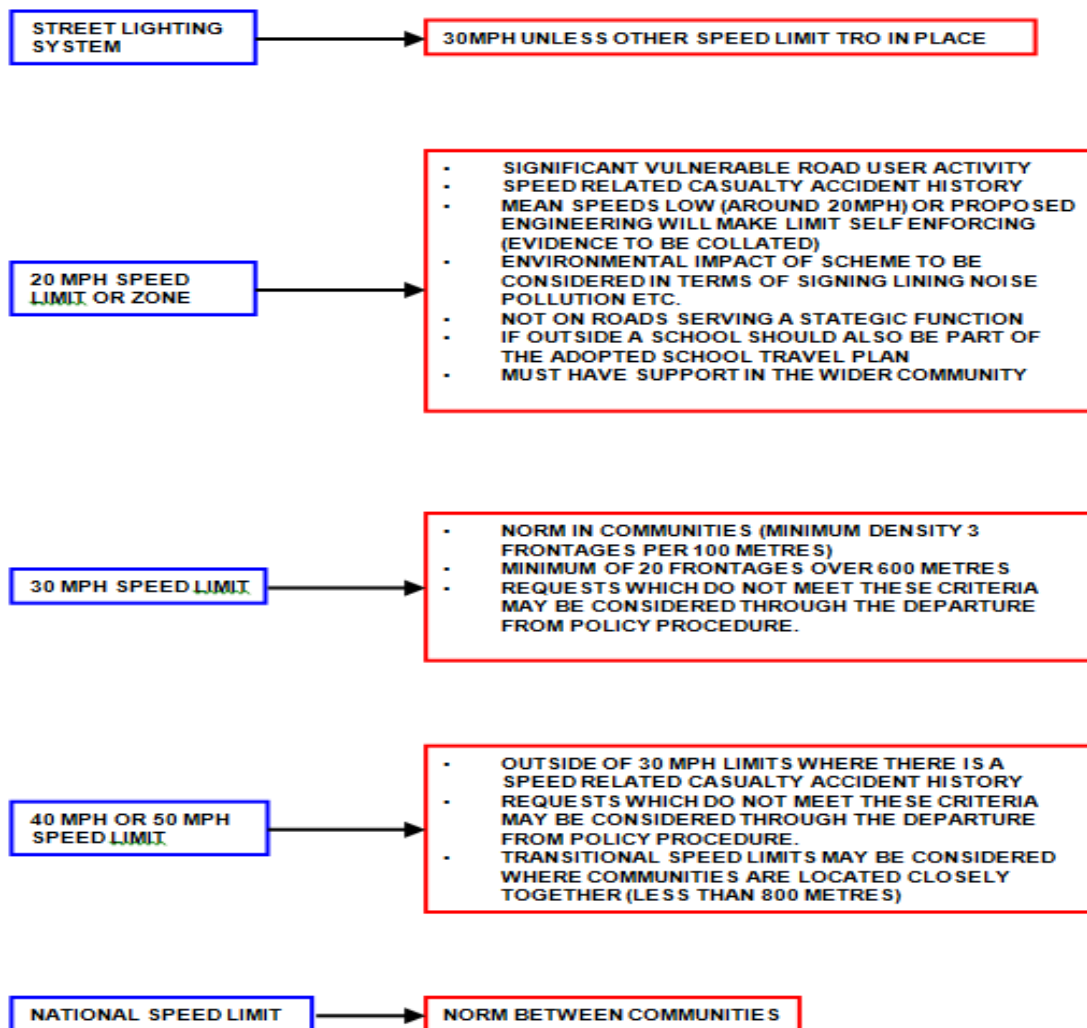
<sup>12</sup> RAC, 'Report on motoring' 2017 <https://www.rac.co.uk/report-on-motoring/report-on-motoring-2017> (accessed 06/06/2019)

<sup>13</sup> Department for Transport, 'Reported road casualties in Great Britain: 2017 annual report', 27 September 2018, p. 15, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/744077/reported-road-casualties-annual-report-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744077/reported-road-casualties-annual-report-2017.pdf) (accessed 06/06/2019)

# Agenda Item 9

walking/cycling to school. This could have negative long-term health implications for children if their physical activity is limited.

- 5.4 Devon County Council Speed Limit Policy was last revised in 2009, the details of speed limit guidance can be found below. The most recent guidance from the Department for Transport on speed limits, particularly 20mph speed limits, was released in 2013. This guidance stated that Local Councils should “consider the introduction of more 20 mph limits and zones, over time, in urban areas and built-up village streets that are primarily residential, to ensure greater safety for pedestrians and cyclists”<sup>14</sup>. It was felt by Devon County Council that these changes to policy were unnecessary and due to budgetary constraints would not bring about any real change if implemented. The 20’s plenty campaign group was clear to the task group that this meant that the Council was not compliant with the latest speed policy.



15

## The SCARF Process

- 5.5 The effectiveness of engineering measures in reducing vehicle speeds must be matched with their appropriateness for local people and balanced with issues such as noise and air pollution, congestion

<sup>14</sup> Department for Transport, *Department for Transport Circular 01/2013*, Setting Local Speed Limits, January 2013, p5

<sup>15</sup> Devon County Council, *Traffic Policy Note*, Local Speed Limits, DTP 34/05, November 2009, p3

and public transportation requirements. The task group has heard that traffic calming measures are often expensive to engineer and to maintain and there are challenges with funding. There was previously funding available for local changes such as traffic calming measures through the Local Transport Plan Budget. As outlined above, engineering measures are not always desirable as, in urban areas such as Exeter, introducing speed calming measures can lead to increased acceleration/deceleration and the associated problems of noise and air pollution.

- 5.6 The Speed Compliance Action Review Forum (SCARF) is the means by which speeding is analysed by DCC and Devon and Cornwall Constabulary, through this analysis it is determined what further enforcement action needs to be taken. To avoid duplication and to provide a co-ordinated, highly evidence-based response, DCC and the Police have developed a joint procedure to allow the concerns to be assessed in a consistent manner. SCARF makes use of data held by DCC, D&CC and the Peninsula Safety Camera Partnership (SCP) to ensure that assessment of complaints is evidence based. SCARF keeps records of its investigations and will not normally re-consider complaints that have already been assessed until a three-year period has elapsed.
- 5.7 The mean or average speed and the 85th percentile speed (the speed at which 85% of drivers travel at or below) are used to determine if there is a speeding issue and the appropriate intervention level. National Police Chief's Council (NPCC) guidelines are that enforcement may be appropriate where the mean speed is in excess of the Speed Limit or where the 85th%ile speed exceeds the speed limit by 10%+ 2mph. e.g. In a 30mph Speed Limit, a mean speed of 30mph would be normally be expected to have an 85th%ile speed of no greater than 35mph. The 5 potential outcomes from SCARF are demonstrated on the table below which has been produced by the task group based on information shared. It is important to note that outcomes from the SCARF process can be a blend of different measures.

Level	Recorded speed		Action Taken
	Average (Mean) Speed	85% of vehicles travel at:	
0	The speed limit	Not more than 15% above the Speed Limit.	No action or Speed Indicator Device (SID) Deployment.
1	The speed limit	Between 15% and 25% above the Speed Limit.	SID Deployment with Police support &/or Community Speed Watch.
2	Up to 15% above speed limit	Between 25% and 35% above the speed limit	Occasional Police or SCP Enforcement, suitable for an Educational Initiative eg. Police Speed Gun or Mobile Vehicle Activated Sign (VAS) deployment
3	Greater than 15% above Speed Limit	Greater than 35% above the Speed Limit	Level 3 Regular Police Enforcement and Review Signing consider Mobile VAS (See TMT02- Vehicle Activated Signs)
4	Greater than 25% above the Speed Limit		Suitable for SCP Mobile Camera Enforcement or Engineered Solution

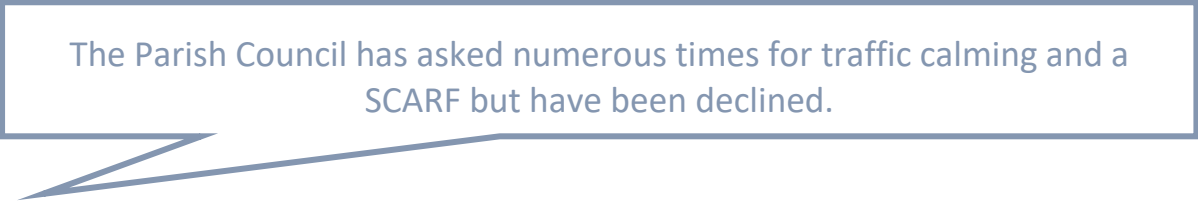
- 5.8 When recorded speeds fall substantially outside of the guidelines this could indicate that the speed limit is either set at the wrong level or that Enforcement, Engineering or Education, Training and Publicity are required. In cases of consistently high levels of a speed limit being broken, this could be



# Agenda Item 9

taken as evidence that perhaps the speed limit is inappropriate. As such, in these cases, raising the speed limit and enforcing this should be considered. Indeed, inappropriate speed limits are considered potentially dangerous in that they can decrease the legitimacy of all other speed limits and create a disconnect between expectation (based on the posted limit) and the reality (the actual speeds travelled). If this disconnect between expectation and reality encourages inappropriate or unsafe behaviours amongst more vulnerable road users, then the risk of injury will rise. So it could be that the outcome of the SCARF process would result in raising a speed limit.

- 5.9 The SCARF process takes a clear evidence-based approach when speed limits are consistently broken to put in place interventions that are designed to improve compliance and therefore safety. However, the task group has heard several concerns about the process. Firstly, the approach relies on the local officer or enough residents and Councillors raising complaints, that may not be taken forward (see speech bubble below). Secondly the process can be cumbersome and lengthy to ascertain the evidence. Finally, the measures that are recommended are limited, often financially constrained, and may not address the actual problem.



The Parish Council has asked numerous times for traffic calming and a SCARF but have been declined.

16

- 5.10 The task group has understood that there is often a challenge between providing what residents are asking for and what the budget is able to deliver. Whilst the SCARF process does manage resources in an evidence-based way, it does not consider what residents are asking for. This is further complicated as often residents and PARISH Councils may have a solution in mind already, as in the call out above. The task group have heard examples of the successful implementation of different solutions to those that residents have asked for, particularly in Cornwall where residents wanted a bypass and instead had a shared space scheme. The onus upon the County Council is to understand what is the change that residents want, rather than what is the intervention that they think might best address the problem.
- 5.11 There is work underway to change the thinking of the organisation; the Doing What Matters team is supporting the organisation to fully understand what life really feels like for the people of Devon, and to put citizen need at the heart of everything. The Doing What Matters team is developing leadership to constantly test our assumptions about our work, about citizen need and about the interaction between the public and the services we provide. The team helps leaders to engage in continual learning in order to improve the way our work is designed and managed, based on new knowledge and understanding, so that we can truly make a difference to people's lives.

## 6. 20mph Speed Limits

- 6.1 20mph Speed Limits have recently undergone a great deal of scrutiny, most notably with the long-anticipated publication of the Atkins Report in November 2018. The report bases its theory of change on the assumption that lower speeds reduce the frequency and severity of accidents.

---

<sup>16</sup> Task Group Survey free text box to all Town and Parish Councils



## 20mph zones vs limits?

A 20mph zone only requires one physical calming device (the rest may be roundels or repeater signs) there is little practical difference between zones and limits.

Most authority-wide 20mph implementations use a mixture of both to produce community-wide 20mph areas. Often a single legacy table or ramp may be used to designate a series of roads as a zone.

17

## Findings from the Atkins Report

- 6.2 The Atkins report was a much-anticipated National study into the effectiveness of 20 mph. Using twelve core case studies comprising a variety of area types, road types, and scale:

Category	Case Study schemes	
<b>Predominantly residential schemes – small scale standalone, covering an individual neighbourhood (two schemes):</b>	Walsall (Rushall)	Winchester (Stanmore)
<b>Predominantly residential schemes – large scale area-wide schemes, covering a substantial portion of the town or city in question (eight schemes):</b>	Liverpool (Area 7) Liverpool (Area 2) Middlesbrough Calderdale (Phase 1)	Nottingham (Bestwood) Brighton (Phase 2) Portsmouth Chichester
<b>City or town centre and adjacent residential areas (two schemes):</b>	Brighton (Phase 1)	Winchester (City Centre)

18

- 6.3 The schemes involved lowering the speed limit from 30mph to 20mph through signing and road markings and supporting community engagement activities to raise awareness and encourage support. None of the schemes involved the introduction of physical traffic calming measures or changes to the street design.
- 6.4 A majority of people from almost all groups surveyed were in favour of 20mph speed limits before and after implementation. However, there was a consistent net agreement post implementation that 20mph speed limits had not improved perception of area as a community environment.
- Analysis of TomTom GPS journey speed data shows that a substantial proportion of drivers were already travelling at less than 20mph prior to the introduction of the new limits and median before speeds were already close to 20mph, 44% in residential case study areas and 59% in city centre case study areas. However, these numbers increased by 6% and 3% respectively after the implementation of 20mph speed limits.
  - Journey speed analysis shows that the median speed has fallen by 0.7mph in residential areas and 0.9mph in city centre areas.
  - In residential areas, in the short term, the absolute number of collisions and casualties has reduced. However, due to similar experiences in control areas, the analysis indicates a high level of probability (generally more than 50%) that the relative reductions identified in the case study areas are due to chance, and that there is no meaningful difference between the reduction in the case study and comparator areas.

<sup>17</sup> Information taken from witness session with Rod King from '20's Plenty' 2018

<sup>18</sup> Atkins and Maher, *20mph Research Study Process and Impact Evaluation Headline Report*, Nov 2018, p13  
<https://www.gov.uk/government/publications/20-mph-speed-limits-on-roads> (accessed 06/06/2019)

# Agenda Item 9

- 6.5 Although 69% of residents agreed that the 20mph limits are beneficial for cyclists and pedestrians, there was only a small (but significant) increase in the proportion of survey respondents stating that they have increased their use of active travel modes. Some 5% of residents surveyed said that they are walking more, and 2% said that they are cycling more, since the introduction of the 20mph limits.
- 6.6 Journey times are estimated to have increased by 3% in residential areas and 5% in city centre areas, however, the vast majority of residents did not see an increase in frustrated driving behaviour and there is little evidence of route changes, as only 8% of (non-resident) drivers said that they avoid driving in the area, and only 4% of residents felt that there are less vehicles using their road. This is congruous with testimony from 20's plenty below:

There is no evidence that there is any increase in congestion in 20mph roads compared to 30mph.

19

- 6.7 Longer term evidence from Portsmouth journey speed analysis shows an increase in 20mph compliance over time, from 58% one year after (2009) to 62% seven years after implementation. Implying that the positive effects from 20mph speed limits do not disappear over time.
- 6.8 **The summary finding from the research is that although the effects from 20mph speed limits are positive, they can be small at best. 20mph speed limits must be ensured to be appropriate to the road, for example if traffic speeds are already close to 20mph or are self-enforcing with measures such as traffic calming engineering.**

## 20's plenty for us

- 6.9 The task group spoke to Rod King, founder of The Campaign Group '20's Plenty' who was disappointed with the final Atkins report. The group highlight that the original objectives were not addressed, that the primary data used in the report has several limitations which are not taken into account, as well as the low numbers of figures used to limit the statistical validity of the data around casualty figures. The table below summarises the original objectives of the study and then gives the response from the campaign group:

Objective	Our assessment	
<b>1. Effectiveness.</b> To evaluate the effectiveness of 20mph speed limits, in a range of settings.	<b>Not met</b>	Methodology is flawed in comparisons made; uses data with inherent bias on speed measurements and data gathered is insufficient on casualties.
<b>2. Perceptions.</b> To examine drivers' and residents' perceptions of 20mph limits.	<b>Met</b>	The wide range of surveys are useful.
<b>3. Cost/Benefits.</b> To assess the relative costs/benefits to vulnerable groups e.g. children, cyclists, the elderly.	<b>Not met</b>	Cost-effectiveness was not assessed or compared with other interventions such as physically calmed zones.

---

<sup>19</sup> Witness Session with Rod King, founder of 20's plenty

<b>4. Processes &amp; Factors.</b> To evaluate the processes and factors which contribute to the level of effectiveness of 20mph speed limit schemes.	<b>Not met</b>	These were discussed, but no evaluation made of the possible contribution in case studies chosen.
---	----------------	---

20

- 6.10 The task group is very interested in the application of default 20 mph limits in Area-wide 20mph limits were first introduced in residential streets, city-wide, in Portsmouth. Portsmouth's vision was for speeding on residential streets to become as unacceptable as drink driving. Initial results of the Portsmouth scheme were encouraging, with a reduction in average speeds (greatest on roads with the highest 'before' speeds), and indications that casualties have fallen.
- 6.11 Several English local authorities have since followed this approach by implementing 20mph as the default speed limit for residential streets, including Oxford, Bristol, Warrington, Islington, and Hackney. A greater number have made the political commitment to 20mph limits in principle, for example Norwich and Birmingham. The benefits of 20mph areas goes beyond a lowering of speed and many of the softer measures are harder to capture in statistical evaluation.

In Edinburgh a pilot implementation of the 20mph speed limit was found to have tripled the number of children cycling to school.

21

- 6.12 Rod King presented to the task group the five factors to consider and work into the introduction of a 20mph limit to ensure a successful change to speed:
- 1/ Conviction** – Is the traffic authority communicating conviction with an authority-wide implementation. This delivers the benefits to most drivers' home streets and increases ownership? Or alternatively, is it communicating a lack of conviction by implementing in an isolated manner on a trial basis?
  - 2/ Enforcement** – Do the police support the change in speed limit with a policy that includes some enforcement, so endorsing the mandatory nature of the limits? Alternatively do the police refuse to enforce and send a clear message that a 20mph limit should not be taken seriously?
  - 3/ Previous speed** – When implemented across a wide area, many streets that already have a low speed will be included for consistency. Reductions will be less or not at all on such streets and higher where previous speeds have been greater. Hence overall averages of average speeds may well underestimate the reductions on faster streets.
  - 4/ Engagement** – By recognising the social norming and engagement aspects of an implementation then the public will be far more aware of and buy into the values and benefits associated with the change. Especially if this is framed around making the community a better place for all. Public health specialists can bring useful skills and experience to such a behaviour change program. Alternatively, solely communicating via road signs is a poor substitute for engagement.

<sup>20</sup> 20's Plenty for Us, *DfT 20mph Evaluation Conclusions*, no date; [http://www.20splenty.org/20mph\\_evaluation\\_conclusions](http://www.20splenty.org/20mph_evaluation_conclusions), (accessed 06/06/2019)

<sup>21</sup> Edinburgh City Council Transport and Environment Committee, *South Central Edinburgh 20mph Limit Pilot Evaluation 2013*, August 2013, [http://www.edinburgh.gov.uk/download/downloads/id/7820/south\\_central\\_edinburgh\\_20mph\\_limit\\_pilot\\_evaluation\\_2013.pdf](http://www.edinburgh.gov.uk/download/downloads/id/7820/south_central_edinburgh_20mph_limit_pilot_evaluation_2013.pdf) 2.27, (accessed 06/06/2019)

# Agenda Item 9

**5/Multi-agency approach** – By approaching an authority-wide implementation with a team comprising Ambulance, Fire, Social Services, Traffic, Road Safety, Public Health, Police and Schools then each can play their part in setting this as a community enhancing initiative. Alternatively, only seeing it as a “traffic management” issue limits behaviour change and public buy-in.

- 6.13 In Torbay, a different model is used when assessing if an area should be lowered to 20mph. Their criteria for lowering to 20mph is to have two of either: Current mean speeds are at or below 24 mph, there is a depth of residential development and evidence of pedestrian and cyclist movements within the area and/or there is a record of injury accidents (based on police collision data) within the area, over a period of the last five years. Following this a matrix (Appendix 2) is used. This gives an example of how community support can be given more weight while still tackling speed limits through an evidence-based approach.<sup>22</sup>
- 6.14 The task group followed up two authorities that had successfully reported their introduction of 20mph limits, these are detailed in the boxes below. There are key aspects of both schemes that are reflected in the 20's plenty step by step approach above. This includes the need for early engagement and winning over hearts and minds. In Sefton much of this was done after the introduction of 20mph. In Bristol the publicity campaign started much earlier. The task group would like DCC to explore default 20mph limits and evaluate how they work locally, learning lessons from other authorities that have already done this.

## Introduction of widespread 20mph zones in Sefton

In 2011, following the widely publicised conversion of all residential roads within Portsmouth, Elected Members requested a similar process be carried out within Southport. This was discussed in a report and on 3 October 2011, Sefton Cabinet Member – Transportation widened this request to include the whole of Sefton and introduced an annual rolling programme, funded from Sefton's Local Safety Scheme allocation within the Capital Programme.

The rolling programme started in 2012/13 and completed in 2015/16. Approximately eight self-contained areas were treated each year. In each of these areas, consultation packs and questionnaires were hand delivered to every property in the area. This resulted in a spread of support for the introduction of the 20mph speed limits ranging from 53.4% to 94%, with an average of 74.7% of residents supporting the schemes over the four years of the programme. An average reduction of 1mph in 85th percentile speeds has been observed since the introduction of the lower speed limits.

Sefton are complementing the introduced speed limits with education, training and publicity programmes funded from the Capital programme for the next four or five years. The publicity/education programme that the Task Group has seen in Sefton's local press comprises of subliminally 'drip fed' information every week in the local free papers. These messages highlight the advantages and reasons why people should drive at lower speeds in residential areas. They have no reference to Sefton Council. The messages change every week and hopefully prompt the reader to think about how they drive and understand how their actions impact upon others.

---

<sup>22</sup> Torbay Council, *20mph Speed Limit Policy Criteria*, no date, <http://www.torbay.gov.uk/DemocraticServices/documents/s63224/Appendix%201%2020%20mph%20Residential%20Criteria.pdf>, (accessed 30/05/2019)

## Introduction of 20mph limits in Bristol

In 2010 two pilot areas of 20mph were trialled in the inner-city area and the results proved very fruitful which led to a Cabinet report. This agreed to rollout 20mph citywide and from Sept 2013 to Sept 2015 the speed limit was implemented across the whole city in six phases.

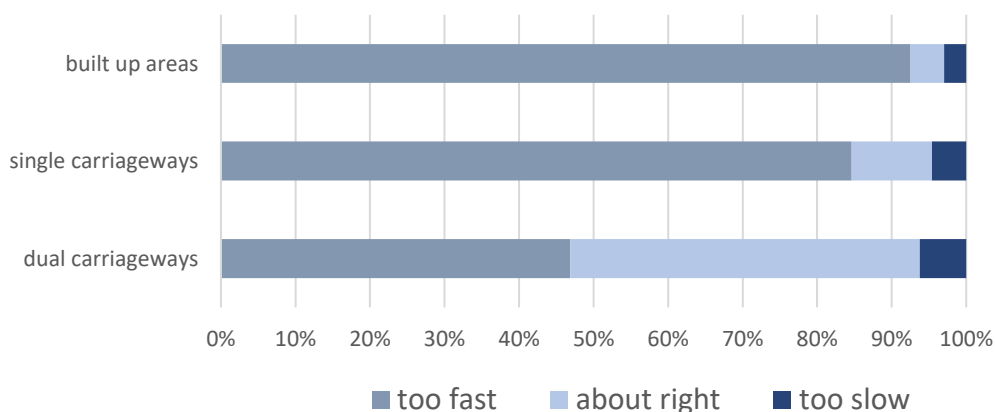
The results are that 90% of roads have a 20mph with a 30/40 and 50mph network of main arterial routes, although some main road in the centre of city are 20mph due to the volume of pedestrians and cyclists in the area. The overall outcomes of the project are to ensure reduced speed limits continue to help improve active travel and subsequently health and wellbeing for residents and make streets safer for all road users. The 20mph speed limits are wholly sign based interventions and rely on driver compliance to adhere to the speed limit (as is the case for all speed limits).

The rollout also included a comprehensive monitoring programme and in Feb 2018 the Bristol Twenty Miles Per Hour Limit Evaluation (BRITE) study was produced by the University of the West of England (UWE). This independent peer reviewed report assessed the impact of 20mph speed limits and found a reduction in road speeds and fatalities following road collisions since the lower speeds were introduced. 94% of surveyed roads have slower speeds, active travel levels have increased and there was a significant reduction in the number of fatal, serious and slight injuries and commensurate significant financial savings for the NHS. ([www.bristol20mph.co.uk](http://www.bristol20mph.co.uk)). A dedicated website was set up and there is now a Facebook page and twitter account to continue this work which has been invaluable as an engagement tool.

## 7. Re-envisioning Traffic Speeds and Living Streets

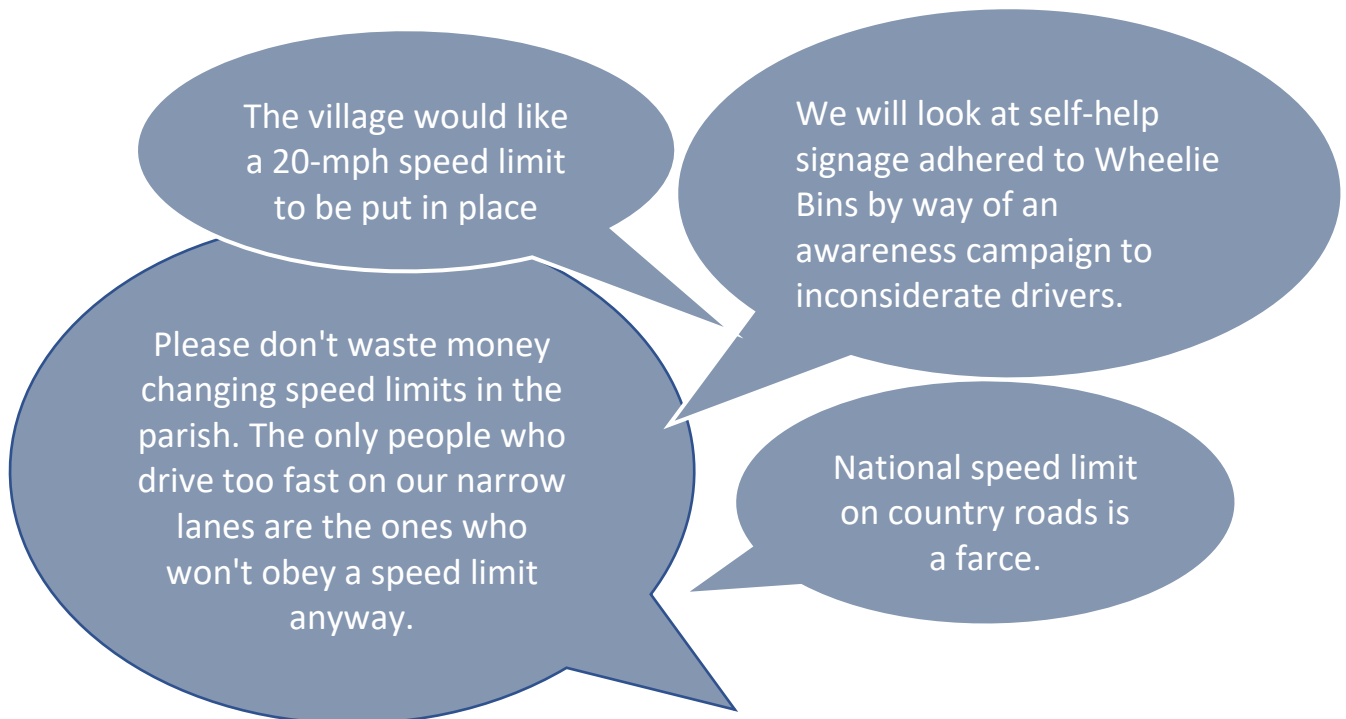
- 7.1 The task group undertook a survey to all Town and Parish Councils with the purpose of testing local opinion on speed limits. The response rate was 69, which is approximately one fifth of the Councils in Devon. Most respondents feel that vehicles travel too fast, especially in built up and residential areas:

Town and Parish Council views on speed



# Agenda Item 9

- 7.2 Conducting a survey in this way did highlight limitations in road descriptors as the task group had limited scope to precisely define single carriageways where passing is possible compared to single carriage ways where there can be significant differences between urban and rural roads.
- 7.3 Of the 46 comments referring to speed, 32 spoke of ways to reduce speed, but only 21 gave a reason as to why they wanted to see traffic slowed. The most common reason for wanting slower speeds was safety, the only other concern spoken of was traffic congestion/volume. The most popular measures to reduce speed were greater enforcement and greater physical traffic calming measures/signage. A selection of typical comments is graphically shown below:



- 7.4 Respondents to the survey were also invited in to a focus group/round table discussion about speed. The table below is a summary of the main points that were raised coupled with suggestions that could help the issues

Challenges/problems	Possible solutions
<b>Changing the speed limit to a lower speed</b> <ul style="list-style-type: none"><li>- Will only be reduced if the average speed is fairly close to the proposed new speed.</li><li>- traffic speed policy does not take into account local opinion and observations</li><li>- Traffic speeds are not in keeping with growing rural communities</li></ul>	<ul style="list-style-type: none"><li>➤ policy to have the ability to be more pro-active to speed problems, rather than reactive</li><li>➤ Changes to the SCARF process to listen to residents.</li><li>➤ More regular reviews of speed limits</li><li>➤ 'Quiet Country Lanes' adopted as a classification with a maximum speed of 50mph</li></ul>
<b>Reducing speeding</b> (drivers being within the speed limit but driving at inappropriate speeds)	<ul style="list-style-type: none"><li>➤ Hard hitting informational posters</li><li>➤ Signage tactics from communities</li><li>➤ Flashing lights next to a school to alert drivers picking up/dropping off time at the</li></ul>

Challenges/problems	Possible solutions
	<p>school. This could be used more extensively in Devon.</p> <ul style="list-style-type: none"> <li>➤ More enforcement</li> <li>➤ More innovative methods of ensuring speed remains close to a speed limit.</li> </ul>
<p><b>20mph Speed Limits</b> seen as somewhat ineffective but lots of communities would still like them.</p>	<ul style="list-style-type: none"> <li>➤ Have to be accompanied by traffic calming measures</li> </ul>
<p><b>Engineering measures</b></p> <ul style="list-style-type: none"> <li>- no budget given for traffic calming measures until there is a history of road traffic accidents in that area.</li> <li>- not all physical traffic calming engineering measures are helpful or achieve the right result.</li> <li>- Nothing can be done until there is a fatality!</li> <li>- <b>Vehicle Activated Signs</b> have proved to be unsuccessful</li> </ul>	<ul style="list-style-type: none"> <li>➤ Community could invest themselves</li> <li>➤ Vehicle Activated Signs which show the speed of the vehicle may be more effective</li> <li>➤ Communities expressed a wish for DCC to engage more with such methods as tree planting, road colours and other such cost-effective methods.</li> </ul>
<p><b>Rat-running</b> through small villages creating a large problem with the volume of fast-moving vehicles which are unsafe and unsociable</p>	<ul style="list-style-type: none"> <li>➤ Sat navs may be sending large vehicles down small and inappropriate country roads. It would be beneficial if there were a warning to alert people as to when they were in a residential area</li> </ul>
<p><b>Community Speed Watch</b></p> <p>One community set up a community Speed Watch and managed to gain vehicle activated signage as a result. This did not change speed, however. It did garner much abuse toward the Speed Watch volunteers. The fear of harassment of Speed Watch volunteers was echoed by others.</p>	<ul style="list-style-type: none"> <li>➤ More support from the Police for Community Speed Watch and more visible support.</li> </ul>

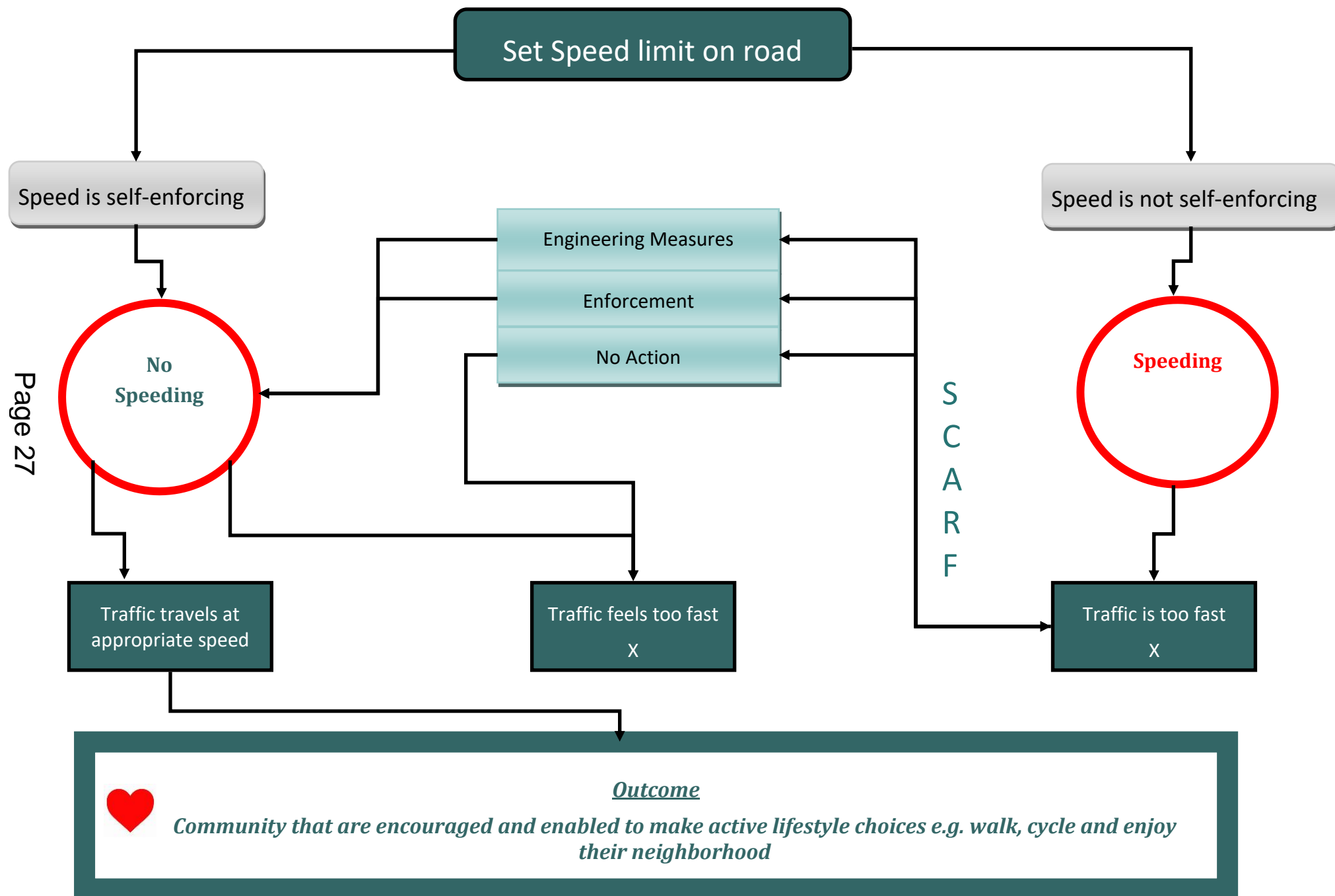
- 7.5 The task group has considered the testimonies from witnesses and put together the diagram over the page, which attempts to demonstrate the nuances that even in cases where the majority of speed is not breaking the speed limit, it may still feel too fast. This in turn can set the tone around safety for the neighbourhood. The task group asserts that an approach is required where roads are viewed as one aspect of a community and can act as an enabler for better health.
- 7.6 The speed set on any road will be informed by the local interpretation of National Policy. It may already have some features that make drivers adhere to the speed limit. The policy guidance suggests setting speed limits in line with how fast traffic is already travelling. If for example in a twenty mph zone the road is narrow and frequently has parked cars down one side, with several turns and corners, drivers are unlikely to exceed the speed limit. In an ideal world traffic meeting this speed limit will be felt by pedestrians and residents to be part of an environment where roads are safe spaces. This means that the goal – of promoting health environments has been met. However,

# Agenda Item 9

an alternative outcome is that although traffic is complying with the speed limit, it still feels fast. This is likely to be a deterrent to pedestrians and cyclists and may even encourage residents to get in their cars more for short journeys like taking their children to school.

- 7.7 Going to the other side of the diagram, a speed limit is set with a road that is not self-enforcing – this may be at a higher speed, or simply one where the topography does not lend itself to maintain the speed limit – for example with a long, straight road in a 30 mph. This scenario sees motorists breaking the speed limit. The next stage in the process is that through traffic monitoring, residents or Councillors complaining the SCARF process is initiated. Assuming that the SCARF process goes ahead, an evidence-based solution will be suggested. This could be engineering measures, to calm traffic on roads where the limit is being most severely broken. It could be enforcement on roads where the limit is still being broken, or it could be community speed watch, or no action if most of the traffic is travelling within the speed limit. This determination and subsequent action may resolve the concerns, reducing the actual speeding as well as the perception of speeding. However, it may be that traffic still feels too fast for residents, even if most of the traffic is staying within the speed limit. This is likely to inhibit walking and cycling and road us for vulnerable users.
- 7.8 One concept that the task group discussed was the idea that speeding and travelling too fast could and should become socially unacceptable, in the way of drink driving or smoking. A societal shift in attitude to speed would potentially negate the need to respond with engineering measures or enforcement.





# Agenda Item 9

## Safe Systems and Healthy Streets Approach

7.9 The need for a different approach has been heard throughout the task group's investigation. The Safe System approach is one that aligns road safety management with broader ethical, social, economic and environmental goals. By creating partnerships where government or transport agencies work closely with other groups. Given the complex multi-agency and multi-sectoral context of safe system methodology, it requires careful leadership by top management of organisations to bring together the unique contribution of each agency. Safe System has five pillars of action:

- Safe Roads
- Safe Speeds
- Safe Vehicles
- Safe Road Users
- Post Collision Response



23

7.10 In 2017 TfL published their Strategy on the Healthy Streets Approach. This is a street planning strategy which tries to re-prioritise the pedestrian, vulnerable road users and public transport while reducing pollution and congestion, to make for an environment which promotes health and wellbeing.<sup>24</sup> The strategy uses 10 Healthy Street indicators as cornerstones of its guidance around streets. These are:

<sup>23</sup> PACTS; 'Developing Safe system road safety indicators for the UK [http://www.pacts.org.uk/wp-content/uploads/sites/2/PactsReport - Developing-Safe-System-Road-Safety-Indicators-for-the-UK\\_Oct18-FINAL.pdf](http://www.pacts.org.uk/wp-content/uploads/sites/2/PactsReport_-_Developing-Safe-System-Road-Safety-Indicators-for-the-UK_Oct18-FINAL.pdf)

<sup>24</sup> Transport for London, *Healthy Streets for London*, London, February 2017, p6-11

- 1) Pedestrians from all walks of life
- 2) People choose to walk, cycle and use public transport
- 3) Clean air
- 4) People feel safe
- 5) Not too noisy
- 6) Easy to cross
- 7) Places to stop and rest
- 8) Shade and shelter
- 9) People feel relaxed
- 10) Things to see and do

Of these, Pedestrians from all walks of life and people choose to walk, cycle and use public transport are shown as being the most important while the remaining eight help to support these two.<sup>25</sup>

- 7.11 The Healthy Streets approach gives a great deal of guidance on how these indicators may be implemented. One of the main recommended methods of achieving a Healthy Streets approach is a reduction in traffic speed;

***“If we could reduce the speed of vehicles, then the street would feel safer, more relaxed, less noisy and easier to cross. A street with slower moving traffic is likely to attract more people to walk, cycle and spend time in it. Reducing speeds may involve physical traffic calming but also requires changing the way the street feels and how it is used, to encourage people to drive with more care. This can all help encourage people to feel more comfortable playing, socialising, exercising and resting in the street environment.”***<sup>26</sup>

Speed reduction is one the many example methods of achieving the Healthy Streets Indicators suggested. It is of course most effective when paired with other goals such as traffic volume reduction, promoting community ownership and reducing street clutter.

- 7.12 In the absence of government targets for road safety the task group advocates a Performance Indicator approach which measures progress against key indicators of collision outcome severity. These are taken from the recommendations in ‘Developing safe system road safety indicators for the UK Parliamentary Advisory Council for Transport Safety, in association with Ageas’. These are in line with the Safe system approach:

1. Traffic complying with speed limits on national roads
2. Traffic complying with speed limits on local roads
3. Drivers who do not drive after consuming alcohol or drugs
4. Car occupants using a seat belt or child seat
5. Drivers not using an in-car phone
6. Passenger cars with highest safety rating
7. Major roads with appropriate safety ratings
8. Emergency medical services arriving at priority accident scenes within 18 minutes.

## Nudging Speed down

- 7.13 The task group head from the University of Exeter about the potential to apply Nudge Theory to reduce speeds travelled. Nudge theory alters people's behaviour in a predictable way without forbidding any options or significantly changing their economic incentives.<sup>27</sup> To count as a mere nudge, the intervention must be easy and cheap to avoid. Nudges are not mandates. For example, putting fruit at eye-level counts as a nudge, whereas banning junk food does not.

---

<sup>25</sup> Transport for London, *Guide to Healthy Streets Indicators*, London, November 2017, p4

<sup>26</sup> Transport for London, *Guide to Healthy Streets Indicators*, London, November 2017, p26

<sup>27</sup> Thaler, R. and Sunstein, C. ‘Nudge: Improving Decisions About Health, Wealth and Happiness’ 2009

# Agenda Item 9

- 7.14 Nudge theory can be used to encourage a more positive affective attitude towards following speed limits and a negative affective attitude to speeding. A 'nudge' is a cheap and easy cue in the environment that alters people's behaviour in a predictable way without forbidding any options or significantly changing their economic incentives.
- 7.15 Strategies to decrease speeding could therefore include:
- In depth training, although this must be done carefully, to ensure it does not simply increase confidence
  - Social and public campaigns to stigmatise speeding
  - Improved road design, where roads feel that they should be a maximum of the speed limit
  - Reminder campaigns which use behavioural science approaches
  - Specific local campaigning and Community Speed Watch to reinforce the visible presence
- 7.16 A crucial aspect of access relates to the extent to which neighbourhoods can be described as walkable. That is, the ease with which pedestrians can get out and about around outdoor spaces, services and facilities, which has significant implications for sociability, health and well-being. Walkable environments consider not only the physical design of routes, but also features and facilities that are inclusive of the widest possible range of needs; for example, places for people to rest along their journeys, including well designed seats and benches, accessible toilet facilities, signage and street design that is sensitive to a range of needs and that can help with orientation and wayfinding.
- 7.17 Examples of this being attempted in a rural setting can be seen through such legislation as Section 268 of the Transport Act 2000, "Quiet lanes and home zones" which was later clarified further by the Quiet Lanes and Home Zones (England) Regulations 2006.
- 7.18 The law gives local authorities the power to create Home Zones and Quiet Lanes. Quiet Lanes are a designation that can be given to small rural roads that are extensively used by walkers, cyclist and riders with the aim to increasing the awareness of drivers. Evidence surrounding the scheme shows mixed results. DCC considered implementing the legislation in 2006. In a 2006 DCC Transport Plan Environmental Assessment it was given a brief paragraph of rejection.<sup>28</sup> where it stated that "the concept of Quiet Lanes is supported by the Areas of Outstanding Natural Beauty and The Countryside Agency, and so they should be reconsidered by Devon County Council in the future".
- 7.19 The DCC document makes reference to a Department for Transport Traffic Advisory Leaflet 03/04 which in turn is summarising a study done on the effect of Quiet Lanes.<sup>29</sup> The leaflet in question shows that the results of how effective Quiet Lanes are is mixed. A reduction in speed compared to control roads was seen in only one of the three tested Quiet Lanes. However, they were a popular idea both before and after implementation, traffic flows were seen to decrease on Quiet Lanes and, perhaps most importantly, driver awareness increased.
- 7.20 A very similar policy to the Quiet Lanes was considered by Devon County Council as a part of the Rural Road Safety Demonstration project back in the late 2000s with a Green National Speed Limit Sign. This scheme was ultimately abandoned though due to surveys showing that the Green National Speed Limit Sign was not understood enough by the public in relation to the traditional national speed limit sign.<sup>30</sup>
- 7.21 However, a reduced speed approach has been taken across Dartmoor National Park in response to high numbers of animal deaths, see box below:

---

<sup>28</sup> Devon County Council, *Strategic Environmental Assessment Statement: Devon Local Transport Plan 2006-2011*, [http://www.devon.gov.uk/sea\\_statement.pdf](http://www.devon.gov.uk/sea_statement.pdf) (accessed 18/01/2019)

<sup>29</sup> Department for Transport, *Traffic Advisory Leaflet 3/04*, June 2004, <http://www.ukroads.org/webfiles/TAL%203-04%20Quiet%20Lanes.pdf> (accessed 18/01/2019)

<sup>30</sup> Department for Transport, *Taking on the Rural Road Safety Challenge*, Report Annex 1, March 2011, p124 <https://webarchive.nationalarchives.gov.uk/20121103223512/http://www.dft.gov.uk/publications/taking-on-the-rural-road-safety-challenge/> (accessed 18/01/2019)

## Case Study: 40mph Dartmoor National Park Authority

- High numbers of livestock killed or injured on Dartmoor's roads – **448 between 2015 and 2017**; many of these have been killed by speeding motorists
- Animal carcasses are not only unsightly; injured livestock cause local farmers financial damage through veterinary bills. Dead livestock have even greater financial repercussions for farmers. Dartmoor is not only a tourist area but an agricultural environment. The National Park is also protected for its wildlife
- To reduce the number of livestock killed on Dartmoor's roads through speeding, the DNPA has undertaken a package of measures which include a combination of **legislation, education, and enforcement**. These measures are:
  - 1) **Legislation** - The introduction of blanket 40 mph speed limits to large parts of Dartmoor
  - 2) **Education** - The use of Vehicle Activated Signs (VAS) to remind drivers about the 40 mph speed limits. There are three VAS units, rotated around 6 sites throughout Dartmoor
  - 3) **Education** - The use of signage to raise awareness about animals crossing roads and the numbers of animals killed and injured by speeding motorists.
  - 4) **Enforcement** - Joint work with the Police and DVLA through the Dartmoor Rangers surrounding the enforcement of speed limits



# Agenda Item 9

- 7.22 Home zones are a form of shared space scheme. They consist of residential streets in which the road space is shared between motor vehicles and other road users, but with the emphasis on those who walk and cycle and on children<sup>31</sup> (see Countrywide initiative) with funding from the Local Transport Plan (LTP) to introduce traffic calming measures and to make speed limits more self-enforcing. They allow local residents to become involved in shaping speed limits. An example is Burnthouse Lane, Exeter.
- 7.23 Another innovative potential solution to traffic speed is the use of optical illusions. In most instances, these take the form of two-dimensional road markings designed in such a way as to seem to be three-dimensional objects. Transport for London undertook a pilot of optical illusion speed cushions in 2014 in Newham and then followed this up in 2016 on Southwark Street with the same optical illusion speed cushions. These were, therefore, merely painted onto the road, but done in such a way as to appear to be normal speed cushions to approaching drivers. Although the Task Group cannot locate the raw results from this pilot scheme it was reported at the time that “nine months after the early tests were implemented, results suggested that speeds had come down by 3mph on average”.<sup>32</sup> Such pilot schemes of optical illusion street painting are ongoing, with the UK’s first 3D zebra crossing being created in early 2019 in St John’s Wood, London<sup>33</sup>
- 7.24 The task group has been unable to identify sufficient research and no peer reviewed data on an empirical study of interventions that gives a clear steer on which interventions work most effectively. It is likely that this is because the nuances of different roads are very difficult to effectively compare. It would be extremely helpful if Central Government were to share expert views and analysis on the efficacy of interventions. In the absence of such clear direction, the task group has sought to collate some measures that may be of use to local communities and in the production of such guidance at a local level. However, the inclusion in the report does not mean that these initiatives are recommended:

---

<sup>31</sup> House of Commons Library, *Roads: Home Zones*, <http://researchbriefings.files.parliament.uk/documents/SN01137/SN01137.pdf>  
<https://www.cyclinguk.org/campaigning/views-and-briefings/home-zones> (accessed 05/03/2019)

<sup>32</sup> RAC, *Virtual speed bumps used to reduce traffic speeds*, 9<sup>th</sup> August 2017, <https://www.rac.co.uk/drive/news/motoring-news/painted-road-designs-look-to-reduce-traffic-speeds/> (accessed 05/03/2019)

<sup>33</sup> BBC, *'UK's first' 3D zebra crossing created in St John's Wood*, 28<sup>th</sup> February 2019, <https://www.bbc.co.uk/news/uk-england-london-47402269> (accessed 06/03/2019)



## An edited version of an article that appeared in the Guardian

### Don't do white lines

White lines have been around since 1921, when they were painted on a hazardous corner in Birmingham. But in recent years, they have been removed from roads in Norfolk, Wiltshire and London, where Transport for London tested whether removal makes drivers more cautious and slows traffic. TfL found that average speeds slowed by 3.3mph to below the 30mph limit on Seven Sisters Road outside Finsbury Park in north London, with speeds also falling on two roads in Croydon. "Road engineers and experts agree, however, that white-line removal is best in urban areas; it won't make highways designed solely for vehicles (such as motorways) safer – as the AA points out, new car-safety technology "reads" white lines to alert drivers if they are going off track.

### Get in drivers' heads

The Transport Research Laboratory tested psychological traffic-calming, which aims to reduce speeds not through speed bumps but by using perceptual techniques to increase the perceived risk of a road. Looking at a range of psychological measures undertaken in the Wiltshire village of Latton, they found that "tree buildouts" and "red brick narrowing" were the most effective measures. Red brick paving on road edges made routes appear narrower; similarly, chicanes planted with trees made drivers go much more slowly. Researchers said such measures had a lasting impact – drivers didn't speed up again when they became wise to these perceptual tricks.

### Share!

Dutch traffic engineer Hans Monderman decided urban roads would become safer if traffic lights, signs, lane markings and even kerbs were removed, so pedestrians, cyclists and motorists had to share road space. Such schemes are still controversial, but are increasingly popular in Europe, Australia, South Africa, Japan and even some car-dominated American cities. In the UK, Exhibition Road in London is an example, as is a [£4m scheme](#) in the [Cheshire town of Poynton](#).

### Bay watch

Reducing the linearity of roads makes drivers' peripheral vision more acute, according to [Hamilton-Baillie](#). Removing yellow lines and creating parking bays disrupts a road's straight lines very effectively and has been undertaken in cities and towns including Glasgow, Bury St Edmunds and Halifax.

### Keep it bumpy

The TfL study on the impact of removing white lines found average speeds increased on a stretch of resurfaced urban road by 4.5mph. Drivers slow down on rutted, pothole-riddled roads. But, of course, as Paul Watters of the AA points out, poorly maintained roads are more hazardous for bikes and motorbikes.

34

## 8 Enforcement

- 8.1 In many witness sessions, particularly with Town and Parish Councillors enforcement came up as an area for concern, with witnesses stating that there was not enough enforcement. Speeding remains a significant concern from the public. The task group has heard from the Police that there will always be a part of society that will not comply with the rules and that it is therefore essential to have a visible deterrent.

<sup>34</sup> Barkham, P. 'How to slow down traffic: ditch kerbs, keep potholes, plant trees' article in The Guardian Paper 3<sup>rd</sup> February 2016 <https://www.theguardian.com/world/shortcuts/2016/feb/03/slow-down-traffic-ditch-kerbs-keep-potholes-plant-trees>, (accessed 06/03/2019)

# Agenda Item 9

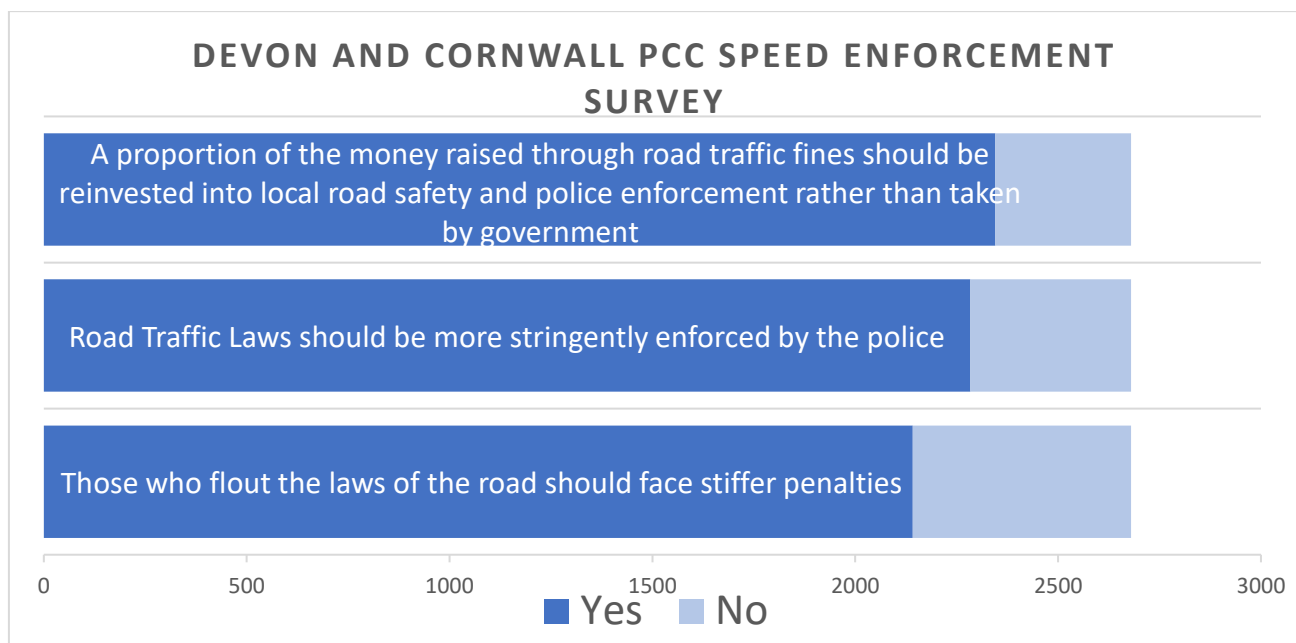
- 8.2 On motorways, 48% of cars exceeded the speed limit in 2017, with 12% exceeding the speed limit by more than 10mph. Single carriageway roads where the national speed limit applies (60 mph for cars) had the highest levels of speed limit compliance, with only 9% of cars exceeding the speed limit. On 30mph roads, 52% of cars exceeded the speed limit with 6% exceeding the speed limit by 10mph or more.<sup>35</sup>
- 8.3 The task group has heard that Police in Devon have developed a 'New roads Policing Strategy' which has been put in place by the Chief Constable. A visible presence of speed enforcement or at least speed surveillance is an important tool for both reducing casualties and giving reassurance to local communities. Indeed, for the minority of the population who have little regard for speed limits a sense of observation is an important deterrent. This is currently being helped by innovations such as the increase in dashcam intelligence.

## Speeding

There are three courses of action that can be taken dependent upon the extent of the speed infraction. These would come into effect if a motorist was breaking the limit by more than 10% of the speed limit + 2mph. This is set by the National Police Chief's Council.

- 1 Marginal speeding - sent on a speed awareness course. This is paid for by the motorist.
- 2 Receive a fixed penalty fine.
- 3 Referred directly to court. This would happen if there was a significant speeding infringement. E.g.

- 8.4 On 2<sup>nd</sup> January 2019 Devon and Cornwall Police and Crime Commissioner's Office released the results of a survey on Traffic Speed enforcement. A total of 2,680 people took part in the online survey run by the PCC, who is national lead for road safety for the Association of Police and Crime Commissioners. The results show overwhelming support for more stringent enforcement of road traffic laws (85% in favour), stiffer penalties for those caught speeding (80% in favour) and for a proportion of the money from fines to come locally for road safety initiatives and enforcement (88% in favour).



<sup>35</sup> Department for Transport, 'Vehicle speeds compliance statistics Great Britain 2017', September 2018, p1, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/743878/vehicle-speed-compliance-statistics-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/743878/vehicle-speed-compliance-statistics-2017.pdf), (accessed 06/03/2019)



- 8.5 One line of questioning for the task group was around the enforcement, or not, of 20mph limits or zones. The task group were informed that 20mph limits need to be self-enforcing and would only be currently be recommended to be introduced where speeds were under 24mph for the 85<sup>th</sup> percentile. In a 20mph Zone, the engineering should decrease the speed already. Police policy is that the police can and do enforce 20mph speed limits.
- 8.6 The task group have not reviewed the 'New Roads Policing Strategy' but have been informed that it takes several approaches to try to address speeding. For example, neighbourhood teams working on visibility and education through to the No Excuse Teams. The No Excuse Teams target higher risk road users and was an initiative inspired by Dorset. This is summarised as proactive enforcement driven by community concern and data. The team focus on the higher risk motorists, which are approximately 10% who do not adhere to speed limits and may not have insurance and or an MOT.
- 8.7 The task group welcomes the seriousness in approach that the Police and the Police and Crime Commissioner are taking to speed reduction. The task group were informed about a national two-week proactive approach to motoring in January 2019. Across Devon there were 2,500 offenses recorded just during these two weeks. There are currently three officers in Exeter and three officers in Bodmin which can respond to community concerns. However, this is to cover 22,000km of road. There has recently been a needed increase in funding of £500,000 and there is now a dedicated superintendent level post for speeding.

## Community Speed watch

- 8.8 Community Speed Watch (CSW) is a national initiative where active members of local communities join with the support of the Police to monitor speeds of vehicles using speed detection devices. Volunteers measure cars speed on the roadside. Volunteers receive appropriate training and are supported by neighbourhood policing team (NPT) staff. The scheme aims to cater for the problem of real or perceived speed related offending, and through partnership with the community it is to be used in circumstances that are necessary, justifiable and proportionate in order to: Reduce death and injury on the roads, improve the quality of life for local communities, reduce the speed of vehicles to the speed limit and increase public awareness of inappropriate speed.
- 8.9 Vehicles exceeding the speed limit are referred to the Police with the aim of educating drivers to reduce their speeds. Motorists who are caught simply receive a warning letter from the police telling them that neighbourhood volunteers have recorded them speeding. The letter contains an educational message and an appeal to their conscience - but no other penalty, no points or fine. However, if they receive three of these letters, they may get a home visit from a police officer and their vehicle details could be put on a police database. In cases where education is blatantly ignored and evidence of repeat or excessive offences is collated (even across county borders), enforcement and prosecution can follow.
- 8.10 CSW is not restricted to villages and rural towns. Neighbourhood Policing Panels have a role to play in developing safer urban communities and the adoption of Speed Watch schemes could assist them to more easily achieve their goals.

"(Speed Watch)...is not about interfering with neighbours' behaviour; it is a proactive solution to improve the safety and quality of life for everyone in the community."

<sup>36</sup> Office of the Police and Crime Commissioner, Devon and Cornwall, *Road safety*, 02/01/2019, <https://www.surveymonkey.com/stories/SM-K7XGYXW8/>, (accessed 08/05/2019)

<sup>37</sup> Community Speedwatch Online, *Community Speedwatch*, <https://www.communityracatch.org/>, no date, (accessed 04/06/2019)

# Agenda Item 9

- 8.11 TfL shows very promising results from a study on CSW. "Of the 35,000 letters it has sent out to motorists in London in the past two years [...] only 2% of recipients have re-offended. [Furthermore] a study it conducted in Aylmer Road, in Barnet, north London, suggested that volunteers working for a year were able to bring down the average speed by 11mph, to 31mph - below the 40mph limit."<sup>38</sup>
- 8.12 One of the first forces to start working with volunteers was Cheshire Police in the mid-2000s. Brian Rogers, head of Roads Policing in Cheshire at the time has stated that "he's not convinced volunteers have a significant, lasting impact on reducing road accidents, but he thinks the scheme can empower communities, in keeping with an important British principle, policing by consent."<sup>39</sup>
- 8.13 One issue facing CSW groups is a lack of wider organisation. For example, if you offend in Newcastle then Doncaster, the current localised system isn't intelligent enough to escalate the stern letters. For this reason, an umbrella organisation, 'Community Speedwatch Online' has developed a computerised, super-database that it wants other groups to join. Currently it only includes Sussex and Kent.<sup>40</sup>
- 8.14 The task group has had some concerns about Speed Watch and is pleased to hear that the Devon and Cornwall Police and Crime Commissioner's Office plans to increase its focus on Community Speed Watch. Currently there are 33 schemes in operation across Devon. The PCC's Office is setting up and implementing an action plan to deal with some of the issues being faced by CSW in Devon. Backlogs have been identified to be processed and local team support is being given. New activities are being identified to move forward with, for example, a local police team "buddy", not all of whom are PSOs, some are officers, will be assigned to Community Speed Watch Teams. There is also a need to put more information regarding the Road Traffic and Community Speed Watch information online in a clearer way. The PCC's Office Plans to learn from other authorities and is seeking more proactive enforcement on speed. There is currently a Speed Watch Development Group being organised by the PCC's Office.

## Speed Limiting Technology

- 8.15 In March 2019 the EU provisionally agreed rules which will make speed limiting technology mandatory for all vehicles sold in Europe from 2022. The Department for Transport has said the system would also apply in the UK, despite Brexit.<sup>41</sup> Intelligent Speed Assistance (ISA) systems work by cars receiving information via GPS and a digital map, telling the vehicle what the speed limit is. The car also has a video camera capable of recognising road signs. The system can be overridden temporarily. For example, if a car is overtaking a lorry on a motorway and enters a lower speed-limit area, the driver can push down hard on the accelerator to complete the manoeuvre. A full on/off switch for the system is also envisaged, but this would lapse every time the vehicle is restarted.
- 8.16 Perhaps more importantly, under the new rules, cars will also be fitted with compulsory data recorders, or "black boxes". Upon having an accident, the police and insurance company will be informed. Ford, Mercedes-Benz, Peugeot-Citroen, Renault and Volvo already have models available with some of the ISA technology fitted. However, there are questions about whether technology is advanced enough to be fully effective. Cars already have a forward-facing camera, but there is a question mark over whether the sign-recognition technology is up to scratch. Furthermore "black box" telematic technology is already in use in many cars as insurance companies use them to monitor driving behaviour in return for lower insurance costs. Research by the RAC "found that 62% of policyholders believe the device – and its Driver Score

---

<sup>38</sup> BBC, *Community Volunteers with Speed Guns Strike Back at Motorists*, <https://www.bbc.co.uk/news/stories-43841859>, 08/05/2018 (accessed 07/05/2019)

<sup>39</sup> BBC, *Community Volunteers with Speed Guns Strike Back at Motorists*, <https://www.bbc.co.uk/news/stories-43841859>, 08/05/2018 (accessed 07/05/2019)

<sup>40</sup> Community Speedwatch Online, Community Speedwatch, <https://www.communityspeedwatch.org/>, no date, (accessed 04/06/2019)

<sup>41</sup> BBC, *Road safety: UK set to adopt vehicle speed limiters*, <https://www.bbc.co.uk/news/business-47715415>, 27/03/2019, (accessed 02/05/2019)

feature – makes them safer on the roads, compared to just 12% who think it makes no difference to their driving.”<sup>42</sup>

- 8.17 The move was welcomed by the European Transport Safety Council, an independent body which advises Brussels on transport safety matters. There are critics, however, with the AA stating that, “The right speed is often below the speed limit - for example, outside a school with children about - but with ISA, there may be a temptation to go at the top speed allowed”<sup>43</sup>
- 8.18 It is worth mentioning that there are other technologies currently being used to reduce speed. Speed cameras are one of the most common methods of speed enforcement in the UK. Average speed cameras have become more common over recent years. Rather than measuring a cars speed at a specific spot, as a traditional speed camera does, average speed cameras measure a cars average speed over a longer distance. This has been shown by an extensive study by the RAC to be “effective in reducing collisions, especially those of a high severity.”<sup>44</sup> Furthermore, according to a survey also done by RAC shows that “eight in 10 drivers think average speed cameras are better at slowing traffic than traditional fixed ones”<sup>45</sup>.

## 9. Conclusion

This task group was initiated to respond to at a policy level to concerns around fast traffic in Devon; the Members had a sense that the approaches taken to respond to community concerns around speed were inconsistent and most importantly that the community did not feel listened to. Over the months that this review has taken place, the Task Group has understood the different approaches that other Councils and agencies are undertaking. It has also deepened the understanding of the policy approach taken to create liveable safe environments.

Taking inspiration from Transport for London, the Task Group has the ambition to reconceptualise the County’s approach to considering roads as part of the fabric of communities. This means looking at how road use and travel in general contributes to a community’s wellbeing or could do in the future. Good design from the creation of a residential area is helpful, but there are innovations as well as behaviours that can support communities to reclaim their roads. The Task Group’s recommendations are positioned to prompt positive approaches for the whole community. In particular the Safe Systems Approach as well as Healthy Streets are initiatives that the task group would very much like to see implemented.

The Task Group recognises that a combined approach towards managing vehicle speeds; one that involves speed limit policy, enforcement, engineering and influencing behaviour change, is most appropriate in managing vehicle speeds throughout Devon. In response to residents and local Councillors the task group places on record it’s desire for a consistent approach to speed which in time should encompass all communities, giving parity across the County.

Whilst traffic speed enforcement will endure as an issue, the Task Group has been pleased to hear the positive action the Police and Crime Commissioner has planned to support Communities and looks forwards to seeing this development come to fruition. The task group is particularly interested in opportunities to involve the people of Devon and their democratically elected representatives in new policies and approaches that Devon and Cornwall Police may take.

The task group places on record it’s firm support for lower speeds, in particular in residential areas that could realistically be 20mph. Whilst recognising further work needs to be done on the best way to implement a change, the task group are committed to seeing the process to make residential roads 20mph become easier for residents. Noting the many examples of other Authorities implementing default 20mph limits, the task group has called for a

---

<sup>42</sup> RAC, *Six in 10 drivers say ‘black boxes’ make them safer*, <https://www.rac.co.uk/drive/news/motoring-news/six-in-10-drivers-say-black-boxes-make-them-safer/>, 03/09/2018, (accessed 30/05/2019)

<sup>43</sup> BBC, *Road safety: UK set to adopt vehicle speed limiters*, <https://www.bbc.co.uk/news/business-47715415>, 27/03/2019, (accessed 02/05/2019)

<sup>44</sup> Owen, Ursachi and Allsop, *The Effectiveness of Average Speed Cameras in Great Britain*, London, The RAC Foundation, 2016, p24

<sup>45</sup> RAC, *Average speed cameras ‘better at slowing cars down’*, 29/06/2018, <https://www.rac.co.uk/drive/news/motoring-news/average-speed-cameras-better-at-slowing-cars-down/>, (accessed, 29/05/2019)

# Agenda Item 9

pilot in one part of Devon with a view to improving understanding about the benefits and ease of introducing default 20mph in other parts of Devon.

Finally, the Task Group looks to the future and to innovations in car design, technology as vehicles are engineered with a mindful approach to their impact in every sense from maintaining legal speeds to reducing the emissions produced.

## 10.Sources of Evidence

### Witnesses

The Task Group heard testimony from a number of witnesses and would like to express sincere thanks to the following people for their contribution and the information shared.

NAME	ROLE	ORGANISATION
Andrew Watson	Head of Access, Recreation and Estates	Dartmoor National Park Authority
Christopher Rook,	Traffic Management Team Manager	DCC
Cllr Anthony Howell-Jones	Councillor	Poltimore Parish Council
Cllr Brian Lamb	Councillor	Bere Ferrers Parish Council
Cllr Campbell McAllister	Councillor	Bow Parish Council
Cllr David Munden	Councillor	Abbotskerswell Parish Council
Cllr Derek Boustred	Councillor	Stoke Canon Parish Council
Cllr Kevin Farrelly	Councillor	Abbotskerswell Parish Council
Cllr Ray Bloxham	Councillor	Cranbrook Town Council and Devon County Council
Cllr Ray Steer-Kemp,	Councillor	Bishops Clyst Parish Council
Cllr Ray Watts	Councillor	Colyton Parish Council
Cllr Tessa King	Councillor	Dartington Parish Council
Cllr John Clatworthy	Councillor	DCC
Dr Cris Burgess,	Senior Lecturer in Psychology,	University of Exeter
Helen Wigginton	Sustainable Transport Leader	Bristol City Council
Jeremy Phillips	Road Casualty Reduction Manager	DCC
John Amosford	Advanced Public Health Practitioner	DCC

NAME	ROLE	ORGANISATION
Jon Far	Project Manager	Peninsula Road Safety Partnership
Kevin Gillick	Doing What Matters Team	Devon County Council
Lisa Vango	Manager for Strategy and Planning	Office of the Police and Crime Commissioner, Devon and Cornwall
Mathew Scriven	Traffic Management Group Manager	DCC
Meg Booth	Chief Officer for Highways, Infrastructure Development and Waste	DCC
Mike Jones	Traffic Engineer	DCC
Mr Chris Brightman	Topsham Resident	
Rob Richards	Traffic Management Group Manager	DCC
Rod King MBE	Founder and Campaign Director	'20's Plenty for Us'
Si Jenkinson	Police Inspector	Alliance Roads Policing Team, Devon and Cornwall Police
Simon Chant	Public Health Specialist (Intelligence)	DCC
Tony Parker	Head of Communication	Devon County Council

The task group also thanks Bristol City Council for providing written representation to the task group.

## Survey Participants: Town & Parish Councils who took part

\*some councils submitted more than one response – number given in brackets

Anonymous (1)	Chittlehamholt, Warkleigh and Satterleigh
Abbotskerswell	Chulmleigh
Awliscombe Parish Council	Clyst Hydon
Bere Ferrers Parish Council	Colaton Raleigh Parish Council
Bishops Clyst Parish Council (2)	Colyton Parish Council
Bovey Tracey	Cranbrook Town Council
Bow Parish Council	Cruwys Morchard Parish Council
Brampford Speke	Denbury and Torbryan
Buckland Brewer	Diptford Parish (2)
Buckland in the Moor	Ermington Parish Council

# Agenda Item 9

Exmouth Town Council

Farringdon (2)

Farway

Feniton Parish Council (2)

Fremington

Georgeham

Halwill Parish

Ideford

Ipplepen (2)

Loddiswell Parish Council

Malborough Parish Council

Modbury (2)

Monkton Parish Council

Morchard Bishop Parish Council

Morebath

Musbury

Newton & Noss Parish Council

Newton Abbot Town Council

Newton St. Petrock

North Tawton (3)

Parkham

Poltimore Parish Council (3)

Rattery

Rockbeare

Salcombe

Sampford Courtenay Parish Council

Slapton Parish Council (2)

St Giles on the Heath with Northcott Hamlet Parish Council

Staverton Parish Council

Stoke Canon

Stoodleigh Parish Council

Strokenham

Templeton

Tiverton

Ugborough Parish Council

West Hill Parish Council

Wolborough Residents' Association

## Bibliography

20's Plenty for Us, *DfT 20mph Evaluation Conclusions*, no date;

[http://www.20splenty.org/20mph\\_evaluation\\_conclusions](http://www.20splenty.org/20mph_evaluation_conclusions), (accessed 06/06/2019)

Atkins and Maher, *20mph Research Study Process and Impact Evaluation Headline Report*, Nov 2018, p13

<https://www.gov.uk/government/publications/20-mph-speed-limits-on-roads> (accessed 06/06/2019)

Barkham, P. 'How to slow down traffic: ditch kerbs, keep potholes, plant trees' article in The Guardian Paper 3<sup>rd</sup> February 2016 <https://www.theguardian.com/world/shortcuts/2016/feb/03/slow-down-traffic-ditch-kerbs-keep-potholes-plant-trees> (accessed 06/03/2019)

BBC, *Community Volunteers with Speed Guns Strike Back at Motorists*, <https://www.bbc.co.uk/news/stories-43841859>, 08/05/2018 (accessed 07/05/2019)

BBC, *Road safety: UK set to adopt vehicle speed limiters*, <https://www.bbc.co.uk/news/business-47715415>, 27/03/2019, (accessed 02/05/2019)

BBC, 'UK's first' 3D zebra crossing created in St John's Wood, 28<sup>th</sup> February 2019, <https://www.bbc.co.uk/news/uk-england-london-47402269> (accessed 06/03/2019)

Community Speedwatch Online, *Community Speedwatch*, <https://www.communityspeedwatch.org/>, no date, (accessed 04/06/2019)

Department for Transport, 'Reported road casualties in Great Britain: 2017 annual report', 27 September 2018 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/744077/report-ed-road-casualties-annual-report-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744077/report-ed-road-casualties-annual-report-2017.pdf) (accessed 06/06/2019)



- Department for Transport, 'Setting Local Speed Limits', 01/2013, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/63975/circular-01-2013.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf), (accessed 07/05/2019)
- Department for Transport, 'Speed Limits', Department for Transport Circular 01/2013, 'Setting Local Speed Limits', January 2013. <https://www.gov.uk/speed-limits> (accessed 07/05/2019)
- Department for Transport, 'Vehicle speeds compliance statistics Great Britain 2017', September 2018, p1, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/743878/vehicle-speed-compliance-statistics-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/743878/vehicle-speed-compliance-statistics-2017.pdf), (accessed 06/03/2019)
- Department for Transport, *Department for Transport Circular 01/2013*, Setting Local Speed Limits, January 2013
- Department for Transport, Taking on the Rural Road Safety Challenge, Report Annex 1, March 2011, p124 <https://webarchive.nationalarchives.gov.uk/20121103223512/http://www.dft.gov.uk/publications/taking-on-the-rural-road-safety-challenge/> (accessed 18/01/2019)
- Department for Transport, *Traffic Advisory Leaflet 3/04*, June 2004, <http://www.ukroads.org/webfiles/TAL%203-04%20Quiet%20Lanes.pdf> (accessed 18/01/2019)
- Devon County Council, minutes of the Place Scrutiny Committee, 11 September 2015, Item 90 – 'Speed Limit Policy'.
- Devon County Council, *Strategic Environmental Assessment Statement: Devon Local Transport Plan 2006-2011*, [http://www.devon.gov.uk/sea\\_statement.pdf](http://www.devon.gov.uk/sea_statement.pdf) (accessed 18/01/2019)
- Devon County Council, *Traffic Policy Note*, Local Speed Limits, DTP 34/05, November 2009
- Edinburgh City Council Transport and Environment Committee, *South Central Edinburgh 20mph Limit Pilot Evaluation 2013*, August 2013, [http://www.edinburgh.gov.uk/download/downloads/id/7820/south\\_central\\_edinburgh\\_20mph\\_limit\\_pilot\\_evaluation\\_2013.pdf](http://www.edinburgh.gov.uk/download/downloads/id/7820/south_central_edinburgh_20mph_limit_pilot_evaluation_2013.pdf) 2.27, (accessed 06/06/2019)
- Environment, Economy and Culture Overview and Scrutiny Committee 9/9/08, Minutes, <https://democracy.devon.gov.uk/CeListDocuments.aspx?CommitteedId=135&MeetingId=1464&DF=09%2f09%2f2008&Ver=2> (accessed, 05/06/2019)
- House of Commons Briefing Paper, 'Speed Limits in England', 21 September 2017, p.3; <https://www.gov.uk/speed-limits>; The Department for Transport, 'Speed Compliance Statistics, Great Britain: 2016', 29 June 2017
- House of Commons Library, *Roads: Home Zones*, <http://researchbriefings.files.parliament.uk/documents/SN01137/SN01137.pdf> <https://www.cyclinguk.org/campaigning/views-and-briefings/home-zones> (accessed 05/03/2019)
- Imperial College London; Transport and Environmental Analysis Group, Centre for Transport Studies: 'An evaluation of the estimated impacts on vehicle emissions of a 20mph speed restriction in central London' <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/air-quality/Documents/speed-restriction-air-quality-report-2013-for-web.pdf> April 2013 <https://www.nice.org.uk/guidance/ng70/chapter/Recommendations> (accessed 06/06/2019)
- National Institute for Health and Care Excellence, 'Air pollution: outdoor air quality and health', June 2017, <https://www.nice.org.uk/guidance/ng70/chapter/Recommendations> (accessed 06/06/2019)
- Office of the Police and Crime Commissioner, Devon and Cornwall, *Road safety*, 02/01/2019, <https://www.surveymonkey.com/stories/SM-K7XGYXW8/>, (accessed 08/05/2019)
- Owen, Ursachi and Allsop, *The Effectiveness of Average Speed Cameras in Great Britain*, London, The RAC Foundation, 2016
- PACTS; 'Developing Safe system road safety indicators for the UK' [http://www.pacts.org.uk/wp-content/uploads/sites/2/PactsReport\\_Developing-Safe-System-Road-Safety-Indicators-for-the-UK\\_Oct18-FINAL.pdf](http://www.pacts.org.uk/wp-content/uploads/sites/2/PactsReport_Developing-Safe-System-Road-Safety-Indicators-for-the-UK_Oct18-FINAL.pdf)
- RAC, 'Report on motoring' 2017 <https://www.rac.co.uk/report-on-motoring/report-on-motoring-2017> (accessed, 29/05/2019)

# Agenda Item 9

RAC, *Average speed cameras 'better at slowing cars down'*, 29/06/2018, <https://www.rac.co.uk/drive/news/motoring-news/average-speed-cameras-better-at-slowing-cars-down/>, (accessed, 29/05/2019)

RAC, *Six in 10 drivers say 'black boxes' make them safer*, <https://www.rac.co.uk/drive/news/motoring-news/six-in-10-drivers-say-black-boxes-make-them-safer/>, 03/09/2018, (accessed 30/05/2019)

RAC, *Virtual speed bumps used to reduce traffic speeds*, 9<sup>th</sup> August 2017, <https://www.rac.co.uk/drive/news/motoring-news/painted-road-designs-look-to-reduce-traffic-speeds/> (accessed 05/03/2019)

Tapp et al 2015 'Vicious or virtuous circles? *Exploring the vulnerability of drivers to break low urban speed limits* <http://eprints.uwe.ac.uk/29286/3/Tapp%20et%20al%2020mph%20limits%20-%20paper%20responding%20to%202nd%20reviews%20-%20version%20sent.pdf> (accessed 06/06/2019)

Taylor, M. C., Lynam, D. A. and Baruya, A. (2000), TRL Report 421 – 'The Effects of Drivers' Speed on the Frequency of Road Accidents'. Crowthorne: TRL, cited in DfT, 'Setting Local Speed Limits';

Thaler, R. and Sunstein, C. 'Nudge: Improving Decisions About Health, Wealth and Happiness' 2009

The Royal Society for the Prevention of Accidents. '20mph factsheet' <https://www.rosipa.com/rospaweb/docs/advice-services/road-safety/drivers/20-mph-zone-factsheet.pdf> Nov 2017

Torbay Council, *20mph Speed Limit Policy Criteria*, no date, <http://www.torbay.gov.uk/DemocraticServices/documents/s63224/Appendix%201%2020%20mph%20Residential%20Criteria.pdf>, (accessed 30/05/2019)

Transport for London, *Guide to Healthy Streets Indicators*, London, November 2017

Transport for London, *Healthy Streets for London*, London, February 2017

## Membership

Councillors Jackie Hook (Chair), Alistair Dewhurst, Polly Colthorpe, Jackie Hodgson and Martin Shaw

## Contact

For all enquiries about this report or its contents please contact:

Camilla de Bernhardt Lane, Head of Scrutiny [Cam.debernhardtlane@devon.gov.uk](mailto:Cam.debernhardtlane@devon.gov.uk)



## Appendix 1: Glossary of Terms

**Community 'Speed Watch'** - There are 3 types – school, community and neighbourhood. Speed Watch involves members of the local community who record vehicle speeds and pass data onto the police.

**Free flow speed** - Free flow speeds are observed in locations where external factors which might restrict driver behaviour (e.g. junctions, hills, sharp bends and speed enforcement cameras) are not present.

**Home zones** - a form of shared space scheme. They consist of residential streets in which the road space is shared between motor vehicles and other road users, but with the emphasis on those who walk and cycle and on children.

**Killed or Seriously Injured (KSI)** – Refers to the number of reported people killed or seriously injured in traffic collisions. Used as a measurement of road safety.

**Shared space road schemes** – By removing traffic signs, pedestrian crossings and even kerbs, shared space road schemes aim to make drivers drive more carefully.

**Speed cushions** – A speed cushion is a short, raised, rounded speed calming measure, that is normally positioned in the centre of a road lane. Speed cushions are designed to be slightly wider than cars, so that drivers must slow down and drive over the centre of the cushion to reduce discomfort.

**The Speed Compliance Action Review Forum (SCARF)** – made up of the Police Road Casualty Reduction and Traffic Management Officer (RCRO), a Devon County Council Road Safety Officer and members of the County's Traffic Team. The SCARF team will monitor the site where a reported speed incident occurred and will decide on what actions are necessary. These actions range from education and enforcement through to engineering.

**Vehicle Activated Signs (VAS)** – These signs activate if an approaching vehicle is detected to be exceeding a pre-set speed threshold. The speed limit and/or a warning message will illuminate on the sign to remind the driver to slow down.

# Agenda Item 9

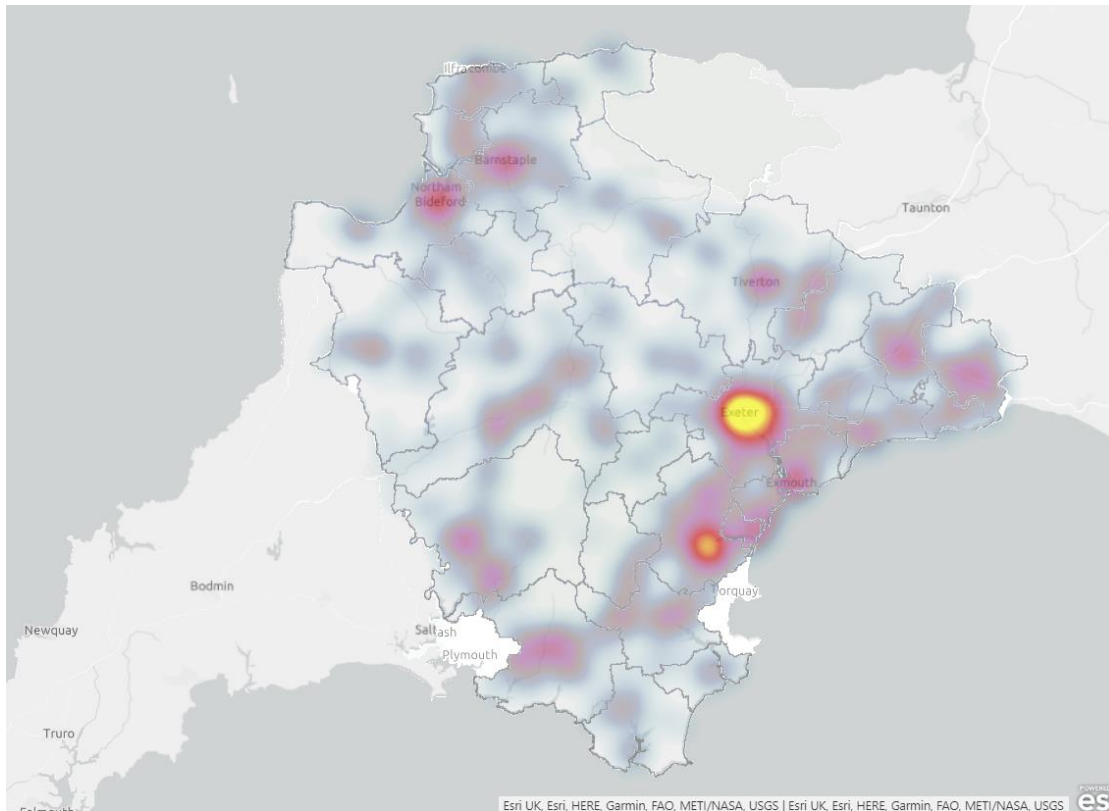
## Appendix 2: Torbay Matrix for consideration of 20mph

Scoring Matrix for Consideration of Residential 20mph Schemes						
Scheme: Roads and Narrative						Notes
Date:						
	-1	0	1	2		
<b>The Proposed Scheme:-</b>						
<b>Is the area already traffic calmed?</b>						
Yes (+1)						
No (0)						
<b>Is the area predominantly residential?</b>						
Yes (+1)						
No (0)						
<b>Is the area on a route to schools?</b>						
Yes (+1)						
No (0)						
<b>Is the area on a route to a park / playground?</b>						
Yes (+1)						
No (0)						
<b>Vehicle speeds</b>						
>25mph (-1)						
20 - 25mph (0)						
<20mph (+1)						
<b>Is there an existing 20mph school scheme in the area?</b>						
No (-1)						
Variable (0)						
20mph limit (+1)						
<b>Injury Collision Record</b>						
No injury collisions in 5 years (-1)						
1 - 3 injury collisions recorded over 5 years (+1)						
4 injury collisions or more over 5 years (+2)						
<b>Road lay-out restricted highway width (e.g. historic areas)</b>						
Yes (+1)						
No (0)						
<b>Pedestrian facilities</b>						
Footway width >2.5m and controlled crossing facilities (-1)						
Footway width <2.5m and good crossing facilities (0)						
Footway width <1.0m or just on one side (+1)						
<b>Environmental</b>						
<b>Cycling and pedestrian levels which encourage healthy life styles</b>						
Yes (+1)						
No (0)						
<b>Deprived areas - based on 2015 Lower Super Output Areas (LSOA's)</b>						
Top 30% LSOA in England (1)						
Top 30 - 60% in England (0)						
Top 60 - 100% in England (-1)						
<b>Public Opinion</b>						
<b>Evidence of Support from affected stake holders?</b>						
Yes (+1)						
No (-1)						
<b>Supported by ward members?</b>						
Yes (+1)						
No (-1)						
<b>Sustainable Transport</b>						
<b>Sustainable transport options, walking , cycling, public transport</b>						
Yes (+1)						
No (0)						

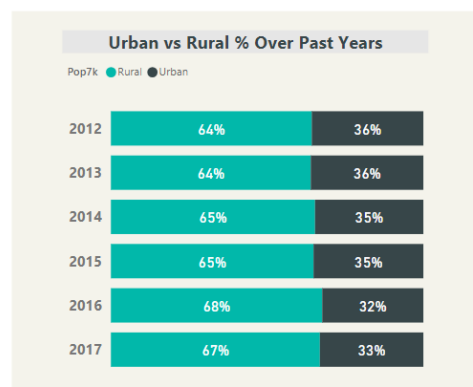
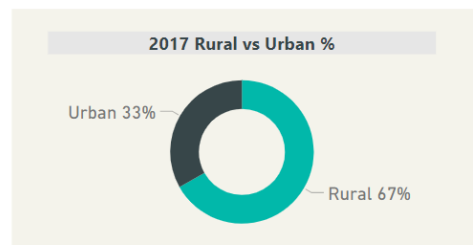
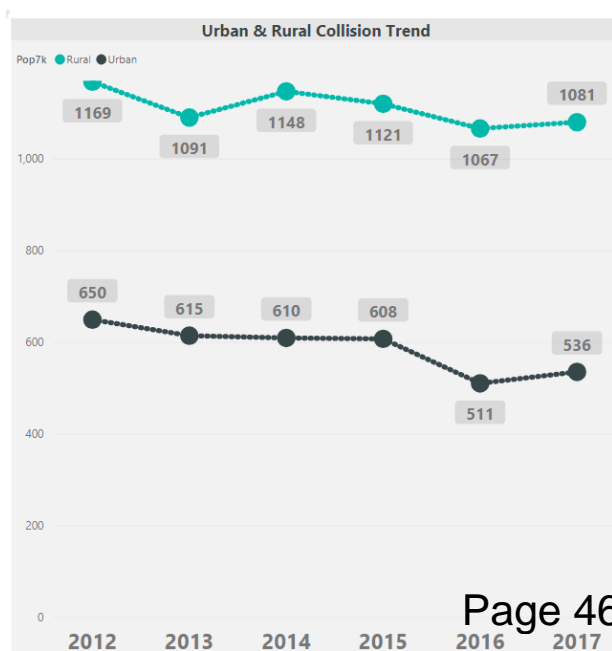
# Agenda Item 9

Supported by the Police						
Yes (+1)						
No (0)						
Value for Money						
20mph zone can be implemented with signage/markings only (+1)						
20mph limits can be implemented with signage/markings only (0)						
20 mph zone or limit requires additional engineering work (-1)						
Total Score						

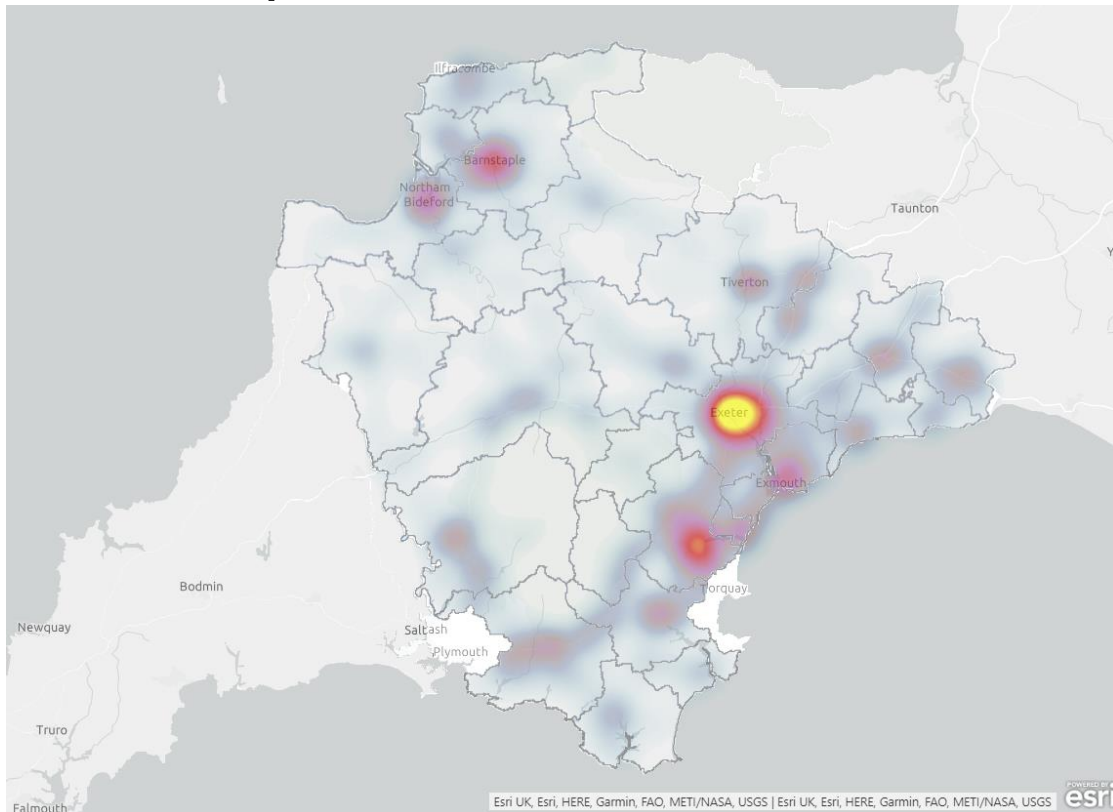
### Devon CC Reported Road Collisions Heatmap 2013-17



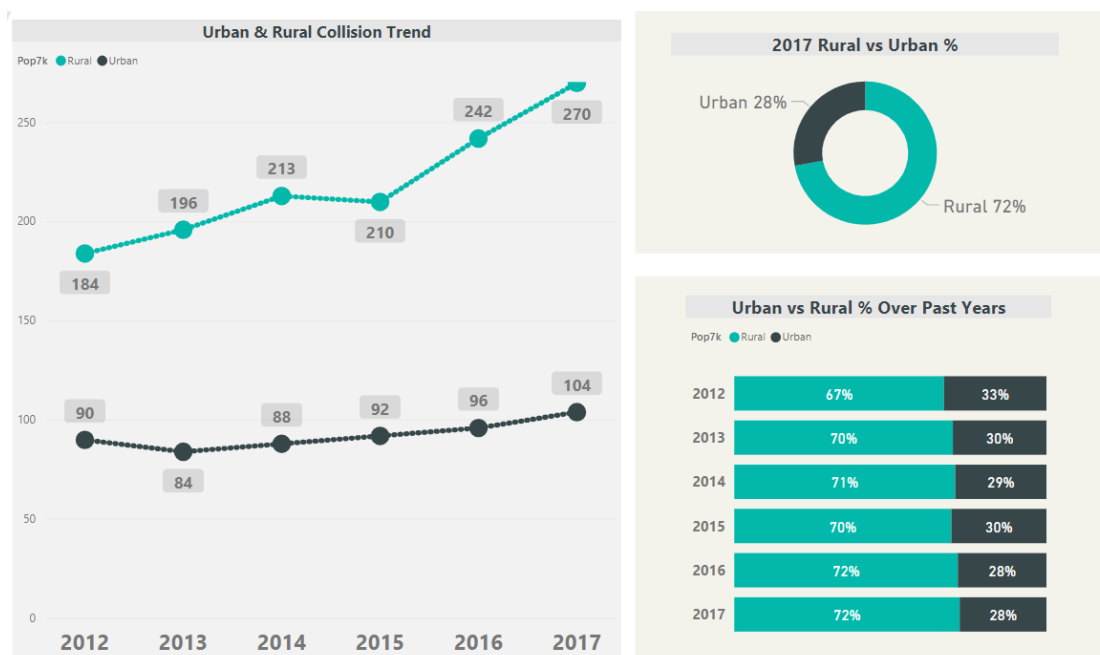
### Devon CC Reported Road Collisions Urban & Rural Comparison



# Devon CC Reported Road KSI (Killed or Seriously Injured) Collisions Heatmap 2013-17



## Devon CC Reported Road KSI Collisions Urban & Rural Comparison





HIW/19/50

Corporate, Infrastructure and Regulatory Services Scrutiny Committee  
25 June 2019

## **Devon Permit Scheme for Road and Street Works**

Report of the Chief Officer for Highways, Infrastructure Development and Waste

### **1. Summary**

The introduction of a roadworks permit scheme is designed to minimise transport disruption on the highway network associated with roadworks. It offers enhanced measures for local authorities to deploy beyond those we are currently able to with our existing 'noticing' arrangements which simply requires works promoters to notify us of planned works rather than seek our permission to work on the highway.

Works promoters would be incentivised to plan their works outside of traffic sensitive times and work collaboratively. As highway authority we could place various conditions on works being undertaken and charge works promoters by the day for their network occupation, incentivising them to plan and work efficiently.

### **2. Background/Introduction**

Devon County Council had been investigating the suitability of introducing a Roadworks Permit scheme to consider whether it was the right thing to do, particularly from a network management and financial perspective. However, all Highway Authorities, including Devon County Council, which were not currently operating such a scheme were written to by the Secretary of State for Transport in July 2018 requesting we consider introducing roadworks permitting arrangements.

Cabinet, in June 2018, resolved that subject to there being a positive business case for the introduction of Permit scheme a proposal should be consulted on with statutory undertakers. Therefore, an outline business case was developed with the assistance of Jacobs, our professional services contractor who have assisted other Highway Authorities in delivering such schemes. We have also sought advice and input from other Highway Authorities who have been through the transition of moving from a noticing regime to a permitting arrangement. This work has subsequently identified a strong business case for the introduction of a Roadworks Permit Scheme in Devon.

The introduction of a Roadworks Permit scheme offers an opportunity to reduce journey delay and associated congestion/fuel emissions through better control and planning of works on the highway.

### **3. Proposal**

Devon currently operates a countywide streetworks 'noticing scheme'. This requires all works promoters to obtain a 'licence' for works or submit a 'notice' to highlight their intention to work on the road network. In 2004, the Traffic Management Act introduced powers for highway authorities allowing 'permit' schemes to replace current noticing schemes. Devon County Council, as with other highway authorities in the Southwest, have continued to operate a 'noticing' scheme rather than introduce a 'permit scheme'.

Further to review of our existing arrangements, the subsequent business case development and strong encouragement from DfT, it is proposed to introduce a Roadworks Permit Scheme in Devon in early 2020.

# Agenda Item 10

By implementing a Roadworks Permit Scheme we will be able to set conditions on working arrangements ranging from timing of works to method of working. The recently updated Traffic Sensitive Street network will form the basis of how we will deal with and prioritise applications.

To ensure the scheme is implemented in a controlled and managed way, it is proposed that Phase 1 would include all DCC works and utility company (statutory undertakers) works. A 12-month review will be held after scheme go-live to ensure effectiveness. Within this review, a Phase 2 roll out to privately licenced works activities will be considered, such activities could include skips and scaffolds, development management works and vehicle crossings. It would be intended that this review be presented to Scrutiny for their consideration at a future meeting.

There will be cost to the Authority to administer the scheme, for example there will be a need to recruit additional staff and amend existing software to cater for permits. However, the costs associated with the additional work involved will be recovered through the fee income associated with the scheme. The scheme is intended to be broadly cost neutral over a three- year period in line with DfT guidance.

It is important to stress that a Permit Scheme can only recover its costs. It cannot generate 'profit' for reinvestment on other Council services and maximum permit fee levels are set by DfT.

Full detail of the proposed scheme (the Draft Permit Plan) can be found in Appendix 1. It is intended that the Draft Permit Plan will form the basis of the informal consultation referred to below. Following this consultation, feedback will be considered by the service and the Permit Plan will be reformulated as appropriate. This will then be presented to Cabinet for approval in conjunction with permission being sought to introduce an associated Traffic Regulation Order for the scheme.

## **4. Consultations/Representations/Technical Data**

An informal consultation phase (workshops and website) is being undertaken between May – July 2019 not just with statutory consultees but a range of known works promoters and their associated supply chain.

A press release has been issued to promote the informal consultation period and development of a consultation web page is ongoing which can be accessed here. <https://www.devon.gov.uk/worksp permit-scheme>

Social media is also being utilised through the corporate communications team to help raise public awareness.

Subject to Cabinet approval, it is anticipated that a formal consultation period will be held around October/November 2019 as part of the Traffic Regulation Order process.

Internal consultation has also begun. This includes teams that commission works on the highway not just within Highways & Traffic Management but services such as Planning, Transport & Economy.

To deliver such a project is a complex task which requires the input from across the Council, as such a virtual team has been assembled to deliver the project drawing from Communications, ICT, Finance, Legal, HR, Estates and others as required.



## **5. Financial Considerations**

Details of the proposed permit fees can be found in Appendix 2. N.B. Appendix 2 currently outlines indicative fee levels on a sliding scale. It is the intention that these figures are refined and finalised once the thorough informal consultation with works promoters and stakeholders is complete. Each proposal for charging has been cross referenced and sit in line with the DfT guidance for permit charges. It is our intention to set fees which encourage working out of traffic sensitive times and encourage collaboration, for example the sharing of road space. The final fee structure will be set in such a way that additional costs to the Authority for administering the scheme will be recovered through the fee income, in line with DfT guidance.

Through the business case modelling it has been estimated that each set of roadworks costs wider society around £850 per day, clearly there is fluctuation across works type and location but for a County the size of Devon cumulatively this is a high cost. In broad summary the benefit cost ratio to wider society of us administering a scheme would be approximately 13:1.

## **6. Environmental Impact Considerations (including climate change)**

Based upon the anticipated 5% reduction in network occupation figure, it would be argued that emissions could be reduced further to less delay being caused by roadworks, for example less queuing and congestion or traffic having to divert to avoid works.

The scheme could potentially also offer further environmental and climate change benefits by allowing reduced permit charges for companies that either site share or work in the same trench lines. This would result in less excavations and subsequently less waste material being produced. Other benefits could be achieved by offering discounted permit fees for works promoters who propose the use of environmentally friendly methods of working, such as use of recycled materials.

A full impact assessment is being prepared and will form part of the Cabinet papers later in the year. This will consider the impacts not just in relation to the environment, including climate change but also for economy and equality.

## **7. Legal Considerations**

A Traffic Regulation Order is required to be published before the scheme can become operational. This is a requirement of Section 33A of the Traffic Management Act 2004. When making a Traffic Regulation Order it is the County Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, secures the expeditious, convenient and safe movement of traffic and provision of parking facilities.

Devon County Council also has a duty under the Traffic Management Act 2004 to ensure the expeditious movement of traffic on the network. The introduction of a roadworks permit scheme will help ensure compliance of this duty.

## **8. Risk Management Considerations**

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position

# Agenda Item 10

## 9. Options/Alternatives

- The option of implementing a roadworks permits scheme solely on the strategic road network was considered: This would mean that a dual process for noticing on the minor road network would be required. This option was rejected as it required two shadow processes to operate. This could lead to confusion from works promoters and an inconsistency of application quality. It would also reduce the financial sustainability of the scheme.
- Introducing a permit for works scheme for all types of works in Phase 1, including privately licenced works, skips and scaffolds, development control works: This option isn't being pursued we are keen to implement a focussed scheme which could evolve in future. There is a risk that this could not be achieved for all works within the proposed timeline of early 2020 start.
- There is the option of doing nothing and continuing to operate a 'noticing scheme' the Secretary of State has though implied that to do so could result in him instructing us to do so under Section3(2) of the Traffic Management Act 2004. It would also seem at odds with the strong Benefit Cost Ratio to stay as we are.

## 10. Conclusion

In conclusion it is intended to move from our existing noticing system to a roadworks permit system in early 2020. Works promoters, including DCC will be required to seek permission to work on the highway rather than notify us of their intention to do so. Permits would be charged for by the day. Subject to the feedback received as part of the informal scheme consultation it is intended that works promoters will be incentivised to work collaboratively and out of traffic sensitive times. The scheme will cover all roads for which we are the Highway Authority. A review would be undertaken one-year post introduction on whether the scheme has met its intentions and whether to widen to other licenced activity on the highway.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

## Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Victoria Walsh

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: 01392) 383000

Background Paper	Date	File Reference
------------------	------	----------------

Nil

*Appendix 1 – Permit Plan (Draft)*

*Appendix 2 - Proposed indicative fee levels.*

vw290319cirssc Devon Permit Scheme for Road and Street Works  
hk 06 120619

# Devon Permit Scheme for Road and Street Works

June 2019 Rev P02

DRAFT

# Agenda Item 10

Devon Permit Scheme for Road and Street Works



## **Authorisation Sheet**

<b>Product Title:</b>	Devon Streetworks Permit Scheme
-----------------------	---------------------------------

Version Control		
Revision Date	Status	Comment
01.06.2019	Draft	Draft Issue for Stakeholder Comment
06.06.2019	Draft	Updated for Scrutiny

Produced by (who is the author of the document):	Name	Role
	Dan Trump	Assistant Project Manager

Consulted with in preparation of current version:

Name	Role	Date Consulted	Date of Final Comments

Reviewed and checked by:

Name	Role	Date

Final sign off by individual named under 'Accountable and signed off by'

Name	Signature	Title	Date

## Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Chosen Design for DCC's Permit Scheme .....	1
1.3	General Principles.....	1
<b>2</b>	<b>Objectives of Permit Scheme .....</b>	<b>3</b>
2.1	Permit Scheme Purpose .....	3
2.2	Permit Scheme Objectives .....	3
2.3	Aligned Policies .....	3
2.4	Benefits.....	4
<b>3</b>	<b>Permit Scheme Principles.....</b>	<b>5</b>
3.1	Principles for Co-ordination .....	5
3.2	Principles for Works Promoters.....	5
3.3	Collaborative Working.....	6
3.4	Forward Planning.....	6
3.5	Innovative Working .....	7
<b>4</b>	<b>Key Performance Indicators and Scheme Success Evaluation .....</b>	<b>8</b>
<b>5</b>	<b>Common Elements with NRSWA.....</b>	<b>9</b>
5.1	Street Inclusion .....	9
5.2	Street Gazetteer .....	9
5.3	Streets with Special Designations and Controls .....	9
5.4	Reinstatement Categories.....	9
<b>6</b>	<b>Permit Scheme Scope.....</b>	<b>10</b>
6.1	Scope .....	10
<b>7</b>	<b>Types of Permit.....</b>	<b>11</b>
7.1	Provisional Advance Authorisation .....	11
7.2	Permit Applications .....	11
7.3	Permit Categories .....	11
7.4	Permits for Emergency Works .....	11
7.5	The Application Process .....	12
7.6	Permit Application Information .....	12
7.7	Form of Issued Permit.....	13
<b>8</b>	<b>Timings of Permit Applications .....</b>	<b>15</b>
8.1	Timing of Applications and Responses .....	15
8.2	Non-Compliance with the Minimum Application Times.....	15
8.3	Variations and Extensions.....	16
8.4	Agreement Process .....	16

# Agenda Item 10

8.5	Maximum Response Times.....	17
8.6	Phasing of Works Activities.....	17
8.7	New Customer Connections .....	17
<b>9</b>	<b>Permit Application Decisions .....</b>	<b>18</b>
9.1	Decision Considerations .....	18
9.2	Permit Issue.....	18
9.3	Refusal of Permit Applications .....	19
9.4	Permit Variations .....	19
9.5	Variation at DCC's Request .....	20
9.6	Permit Revocation.....	21
<b>10</b>	<b>Permit Fees .....</b>	<b>22</b>
10.1	When a Fee Will be Charged .....	22
10.2	Level of Fees .....	22
10.3	Circumstances where No Fee will be Charged.....	22
10.4	Circumstances where Fees may be Reduced.....	23
10.5	Fee Review.....	24
<b>11</b>	<b>Permit Conditions.....</b>	<b>25</b>
11.1	Principles of Conditions .....	25
11.2	Condition Types.....	25
11.3	Applying a Condition to a Permit.....	26
11.4	Conditions upon Immediate Activities before Permit Issued.....	26
11.5	Conditions Text.....	26
11.6	Conditions Available on Site .....	27
<b>12</b>	<b>Inspections, Fixed Penalty Notices and Dispute Resolution.....</b>	<b>28</b>
12.1	Inspections .....	28
12.2	Section 74 Inspections.....	28
12.3	Permit Condition Inspections .....	28
12.4	Sanctions.....	28
12.5	Criminal Offences .....	28
12.6	Fixed Penalty Notices .....	29
12.7	Prosecution.....	29
12.8	Application of Money by DCC .....	29
12.9	Other Offences under NRSWA .....	29
12.10	Revocation of Permit.....	30
12.11	Record Keeping .....	30
12.12	Dispute Resolution.....	30
12.13	Incidence for Dispute Resolution.....	30

<b>13</b>	<b>Related Matters and Procedures .....</b>	<b>31</b>
13.1	Permit Authority Contact Details .....	31
13.2	Overrun Charging Scheme — Section 74 NRSWA .....	31
13.3	Section 58 & 58a NRSWA Restrictions .....	31
<b>14</b>	<b>Transitioning to and Making Alterations to the Devon Permit Scheme.....</b>	<b>32</b>
14.1	Transitional Arrangements .....	32
14.2	Amending the Devon Permit Scheme .....	32
14.3	Revoking the Devon Permit Scheme .....	32
<b>15</b>	<b>Street Works Register and Access to Information.....</b>	<b>33</b>
15.1	Street Works Register.....	33
15.2	Street Gazetteer .....	33
15.3	Who is collecting and using your personal data? .....	34
15.4	Why are we collecting your personal data? .....	34
15.5	Who will we share your personal data with?.....	34
15.6	How long will we hold your personal data? .....	35
15.7	Automated decisions.....	35
15.8	Exercising your rights.....	35
15.9	Restricted Information.....	35
<b>16</b>	<b>Payment of Permit Fees .....</b>	<b>36</b>
16.1	Payments.....	36
16.2	Standard Payment and Reconciliation Model.....	36
	<b>Appendix A – Permit Fee Discounts [to be confirmed] .....</b>	<b>38</b>
	<b>Appendix B – DCC Permit Scheme Key Performance Indicators [to be confirmed].....</b>	<b>39</b>

## 1 Introduction

### 1.1 Background

- 1.1.1 A Permit Scheme gives Devon County Council (DCC) an alternative way to manage street and roadworks activities on the public highway. Permit Schemes were introduced under Part 3 of the Traffic Management Act 2004 (TMA) as amended by the Deregulation Act 2015. They were introduced to enhance Local Highway Authorities (LHAs) ability to minimise disruption as a result of street and roadworks.
- 1.1.2 DCC's Permit Scheme is known as the 'Devon Permit Scheme for Road and Street Works'. Hereafter in this document as 'the DCC Permit Scheme'.
- 1.1.3 The DCC Permit Scheme applies to all for all publicly maintained highway for which DCC is the Highway Authority.
- 1.1.4 The DCC Permit Scheme is based on Part 3 of the TMA (Sections 32-39), the Traffic Management Permit Scheme (England) Regulations 2015 and has been developed in accordance with the Department for Transport (DfT) Statutory Guidance for Highway Permit Schemes (October 2015) and DfT advice note for Local Authorities developing new or varying existing permit schemes (June 2016).
- 1.1.5 The DCC Permit Scheme conforms to Highways Authorities and Utilities Committee (HAUC) (England) Guidance, Operation of Permit Schemes, February 2017. The DCC Permit Scheme will also conform to any future relevant legislative and regulatory documents by means of amendment

### 1.2 Chosen Design for DCC's Permit Scheme

- 1.2.1 The DCC Permit Scheme has been created based on best practice taken from schemes across England, specifically similar shire counties. This best practice has also been tailored to best meet the priorities of the Devon residents and road users.
- 1.2.2 Two options for the DCC Permit Scheme were assessed for implementation. A full scheme whereby permits would be required for works on all roads, and a partial scheme where permits are only required for works on Traffic Sensitive Streets.
- 1.2.3 The full scheme was assessed as the most appropriate scheme for Devon in bringing the greatest benefits to residents and road users to reduce disruption. It was also shown to be financially viable for DCC. This approach is consistent with DfT Guidance.

### 1.3 General Principles

- 1.3.1 DCC's Permit Scheme is designed to provide a way for DCC to manage street and road works on the public highway to improve the Authority's ability to minimise disruption to members of the public and road users.
- 1.3.2 It replaces DCC's existing Street Works operations road booking process as set out in the New Roads and Street Works Act 1991 (NRSWA) Whereby Statutory Undertakers are required to give notice of any works they propose to carry out to DCC. The DCC Permit Scheme introduces a similar concept as the notice system in several key areas and endeavours to maintain consistency wherever possible, the key difference being that Works Promoters need to gain a permit to work prior to commencement.
- 1.3.3 The DCC Permit Scheme is intended to come into operation from the 2nd January 2020.



- 1.3.4 Under Regulation 3(1) of The Traffic Management Permit Scheme (England) Regulations 2007, a full consultation complying with The Traffic Management Permit Scheme (England) Regulations 2007 has been successfully carried out. This consultation included all stakeholders specified in Regulation 3(1).
- 1.3.5 During the development of the DCC Permit Scheme, DCC has taken into consideration the requirements of the Equalities Act 2010. An Equalities Impact Assessment has been undertaken and is displayed on the DCC Permit Scheme website <https://www.devon.gov.uk/worksp permit-scheme/>
- 1.3.6 Once implemented, the DCC Permit Scheme will be operated by Devon County Council as the Street Authority for Devon (excluding Plymouth and Torbay unitary authorities). The scheme will apply to all publicly maintainable roads and road categories as set out in paragraph S1.3.1 of the Specification for the Reinstatement of Openings in Highways (Third Edition) within the LHAs boundaries. This is with the exception of the Strategic Road Network (SRN) (motorways and some A-Roads) which is responsibility of Highway's England.
- 1.3.7 The DCC Permit Scheme will apply to any person or organisation responsible for commissioning works-related activities in streets covered by the Permit Scheme. In the DCC Permit Scheme these persons or organisations will be referred to as a Works Promoter. The DCC Permit Scheme will also apply to works undertaken by Devon County Council as the Highway or Traffic Authority.
- 1.3.8 Devon County Council must apply for permits in the same manner as a Statutory Undertaker or other Works Promoters.
- 1.3.9 All works comprising and categorised as "specified works" in Regulation 3(6) of The Traffic Management Permit Scheme (England) Regulations 2007, The NRSWA and HAUC (England) Guidance for the Operation of Permit Schemes February 2017 Version 1.0 (or its' successor) describes the registerable activities that will require a permit under the DCC Permit Scheme.

## 2 Objectives of Permit Scheme

### 2.1 Permit Scheme Purpose

- 2.1.1 Any activity undertaken in a street has the potential to cause disruption. Activities, especially road and street works, can reduce the width of the street available to traffic (including pedestrians, cycle traffic, equestrians and other vulnerable road users); impact route directness; have a noise and environmental impact; and be an inconvenience for residents and businesses.
- 2.1.2 The scale of disruption caused is relative to the type, duration and timings of the activities being undertaken; capacity of the street, traffic volumes (including pedestrians, cycle traffic, equestrians and other vulnerable road users), and the work methods being used.
- 2.1.3 The DCC Permit Scheme is intended to enable more efficient co-ordination of roads and street works activity and empower DCC to minimise disruption. This is in line with the TMA to enable the management of traffic (including pedestrians, cycle traffic, equestrians and other vulnerable road users) to carry out statutory duties outlined in the Network Management Duty.

### 2.2 Permit Scheme Objectives

- 2.2.1 The strategic objective for the DCC Permit Scheme is to assist DCC in the execution of its Network Management Duty under Section 16 of the TMA whilst Works Promoters install and maintain services and assets with minimum disruption to residents, road users and local businesses by improving planning, scheduling and management of road and street works.
- 2.2.2 The sub-objectives of the DCC Permit Scheme are:
  - To proactively manage the local highway network to maximise the efficient use of road space;
  - To improve the quality of works information and compliance with required legislation and relevant guidance, specifications and Codes of Practice;
  - To improve the reliability and accuracy of works information to the public;
  - To protect the right of the public to use the highway in a lawful manner;
  - To protect the structure of the street and any apparatus within it;
  - To ensure parity of treatment for all activity of Works Promoters;
  - To manage road and street works activities to support public transport reliability.
  - To support the economic prosperity of Devon whilst managing reliable journey travel times.
  - To consider the impact of works on the environment whilst considering a prosperous and healthy communities/businesses.
  - To contribute towards the safety of the travelling public.

### 2.3 Aligned Policies

- 2.3.1 DCC's transport strategy is set out in its joint Local Transport Plan (LTP) (2011-2026) with Torbay Council. The LTP describes DCC's strategy and policy framework for transport. The

LTP recognises that a reliable transport system will help to deliver a low carbon future, a successful economy and a prosperous, healthy population.

2.3.2 DCC has a legal and statutory duty to manage the highway network and to improve the movement of traffic. This includes the co-ordination of all activities on the road network, including road and street works.

2.3.3 DCC's five key objectives in the LTP are:

- Deliver and support new development and economic growth;
- Make best use of the transport network and protect the existing transport asset by prioritising maintenance;
- Work with communities to provide safe; sustainable and low carbon transport choices;
- Strengthen and improve the public transport network; and
- Make Devon the 'Place to be naturally active'.

2.3.4 The DCC Permit Scheme has been developed to be consistent with DCC's LTP (2011-2026).

2.3.5 DCC Permit Scheme shall also compliment the strategic objectives of the Better Together Vision, focusing on 'getting from A-B'.

## 2.4 Benefits

2.4.1 The following benefits are likely to be derived from the DCC Permit Scheme:

- Improvement's to overall network management;
- Reduced congestion & disruption on the road network;
- Improved journey time reliability;
- A reduction in costs to local businesses caused by delays;
- Improved general quality of life, particularly for residents;
- Reduced greenhouse gas emissions and levels of noise; and
- Improved customer satisfaction.

2.4.2 Works will always need to be carried out by Works Promoters, but the activities shall be regulated by DCC and Works Promoters in ways that minimise impact by introduction of the Permit Scheme.

2.4.3 A cost benefit analysis has been undertaken in line with DfT guidance for local authorities developing Permit schemes. Analysis shows that works activity typically have a wider economic cost of approximately £850 per day per works activity through disruption and delay. A permit scheme is expected to provide a reduction in disruption of around 5% to 10% based on evidence from other highway authorities who have implemented similar schemes.

## 3 Permit Scheme Principles

### 3.1 Principles for Co-ordination

- 3.1.1 Effective co-ordination and management to ensure traffic disruption is minimised as far as reasonably practical, whilst allowing Works Promoters the required time and space to safely complete their works effectively is essential for the scheme to be a success.
- 3.1.2 It is not intended that the DCC Permit Scheme should delay or prevent any necessary and lawful activities from being undertaken; rather achieve a balance between the interests of users of the highway and those wishing to work on it.
- 3.1.3 Before any specified works are carried out on a specified street the Works Promoter must obtain a permit from DCC, in accordance with the requirements set out in this DCC Permit Scheme document.
- 3.1.4 All Works Promoter activities will be treated in the same way as when setting of restrictions and co-ordination. This will include DCC's own works contractors.
- 3.1.5 The DCC Permit Scheme objectives will be facilitated by improving performance in line with DCC's Network Management Duty.

### 3.2 Principles for Works Promoters

- 3.2.1 It is essential that all involved in the activities on the highway adhere to the objective of the DCC Permit Scheme, TMA, and NRSWA. This will lead to reduced congestion and more reliable journey times wherever possible through better advanced planning of streetworks.
- 3.2.2 To meet these objectives DCC and Works Promoters must adhere to four key principles:
  - The need to balance potentially conflicting interests of road users with the Works Promoters and their customers;
  - Close co-operation and liaison between work Works Promoters and DCC;
  - Acknowledgement that activity programmes and practices may have to be adjusted to ensure that disruption is minimised and that statutory requirements are met; and
  - The provision of timely, clear, accurate and complete information.
- 3.2.3 The DCC Permit Scheme gives DCC greater control over how and when activities are carried out. However, the responsibility of planning, supervising and executing safe activities remains with the Works Promoter.
- 3.2.4 Works Promoters must consider the needs of all road users, particularly the needs of vulnerable road users including those who may have a disability, and for whom work-related activities may have an impact and require specific mitigation measures.
- 3.2.5 Works Promoters will consider existing road activities and consider how their proposals will integrate with them and the broader operation of the local and strategic road networks. This has implications for:
  - The timing of activities e.g. avoiding peak traffic times, seasonal constraints, special events and working at unsociable hours
  - The method with which works are carried out, including but not limited to complying with:

- Health and Safety legislation;
  - Construction (Design and Management) Regulations 2015;
  - Equalities Act 2010;
  - Programming and co-ordination of activities with other Works Promoters and activities on the network; and
  - The effective management of noise, lighting, emissions and traffic management.
- 3.2.6 Works Promoters must seek to identify parties directly affected by proposed works and discuss their proposals with them, amending proposals where appropriate to minimise specific impacts.
- 3.2.7 All activities that are likely to cause significant disruption should have their permit applied for as early as possible and statutory application periods must be considered an absolute minimum. This provides DCC and the Works Promoter more time to consider, apply and act on any conditions or modifications that may be required.
- 3.2.8 Whenever possible Works Promoters, including DCC should engage with the Highway Authority's Traffic Manager (or delegated others) to discuss schemes causing significant disruption. This will allow the works to be planned to mitigate the impacts.
- 3.2.9 Works Promoters must consider the space needed to undertake the whole works, including any areas needed for storage and parking etc. Conditions may apply when storage of plant or materials and parking could cause disruption or impact on the highway network.

### 3.3 Collaborative Working

- 3.3.1 Collaborative working should be considered wherever possible and safe to do so. This includes not only the sharing of works space, but also any follow-on works or multiple works within a street. The primary objective of collaborative working is to co-ordinate activities so that they take place in the same traffic management layout or trench, thereby reducing working durations and minimising disruption.
- 3.3.2 Works Promoters shall also consider the options for shared trenching to help minimise the number of reinstatements in the road structure, which has a potential to impact on the integrity of the structure. It also benefits the reduction of overall works durations.
- 3.3.3 In addition to considering activities on a single site, when assessing an application for a permit, DCC will consider known planned works nearby including those on other roads that may affect the same traffic flows. In such a case activity timings or restrictions may be applied to minimise the impact on traffic flow.
- 3.3.4 Reduced permit fees will be charged for any permit where the works are carried out with collaborative working, including shared trenching. This may involve one or more Works Promoter and/or trench/works area sharing.

### 3.4 Forward Planning

- 3.4.1 Forward planning information on potentially highly disruptive activities shall be included in the permits register at the earliest opportunity. This will enable Works Promoters to:
- Take part in early co-ordination;
  - Actively engage collaborative working practices (where viable);
  - Consider other works being undertaken in the area; and

- Consider concerns from interested parties and stakeholders.

3.4.2 Forward planning information should be provided as early as possible and with as much information as available. This information should be updated whenever appropriate. Forward planning information does not remove the needs to apply for a Provisional Advance Authorisation (PAA) or a permit at the appropriate time.

## 3.5 Innovative Working

3.5.1 Innovative streetworks working is promoted by DCC across the network where it can be demonstrated that:

- Value for money is apparent;
- The safety to road users and workers is not put at risk;
- Additional congestion is not created; and
- No adverse environmental pollution is made as a result of the works method.

3.5.2 Reduced permit fees will be charged for any permit where the works are carried using an innovative working practice. This may involve one or more Works Promoter working in conjunction.

3.5.3 Innovation will be assessed on a case by case basis by DCC as to whether it merits a reduction in permit fees. Over time innovative working practices may become the industry norm for that type of work. Therefore, discounts previously applied to innovative working practices may cease if DCC deem this has become standard industry practice.

## 4 Key Performance Indicators and Scheme Success Evaluation

- 4.1.1 DCC must indicate how it will ensure parity to all Works Promoters when implementing a permit scheme. The DCC Permit Scheme will use Key Performance Indicators (KPIs) within the DfT's Statutory Guidance for Highway Authority Permit Scheme (October 2015) to measure performance and ensure parity. DCC will continue to submit performance scorecard data to the National Street Gazetteer (NSG) hub.
- 4.1.2 The DCC Permit Scheme will be reviewed after the first year of operation and thereafter every three years. The review will consider whether the DCC Permit Scheme is meeting the latest KPIs set out by the DfT and those set by DCC and whether the permits scheme fee structure needs to be changed due to any scheme costs surplus or deficit.
- 4.1.3 The DCC Permit Scheme Evaluation Reports will be based on the latest published HAUC (England) Permit Advice Note and Permit Scheme Evaluation Report template. The KPIs proposed are included as Appendix B. *(To be confirmed)*

DRAFT



## **5 Common Elements with NRSWA**

### **5.1 Street Inclusion**

- 5.1.1 All streets maintained at public expense by DCC are included within the DCC Permit Scheme. The strategic road network (SRN) which is maintained by Highways England is not included in the Devon Permit Scheme. However, if works on the SRN require diversion routes or temporary traffic management on the local highway network then a Permit will be required. A parallel process shall operate for Highway Authority works that operate cross administrative boundaries.

### **5.2 Street Gazetteer**

- 5.2.1 DCC will continue to maintain a Street Gazetteer including a list of Unique Street Reference Number (USRN) and Additional Street Data (ASD). In relation to permits, the term "street" refers to an individual NSG.
- 5.2.2 DCC completed a review of all its traffic sensitive streets in 2018. A further 5-year review will be undertaken to ensure the accuracy of categorised traffic sensitive data with an ever-changing road network.
- 5.2.3 DCC have road reinstatement types defined in its NSG data. As of March 2019, a full countywide review of road reinstatement types is in progress. The results of this are expected by March 2020.

### **5.3 Streets with Special Designations and Controls**

- 5.3.1 Streets designated under NRSWA with special controls, protected streets, streets with specific engineering difficulty, and traffic sensitive streets will have the same designations under the DCC Permit Scheme. These streets will be detailed on the Street Gazetteer.

### **5.4 Reinstatement Categories**

- 5.4.1 The reinstatement categories of streets used in the DCC Permit Scheme are the same as those reinstatement categories under NRSWA.
- 5.4.2 The reinstatement category, as given in the ASD, must be treated as definitive.



## 6 Permit Scheme Scope

### 6.1 Scope

- 6.1.1 The DCC Permit Scheme applies to all registerable activities as defined in The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations. The DCC Permit Scheme shall include all works by statutory undertakers and highway works.
- 6.1.2 Works currently managed by licences through other powers, such as skips, scaffolds, depositing materials on the highway, vehicle crossings, development management works etc. shall not require a permit and continue to be processed by the individual licencing methods at this time.
- 6.1.3 The DCC Permit Scheme does not apply to activities licensed under Section 50 of the NRSWA, but similar conditions may be applied to such licenses for the purposes of parity.
- 6.1.4 The start and end dates for permits are calendar days and include weekends and bank holidays. The permit will include information on the duration of the works.
- 6.1.5 Agreements for starting earlier than stated on the initial permit application will be only confirmed following the granting of a variation by DCC prior to works commencing. If DCC has requested an earlier start date than that on the original permit application, permit fees may be waived for the additional variation permit submitted.
- 6.1.6 All registered activities must have an appropriate permit. Undertaking such activities without a permit will result in an offence being committed and the Works Promoter will be subject to the appropriate Fixed Penalty Notice (Section 18). Valid immediate works can commence with a subsequent permit application, as defined within the DCC Permit Scheme.

## 7 Types of Permit

### 7.1 Provisional Advance Authorisation

- 7.1.1 Provisional Advance Authorisation's (PAA's) must be obtained for certain works as described in The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations. PAA's fulfil a similar function to notices served under Section 54 of NRSWA.
- 7.1.2 It is required to obtain PAA's for major works only. The PAA application shall follow the requirements of the HAUC (England) Guidance, Operation of Permit Schemes (February 2017).
- 7.1.3 Where the proposals for a previously granted PAA require change and the full permit has yet to be issued, the Works Promoter must inform DCC of the new proposals. DCC will then decide whether a new PAA must be made.
- 7.1.4 The granting of a PAA does not guarantee that a permit will be subsequently be issued.

### 7.2 Permit Applications

- 7.2.1 The information which is required for each permit application is described in HAUC (England) Guidance, Operation of Permit Schemes (February 2017). This information must, unless due to exceptional circumstances, be supplied electronically using the Electronic Transfer of Notifications (EToN) system.
- 7.2.2 Applicants should also note that in line with The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations, the Permit Scheme requires Works Promoters applying for permits or PAA's to copy their application to any authority, Statutory Undertaker or other relevant body that has requested to see notices or permit applications on certain streets.
- 7.2.3 Where an activity crosses the Devon administrative boundary between DCC and its neighbouring authorities, the Works Promoter must also apply for a permit from or submit a notice to that authority in addition to DCC.
- 7.2.4 The minimum times within which applications must be made are set out in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017). Works Promoters, however, are encouraged to contact DCC as early as possible to assist in identifying problems and resolving issues to try to achieve early approval.

### 7.3 Permit Categories

- 7.3.1 Applications from Works Promoters when booking road space through the DCC Permit Scheme must use the following activity categories: Major, Standard, Minor and Immediate as defined in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017).

### 7.4 Permits for Emergency Works

- 7.4.1 Urgent and Emergency works shall be defined as immediate for the purposes of permit applications. Immediate Activities apply to emergency works as defined in section 52 of NRSWA and are the equivalent of "urgent works" as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
- 7.4.2 Permits for Immediate Activities must be applied for retrospectively following completion of the works. Failure to do so will result in a Fixed Penalty Notice (Section 18). Permits must be applied for within 2 hours of works commencing and within the requirements of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

## 7.5 The Application Process

- 7.5.1 A permit application process starts when DCC receives the application not when it is sent. When using the EToN system this process should be almost instantaneous. The precise time that the application is received is defined by the time of the electronic acknowledged returned by the web services.
- 7.5.2 Where a permit application has failed three times by EToN and the notice or application cannot be sent for valid reasons, notification by email (and phone for immediate activities), followed by a formal EToN application sent as soon as is practical, shall be made.
- 7.5.3 Emails in these extenuating circumstances should be sent to [Highwaycoordination-mailbox@devon.gov.uk](mailto:Highwaycoordination-mailbox@devon.gov.uk). These emails must contain the same information as the EToN application if they do not, they will be rejected.
- 7.5.4 Any Works Promoter, as prescribed by The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations, who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a Permit from DCC. This grants the Works Promoter authorisation to execute the works as described on the approved permit.
- 7.5.5 The permit application must, unless due to exceptional circumstances, be supplied electronically using the EToN system. Any alternative forms of permit application must be agreed prior to making the application with DCC.
- 7.5.6 All the format and content of permit applications is given in the Technical Specification for EToN and all applications must comply with the latest requirements of such. The description of activities must be in plain English and not use technical jargon or acronyms.

## 7.6 Permit Application Information

- 7.6.1 The information and minimum times within which applications must be made are set out for each permit application in HAUC (England) Guidance, Operation of Permit Schemes (February 2017). This information should be submitted electronically to DCC via the EToN System. Works Promoters are strongly encouraged to contact DCC as early as possible to assist in identifying problems, clashes, and resolving issues to aid early approval.
- 7.6.2 Works Promoters are required to copy their applications to any authority, statutory undertaker or other relevant body that has requested to see notices or permit applications on certain streets
- 7.6.3 Works Promoters must provide a plan of the activity with their permit application where disruption to road users will occur. This includes diversions for vulnerable road users especially pedestrians, cycle traffic and equestrians. Where an illustration has not been provided DCC may reject the application. Plan detail should be proportionate to the types of works being proposed in the permit application.
- 7.6.4 Any requirement on the part of DCC or its nominated agent must be included in the application. Applications for TTRO/TRO's shall be made separately to the permit request:
  - The need to make Temporary Traffic Regulation Orders (TTROs);
  - The approval for all temporary traffic signals with applications being made using the latest notice or permit in accordance with the latest version of EToN. Activities to use portable traffic signals in "immediate" activities must also be supported by the Works Promoter in accordance with most up to date version of the DfT's "Safety at Street Works and Road Works: a code of practice"; and
  - Suspension of TRO restriction of any type.

- 7.6.5 The processing costs associated with the above orders or approvals are not contained with the DCC Permit Scheme cost structure and will be separately applied.
- 7.6.6 To ensure consistency DCC requires permit applications to include the provisional number of estimated inspection units appropriate for the activity, in accordance with the latest NRSWA Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.
- 7.6.7 A permit application requires the Works Promoter to provide their best estimate of the extents and depth of their excavation. This can be provided as a meaningful range providing an indication of the nature of the activity involved.
- 7.6.8 The Works Promoter must outline the proposed Traffic Management in their Permit Application through the provision of a Traffic Management drawing/plan per phase of works. If the proposed Traffic Management is to be in situ for six months or more then these plans should be submitted for a Road Safety Assessment. Evidence of these assessments should be provided as part of the Permit Application (*To Be Confirmed*).
- 7.6.9 The anticipated period of works must be made in the permit application along with the likelihood of known risks prolonging this period.
- 7.6.10 In cases of shared trenching, a lead Works Promoter must be identified for reinstatement purposes. Both Works Promoters must serve applications for permits, and discounts may be applied.
- 7.6.11 The Works Promoter must indicate whether their activity is intended to be completed with temporary or permanent reinstatement (or a subsequent linear combination of both) in accordance with Specification for Reinstatement of Openings in the Highway.
- 7.6.12 Works Promoters are strongly encouraged to support their application with suitable conditions should they find that the location, type of work to be undertaken, road category or any other site-based circumstance require consideration.
- 7.6.13 The approach adopted by the Technical Specification for EToN is based on the Works Promoter including conditions in their permit application.
- 7.6.14 If DCC does not agree with the condition(s) applied, requires additional conditions, or deems that insufficient information has been provided as part of the permit application then it will either:
- Refuse the request with an inclusion of a comment to reflect the change required. This will require a new permit application to be submitted by the Works Promoter and associated charges; or
  - Respond to the request using a Permit Modification Request. This will also require a new permit application to be submitted by the Works Promoter and associated charges.
- 7.6.15 If a permit variation is initiated by the permit authority or the permit authority has to revoke a permit through no fault of the activity Works Promoter fees are not normally charged.
- 7.6.16 DCC will consider all applications on an equal basis.

## 7.7 Form of Issued Permit

- 7.7.1 A permit will be issued or refused for every application that is made by a Works Promoter.
- 7.7.2 A permit will be issued to the Works Promoter electronically in accordance with the Technical Specification for EToN by DCC, unless the application is deemed to have been granted. The

issued permit will contain all relevant conditions so that there is no ambiguity regarding the validity and terms of the permit.

- 7.7.3 Each permit will be allocated a unique reference number. For all permits it is a requirement that where there are any linked permits, references to those other linked permits must be included in any consequential permit application, using the unique reference number.
- 7.7.4 Where remedial works or works to make an interim reinstatement, permanent is to be carried out, following completion of permitted works a separate permit is required. This new permit application must be raised using the same works reference as the parent works by the Works Promoter. An additional Permit fee shall apply.
- 7.7.5 All phases of works shall require a separate permit. A phase of work is a period of continuous occupation of the street (whether or not work is taking place).
- 7.7.6 Where a Works Promoter makes a permit application or variation to a permit application as a result of DCC's action e.g. where DCC has imposed a variation, it is strongly recommended that a comment is included to this effect within the application. This will assist DCC in determining whether no fee will be applicable to that application.
- 7.7.7 The DCC Permit Scheme requires all granted permits to be placed on the permit register and copied to any Statutory Undertaker, authority or other relevant body that has been asked to be informed about activities on a Street via the Street Works Gazetteer.
- 7.7.8 Any approved permit shall be available to view on site at all time during the dates approved on the permit. This includes conditions attached to permits.

DRAFT

## 8 Timings of Permit Applications

### 8.1 Timing of Applications and Responses

- 8.1.1 For effective planning and co-ordination, information needs to be provided to DCC in good time. Minimum permit application periods and DCC response times shall be as per the HAUC (England) Guidance Operation of a Permit Schemes (February 2017).
- 8.1.2 Although minimum time periods are provided it is strongly recommended that Works Promoters work with DCC prior to submitting their permit application and where possible make applications in excess of these minimum periods.
- 8.1.3 It is essential that applications and variations for permits are made in a timely manner otherwise there is the risk they face being rejected.
- 8.1.4 DCC is aware of the need to be proactive in running a scheme. Time limits have been set out in the (HAUC) (England) Guidance, Operation of Permit Schemes, February 2017 committing DCC to respond to applications within set periods. These are shown in Table 8-A.
- 8.1.5 The time period for a response to an application starts at the time of receipt of the application by DCC. The EToN system will provide an auditable record of the actual date and time of the receipt of the application however, the calculation of the application and response time for a permit received after 16:30 will use the next working day as the effective receipt date.
- 8.1.6 Unless otherwise approved, permits will only be valid from the start date to the end date of the permit on Strategically Significant Streets (category 0 to 2 and/or traffic sensitive streets/ winter gritting routes) or where a TTRO is required for the works. For non-Strategically Significant Streets (category 3 and 4 streets) a validity period of 2 days shall be allowable. The start and end dates will be calendar days, notwithstanding reference elsewhere to working days, and may include weekends and bank holidays where agreed by the permit authority, even if these are not working days.
- 8.1.7 Permit applications and validity periods shall be calculated in working days.

Activity Type	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response times for issuing a permit or seeking further information or discussion		Response times to applications for permit variations
	Application for Provisional Authorisation	Application for Permit		Application for Provisional Advance Authorisation	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original duration, whichever is 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	

Table 8-A Permit Application and Response Times (in working days)

### 8.2 Non-Compliance with the Minimum Application Times

- 8.2.1 Where it is not possible for a Works Promoter to adhere to the minimum permit application periods DCC may consider early applications where mitigating circumstances justify this



failure. Permission to allow a Works Promoter to submit such an application is solely at the discretion of DCC and will only be given in exceptional circumstances.

- 8.2.2 Permission to allow an application to be made with an 'early start' does not necessarily mean the permit will be granted. DCC will still be required to carry out all required checks in terms of data quality, conditions and co-ordination related matters.
- 8.2.3 For applications made requesting an 'early starts', DCC reserve the right to not include associated discounted fees.
- 8.2.4 Where an 'early start' permit application is granted it will be recorded by DCC. Where permission is not granted the permit application will be refused. It is recognised that some early starts will be required to achieve a positive outcome to potential collaborative working arrangements. However, a Works Promoter proceeding with the planned 'early start' work following a refusal would be working without a permit and liable to fixed penalty notices (Section **Error! Bookmark not defined.**).
- 8.2.5 In exceptional circumstances where a Works Promoter can begin works before the stated date in the Permit Application or believes it to be in the best interest of road users they may contact DCC for a permit variation. It is at the discretion of DCC as to whether the request is accepted or not and/or charges are applied.

## 8.3 Variations and Extensions

- 8.3.1 To vary or extend a permit, an application must be made by the Works Promoter a minimum of two working days before the permit expires or at a point when the existing permit has more than 20% of its duration to run (whichever is longer).
- 8.3.2 Where the Works Promoter fails to apply for a permit variation or extension within the relevant time limits, they will not be approved unless mitigating circumstances justifying the failure to adhere to the relevant timings are provided. DCC will respond to these requests within 2 days (Table 8-A).
- 8.3.3 To request an extension to a permit, the Works Promoter shall apply for a 'Duration Variation Application'. DVA. This shall be either:
  - Agreed by DCC;
  - Disapprove – a S74 duration challenge is required to re-set the reasonable period; or
  - Refusal due to conflict with other works and event. DCC shall refuse the DVA and instruct the works promoter to remove site.

## 8.4 Agreement Process

- 8.4.1 In situations where a Works Promoter cannot comply with the minimum permit application times, they must initially contact DCC to discuss the application and the associated justification. At such time DCC may agree for the permit application to be submitted. All decisions made will be logged so that they are auditable.
- 8.4.2 In circumstances where DCC will accept such a permit application, the Works Promoter should then submit the relevant application to DCC providing the pre-agreed details, justification and required information, in order to obtain a formal grant for early start, variation or extension to the permit.

## 8.5 Maximum Response Times

- 8.5.1 The HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents sets out time limits DCC will respond to permit applications (Table 8-A above). If DCC fails to respond to the permit application in the allotted response time the permit is deemed to be granted in the terms of the application.
- 8.5.2 A “response” for the purposes of the DCC Permit Scheme means a decision to grant, refuse, or issue a permit modification request. Where there are reasons why the permit could not be granted in the terms applied for e.g. due to insufficient or obviously incorrect information or due to a clash with other activities, the response indicating that a permit will not be granted in those terms will explain the reasons. This will enable the Works Promoter to make a revised and compliant application. DCC will work with the Works Promoter to avoid clashes however, early engagement with DCC is of paramount importance.
- 8.5.3 DCC will utilise the standard permit condition text as set out in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents for refusal text where possible when a permit is refused.
- 8.5.4 Temporary Traffic Signal Applications must be made using notice type 2700 – Temporary Traffic Signals Application. Providing that a complete application has been received a response granting the approval will be given by DCC using notice type 2800 – Temporary Traffic Signal Application Response, within the response period for permit application. Both notices 2700 and 2800, must be made in accordance with the latest version of EToN.

## 8.6 Phasing of Works Activities

- 8.6.1 One permit can only relate to one phase of activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of works e.g. separate permits would be required for interim, permanent and remedial reinstatements.
- 8.6.2 The dates given in a permit application and in the issued permit will denote the dates for that phase. A phase ends only when all plant, materials including any signing, lighting, guarding and excavation materials have been removed from site and the highway is returned to full use. It is the responsibility of the works promoter to ensure any reinstatements are ready for traffic conditions once the highway is returned to full use.
- 8.6.3 A Works Promoter must clarify when an activity is to be carried out in phases on the permit application. Each phase will require a separate permit and if a major activity involving asset activity, also a PAA which will be cross referenced to other permits.
- 8.6.4 Phased activities must relate to the same works with applications submitted using the same works reference.

## 8.7 New Customer Connections

- 8.7.1 A new main or cable run which includes a new customer connection(s) can be classed as one phase if all work is completed in a single occupation of the street. Otherwise a new permit(s) must be obtained for each customer connection that require separate occupation of the highway. Phases are defined in Section 7.6.1.



## 9 Permit Application Decisions

### 9.1 Decision Considerations

- 9.1.1 DCC must act reasonably when reaching a decision for a permit application and must consider whether issuing a permit will accord with the statutory duties to co-ordinate and to manage the network and the objectives of the Permit Scheme.
- 9.1.2 When reaching a decision on permit applications DCC will consider all aspects of the proposed activities and other influences that may impact traffic. These include but are not limited to:
- a. Safety of all road users;
  - b. The road network capacity;
  - c. The scope of collaborative working arrangements including trench and duct sharing between Works Promoters;
  - d. The overall impact upon the local and regional highway network;
  - e. The optimum timing of activities from all aspects, including the legislative requirement of the works taking place e.g. new customer connections, duty to maintain under the Highways Act 1980 etc;
  - f. The effect on traffic, in particular, the need for temporary traffic restrictions or prohibitions;
  - g. Appropriate techniques and arrangements particularly at difficult road junctions and pinch points;
  - h. The working arrangements required in protected streets, traffic sensitive streets and streets with special engineering difficulties;
  - i. The effect of skip, scaffold, storage and hoarding licenses, pavement licenses and other licenses or consents issued in respect of affected streets under The Highways Act 1980;
  - j. The environmental impact of the proposed works;
  - k. Noise impacts from the works
  - l. Developments for which planning permission has been granted on streets affected by the works;
  - m. The benefits to be achieved from extended working hours;
  - n. Impact of a planned activity on a public transport route and/or interaction near to level crossings; and
  - o. Contingency plans for expedient removal of site occupation.
  - p. Community impact issues

### 9.2 Permit Issue

- 9.2.1 Where DCC is satisfied with the permit application having considered all matters set out in their application and all other material considerations, including statutory duties and that the

objectives of the DCC Permit Scheme are met, DCC will issue a permit to the Works Promoter within the response time.

- 9.2.2 The permit will cross reference the details provided in the application including any associated documentation, drawings and conditions imposed by DCC.

## 9.3 Refusal of Permit Applications

- 9.3.1 Whilst DCC cannot refuse statutory activities, it can refuse a permit application (and a Provisional Advanced Authorisation) if elements of the proposed activity are not acceptable e.g. insufficient information being provided.
- 9.3.2 In such cases DCC will respond to the Works Promoter as soon as possible within the response period specified in HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents, to explain precisely why the application is not satisfactory and which aspect need modification.
- 9.3.3 A Works Promoter may cancel an application by an electronic works notice at any point prior to DCC granting or refusing the permit application. Charges shall not apply for the cancellation notification, but the initial permit may be charged if approval has already been granted/refused.

## 9.4 Permit Variations

- 9.4.1 The DCC Permit Scheme allows for the variation of permits and for conditions to be attached to permits. This allows DCC to actively manage other activities on the network in light of challenging circumstances.
- 9.4.2 Variations can take place at any time after the permit has been issued and before the activity has commenced or during the activity itself. However, if a variation to a permit is required by the Works Promoter, the application to vary the permit must be made before the permit end date has passed and in accordance with EToN requirements.
- 9.4.3 PAAs cannot be varied. In circumstances where a PAA has been given but a full permit has not been granted and proposals change, the Works Promoter must advise the proposed changes to DCC who will indicate whether or not a new application for a PAA is required.
- 9.4.4 Data changes are notified as new applications (prior to approval) or variations (post approval). Error corrections for registration notices and works status corrections are still relevant however, they should be made in accordance with their relevant Code of Practice.
- 9.4.5 Application by the Works Promoter to vary a permit or to vary permit conditions must be made as soon as reasonably possible, but in any event as outlined below:
- a. Where the existing permit has more than 20% of its duration or more than two working days to run (whichever is longer) the Works Promoter shall apply for a variation; or
  - b. In any other case the Works Promoter shall first contact DCC to ascertain whether the Authority is prepared to grant a variation and only apply if the Authority is prepared to do so.
- 9.4.6 Activities can be particularly subject to change where a Works Promoter must make several excavations or registerable openings of the street in order to locate a fault. While the DCC Permit Scheme seeks to avoid too many variations, DCC must be advised of the site situation to enable co-ordination and management of these and other works in the area.

- 9.4.7 For multiple excavations the first application will contain the location of the initial proposed excavation or opening. If any further excavations are required, variation of the permit will also be required.

## 9.5 Variation at DCC's Request

- 9.5.1 DCC may impose variations upon permits already granted or deemed. This may be required where it is considered that upon commencement of a granted or deemed permit, further conditions or requirements are needed to reduce the impact of the activities on the highway. Such imposition should only take place when circumstances could not have been reasonably predicted. This will be assessed on a case by case basis.
- 9.5.2 Once a permit is issued it will prove to the Works Promoter with reasonable confidence that the road space will be available to them. Nevertheless, even where a permit has been issued circumstances beyond DCC's control may require a review of the permit and may lead DCC to conclude that the permit or its conditions require changing.
- 9.5.3 Such changes will be the exception and will only happen when the new circumstances could not have been reasonably foreseen or where the impact is significant. Examples of such circumstances include but are not limited to:
- a. Problems which would lead to traffic being diverted onto the road when an activity was underway or about to start, but the permit had been issued;
  - b. Roads closed by flooding, burst water mains, snow or ice;
  - c. Significantly adverse weather not predicted in forecasts;
  - d. An unknown dangerous building or structure;
  - e. A significant traffic disruption has ensued;
  - f. Additional activities have come to light in the same, or nearby street that will now conflict with the planned activity; or
  - g. Protests or demonstrations.
  - h. Other emergency works / activity on the network.
- 9.5.4 If the consequent disruption cannot be suitably mitigated, it may then be necessary to vary the permit for the activity e.g. by changing the time or manner of working.
- 9.5.5 In such circumstances DCC will contact the Works Promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved.
- 9.5.6 If agreement is reached, DCC will issue an Authority Imposed Variation to the Works Promoter. The Works Promoter may then either cancel the existing permit and apply for a new permit in those terms, or they may apply for a permit variation. The latter will be more appropriate if the Works Promoter needs to reconsider elements of their plan within the parameters agreed with DCC.
- 9.5.7 If agreement cannot be reached DCC will revoke the permit. The Works Promoter would have the option of invoking the dispute resolution procedure where they disagree (Section 16).
- 9.5.8 If a permit variation is initiated by the permit authority or the permit authority has to revoke a permit through no fault of the activity Works Promoter fees are not normally charged. This will be assessed on a case by case basis. If at the same time the Works Promoter seeks a

variation which is not the result of the circumstances causing DCC action, a variation fee would be payable.

## 9.6 Permit Revocation

- 9.6.1 There is no mechanism in the DCC Permit Scheme to formally suspend or postpone a permit only to vary or revoke one.
- 9.6.2 A Works Promoter who wishes to cancel a permit, for which they have no further use, must use the cancellation notice as specified in the Technical Specification for EToN. There is no fee for a cancellation notice, but no refund of the fee paid for issuing the permit will be made.
- 9.6.3 DCC can revoke a permit at its own initiative where there has been a breach of a condition.
- 9.6.4 The circumstances in which DCC will revoke permits on its own initiative are as follows:
  - a. As with variations, where circumstances arise which require DCC to review the permit, DCC may conclude that the permit needs revoking rather than being varied;
  - b. Revocation will be the exception and will be where circumstances could not have been reasonably predicted or where the impact is significant; and
  - c. All revocations will be made in accordance with the EToN requirement.
- 9.6.5 No charge will be made when a permit is revoked on DCC's request. If as a result of the revocation the Works Promoter must apply for a new permit there will no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Works Promoter. In these circumstances, revocation will only be used as an alternative to criminal action, where it is reasonable, considering the nature of the breach and where it is proportionate.
- 9.6.6 Where the Works Promoter disagrees with DCC's decision in any of the above respects, they may invoke dispute resolution procedure detailed in Section 14 of this document.

## 10 Permit Fees

### 10.1 When a Fee Will be Charged

- 10.1.1 In accordance with the provisions set out in the Section 37 of the Traffic Management Act 2004 and the 2007 regulations as amended by the 2015 Regulations, DCC may charge a fee for each of the following:
- a. The issue of a permit;
  - b. An application for a permit, where the DCC Permit Scheme requires a PAA to be obtained as part of that application;
  - c. The granting of a PAA which has subsequently been followed up with a permit application in line with the EToN Technical Specification; and
  - d. Each occasion on which there is a variation of a permit or the conditions attached to a permit after it has been granted.
- 10.1.2 DCC will charge fees in accordance with the 2007 regulations as amended by the 2015 Regulations. The permit Fees for the DCC Permit Scheme will be published on DCC's website.
- 10.1.3 Permit fees do not include costs charged or recoverable by Highway Authorities, in relation to consents or other requirements such as for Temporary Traffic Orders, Notices or parking suspensions related to other activities being carried out.
- 10.1.4 It is not the purpose of fee charging under the Permit Scheme to generate revenue for DCC although subject to the constraints set out, DCC may cover its costs.
- 10.1.5 Fees are payable by Statutory Undertakers, but highway authorities are not charged. However, budget adjustments may be made in order to fund the service provided. Data on the fees that DCC would have been charged will be collated to demonstrate parity.

### 10.2 Level of Fees

- 10.2.1 The 2007 Regulations as amended by the 2015 Regulations and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set a maximum flat fee for permit variations initiated by the Works Promoter with a lower fee for category 3 and 4 non traffic-sensitive streets and a higher fee for category 0, 1 and 2 and traffic-sensitive streets.
- 10.2.2 If a permit variation moves an activity into a higher fee category, the Works Promoter will be required to pay the difference in permit fee as well as the permit variation fee.
- 10.2.3 All the Devon Permit Scheme fee levels are at or within the current Regulations and Statutory Guidance. County Council has made use of existing Regulations and guidance to determine the level of fees needed to recover the costs of additional resources required to achieve the scheme's objectives.
- 10.2.4 The permit fees for the DCC Permit Scheme will be published on DCC's website.

### 10.3 Circumstances where No Fee will be Charged

- 10.3.1 No fee will be charged in the circumstances described below:
- a. Cancellation of a permit – prior to DCC's determination, a Works Promoter cancels a permit application;

- b. Refusal of a permit – when an application for a permit or variation is refused;
- c. Revocation of Permit – where a permit is revoked on DCC's initiative and the Works Promoter had to apply for a new permit, there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Works Promoter;
- d. Variation of Permit at DCC's initiative - for permit variations initiated by DCC, unless at the same time the Works Promoter seeks variations which are not the result of the circumstances causing DCC's action - in that case a variation fee would be payable;
- e. Deemed Permits – where DCC fails to serve a response to an application for a permit or variation, within the relevant response time and the permit is subsequently deemed to be granted;
- f. Highway Authority Activities - permits required by the Highway Authority. (Although budget adjustments may be made in order to fund the service provided);
- g. Phasing of Activities to Lessen Risk and Inconvenience to Highway Users - where temporary reinstatement is required by DCC e.g. to minimise risk to the public and allow safe passage and DCC request the Works Promoter submits a new permit application for the remaining activities, no fee will apply for the permit application;
- h. Where the activity is Diversionary Works as a result of Major Highway or Bridge Works, initiated by the Highway Authority as described in S86 of NRSWA

## 10.4 Circumstances where Fees may be Reduced

- 10.4.1 Where an Application has been made (and is subsequently granted), stating clearly that activities will not take place (at any time or any day) within the Traffic Sensitive periods as indicated on the Additional Street Data (ASD) supplied within the Authority National Street Gazetteer submission, so long as such time constraints are met during activities throughout the full duration of the permit then a discount will apply. Such Permit Applications (and Provisional Advanced Authorisations) may be required to contain specific time related conditions.
- 10.4.2 The variation process may be used to alter such timings and conditions; however, such application may be reasonably refused. Any reductions to permit fees may be removed by the DCC in this instance. Where, upon evidence is gained, it is clear that the indications of Traffic Sensitivity impact are not being followed throughout the activities, the fee reduction may be removed by the Authority. If related Timing Conditions are also being breached, an Offence or Offences may have occurred.
- 10.4.3 Where collaborative activities are being undertaken a discounted fee will apply to permit applications to all activities involved. The Works Promoters will clearly need to identify such situations and alert them to the DCC.
- 10.4.4 Where shared trenching opportunities have been achieved.
- 10.4.5 Where a Works Promoter makes use of specific techniques or working methods that significantly reduce traffic disruption then discounted permits may apply. The Works Promoter must provide evidence to support a claim for a discounted permit.
- 10.4.6 Evidence of additional resources being used, e.g. double-shifted gangs.
- 10.4.7 100% discount shall apply to cross boundary authorities and Highways England where permits are required for diversion routes.

10.4.8 Permit fee discounts are described in Appendix A (*To Be Confirmed*).

## 10.5 Fee Review

10.5.1 DCC will continuously monitor costs and there will be a formal review of fees at the end of year three to ensure that overall fee income does not exceed allowable costs. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.

10.5.2 A sustained surplus would indicate that the income was regularly exceeding the prescribed costs and that fee levels should be adjusted. In such circumstances DCC will adhere to relevant regulations to affect any amendments to the DCC Permit Scheme.

10.5.3 The outcome of these fee reviews will be published and open to scrutiny.

DRAFT



## 11 Permit Conditions

### 11.1 Principles of Conditions

- 11.1.1 The Permit Scheme includes for the attaching of conditions to permits and also specifies the types of conditions that may be applied. Any permit issued will specify in detail the activity it allows, and the conditions attached. Any constraints in the original application will be reflected in the conditions in the permit.
- 11.1.2 In applying conditions DCC will consider the proposed activity's potential to cause disruption. Where possible, conditions attached to a permit will provide flexibility for the Works Promoter by requiring an outcome rather than stipulating the method by which the work must be carried out. When setting any condition, DCC must act reasonably and take account of how feasible it is for the Works Promoter to comply not only with the condition being imposed but also on their ability to meet their statutory obligations.
- 11.1.3 Where DCC considers a condition attached to a permit has been breached, it may impose sanctions and DCC may also revoke the permit.
- 11.1.4 DCC may vary the conditions of a permit issued, as an Authority Imposed Variation (AIV). This will also be done in accordance with the prescribed EToN requirements.
- 11.1.5 Works Promoters shall plan works and consider all necessary conditions of work that may help reduce the impact of the scheme on the road network. This should be done in advance of submitting the permit application to DCC and be clearly outlined on the permit application. Failure to do so may result in a delay in response from DCC and/or a rejection of permit application. There may also be associated fees attracted.

### 11.2 Condition Types

- 11.2.1 The conditions DCC can apply to permits will be as set out in the standard condition text as described in the HAUC (England) Guidance. Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for the Highway Authority Permit Schemes — Permit Scheme Conditions.
- 11.2.2 DCC will adopt solely the Nationally agreed conditions text developed and approved by HAUC (England) as our standard conditions, including referencing. It is recognised that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme.
- 11.2.3 Any changes will have been consulted on and agreed by the sector and DCC will not undertake further consultation on those agreed changes but will inform stakeholders of their implementation date for use within our permit scheme.
- 11.2.4 Of these, certain conditions apply to all permits. There is no need for the Works Promoter or DCC to formally attach the National Condition Text relating to national conditions that apply to all relevant permits.
- 11.2.5 DCC may take reasonable actions if any of these conditions are breached.
- 11.2.6 Conditions applied to a permit by DCC will be pertinent to the objectives of the Devon Permit Scheme including the reduction of congestion and disruption, recognizing the needs of other users of the highway, the integrity of the highway itself and the need for essential activities and activities to be carried out.



## 11.3 Applying a Condition to a Permit

- 11.3.1 Where DCC considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, DCC will state the reasons for this action on their refusal of the permit. The Works Promoter can then choose whether to make a modified permit application, cancel the activity or discuss the matter.
- 11.3.2 For the application of permits, the main principle behind the Prescribed Electronic Format Technical Specification is that when the Works Promoter applies to DCC they may enter the conditions of the permit, for example the timing, duration and work methodology. DCC cannot amend the content of a permit, including the conditions attached.
- 11.3.3 If DCC does not agree with the condition(s) applied or requires additional conditions the application may be either:
  - a. Refused with the inclusion of a comment to reflect the changes required. A complete refusal should be used in exceptional circumstances.
  - b. Responded to with the issuing of a Permit Modification request which is also a form of Refusal.
- 11.3.4 If a permit is still required, the Works Promoter should submit a subsequent, modified permit application with any agreed changes. It is the responsibility of the Works Promoter to ensure the application meets the permit conditions specified by DCC.
- 11.3.5 Works Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of DCC refusing a permit with a subsequent re-application, could be minimised.
- 11.3.6 Where a Works Promoter recognises that multiple conditions should be used, or as indicated by DCC, all multiple conditions should be included on the permit application.

## 11.4 Conditions upon Immediate Activities before Permit Issued

- 11.4.1 Activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can commence and continue for an initial stage without requiring a permit to be obtained first. DCC has the power to impose conditions. Where an application has been initially granted and further practical conditions, reasonably unforeseen at the time of granting are required to lessen the impact of the activities upon the highway, further conditions may be imposed through an Authority Imposed Variation (AIV) application.
- 11.4.2 Until a permit is issued following an application for an immediate activity, a Works Promoter will be required to work within the terms of their application, for example, if the application refers to specific working hours then the Works Promoter must work within those hours.
- 11.4.3 Works Promoters of immediate activities must contact DCC immediately where the specified strategic street is susceptible to unplanned disruption as indicated in the ASD for DCC.
- 11.4.4 Works Promoters must make application to DCC or its appointed agent, for any Temporary Traffic Regulation Order or Notice for immediate activities by the end of the next working day, even if work on site has been completed.

## 11.5 Conditions Text

- 11.5.1 When applying the use of condition text or conditions both the Works Promoter and DCC must ensure that there is no ambiguity within the description or understanding of the condition. The Works Promoter is encouraged to contact DCC during the application stage to clarify any interpretation or application of conditions, if needed.

## 11.6 Conditions Available on Site

- 11.6.1 DCC recognizes the importance for the Works Promoter work-force to have access to the permit detail, including conditions when carrying out the planned activity Works Promoters shall ensure this information is available to all on site.
- 11.6.2 Work undertaken in breach of a condition, or without a valid permit, on the basis of lack of knowledge from the Works Promoters' work-force will not be accepted by DCC as any form of mitigation for such failure.

DRAFT

## 12 Inspections, Fixed Penalty Notices and Dispute Resolution

### 12.1 Inspections

- 12.1.1 The procedures for dealing with all aspects of inspections under the Permit Scheme, with the exception of those related to overrun charges under Section 74 NRSWA and permit condition checks, will reflect the procedures set out in The Street Works (Inspection Fees) (England) Regulations 2002 and investigatory works inspections under Section 70(4) of NRSWA.

### 12.2 Section 74 Inspections

- 12.2.1 These inspections are related to activities that should have been completed by a due date or have been notified as completed by the works promoter serving a works stop under Section 74A NRSWA. No charge will be made for such inspections under the DCC Permit Scheme. These will be undertaken as part of other highway inspection activities. However, costs for overrun may be applied as per The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2012.

### 12.3 Permit Condition Inspections

- 12.3.1 Ad-hoc inspections may be used to assess compliance with permit conditions specified in individual permits although there will be no fee charged for specific permit condition inspections. Such inspections will be carried out as part of other inspections by various officers within DCC.

### 12.4 Sanctions

- 12.4.1 Where activities have been undertaken without a notice or conditions have not been adhered to DCC may use the sanctions provided by the Permit Regulations.
- 12.4.2 Where there is proof that a Statutory Undertaker has committed an offence and it is both practicable and appropriate, DCC may contact the Works Promoter before taking action and seek to discuss the matter in order to establish whether such action is required. After repeated offences DCC may seek to take action without first contacting the Works Promoter.
- 12.4.3 DCC may take action for unauthorized activities, where a Works Promoter:
- a. Undertakes, without a permit, works for which a permit is required to have been obtained; or
  - b. Breaches a permit condition.
- 12.4.4 Any Works Promoter not working within the content of an issued permit (either granted or deemed) will be seen as undertaking activities, without a permit, for which a permit is required to have been obtained. It is the Works Promoter's responsibility to ensure the content of the permit accurately reflects the proposed activity.

### 12.5 Criminal Offences

- 12.5.1 It is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities without obtaining a permit.
- 12.5.2 Permit offences only apply to Statutory Undertakers, not to highway authorities, however DCC will monitor the performance of its own Works Promoters to ensure a consistent approach is taken. Performance data pertaining to DCC Works Promoters will be collated. It will therefore be a matter of public record if DCC acts in such a way that would amount to

the commission of an offence under the 2007 Regulations as amended by the 2015 Regulations.

- 12.5.3 The 2007 Regulations as amended by the 2015 Regulations provides that it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition.

## 12.6 Fixed Penalty Notices

- 12.6.1 The 2007 Regulations as amended by the 2015 Regulations authorize DCC to issue Fixed Penalty Notices (FPNs) in respect of applicable criminal offences. FPNs offer the offender an opportunity to discharge liability for an offence by paying a penalty amount. DCC will operate FPNs to address most permit and noticing offences and measure performances.
- 12.6.2 FPNs, where issued electronically, shall conform with the Prescribed Electronic Format Technical Specification.

## 12.7 Prosecution

- 12.7.1 DCC may consider the need to proceed to prosecution of an offence. DCC will follow existing processes to determine whether a prosecution is the most appropriate action, taking into account the severity of the offence and the interests of the public. DCC reserve the right to move straight to prosecution if deemed necessary. This will be at DCC's discretion.
- 12.7.2 If the Statutory Undertaker does not pay the FPN within the 36 calendar days DCC may bring proceedings in the Magistrates' Court for the original offence. Legal action must be taken before the expiry of the six months deadline from the date of the offence for bringing a case before the Magistrates' Court, (Section 127 of the Magistrates' Courts Act 1980). This is the case even if the FPN was not given for some time after the offence was committed.
- 12.7.3 In circumstances where an FPN has been issued in relation to an offence, but DCC subsequently forms the view that it would be more appropriate to prosecute the offender, DCC must withdraw the FPN before bringing the proceedings unless the payment of the FPN has been made.
- 12.7.4 Further, in rare or severe instances, DCC may consider the most appropriate action in the circumstances is to proceed directly to prosecution of the offence.

## 12.8 Application of Money by DCC

- 12.8.1 DCC may deduct from the fixed penalties received under Section 37(6) TMA, the reasonable costs of serving FPNs.
- 12.8.2 DCC will need to be able to demonstrate that the costs of managing the process for and serving FPNs are reasonable and that the net proceeds after deducting these costs are being correctly applied. Those enquiring should note that accounts are generated annually.
- 12.8.3 Although it is not a requirement that separate accounts should be kept for operating FPNs it should be possible to follow the audit trail to check income and expenditure.

## 12.9 Other Offences under NRSWA

- 12.9.1 Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning activities and failure to send appropriate notices.

## 12.10 Revocation of Permit

12.10.1 Whilst it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition, as a further alternative to taking criminal action in such circumstances against the Statutory Undertaker DCC may revoke the permit. Similar action is also likely to be undertaken where DCC activities breach permit conditions or work without a permit.

## 12.11 Record Keeping

12.11.1 DCC will keep all records of all sanctions under the Devon Permit Scheme. Works Promoters should keep records of all permits on their scheme records.

## 12.12 Dispute Resolution

12.12.1 The TMA provides wide powers to devise a suitable dispute resolution procedure and to identify the stages of the permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and therefore the approach taken is to build on arrangements which already exist through the HAUC (England) at local and national level for resolving disputes.

12.12.2 DCC and Works Promoters are expected to use their best endeavors to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

12.12.3 Chapter 13 of the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters sets out a process for dispute resolution. This will be used for the Devon Permit Scheme.

## 12.13 Incidence for Dispute Resolution

12.13.1 Only four stages of the permit process provide for dispute resolution:

- a. A Works Promoter applies for a permit. DCC confirms it will only issue the permit with conditions attached or with different dates to the application. The Works Promoter believes one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences;
- b. A Works Promoter who has been issued with a permit and has started work realizes that they will no longer be able to comply with the original permit. The Works Promoter therefore applies to DCC for the permit to be varied or extended. The two parties are unable to reach agreement on any variation or whether any variation should be allowed;
- c. Where Authority Imposed Variations cause dispute between the Works Promoter and DCC and the situation may require resolution; or
- d. A Works Promoter disagrees with DCC's decision regarding the revocation of a permit.

12.13.2 DCC and Works Promoters should try, wherever possible, to resolve their disagreements between themselves. However, it is recognized that occasionally this may not be possible.

## 13 Related Matters and Procedures

### 13.1 Permit Authority Contact Details

- 13.1.1 DCC is the Permit Authority. DCC will publish its main contact details for the Devon Permit Scheme on its website and make available at local HAUC meetings.

### 13.2 Overrun Charging Scheme — Section 74 NRSWA

- 13.2.1 The following notices under Section 74 are still required to be served to compliment a permit scheme:
- Actual Start (sections 74 (5B) and 74 (5C))
  - Works Clear (section 74 (5C))
  - Works Closed (section 74 (5C))
- 13.2.2 DCC will operate overrun charging under Section 74 NRSWA alongside the Permit Scheme. Section 74 schemes are not compulsory. An authority does not require Secretary of State approval to operate a Section 74 scheme.
- 13.2.3 "Section 74 Regulations" are currently applied by the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations. Any enactment which amends, applies, consolidates or re-enacts the provisions of these Regulations shall be constructed as a reference to the Regulations by virtue of that subsequent enactment.
- 13.2.4 The operation of the overstaying regime however is modified under the Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the permit application, approval and variation processes.
- 13.2.5 Activities carried out by or on behalf of the Highway Authority are not subject to Section 74 overrun charges. However, under the Devon Permit Scheme Works Promoters of such activities will be required to follow the same procedures as Works Promoters who are Statutory Undertakers.
- 13.2.6 For all activities the "reasonable period" for NRSWA Section 74 purposes will be the same as the duration of the activity set out in the permit. Variations may be granted to extend the duration of the permit and this will set the revised "reasonable period", however Section 74 durations may still be challenged after a variation to the duration has been granted.
- 13.2.7 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days. Where a permit allows working at weekends or on Bank Holidays, the permit start and end dates will also accommodate that, even though those days do not count towards the reasonable period under NRSWA Section 74.

### 13.3 Section 58 & 58a NRSWA Restrictions

- 13.3.1 Details of Section 58 and 58A NRSWA restrictions will be provided as required under the NRSWA Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (Oct 2012).
- 13.3.2 Similar procedures will be followed for highway activities in relation to Section 58 and 58a restrictions, in order to facilitate the operation of the Devon Permit Scheme and, as far as possible, parity of treatment for all Works Promoters.



## 14 Transitioning to and Making Alterations to the Devon Permit Scheme

### 14.1 Transitional Arrangements

- 14.1.1 The Devon Permit Scheme will come into operation on the 2<sup>nd</sup> January 2020. The basic rules of transition will apply on all roads where the Permit Scheme operates:
- 14.1.2 The Permit Scheme will apply to all activities where the administrative processes, such as an application for a permit or Provisional Advance Authorization, commence on or after the commencement date;
- 14.1.3 Activities which are planned to start on site more than one month after the changeover date (for standard and minor activities) or more than three months after, (for major activities), must operate under the Permit Scheme. This means that even if the relevant section 54 or section 55 NRSWA notice has been sent before the relevant changeover date, the Works Promoter must cancel the NRSWA notice for that activity, (or phase of activity), and apply for a permit; and
- 14.1.4 Any other activities which have started under the notices regime and which will start on site less than one month or three months, (for Major activities as above), after the changeover date, (according to activity category), will continue under that regime until completion.
- 14.1.5 Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities coordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, Works Promoters must contact DCC so that discussions can take place to ensure a practical way of dealing with the activities that can be resolved.
- 14.1.6 DCC will operate a 'bedding in period' of 1 calendar month (2<sup>nd</sup> to 31<sup>st</sup> January 2020) where no permit charges or FPN's will be applied. This will enable Works Promoters and DCC to become familiar with the Devon Permit Scheme.

### 14.2 Amending the Devon Permit Scheme

- 14.2.1 It may be necessary to change the Devon Permit Scheme from time to time or to cease to operate the scheme. Changes will be made as deemed necessary by DCC at a time and in a manner, which minimizes disruption. Consultation will be made as is deemed or legally required.
- 14.2.2 Any variation to the permit scheme must contain the relevant explanation and justification for the change(s).
- 14.2.3 Where revision to permit Regulations by the Secretary of State necessitates changes in existing schemes, new Regulations will make provision for such changes.

### 14.3 Revoking the Devon Permit Scheme

- 14.3.1 DCC reserve the right to revoke the permit scheme. Prior to this application DCC will consult with all relevant statutory consultees. Any revocation to the permit scheme must contain the relevant explanation and justification for its removal.

## 15 Street Works Register and Access to Information

### 15.1 Street Works Register

- 15.1.1 DCC is committed to maintaining a Register of all street works activities. All permit activities will be referenced to an individual USRN and will include details of the activity and a map-based location.
- 15.1.2 Everyone has a right to inspect DCC's register, free of charge, at all reasonable times, except as noted below where there are restrictions. "All reasonable times" means normal office hours (e.g. 09:00 to 16:30, Monday to Friday except Bank Holidays).
- 15.1.3 DCC may publish a limited content version of the register in the public domain. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance.
- 15.1.4 Much of the detailed information in the register is unlikely to be of interest to the Public and it is the responsibility of DCC to decide how much information to make available in this way.
- 15.1.5 Permit applications and notices contain information such as names and telephone numbers of contacts in organisations. Whilst DCC will restrict such contact information being published, the Works Promoter should take responsibility to ensure information contained in free-text fields does not contain information that they do not want to be published. DCC will make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the Works Promoter.
- 15.1.6 Highways England has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

### 15.2 Street Gazetteer

- 15.2.1 The DCC Permit Scheme recognises that a key element of controlling or managing an activity is knowing accurately where the activity will take place, in which street and where in the street.
- 15.2.2 There is already a Nationally consistent street gazetteer system for identifying streets that is used under NRSWA whereby every highway authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Custodian. Each of these local gazetteers shall contain the information, required by and defined in the NSG Custodian documentation, about the streets in Devon.
- 15.2.3 Works Promoters must obtain full copies and updates of the street data from the NSG Custodian's website.
- 15.2.4 Under this system each street has a Unique Street Reference Number (USRN). The Devon Permit Scheme provides for the same system to be used, along with the Additional Street Data (ASD) linked to those streets.
- 15.2.5 USRNs can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under the Permit Scheme a "street" refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.
- 15.2.6 ASD refers to other information about streets held on the NSG Custodian's website alongside the NSG data. Highway Authorities, Works Promoters and other interested and approved parties may obtain copies and updates to this data from the Custodian.



- 15.2.7 DCC has reviewed its NSG prior to the implementation of the Devon Permit Scheme and will continue to review it along with ASD data to ensure accuracy and relevancy as far as is practicable.

## 15.3 Who is collecting and using your personal data?

- 15.3.1 Devon County Council will act as a 'data controller' for any personal data that you provide to us. As such, we will ensure that the data you give us is processed in line with our organization's data protection policies and in line with your rights under the Data Protection Act 2018 and the EU General Data Protection Regulations.
- 15.3.2 Should you wish to find out more about Devon County Council's data protection policies please contact our Data Protection Officer.
- 15.3.3 Please note that failure to provide your personal data may make it difficult for us to process your license application.

## 15.4 Why are we collecting your personal data?

- 15.4.1 We are collecting your personal data to process and issue highway licenses. We rely upon the following laws to process your personal data:
- Highways Act 1980;
  - New Roads and Street Works Act 1991; and
  - Road Traffic Regulation Act 1984.

## 15.5 Who will we share your personal data with?

- 15.5.1 To enable us to process licence application's it may be necessary to share your personal data with one or more of the following:
- Contractors;
  - County and District Councillors;
  - Department for Transport;
  - The Emergency Services;
  - Local Authorities;
  - Adjacent Highway Authorities;
  - Environment Agency;
  - Health and Safety Executive;
  - Public Transport Operators; and
  - Town and parish councils.
- 15.5.2 In order to process Temporary Traffic Regulation Orders (TTRO) applications, we will publish agreed emergency contact details in the local papers, on roadworks.org and/or on DCC webpages.

## 15.6 How long will we hold your personal data?

- 15.6.1 Devon County Council will retain your personal data for only as long as is necessary, and in line with our organization's record retention schedules.

## 15.7 Automated decisions

- 15.7.1 No automated decisions are made using the personal data you supply to us for the above purposes.

## 15.8 Exercising your rights

- 15.8.1 Under the Data Protection Act 2018 and the EU General Data Protection Regulations you have the following rights:

- The right of access to your own personal data;
- The right to request rectification or deletion of your personal data;
- The right to object to the processing of your personal data;
- The right to request a copy of the information you provide us in machine readable format; and
- The right to withdraw your consent to any processing that is solely reliant upon your consent.

- 15.8.2 Should you wish to exercise your rights, you should contact the Data Protection Officer.

## 15.9 Restricted Information

- 15.9.1 Restricted information is anything certified by the Government as a matter of National security, or information which could jeopardize the Works Promoter's commercial interests such as details of a contract under negotiation. The Works Promoter must indicate restricted information on the application.

- 15.9.2 The right of access to restricted information is limited to:

- a. Persons authorized to execute any type of activity in the street; or
- b. Persons "otherwise appearing to the authority to have a sufficient interest".

- 15.9.3 Any person wishing to see restricted information must satisfy DCC, as a minimum, that his interest is greater than the general interest of the ordinary member of the public

## 16 Payment of Permit Fees

### 16.1 Payments

- 16.1.1 All Works Promoters, except those undertaking works for purposes not covered in this Plan, will be required to pay the appropriate fee for a permit to DCC under the Devon Permit Scheme.
- 16.1.2 Where the Works Promoter does not comply with the terms of the permit, a penalty may be applied using an FPN. This penalty will become payable to DCC. DCC may retain the permit fees and FPN penalties separately for accounting purposes.
- 16.1.3 If a Works Promoter does not already have an arrangement in place with DCC then they must agree one with DCC's Finance Department prior to submitting their Permit or PAA. Details of how fees can be paid will be provided by DCC's Finance Department.
- 16.1.4 As a standard process for permit fee payment and reconciliation it is expected that an account for a specified period will be produced, containing the permit fees to be charged for that period. Each account will have a reference number which can be used as the reference for any payment, instead of the individual permit numbers.
- 16.1.5 DCC will submit this account to the relevant Works Promoter to provide an opportunity for them to reconcile the charges to be invoiced for the specified period, prior to the generation of an invoice for payment.

### 16.2 Standard Payment and Reconciliation Model

- 16.2.1 DCC will confirm with each Works Promoter the invoicing arrangements together with the frequency of the account reconciliation and/or invoicing. This section contains a standard payment and reconciliation model.
- 16.2.2 The following standard procedure for the reconciliation and payment of permit fees (based on the HAUC (England) Guidance. Operation of Permit Schemes 2017) is recommended:
  - a. An account of the permit fees to be charged for during the specified period will be produced by DCC and submitted to the Works Promoter to review for reconciliation. Normally accounts will be sent monthly for permits granted in the previous month;
  - b. There will be a period of 10 working days after receipt of the full account to confirm fees and charges for the entire period;
  - c. During both reconciliation periods it is the Works Promoter responsibility to liaise with DCC if they have any comments or queries on the content of the account;
  - d. Once the reconciliation period is complete, and the payment agreed, a full invoice for the full period will be issued. Payment will be required within 28 calendar days; and
  - e. Once the account charges have been agreed; the Works Promoter must notify the Permits team if they need to issue a purchase order to DCC. This will need to be sent to the Permit team as soon as possible prior to the invoice being raised in order not to cause a delay.
- 16.2.3 If during the reconciliation DCC and Works Promoter cannot reach agreement on a permit fee and any details are still under discussion, these fees will be omitted from the final account for the period and subsequent invoice. Fees under discussion can be included or not included as a result of discussions, in a later invoice.

# Agenda Item 10

- 16.2.4 Held over charges from a previous period may be included in such a statement. For example, these may include charges that were previously queried or PAA charges held back from a previous period which were awaiting the granting of permit for the activities.
- 16.2.5 The account period and subsequent invoicing frequency may vary but only with prior agreement being obtained from the relevant Works Promoter.

DRAFT

**Appendix A – Permit Fee Discounts [to be confirmed]**

DRAFT

# Agenda Item 10

## **Appendix B – DCC Permit Scheme Key Performance Indicators [to be confirmed]**

Potential KPIs common across other permit schemes

Reference Number	Indicator
TPI1	Works Phases Started (Base data)
TPI2	Works Phases Completed (Base data)
TPI3	Days of Occupancy Phases Completed
TPI4	Average Duration of Works
TPI5	Phases Completed involving Overrun
TPI6	Number of deemed permit applications
TPI7	Number of Phase One Permanent Registrations

DRAFT

## Proposed DCC Permit Fees

DCC are currently consulting on potential fees hence the ranges provided below. The final proposed scheme will include precise fees.

For illustrative purposes Maximum Fees prescribed in the Traffic Management Act 2004 (part 3 - permit schemes) are provided for reference.

		Road Categories 0, 1 and 2				Road Categories 3 and 4			
		Max fee	Non-traffic sensitive	Max fee	Traffic sensitive	Max fee	Non-traffic sensitive	Max fee	Traffic sensitive
DCC Proposed	PAA^	£105	£38-84	£105	£74-105	£75	£38-60	£105	£84-105
	Major (11+ days)	£240	£75-192	£240	£240.00	£150	£75-120	£240	£240
	Major (4 - 10 days)	£240	£38-192	£240	£130-192	£150	£38-120	£240	£130-192
	Major (up to 3 days)	£240	£23-192	£240	£65-192	£150	£23-120	£240	£65-192
	Standard	£130	£38-104	£130	£104-130	£75	£38-60	£130	£104-130
	Minor	£65	£23-52	£65	£52-65	£45	£23-36	£65	£52-65
	Immediate	£40	£20-32	£40	£20-32	£40	£20-32	£40	£20-32
	Permit Variations	£45	£45	£45	£45	£35	£35	£45	£45

^ PAA = Provisional Advance Authorisation





## Highways Performance Dashboard

Report of the Chief Officer for Highways, Infrastructure Development and Waste

### 1. Introduction

At the last Corporate, Infrastructure and Regulatory Services (CIRS) Scrutiny Committee in March a report was provided in response to the recommendations of the Planned & Reactive Maintenance: Potholes & Drainage Task Group. The report provided Members with an initial dashboard overview of the performance of Devon Highways.

This report provides updates to the information provided in the initial dashboard and offers additional information focused on some of the current seasonal work types that are being undertaken;

- Overview of grass cutting;
- Overview of surface dressing;
- Environmental Issues and
- Management of Insurance Claims.

### 2. Grass Cutting

Devon's policy is to cut the grass at junctions, laybys and the inside of bends to ensure road users have adequate visibility. The frequency of cutting is on an 'as-needed' basis but generally the frequency below has proved to be adequate.

Rural priority network – twice or occasionally three times per annum;

Rural 'other' roads – once per annum;

Urban roads – four times per annum.

Devon is served by 405 Parish and Town Councils in addition to Exeter City Council. Currently Exeter City Council and 38 parishes and town councils have taken the option to carry out their own grass cutting. In addition, Mid Devon District Council cut the grass on behalf of 11 parishes.

#### 2.1. Rural

The 3rd week of May saw the commencement of the Rural grass cutting programme. Skanska have 9 self-delivery gangs and have recently invested in two new side arm mowers from a local Devon supplier. The works are focused on completing the visibility splays on the main road network.

#### 2.2. Urban

In May we completed the first of 4 planned urban cuts, complaints appear to have reduced mainly due to using the same resource to deliver as the previous year. Some parish councils have been in contact to try and coordinate with their local urban delivery. Skanska have started to use a digital system to capture the urban grass which we hope will enable us to provide more accurate reporting. The system has the capacity to include lots of operational tasks we deliver such as verges that have been used for disposing of siding spoil, special verges, wildflowers, noxious weeds, signs, street furniture etc.

# Agenda Item 11

A summary of progress to date can be seen in Appendix B.

## **3. Surface Dressing**

Surface dressing is a cost-effective maintenance option that helps make our roads safer by improving the skidding resistance and protects the road against weather and water damage by providing a waterproof seal.

The surface dressing season runs from April until the end September as the process needs warm, dry weather to allow the dressing to become established. Due to the weather dependent nature of the works the programme is regularly subject to change.

This year's programme consists of 1.06 million sqm and is being delivered by Kiely Bros Ltd. The contract commenced on 8<sup>th</sup> April 2019 and has been divided into two phases to maximise programme efficiency, network demand and client/contractor expectation.

As of the end of May the initial phase of works has been completed, equating to 720,000 sqm (or 68%).

Phase 2 of the works consists of the narrow road network which requires specialist plant and the main road network which benefits from optimum road temperatures.

Phase 2 of the works were due to commence on 18<sup>th</sup> June and plan to deliver the remaining 340,000 sqm.

Work has already commenced on identifying next year's programme.

## **4. Environmental Issues**

### **4.1. Devon Highways**

The partnership with Skanska remains focused on environmental compliance and continues to work on embedding good environmental management throughout the contract.

We have jointly delivered two core strategic projects:

- review and update of our CDM (The Construction (Design and Management) Regulations) Design Checklist and
- developed and delivered a strategy for sampling and analysis of waste materials.

We reviewed the Devon Highways CDM Design Checklist to ensure greater design control across the many types of design associated with Highways Maintenance activities. The aim of this project was primarily to improve environmental compliance by providing a checklist that was proportionate to the risk of the activity that enabled designers to easily seek further expert information if required. A number of additional benefits other than compliance were realised including:

- Increased knowledge and competence of staff;
- Better definition of client and contractor responsibilities in line with contractual requirements;
- Better understanding of risk at the design stage;
- Operational and systems efficiencies for both DCC and Skanska by defining one CDM checklist for all areas, ensuring consistency across the contract;
- Programme efficiencies as constraints are highlighted early in the planning process, reducing the potential for delayed schemes and unexpected finds.

Going forward we begin to increase our focus on 'Green Leadership'. Skanska have set a corporate target to be net zero on carbon emissions across their portfolio of projects which aligns with DCC's aim to be carbon neutral by 2050. We will run a series of contract workshops to enable us to align our objectives and develop a joint 'Journey to Deep Green'.

## 4.2. Streetlighting

Devon is responsible for approximately 90,000 streetlights across the County. Since 2008 we have converted approximately 55,000 lanterns to 'part night' and replaced 27,000 lanterns with LED units.

In 2008 street lighting consumed nearly 36.0M KWh of electricity and produced 18,800 tonnes of CO2. The Part Night Lighting (PNL) programme started around 2008 and was almost completed by the middle of 2015. This coincided with the start of the Challenge Fund (CF) in late 2015 which completed in 2018. By the end of 2018 the PNL and CF will have reduced our consumption by approximately 41%. This has reduced our annual street lighting energy consumption down to 21.3M KWh. In this period we have saved of 57.0M KWh of electricity and 28,900 tonnes of associated CO2 emissions.

In addition, we are embarking on a programme to replace a further 45,000 street lights with LED units over the next 3 years, and when completed we will be fully LED, reducing energy and CO2 further.

## 5. Insurance Claims

We currently have 30 outstanding claims with Skanska, this is the lowest since the contract started in April 2017. Importantly Skanska's speed of communication, both with claimants and our own staff is much improved and we are satisfied that they are meeting their obligations.

## 6. Gully Emptying

An update on the progress of the gully emptying programme can be seen in Appendix A.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

## Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Rob Richards

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
------------------	------	----------------

Nil

# Agenda Item 11

**Appendix A  
To HIW/19/51**

## **Drainage Cleaning**

### **Gully emptying**

Current completion 16%

As at 31/05/2019

	<b>% Complete</b>	<b>Total Programmed</b>	<b>Attended</b>	<b>Left to Attend</b>
<b>Honiton</b>	19%	23653	4385	19268
<b>Exeter &amp; Mid</b>	16%	33513	5474	28039
<b>Rydon</b>	16%	23394	3857	19537
<b>Ivybridge</b>	7%	19118	1355	17763
<b>Okehampton</b>	24%	15207	3718	11489
<b>Torrington</b>	20%	12497	2523	9974
<b>South Molton</b>	12%	20310	2368	17943
		<b>147692</b>	<b>23680</b>	<b>124012</b>

## **Grips, Easements and Buddleholes**

Current completion 12%

As at 24/05/2019

	<b>% Complete</b>	<b>Total Programmed</b>	<b>Attended</b>	<b>Left to Attend</b>
<b>GRIP Gang 1</b>	9%	26039	2273	23766
<b>GRIP Gang 2</b>	38%	6684	2551	4133
<b>GRIP Gang 3</b>	25%	11733	2879	8854
<b>GRIP Gang 4</b>	10%	8373	858	7515
<b>GRIP Gang 5</b>	4%	34208	1365	32843
<b>BUDDLE Gang 1</b>	30%	2048	622	1426
<b>BUDDLE Gang 2</b>	24%	3319	812	2507
		<b>92404</b>	<b>11360</b>	<b>81044</b>

## Appendix B To HIW/19/51

### Grass Cutting

#### Rural

Current completion 16%

As at 2/06/2019

	% Complete
Ivybridge	16%
Rydon	25%
Tavistock	23%
Honiton 1	26%
Honiton 2	20%
Honiton 3	80%
Okehampton	18%
South Molton 1	20%
South Molton 2	33%

#### Urban

Current completion 29%

As at 2/06/2019

	% Complete
Gang 1	31%
Gang 2	28%



HIW/19/52

Corporate, Infrastructure and Regulatory Services Scrutiny Committee  
25 June 2019

## **Maintenance of Vegetation and Drainage Adjacent to the Highway**

Report of the Chief Officer for Highways, Infrastructure Development and Waste

### **1. Introduction**

This report seeks to set out the responsibility of Devon County Council and landowners in respect of the cleaning of ditches and maintaining hedges adjacent to the highway, as requested at the last meeting of the Committee in March.

### **2. Background**

Devon County Council manages a policy and procedure for Siding and Watertabling operations that seeks to deliver the following objectives:

- to prevent flooding, ponding and seepage; and keep the carriageway, cycleway and footway as free of water as possible
- to ensure surface water falling on the highway enters the drainage system or natural watercourse as quickly as possible and in a controlled manner
- to keep the underlying road structure as dry as possible
- to maintain the carriageway, cycleway or footway width
- to maintain the structural integrity of the verge or hedgebank
- to clear known trouble spots where drainage problems exist.

To achieve these objectives, the following actions are undertaken:

- buddle holes, grips and easements are cleaned annually
- ditches are cleaned on an “as needs” basis
- cleaning works are carried out at the carriageway, footway or cycleway edge on un-kerbed sections prior to surface treatment works and on a more regular basis at known drainage trouble spots.
- ditch, buddle hole, grip and easement cleaning works are carried out prior to surface treatment works.

There are approximately 40,000 buddle holes, grips and easements in the verge, hedge or bank that permit the water to drain from the road. To work effectively these assets are often reliant on the associated ditches being clear and running.

Devon County Council has produced an advice leaflet summarising rights and responsibilities for rivers, streams, ditches and surface water – [Living with Water](#).

A factsheet titled Roads and farmers is produced by Devon County Council and is available at the following [Link: https://www.devon.gov.uk/roadsandtransport/factsheet/roads-and-farmers/](https://www.devon.gov.uk/roadsandtransport/factsheet/roads-and-farmers/)

Many hedges grow on the edge of the highway and mark its boundary with private property. It is the responsibility of the adjacent landowner or occupier to properly maintain them and any trees or other vegetation the hedge contains.

# Agenda Item 12

Landowners and occupiers are required by the Highways Act to trim any hedge next to the public highway where the growth is preventing the passage, or affecting the safety, of the highway user.

Information regarding overgrown vegetation is available on the DCC website at the following link: <https://www.devon.gov.uk/roadsandtransport/maintaining-roads/trees-and-vegetation/overgrown-vegetation/>

### **3. Responsibilities and Legal Considerations**

The Highway Authority has a prescriptive right to drain the highway to adjoining roadside ditches. Common Law imposes a duty on the owner of land adjoining a highway to maintain ditches that provide natural drainage for both the land and highway. In the majority of cases, the responsibility for ditch maintenance rests with the adjacent landowner.

Section 100 of the Highways Act 1980 gives the Highway Authority, for the purpose of draining or preventing surface water from flowing onto the highway, the power to:

- construct or lay, in the highway or land adjoining or lying near to the highway, such drains as they consider necessary
- erect barriers, to divert surface water into or through any existing drain
- scour, cleanse and keep open all drains situated in the highway or land adjoining or lying near to the highway.

Under the Flood and Water Management Act 2010, riparian owners maintain all the duties and responsibilities for watercourses in their land set out in the Land Drainage Act 1991.

A riparian owner is someone who has any watercourse within or adjacent to any boundary of their property. Where a watercourse is sited between two or more property boundaries each owner may be equally responsible. Riparian owners are responsible for maintaining the river bed and banks within their section of the watercourse. It is their duty to work towards minimising pollution and preventing obstruction to the water flow.

Sections 333 and 137 of the Highway Act, are permissive powers exercised at the discretion of the Highway Authority to remove obstructions from the highway and penalise responsible parties as appropriate. The sections can relate to a third party wilfully allowing the transfer of water from their land ownership on to the public highway, thus causing an obstruction to the free passage of the highway.

Where a hedge, tree or shrub overhangs a highway, road or footpath, so as to endanger or obstruct vehicles or pedestrians, Section 154 of the Highways Act enables DCC, as Highway Authority, to serve notice to the owner of the hedge, tree or shrub, or to the occupier of the land, to remove the obstruction within 14 days. Subject to any order made on appeal, if a person on whom a notice is served fails to comply with it within 14 days, DCC may carry out the work required by the notice and recover the expenses reasonably incurred by them.

### **4. Options/Alternatives**

Currently Devon County Council undertake the maintenance and cleansing of ditches, at cost to the authority, using the powers enabled by Section 100 of the Highways Act.

An alternative option would be to undertake a programme of communication and education with communities and key stakeholders. When and where necessary, undertake enforcement of land owners' duties and responsibilities imposed by common law and the



Highways Act. In the short term, this process, will provide a reduction of service, causing a potentially increased level of damage to the highway network. It will increase correspondence for officers within the Neighbourhood Team and potentially Finance and Legal Services, the quantum of this is difficult to estimate, but would likely to be significant, with increased staff required. The approach if not communicated effectively could be reputationally damaging. There is likely to be significant opposition from landowners, on the basis that the County Council has traditionally carried out this work. Longer term, the process of education should increase the levels of responsibility and self-help within communities. The support of local communities and councils would be critical to the success of this approach.

## **5. Financial Considerations**

Revenue funding for highway maintenance provides for the funding of reactive repairs and routine/cyclic works including ditch clearance and the maintenance of overgrowth.

The road maintenance revenue budget allocation for 2019-2020 has an allocation of just over £1million for ditching, ploughing, buddlehole and grip clearance works, on the non-salting network. A further £400,000 is allocated for the same works on the salting network.

## **6. Environmental Impact Considerations**

The ability to efficiently transport people and goods around the County underpins Devon's economy and has a direct impact on the quality of the environment.

When maintenance work is undertaken it is managed to ensure that the effect on the surrounding environment is kept to a minimum. When cleaning and other cyclic work is undertaken soil and other material is returned to roadside verges if appropriate. Any works are undertaken paying particular consideration of the following legislation and regulation:

- Environmental Protection Act 1990
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

## **7. Risk Management Considerations**

The Highway Inspection Safety Policy is applied where a speed limit of 40mph or above is in force and where highway users can reasonably travel at 40mph or above to minimise the risk of aquaplaning. It states that if after 24 hours from when rain has ceased, the road is impassable, or it is forcing vehicles, cyclists or pedestrians away from the nearside of the carriageway by more than 1m, or if vehicles have to cross the centreline marking the following will be undertaken:

1. Undertake risk assessment to determine response
2. Attempt to clear standing water if appropriate
3. If unable to clear water, use flood sign or guard area or close road to make safe
4. Investigate permanent solution.

Highway Inspection Safety Policy is applied where overgrown hedges and bushes adjacent to a carriageway are obstructing the highway user, or it is forcing vehicles, cyclist or pedestrians away from the nearside of the carriageway by more than 1 m, or vehicles have to cross the centreline marking, or if cyclists have to cross a cycle lane boundary marking. Adjacent to a footway, where a hedge or bush is overhanging in sight lines at locations where pedestrians/cyclists are encouraged to cross the carriageway, or it is overhanging the highway and obstructing the clear passage of pedestrians/cyclists forcing them off the

# Agenda Item 12

footway/cycleway, or it reduces the vertical clearance above the footway to less than 2.1m or 2.5m on a cycleway. Where this is the case, the following actions will be undertaken:

- 1. Cut back overgrowth or if required close road/footway to make safe
- 2. Initiate DCC noticing procedure for overgrown vegetation if appropriate.

## 8. Summary

The alternative solution to ditch clearance could be pursued, but there would be additional costs involved, which would be difficult to currently quantify. These costs should however reduce over time. The alternative option would also require local community engagement, at a time when communities have already taken on other aspects of the highways service.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

## Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

Contact for enquiries: Tom Vaughan

Room No. Neighbourhood Highway Group, Heron Road, Sowton Industrial Estate, Exeter

Tel No: 01392) 383000

Background Paper	Date	File Reference
Nil		

tv110619cirssc Maintenance of Vegetation and Drainage Adjacent to the Highway  
hk 04 120619

## TREASURY MANAGEMENT STEWARDSHIP ANNUAL REPORT 2018/19

### Report of the County Treasurer

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

- Recommendations:**
- (1) That the Committee notes the report and considers whether it wishes to make any further comments to Cabinet on the 2018/19 Treasury Management outturn position.**
  - (2) That the Committee recommends to Cabinet that the corrected Treasury Management Strategy for 2019/20 be approved**

### 1. Introduction

- 1.1. The County Council has adopted the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Services. A revised Code of Practice was published by CIPFA in December 2018 and a revised Policy Statement and Treasury Management Practices (TMPs) were agreed by Council in February 2018. The Treasury Management and Investment Strategy for 2018/19 was agreed by Council in February 2018 and forms part of the published budget book.
- 1.2. The purpose of this report is to show the outturn position, review performance and inform members of any key matters arising from the Council's Treasury and Debt Management activities during the 2018/19 financial year. The report also includes an update on the 2019/20 Strategy. This report, together with any comments offered by this committee, will be considered by Cabinet on 10<sup>th</sup> July.

### 2. Minimum Revenue Provision

- 2.1. Each year the Council has a statutory obligation to charge to the revenue account an annual amount of Minimum Revenue Provision (MRP), which is a charge to make provision for the repayment of the authority's external debt and internal borrowing. The charge is based on the historic borrowing required to fund the Council's capital programme.
- 2.2. The current policy, following a review during 2018/19, is to charge MRP based on the period of benefit of the capital investment, i.e. over the life of the asset. All supported borrowing up to 1<sup>st</sup> April 2008 will be charged over the life of the assets, calculated using the annuity method. The final outturn for MRP for 2018/19 was £14.853m.

### 3. Treasury Management Outturn Position 2018/19 - Borrowing

- 3.1. The overall aims of the borrowing strategy are to achieve:
  - Borrowing at the lowest rates possible in the most appropriate periods;
  - The minimum borrowing costs and expenses;
  - A reduction in the average interest rate of the debt portfolio.

# Agenda Item 13

- 3.2. Since 2009 the Council has followed a policy of containing the capital programme, taking out no new external borrowing and repaying debt whenever this can be done without incurring a financial penalty. Therefore, the Medium Term Financial Strategy (MTFS) assumption was that no new long-term borrowing would be required.
- 3.3. In accordance with the MTFS, no long-term borrowing was undertaken during the 2018/19 financial year. Instead all borrowing required to fund capital expenditure was met from internal cash balances.
- 3.4. Active treasury management and the maintenance of levels of liquidity have ensured that no short-term borrowing was required during the financial year. Cash positions are monitored daily and modelled over a monthly horizon to ensure that anticipated liquidity levels are forecast accurately.
- 3.5. No opportunities arose during the 2018/19 financial year to repay outstanding debt without incurring substantial premium penalties, which would negate any benefit of repaying the debt. The Public Works Loan Board (PWLB) sets premature repayment rates, and where the interest rate payable on a current loan is higher than the repayment rate, the PWLB policy imposes premium penalties for early repayment. With current low rates of interest these penalties would be of a significant cost. Therefore it will only make financial sense to repay debt early if the PWLB changes its current policy, or if interest rates rise and cancel out the repayment premiums.
- 3.6. At 31st March 2019 the level of long term debt stood at £507.85m as detailed in the table below.

## Analysis of Long Term Debt

	<b>Actual 31.03.18 £'m</b>	<b>Interest Rate %</b>	<b>Actual 31.03.19 £'m</b>	<b>Interest Rate %</b>
<b>Fixed Rate Debt</b>				
PWLB	436.35	4.99	436.35	4.99
Money Market	71.50	5.83	71.50	5.83
<b>Variable Debt</b>				
PWLB	0.00		0.00	
Money Market	0.00		0.00	
<b>Total External Borrowing</b>	<b>507.85</b>	<b>5.11</b>	<b>507.85</b>	<b>5.11</b>

- 3.7. The carrying amount for long term debt figure presented in the Statement of Accounts for 2018/19, comprising PWLB, LOBO and market debt, is £511.172m, £3.3m higher than the figure stated above. This difference is due to an accounting standard adjustment which requires us to record the value of our long term debt at its Net Present Value in the Statement of Accounts. The LOBOs (Lender Option Borrower Option) have stepped interest rates and are revalued annually based on the effective interest rate for the duration of the loan. There was £10.9m of PWLB interest outstanding at year end which is also taken into account. The revaluation has the effect of smoothing the stepping of the interest over the life of the loans.

## 4. Treasury Management Outturn Position 2018/19 - Investments

- 4.1. The overall aim of the Council's investment strategy is to:
- Limit the risk to the loss of capital;
  - Ensure that funds are always available to meet cash flow requirements;
  - Maximise investment returns, consistent with the first two aims;

- Review new investment instruments as they come to the Local Authority market, and to assess whether they could be a useful part of our investment process.
- 4.2. Following the flow of generally positive economic statistics over the Summer, the Bank of England's Monetary Policy Committee (MPC) came to a decision on 2 August to make the first increase in Bank Rate above 0.5% since the financial crash, to 0.75%. However, the MPC emphasised again that future Bank Rate increases would be gradual and would rise to a much lower equilibrium rate than before the crash.
- 4.3. Following the August rise in the base rate, the interest rates on offer to the Council increased, but there was only a limited scope to take advantage of the increased rates during the remainder of the financial year. The average interest rate earned on investments, excluding the CCLA property fund, for the year was 0.81%, against the full year budget target return of 0.55%. The CCLA property fund has yielded an average rate of 4.36% for the same period against a full year budget target of 4.5%. The combined total return from all investments was 0.97%.
- 4.4. Revenue lending during 2018/19, including the use of term deposits, call accounts and property funds, earned interest of £2.027 million against a full year budget of £1 million. The surplus achieved over budget can be partly attributed to the higher rates of interest earned compared to the target rate. The Council also had more cash to invest than forecast, as a result of slippage on the capital programme and additions to reserves during the year. The interest figure quoted is the return from the Council's Treasury Management activity and is different from the figure presented in the Outturn Report and the Statement of Accounts which also includes interest generated from a number of other sources.
- 4.5. All lending has been carried out in accordance with the Council's Treasury Management Strategy and with institutions on the list of approved counterparties.
- 4.6. The following table shows the County Council's fixed and variable rate investments as at the start and close of the financial year:

## Schedule of Investments

		Actual 31.03.18 £'m	Interest Rate %	Actual 31.03.19 £'m	Interest Rate %
<b>Maturing in:</b>					
<b>Bank, Building Society &amp; MMF Deposits</b>					
<b>Fixed Rates</b>					
Term Deposits	< 365 days	107.50	0.73	147.50	1.01
	365 days & >	10.00	0.75	10.00	1.00
Callable Deposits					
<b>Variable Rate</b>					
Call Accounts		27.02	0.40	-	-
Notice Accounts		5.00	1.05	12.50	1.01
Money Market Funds (MMF's)		30.00	0.46	46.83	0.77
<b>Property Fund</b>		10.00	4.42	10.00	4.23
<b>All Investments</b>		<b>189.52</b>	<b>0.84</b>	<b>226.83</b>	<b>1.10</b>

- 4.7. The figure as at 31<sup>st</sup> March 2019 includes £11.7m related to the Growing Places Fund (GPF). This figure was approximately £12.8m as at 31<sup>st</sup> March 2018. Devon County Council is the local accountable body for the GPF, which was established by the Department for Communities and Local Government to enable the development of local funds to address infrastructure constraints, promoting economic growth and the delivery of jobs and houses. The Council is working in partnership with the Local Economic Partnership, and interest achieved on the GPF funds, based on the average rate achieved by the Council's investments, will accrue to the GPF and not to the County Council.

# Agenda Item 13

## 5. Prudential Indicators

- 5.1. Linked to its Treasury Management Strategy, the County Council is required to monitor its overall level of debt in line with the CIPFA Code of Practice. Part of the code requires consideration of a set of Prudential Indicators in order to allow the Council to form a judgement about the affordable, prudent and sustainable level of debt.
- 5.2. The purpose of the indicators is to demonstrate that:
- Capital expenditure plans are affordable;
  - All external borrowing and other long term liabilities are within prudent and sustainable levels;
  - Treasury management decisions are taken in accordance with professional good practice.
- 5.3. Three Prudential Indicators control the overall level of borrowing. They are:
- **The authorised limit** - this represents the limit beyond which any additional borrowing is prohibited until the limit is revised by the County Council. Revision may occur during the year if there are substantial and unforeseen changes in circumstances, for example, a significant delay in achieving forecast capital receipts. In normal circumstances this limit will not require revision until the estimate for the following year is revised as part of the budget setting process.
  - **The operational boundary** – this indicator is based on the probable external debt and other long term liabilities during the year. Variations in cash flow may lead to occasional, short term breaches of the Operational Boundary that are acceptable.
  - **The upper limit for net debt** - the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the Capital Financing Requirement.
- 5.4. During the Budget process, the following Borrowing Limits were set for 2018/19:
- Maximum borrowing during the period (Authorised Limit) £777.76m.
  - Expected maximum borrowing during the year (Operational Limit) £752.760m.
  - Underlying Borrowing Requirement to Gross Debt - £90,964 under borrowing.
  - Maximum amount of fixed interest exposure (as a percentage of total) 100%.
  - Maximum amount of variable interest exposure (as a percentage of total) 30%.
- 5.5. Members are asked to note that during 2018/19 the Council remained within its set Borrowing Limits and complied with the interest rate exposure limits.

## 6. 2019/20 Update

- 6.1. The Treasury Management Strategy for 2019/20 is attached at Appendix 1 to this report. Following the presentation of the Strategy to the January meeting it was then incorporated into the budget book presented to Cabinet and then Council for approval. However, at that stage the section from below table 12 up to and including table 13 was inadvertently omitted from the final version. Therefore, it is recommended that the Corporate Infrastructure & Regulatory Services Scrutiny Committee recommends that Cabinet approves the version attached at Appendix 1 to correct the previous omission.
- 6.2. The Medium Term Financial Strategy assumes that, over the three year period, no new long-term borrowing will be required. This is still envisaged to be the case, although this will be kept under review.
- 6.3. The PWLB policy of imposing premium penalties for the early repayment of long term debt means there is little potential to repay further debt during the current financial year.

- 6.4. Forecasting future interest rates is difficult as the factors affecting interest rate movements are outside of the Council's control. Whilst short term rates are generally linked to the Bank of England's Base Rate, long term rates are determined by other factors, e.g. the market in Gilts. The County Council retains an external advisor, Link Asset Services (formerly Capita), who forecast future rates several years forward. Similar information is received from a number of other sources.
- 6.5. For 2019/20, the Council set a prudent target rate for lending to bank and building society deposits of 0.75%, with a target rate for the investment in the CCLA Property Fund of 4.5%. The 0.75% target rate took into account the August 2018 increase in the Bank of England base rate, which has resulted in increased rates being available compared to those available before the increase. However, it made no allowance for any further increases. Given the extension of the Brexit date to 31 October, there seems less likelihood of there being any capacity for further rate increases to have an impact on interest achieved in 2019/20. Link Asset Services are now forecasting an increase in the base rate up to 1.00% in March 2020, while other commentators expect that it will be much longer before a further increase takes place. It is anticipated that the budgeted income target of £1.6 million will be achieved. At this stage no action has been taken to implement any permitted non-specified investments, other than the £10m allocation to the CCLA Property Fund.

## 7. Summary

- 7.1. No long term or short-term borrowing was undertaken during 2018/19. It is not envisaged that any new long-term borrowing will be required over the next three year period but this will be reviewed annually.
- 7.2. No opportunities arose during the 2018/19 financial year to repay outstanding debt without incurring substantial premium penalties, which would negate the benefit of repaying the debt.
- 7.3. Investment income of £2.027 million was achieved in 2018/19 against a full year budget of £1 million. This represented a return of 0.97%, including the Property Fund investment. Successful prudent management of the Council's short-term cash reserves has delivered a surplus of £1.027 million for the 2018/19 financial year.

Mary Davis

Electoral Divisions: All

Local Government Act 1972

List of Background Papers - Nil

Contact for Enquiries: Mark Gayler / Charlotte Thompson

Tel No: (01392) 383621 Room G97/G99

## **Treasury Management Strategy 2019/20 – 2021/22 and Prudential Indicators 2019/20 - 2023/24**

### **Introduction**

In February 2018, following the publication of a revised Code of Practice for Treasury Management by the Chartered Institute of Public Finance and Accountancy (CIPFA), the Council adopted a revised Treasury Management Policy Statement together with a statement of its 'Treasury Management Practices' (TMPs). No changes are proposed to these policies for 2019/20.

The policy requires the Council to consider a treasury strategy report, setting out the strategy and plans to be followed in the coming year, as part of the budget process. The key changes to the strategy in comparison with 2018/19 are changes to the policy for Minimum Revenue Provision (MRP) for the repayment of debt, and the addition of short dated bond funds and multi-asset income funds to the Strategy.

The Treasury Management Strategy sets out the County Council's policies in relation to: the management of the Council's cashflows, its banking, money market and capital market transactions; borrowing and investment strategies; monitoring of the level of debt and funding of the capital programme. The Treasury Management Strategy should be read in conjunction with the Capital Strategy.

The County Council is required to monitor its overall level of debt in line with the national code of practice drawn up by CIPFA. Part of this code requires consideration of a set of "prudential indicators" in order to form a judgement about the affordable, prudent and sustainable level of debt.

The prudential indicators, treasury management strategy and the annual investment strategy have been reviewed in line with the Capital Programme 2019/20 – 2023/24, and the Capital Strategy.

This Treasury Management Strategy document sets out:

- Minimum revenue provision;
- Capital expenditure funding;
- Prudential indicators on the impact of capital financing and monitoring of the level and make-up of debt;
- The current treasury position, debt and investments;
- Prospects for interest rates;
- The borrowing strategy; and
- The investment strategy.



## Appendix 1

### **Treasury Management and Investment Strategy Overview**

The Treasury Management and Investment Strategy sets out the MRP policy, capital expenditure funding, prudential indicators, the current treasury position, debt and investments; prospects for interest rates; the borrowing strategy; and the investment strategy.

Since 2009 the Council has followed a policy of containing the capital programme, taking out no new external borrowing and repaying debt whenever this can be done without incurring a financial penalty. Capital expenditure new starts have been limited to those that were financed from sources other than external borrowing. To meet the need for capital expenditure, the highest priority schemes across the Authority are funded from corporate capital receipts over the capital programme timescale.

The ability of the Council to repay further debt will depend on the cost of repayment and the availability of cash to fund the repayment. Under their current policy the Public Works Loan Board (PWLB) sets premature repayment rates, and where the interest rate payable on a current loan is higher than the repayment rate, the PWLB imposes premium penalties for early repayment. Current interest rate forecasts suggest that it is extremely unlikely that gilt yields will rise sufficiently to cancel out the premiums in the medium term.

With the Council continuing to face significant budget pressures, officers have been looking at whether the Treasury Management Strategy can be enhanced to provide the opportunity to gain higher returns on the investment of the Council's cash balances. This also takes into account that the Council now has a higher level of cash balances than it has had over the last 5 years. As a result, the proposed strategy includes the ability for the Council to invest in short-dated bond funds and multi-asset income funds. Short dated bond funds will invest in high quality short dated government or corporate bonds. Multi-asset income funds will invest in a wider range of investments designed to produce an income yield. In both cases, the funds concerned will invest in tradable instruments where the capital value of the investment will fluctuate.

Higher yielding investments will inevitably mean that there is an increased risk of loss of capital. However, given that cash balances are at a higher level than previously forecast, it may make sense to invest a small proportion of the Council's cash in higher yielding investments. In addition, Parliament has provided a statutory override, such that any capital gains or losses will not need to be accounted for in the general fund until the investments are realised, or until March 2023, when the statutory override ends. These would need to be seen as longer term investments, and by looking at the longer term the risk of capital loss would be mitigated.

Before any investment is made in either short-dated bond funds or multi-asset income funds a rigorous process will be undertaken to identify which funds would best meet the Council's requirements. Any allocations would only then be made in full consultation with the Cabinet Member for Resources Management. Officers are also investigating other ways to make savings by better use of the Council's cash balances, and will report back on any further initiatives during the year.

Following the Bank of England's decision to increase the base rate to 0.75% in November, the target return for 2019/20 for deposits with banks and building societies has been increased from 0.55% to 0.75% as banks and building societies have started to increase their rates. The target rate for the CCLA Property Fund will remain at 4.50%. Should investments be agreed in the other non-specified investments identified in the strategy then the targeted yield from those funds would be 2.00% for short dated bond funds and 3.50% for multi-asset income funds.

### Minimum Revenue Provision

Minimum Revenue Provision (MRP) is a charge to the authority's revenue account to make provision for the repayment of the authority's external debt and internal borrowing. The authority has a statutory obligation to charge to the revenue account an annual amount of MRP.

In 2015/16 the authority changed from the 4% method of calculating MRP to the 'Asset Life: Equal Instalment method' which delivered significant revenue savings. MRP therefore, is currently calculated by dividing the existing debt over the estimated life of the asset on a straight-line basis. This means that each financial year the charge to the Council for existing debt is the same and does not change.

The authority has the option, under existing regulations, to apply the 'Asset Life: Annuity Method' instead of the equal instalment or 'straight-line' method. The annuity method reflects the fact that an assets deterioration is slower in the early years of its life and accelerates towards the latter years.

It is arguably the case that the annuity method provides a fairer charge than equal instalments, as it considers the time value of money; whereby paying £100 in 10 years' time is less of a burden than paying £100 today.

In order to calculate MRP under the Annuity method, an appropriate annuity rate needs to be selected. The percentage chosen corresponds with the Monetary Policy Committee's inflation target rate of 2.1%. MRP will increase by this percentage each year. By implementing this revised policy in 2018/19 the authority will deliver revenue savings of £3.925 millions, and a further £3.803 millions in 2019/20.

Switching from the Asset Life to Annuity method will have no impact on total amount debt set aside for the repayment of debt. MRP will still cover all existing debt repayments, including internal borrowing commitments.

Overall the total MRP to be set aside, and total debt repaid, will not alter. The revision in policy is a re-phasing; something akin to debt rescheduling.

The authority's MRP strategy is to charge all elements based on the period of benefit of the capital investment i.e. over the life of the asset.

All supported capital expenditure and unsupported borrowing up to 1st April 2008 will be charged over the life of the assets, calculated using the Annuity method.

Any unsupported (internal) borrowing post 1 April 2008 (including Vehicle and Equipment Loans Pool), Capitalisation Direction and charges to other public sector bodies will be charged over the life of the asset, on a straight line basis. The annuity method will not be applied to projects financed from internal borrowing, as this source of financing is applied to a wider range of projects with differing lives. Therefore, the existing equal instalment method is a more appropriate method of calculating MRP.

We will not provide for MRP in circumstances where the relevant expenditure is intended to be financed from external contingent income, where it has not yet been received but where we conclude that it is more probable than not that the income will be collected, for example when forward funding S106 contributions.

Capital financing costs are also affected by PFI contracts and finance leases coming 'on Balance Sheet'. The MRP policy for PFI contracts will remain unchanged, with MRP being charged over the period of benefit of the capital investment i.e. over the life of the asset.

The main Prudential Indicator to measure the acceptable level of borrowing remains the ratio of financing costs to total revenue stream. The figures for MRP shown in table 6 reflect the adoption of this strategy.

## Appendix 1

### Capital Expenditure

Table 1 shown below, summarises the Capital Programme and liabilities from capital projects that will appear on the balance sheet in future years. The Capital Programme has been tested for value for money via option appraisal and for prudence, affordability and sustainability by looking at the impact that the proposed Capital Programme has on the revenue budget and through the Prudential Indicators.

**Table 1 – Capital Expenditure**

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
<b>Total Capital programme</b>	<b>110,900</b>	<b>103,225</b>	<b>101,643</b>	<b>97,145</b>	<b>68,531</b>
Funded by:					
<b>Gross borrowing</b>	6,112	11,401	6,126	3,179	1,500
<b>Other capital resources</b>	104,788	91,824	95,517	93,966	67,031
<b>Total capital programme funding</b>	<b>110,900</b>	<b>103,225</b>	<b>101,643</b>	<b>97,145</b>	<b>68,531</b>
<b>Total capital expenditure</b>	<b>110,900</b>	<b>103,225</b>	<b>101,643</b>	<b>97,145</b>	<b>68,531</b>

### Prudential Indicators

#### Capital Financing Requirement

The Capital Financing Requirement represents the Council's underlying debt position. It shows the previous and future spend for capital purposes that has been or will be financed by borrowing or entering into other long term liabilities. The Capital Financing Requirement and debt limits will be higher than the Council's external debt, as they will be partly met by internal borrowing from the Council's internal cash resources. This reduces the cost of the required borrowing, but the Council also needs to ensure that a prudent level of cash is retained.

The forecast Capital Finance Requirement for 2019/20 and the following four years are shown in table 2 below.

**Table 2 – Capital Financing Requirement**

	2019/20 Estimate £'000	2020/21 Estimate £'000	2021/22 Estimate £'000	2022/23 Estimate £'000	2023/24 Estimate £'000
Underlying borrowing requirement	613,096	619,209	622,375	623,862	652,166
Other long-term liabilities	128,637	123,888	118,485	112,918	106,854
<b>Capital financing requirement</b>	<b>741,732</b>	<b>743,097</b>	<b>740,860</b>	<b>736,780</b>	<b>759,020</b>

#### Limits to Debt

The Authorised Limit represents the level at which the Council is able to borrow and enter into other long term liabilities. Additional borrowing beyond this level is prohibited unless the limit is revised by the Council. Table 3 details the recommended Authorised Limits for 2019/20 – 2023/24.

**Table 3 – Authorised Limits**

	<b>2019/20 Estimate £'000</b>	<b>2020/21 Estimate £'000</b>	<b>2021/22 Estimate £'000</b>	<b>2022/23 Estimate £'000</b>	<b>2023/24 Estimate £'000</b>
Authorised limits for borrowing	648,096	654,209	657,375	658,862	687,166
Authorised limit for other long-term liabilities	128,637	123,888	118,485	112,918	106,854
<b>Authorised limit for external debt</b>	<b>776,732</b>	<b>778,097</b>	<b>775,859</b>	<b>771,780</b>	<b>794,020</b>

The Operational Boundary is based on the anticipated level of external debt needed during the year. Variations in cash flow may lead to occasional, short term breaches of the Operational Boundary that are acceptable. Sustained breaches would be an indication that there may be a danger of exceeding the Authorised Limits. Table 4 details the recommended Operational Boundaries for 2019/20 and following years.

**Table 4 - Operational Limits**

	<b>2019/20 Estimate £'000</b>	<b>2020/21 Estimate £'000</b>	<b>2021/22 Estimate £'000</b>	<b>2022/23 Estimate £'000</b>	<b>2023/24 Estimate £'000</b>
Operational limits for borrowing	623,096	629,209	632,375	633,862	662,166
Operational limit for other long-term liabilities	128,637	123,888	118,485	112,918	106,854
<b>Operational limit for external debt</b>	<b>751,732</b>	<b>753,097</b>	<b>750,860</b>	<b>746,780</b>	<b>769,020</b>

The forecast opening balance for External Borrowing at 1 April 2019 is £507.85 million and remains unchanged at 31 March 2020.

The Council also needs to ensure that its gross debt does not, except in the short term, exceed the total of the Capital Financing Requirement. Table 5 details the Capital Financing Requirement against the total gross debt plus other long term liabilities. The level of under borrowing reflects the use of internal borrowing from the Council's internal cash resources.

**Table 5 – Underlying Borrowing Requirement to Gross Debt**

	<b>2019/20 Estimate £'000</b>	<b>2020/21 Estimate £'000</b>	<b>2021/22 Estimate £'000</b>	<b>2022/23 Estimate £'000</b>	<b>2023/24 Estimate £'000</b>
Capital financing requirement	741,732	743,097	740,860	736,780	759,020
Gross borrowing and other long-term liabilities	636,487	631,738	626,335	620,769	614,706
<b>Under/ (over) borrowing</b>	<b>105,246</b>	<b>111,360</b>	<b>114,525</b>	<b>116,011</b>	<b>144,314</b>

The debt management strategy and borrowing limits for the period 2019/20 to 2023/24 have been set to ensure that over the medium term net borrowing will only be for capital purposes.

### Ratio of Financing Cost to Net Revenue Stream

Table 6 below shows the relationship between Capital Financing Costs and the Net Revenue Stream for 2019/20 and future years. Financing cost is affected by Minimum

## Appendix 1

Revenue Provision (MRP), interest receivable and payable and reductions in other long term liabilities.

**Table 6 – Ratio of Financing Costs to Net Revenue Stream**

	<b>2019/20 Estimate £'000</b>	<b>2020/21 Estimate £'000</b>	<b>2021/22 Estimate £'000</b>	<b>2022/23 Estimate £'000</b>	<b>2023/24 Estimate £'000</b>
Minimum revenue provision	12,685	12,692	12,547	12,754	13,072
Interest payable	26,017	26,017	26,017	26,017	26,017
Recharges and other adjustments	(325)	(478)	(625)	(799)	(1,027)
Interest receivable	(1,600)	(1,600)	(1,600)	(1,600)	(1,600)
Capital financing cost (excluding other long-term liabilities)	36,777	36,631	36,339	36,372	36,462
Capital financing costs of other long-term liabilities	15,362	14,625	14,901	14,636	14,689
Capital financing costs including other long-term liabilities	52,139	51,256	51,240	51,008	51,151
<b>Estimated net revenue stream</b>	<b>509,988</b>	<b>539,870</b>	<b>538,435</b>	<b>541,775</b>	<b>541,775</b>
<b>Ratio of financing costs (excluding other long term liabilities) to net revenue stream</b>	<b>7.21%</b>	<b>6.79%</b>	<b>6.75%</b>	<b>6.71%</b>	<b>6.73%</b>
Ratio of financing costs (including other long-term liabilities) to net revenue stream	10.22%	9.49%	9.52%	9.41%	9.44%

## Treasury Management Prudential Indicators

Where external borrowing is required it can either be at fixed or variable rates of interest, and can be taken out for periods from a year to 50 years. The use of prudential indicators seeks to reduce the risks associated with fixed and variable interest rate loans and with borrowing for different loan periods.

Borrowing at fixed rates of interest for long periods can give the opportunity to lock into low rates and provide stability, but means that there is a risk of missing possible opportunities to borrow at even lower rates in the medium term. Variable rate borrowing can be advantageous when rates are falling, but also means that there is a risk of volatility and a vulnerability to unexpected rate rises.

Borrowing for short periods or having large amounts of debt maturing (and having to be re-borrowed) in one year increases the risk of being forced to borrow when rates are high.

The Council's policy has been to borrow at fixed rates of interest when rates are considered attractive.

The proposed Prudential Indicators for 2018/19 and beyond are set out in Table 7.

**Table 7 – Treasury Management Prudential Indicators**

Prudential Indicators	Upper Limit	Lower Limit
	%	%
Limits on borrowing at fixed interest rates	100	70
Limits on borrowing at variable interest rates	30	0
Percentage of Fixed Rate Debt maturing in:		
Under 12 months	20	0
12 Months to within 24 months	25	0
24 Months to within 5 Years	30	0
5 years and within 10 Years	35	0
10 years and within 20 years	45	0
20 years and within 35 years	60	0
35 years and within 50 years	75	20

The limits have been set taking into account the CIPFA Code of Practice which requires that the maturity date for LOBO (Lender Option Borrower Option) loans is assumed to be the next call date, rather than the total term of the loan. This will apply to the Council's Money Market loans.

### Monitoring the Indicators

It is important to monitor performance against forward looking indicators and the requirement that borrowing should only be for capital purposes. The total level of borrowing will be monitored daily against both the operational boundary and the authorised limit. If monitoring indicates that the authorised limit will be breached, a report will be brought to the Cabinet outlining what action would be necessary to prevent borrowing exceeding the limit and the impact on the revenue budget of breaching the limit. It will be for the Cabinet to make recommendations to the County Council to raise the limit if it is felt appropriate to do so.

The indicators for capital expenditure, capital financing requirement, capital financing costs and the treasury management indicators will be monitored monthly. Any significant variations against these indicators will be reported to the Cabinet.

### Analysis of Long Term Debt

The following Table 8 shows the County Council's fixed and variable rate debt as at 31 March 2018 and 31 December 2018 (current).

The interest rates shown do not include debt management costs or premiums/discounts on past debt rescheduling.

There has been no movement in the Council's external debt over the last financial year, as no new borrowing has been required and no further opportunities have arisen to repay debt.

## Appendix 1

**Table 8 – Analysis of Long Term Debt**

	Actual 31.03.18 £'m	Interest Rate %	Current 31.12.18 £'m	Interest Rate %
<b>Fixed Rate Debt</b>				
PWLB	436.35	4.99	436.35	4.99
Money Market	71.50	5.83	71.50	5.83
<b>Variable Debt</b>				
PWLB	0.00		0.00	
Money Market	0.00		0.00	
<b>Total External Borrowing</b>	<b>507.85</b>	<b>5.11</b>	<b>507.85</b>	<b>5.11</b>

## Schedule of Investments

The following schedule shows the County Council's fixed and variable rate investments as at 31 March 2018 and as at 31 December 2018 (current).

**Table 9 – Schedule of Investments**

		Actual 31.03.18* £'m	Interest Rate %	Current 31.12.18* £'m	Interest Rate %
<b>Bank, Building Society and MMF Deposits</b>					
<b>Fixed Rates</b>					
Term Deposits	< 365 days	107.50	0.73	137.50	0.96
	365 days & >	10.00	0.75	10.00	1.00
Callable Deposits					
<b>Variable Rate</b>					
Call Accounts		27.02	0.40	0.00	
Notice Accounts		5.00	1.05	12.50	1.01
Money Market Funds (MMFs)		30.00	0.46	22.45	0.75
<b>Property Fund</b>		10.00	4.42	10.00	4.25
<b>All Investments</b>		<b>189.52</b>	<b>0.84</b>	<b>192.45</b>	<b>1.06</b>

The Council's cash balance available for investment varies during the year, with the balance building up during the first half of the financial year, and then tapering down towards the end of the financial year. It is now anticipated that the cash balances at 31<sup>st</sup> March 2019 will be lower than those at the start of the year.

The recent investment performance of the County Council's cash has been affected by the low interest rates introduced as part of the measures used to alleviate the global credit crunch. Interest rates have also been impacted by the introduction of new banking regulations requiring banks to hold higher levels of liquidity to act as a buffer.

\* The figures as at 31 March 2018 and 31 December 2018 include respectively around £12.8m and £11.6m related to the Growing Places Fund (GPF). Devon County Council has agreed to be the local accountable body for the GPF, which has been established by the Department for Communities and Local Government to enable the development of local funds to address infrastructure constraints, promoting economic growth and the delivery of jobs and houses. The Council is working in partnership with the Local Economic Partnership, and interest achieved on the GPF cash, based on the average rate achieved by the Council's investments, will accrue to the GPF and not to the County Council.

The rates on offer increased marginally during 2018/19, following the Bank of England's decision to increase the base rate up to 0.75%, but continue to be low in comparison to the past, and the returns on the County Council's cash investments are forecast to remain at low levels for the foreseeable future; however, the Treasury Management Strategy will continue to ensure a prudent and secure approach.

### Prospects for Interest Rates

Forecasting future interest rate movements even one year ahead is always difficult. The factors affecting interest rate movements are clearly outside the Council's control. Whilst short term rates are influenced by the Bank of England's Base Rate, long term rates are determined by other factors, e.g. the market in Gilts. Rates from overseas banks will be influenced by their national economic circumstances. The County Council retains an external advisor, Link Asset Services, who forecast future rates several years forward. Similar information is received from a number of other sources.

Following a flow of generally positive economic statistics after the quarter ended 30 June 2018, the Bank of England's Monetary Policy Committee (MPC) came to a decision on 2 August 2018 to make the first increase in Bank Rate above 0.5% since the financial crash, from 0.5% to 0.75%. At their November meeting, the MPC left Bank Rate unchanged, but expressed some concern at the Chancellor's fiscal stimulus in his Budget, which could increase inflationary pressures.

Link Asset Services are forecasting that the overall longer run future trend is for gilt yields, and consequently PWLB rates, to rise, albeit gently, with the market pricing in the next rise in base rate, up to 1.0% for around May 2019, followed by increases in February and November 2020, before ending up at 2.0% in February 2022. These forecasts are summarised in the following Table 10.

**Table 10 – Base Rate Forecasts and PWLB Rates**

	<b>Dec (act) 2018</b>	<b>March 2019</b>	<b>June 2019</b>	<b>Sep 2019</b>	<b>Dec 2019</b>	<b>March 2020</b>
<b>Base Rate Forecasts</b>						
Link Asset Services	0.75%	0.75%	1.00%	1.00%	1.00%	1.25%
Capital Economics	0.75%	0.75%	1.00%	1.25%	1.50%	1.50%

	<b>Dec (act) 2018</b>	<b>March 2019</b>	<b>June 2019</b>	<b>Sep 2019</b>	<b>Dec 2019</b>	<b>March 2020</b>
<b>PWLB Rates</b>						
Link Asset Services forecast						
<b>10 Year</b>	2.50%	2.50%	2.60%	2.60%	2.70%	2.80%
<b>25 Year</b>	2.85%	2.90%	3.00%	3.10%	3.10%	3.20%
<b>50 Year</b>	2.58%	2.70%	2.80%	2.90%	2.90%	3.00%



## Appendix 1

However, these forecasts are based on a smooth transition for Brexit. The economic outlook will depend significantly on the nature of EU withdrawal, in particular the form of new trading arrangements, the smoothness of the transition to them and the responses of households, businesses and financial markets. The Bank of England has stated that its response to Brexit could be to shift policy in either direction. It could cut rates if it sees a disorderly Brexit damaging economic growth, but might be forced to hike rates if there is a run on the pound.

As a result, economic and interest rate forecasting remains difficult. The above forecasts, (and MPC decisions), will be liable to further amendment depending on how economic data and developments in financial markets transpire over the next year.

When budgeting for interest payments and receipts a prudent approach has been adopted to ensure that, as far as is possible, both budgets will be achieved.

## **Borrowing Strategy 2019/20 – 2021/22**

The overall aims of the Council's borrowing strategy are to achieve:

- Borrowing at the lowest rates possible in the most appropriate periods;
- The minimum borrowing costs and expenses; and
- A reduction in the average interest rate of the debt portfolio.

Since 2009 the Council has followed a policy of containing the capital programme, taking out no new external borrowing and repaying debt whenever this can be done without incurring a financial penalty. This strategy has worked well in a period of austerity. The Council's external borrowing level has reduced by £102m since 2008/09, resulting in reduced Capital Financing Charges.

The capital programme continues to include new starts funded by grants or capital receipts but with no requirement for new external borrowing. There is no expectation that government funding will deviate from its current downward trajectory. The authority faces significant challenges in balancing its revenue budget in the coming years and it is therefore difficult to imagine how significant additional borrowing could be financed. As a result, the Medium Term Financial Strategy (MTFS) continues to assume that, over the three year period, no new long-term borrowing will be required, although this will be kept under review.

The potential to repay further debt, or refinance debt at lower rates, will continue to be closely monitored. The ability of the Council to repay further debt will depend on the cost of repayment and the availability of cash to fund the repayment.

The loans in the Council's current debt portfolio all have maturity dates beyond 2027. Under their current policy the Public Works Loan Board (PWLB) sets premature repayment rates, and where the interest rate payable on a current loan is higher than the repayment rate, the PWLB imposes premium penalties for early repayment. With current low rates of interest this would be a significant cost which would impair the benefit of repayment. Therefore, it will only make financial sense to repay debt early if the PWLB changes its current policy, or if interest rates rise and cancel out the repayment premiums. Current interest rate forecasts suggest that it is extremely unlikely that gilt yields will rise sufficiently to cancel out the premiums in the medium term.

It is forecast that as at 31 March 2019 the Council will have cash balances of around £160m. A prudent level of balances is required to meet cashflow. In addition, the cash balances will in part be made up of earmarked reserves and will therefore be committed to meeting Council expenditure. However, the level of cash balances would enable early repayments to be considered, should interest rates rise sufficiently to cancel out the premiums.

If short-term borrowing is required to aid cashflow, this will be targeted at an average rate of **0.6%**.

### **Investment Strategy 2019/20 – 2021/22**

The County Council continues to adopt a very prudent approach to its investments. The majority of investments will be “Specified Investments” as defined by the Ministry of Housing, Communities and Local Government (MHCLG). For such investments, only a small number of selected UK banks and building societies, money market funds and Non-Eurozone overseas banks in highly rated countries are being used, subject to strict criteria and the prudent management of deposits with them. The lending policy is kept under constant review with reference to strict criteria for inclusion in the counterparty list. In addition, non-specified investments are included in the strategy, including the potential to invest in property funds, short-dated bond funds and multi-asset income funds.

The Treasury Management Strategy will continue to be set to ensure a prudent and secure approach.

The full County Council is required under the guidance in the CIPFA Treasury Management Code of Practice to approve an Annual Investment Strategy.

The overall aims of the Council’s strategy continue to be to:

- Limit the risk to the loss of capital;
- Ensure that funds are always available to meet cash flow requirements;
- Maximise investment returns, consistent with the first two aims; and
- Review new investment instruments as they come to the Local Authority market, and to assess whether they could be a useful part of our investment process.

**The overriding objective will be to invest prudently, with priority being given to security and liquidity before yield.**

The outlook for cash investment remains challenging. Whereas in the past there has been a perception that Governments would not allow banks to fail, the current regulatory environment puts more emphasis on the requirement for investors to take a hit by funding a “bail-in”. A bail-in is where the bank’s creditors, including local authorities depositing money with them, bear some of the burden by having part of the debt they are owed written off. The balance of risk has therefore changed, and as a result the Council has considered alternative forms of investment in order to diversify its risk.

## Appendix 1

Under the Markets in Financial Instruments (MiFID II) directive, local authorities are now classed as retail clients by the Financial Conduct Authority (FCA). This has implications for the range of investments that are available to local authorities. While bank and building society deposits are unaffected by the new regulations, some banks have determined that they will only take term deposits from professional clients, and a range of alternative forms of investments are only available to professional clients. However, if the local authority meets criteria set by the FCA, then it can apply to the financial institutions with which it wishes to invest to request that the institution concerned “opts up” the local authority to elective professional client status. The Council has made applications and been opted up to elective professional client status where required.

Those counterparties who have confirmed that they will treat the Council as a professional client under the MiFID II regulations are set out in Table 11 below.

**Table 11 – Counterparties that have “opted up” the Council to elective professional client status**

Counterparty	Counterparty Type
Standard Chartered	UK Bank
Commonwealth Bank of Australia	Overseas Bank
CCLA	Property Fund
Aberdeen Standard	Money Market Fund
Insight	Money Market Fund

In addition, brokers Tradition and Tullett Prebon, and our treasury advisors, Link Asset Services, have opted up the Council to professional client status. The majority of bank and building society deposits are unaffected by the MiFID II regulations.

Subject to the MiFID II regulations, a variety of investment instruments are available to the Local Authority market. In addition to the notice accounts and fixed term deposits available from UK and overseas banks, it is also possible for the Council to invest, for example, in UK Government Gilts, bond funds and property funds. These alternative instruments would either require the Council to tie up its cash for significantly longer periods, thus reducing liquidity, or would carry a risk of loss of capital if markets go down. The Council has considered these alternatives and concluded that investment in a range of different funds should be permitted within the Treasury Management Strategy.

The Investment Strategy will be split between “Specified Investments”, which meet criteria specified in guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG), and a range of longer term “Non-specified Investments”.

### Specified Investments

Specified Investments will be those that meet the criteria in the MHCLG Guidance, i.e. the investment:

- is sterling denominated;
- has a maximum maturity of 1 year;
- meets the “high credit quality” as determined by the Council or is made with the UK government or is made with a local authority in England, Wales Scotland or Northern Ireland or a parish or community council; and
- the making of which is not defined as capital expenditure under section 25(1)(d) in SI 2003 No 3146 (i.e. the investment is not loan capital or share capital in a body corporate).

Specified Investments will include bank and building society deposits. Security is achieved by the creation of an 'Approved List of Counterparties'. These are the banks, building societies, money market funds and other public bodies with whom we are prepared to deposit funds. In preparing the list, a number of criteria will be used not only to determine who is on the list, but also to set limits as to how much money can be placed with them, and how long that money can be placed for.

Banks are expected to have a high credit rating. The Council uses the ratings issued by all three of the major credit rating agencies, Fitch, Moody's and Standard & Poor's, made available to the Council through its external Treasury Advisors. These are monitored daily.

The lowest rating published by any of the agencies is used to decide whether an institution is eligible for inclusion. Where the counterparty is only rated by two of the major ratings agencies the lowest rating published by either of the two is used. This rating also determines the maximum amount which can be loaned to an individual counterparty. Non-Eurozone overseas banks that meet the criteria are included from countries with a high Sovereign rating.

The time length of all deposits with financial institutions will be managed prudently, taking account of the latest advice from the Council's external advisors.

Money Market Funds have a portfolio comprised of short-term (less than one year) securities representing high-quality, liquid debt and monetary instruments. Following the financial crisis these funds were seen as higher risk and were therefore not used by the Council. However, the new regulatory environment around the concept of "bail-in" means that many money market funds are now regarded as a more secure form of investment than bank deposits, as they diversify their investments across a range of financial institutions to spread the risk, and will therefore be used where appropriate.

Money market funds must have an 'AAA' rating to be included on the counterparty list. They may be CNAV (Constant Net Asset Value), LVNAV (Low Volatility Net Asset Value) or VNAV (Variable Net Asset Value). Yields and prices will be monitored on a daily basis to ensure that there is minimal risk of loss of capital.

Other public sector bodies are principally arms of Government, or other local authorities, and although not rated are deemed suitable counterparties because of their inherent low risk.

The 'Approved List of Counterparties' specifies individual institutions and is formally reviewed at least monthly. Notification of credit rating downgrades (or other market intelligence) is acted upon immediately, resulting in any further lending being suspended.

Table 12 below summarises the current 'Approved List' criteria.

## Appendix 1

**Table 12 – Specified Investments Counterparty Approved List Criteria**

Counterparty Type		Fitch	Moody's	Standard & Poor's	Credit Limit
<b>UK Banks</b>					
	not below	AA- & F1+	Aa3 & P-1	AA- & A-1+	£50 million
	not below	A- & F1	A3 & P-1	A- & A-1	£30 million
<b>UK Building Societies</b>					
	not below	AA- & F1+	Aa3 & P-1	AA- & A-1+	£50 million
	not below	A- & F1	A3 & P-1	A- & A-1	£30 million
<b>Non-Eurozone Overseas Banks</b>					
	Sovereign Rating of	AAA	Aaa	AAA	
	and not below	AA- & F1+	Aa3 & P-1	AA- & A-1+	£50 million
	and not below	A- & F1	A3 & P-1	A- & A-1	£30 million
<b>UK Public Bodies</b>					
<b>Central Government</b>					
	– Debt Management Office				Unlimited
<b>Local Government</b>					
	– County Councils				£10 million
	– Metropolitan Authorities				£10 million
	– London Boroughs				£10 million
	– English Unitaries				£10 million
	– Scottish Authorities				£10 million
	– English Districts				£5 million
	– Welsh Authorities				£5 million
<b>Fire &amp; Police Authorities</b>					
					£5 million
<b>Money Market Funds</b>					
		AAA	Aaa	AAA	£30 million

Where the short term rating of a counterparty is one notch below the stated criteria, but the counterparty meets the long term rating criteria, they may still be used subject to the advice of our external advisors (Link Asset Services) who will take into account a range of other metrics in arriving at their advice.

The counterparty limits shown in the table also apply at a banking group level. This ensures that the Council is not exposed to the risk of having maximum sums invested in multiple institutions owned by a group that encounters financial difficulties.

The credit ratings shown in the table for banks and building societies allow for greater sensitivity in recognising counterparty risk. Liquidity in investments is the second key factor in determining our strategy. Funds may be earmarked for specific purposes or may be general balances, and this will be a consideration in determining the period over which the investment will be made.

**The Council has a self-imposed limit of ensuring that at least 15% of deposits will be realisable within one month.**

The Council will look to invest in specified investments for a range of durations up to one year to ensure sufficient liquidity for cashflow purposes. Our treasury advisors, Link Asset Services, provide advice on the recommended maximum length of deposit for each of the counterparties that the Council uses, and their recommendations will be taken into account when determining the length of time that any deposit is placed for.

### **Non-Specified Investments**

Non-specified investments are those that do not meet the criteria described above, but are intended to be a longer term investment, generating a higher yield, but with a slightly higher degree of risk.

**The limit on non-specified investments will be set at no more than 25% of the total treasury investments at any time or £40m whichever is the lower.**

The Council has previously decided that investment in a commercial property fund would be a prudent way to diversify risk and achieve a higher yield, as it would benefit from forecast growth in GDP. The CCLA Property Fund is therefore included as an approved counterparty, and an initial investment of £10 million was made in 2015.

In addition, short-dated bond funds and multi-asset income funds may be used. Short dated bond funds will invest in high quality short dated government or corporate bonds. Multi-asset income funds will invest in a wider range of investments designed to produce a higher income yield, but will have a higher level of risk. In both cases, funds will be targeted where the total return is likely to be higher than the income yield, to reduce the risk of capital loss should the investment need to be realised.

The Council will only use funds that are subject to a statutory override to IFRS9. Under the IFRS9 accounting standard unrealised gains and losses arising from funds previously measured as Available for Sale will now be classified as Fair Value through Profit and Loss and taken to the Comprehensive Income and Expenditure Account in the year they arise. As a result, any capital loss would impact on the yield gained from the investment.

However, Parliament has put in a statutory override for investments that fall under the following definitions:

- A money market fund;
- A collective investment scheme as defined in section 235 (1) of the Financial Services and Markets Act 2000;
- An investment scheme approved by the Treasury under section 11(1) of the Trustee Investments Act 1961 (local authority schemes)

The regulation (override) makes it clear that the revenue account should not be charged in respect of that fair value gain or loss and instead that amount should be charged to an account established, charged and used solely for the purpose of recognising fair value gains and losses in accordance with this regulation. The statutory override applies from 1st April 2018 to 31st March 2023. This reduces the risk to the Council of capital losses impacting on investment income, as any capital loss would only impact on the Council at the point that the investment is realised, or after the statutory override ends in March 2023. However, the risk of loss of capital at those points needs to be recognised, and these investments should be seen as longer-term investments.

Non-specified investments can also include bank and building society deposits of over a year, in line with the criteria set out in the section on Specified Investments.

Table 13 below summarises the 'Approved List' criteria for non-specified investments.

**Table 13 – Non-Specified Investments Counterparty Approved List Criteria**

Counterparty Type	Credit Limit
CCLA Property Fund	£30 million
Short-dated bond funds	£20 million
Multi-asset income funds	£20 million
Bank and Building Society Deposits over 1 year (meeting credit rating criteria as per Specified Investments)	£30 million

Where a bank or building society is considered for an investment of over one year, the credit limit will be applied to the total investments with that institution, including specified and non-specified investments, i.e. deposits above and below one year.

### Interest Rate Targets

For the 2019/20 financial year it has been assumed that the average interest rate earned on lending to banks and building societies will be **0.75%** p.a. The target rate takes into account the November 2018 increase in the Bank of England base rate, which has resulted in increased rates being available compared to those available before the increase.

The yield from investment in the CCLA Property Fund is assumed to be **4.50%**. Further analysis will be required to identify short-dated bond funds and multi-asset income funds that would meet the Council's requirements. The targeted yield from those funds would be **2.00%** for short dated bond funds and **3.50%** for multi-asset income funds. Currently these are not factored into the budget for investment income.

The targets we have set for 2019/20 are considered to be achievable.

Given the degree of uncertainty about future economic prospects and the future level of interest rates, MTFS forecasts have been based on the average rates for lending to banks and building societies continuing to be 0.75% for 2020/21 and 2021/22. However, these will be reviewed in the light of changes to the rates on offer from the Council's counterparties over the MTFS period.

### Investments that are not part of treasury management

The revised Treasury Management Code also requires the authority to report on investments in financial assets and property that are not part of treasury management activity, but where those investments are made primarily to achieve a financial return.

The Council does not currently have a policy of making commercial investments outside of its treasury management activity for mainly financial reasons. All capital investments outside of treasury management activities are held explicitly for the purposes of operational services, including regeneration, and are monitored through existing control frameworks.

# Agenda Item 13

## Appendix 1

The Authority does not generally invest in equity shares but does have two £1 shares in NPS (SW) Ltd, valued at £247,000 and an equity investment in Exeter Science Park Ltd to £1.881 million. At 31 March 2018 these shares were recognised in the balance sheet at £2.128 million. However, these are not held as financial investments, but for the purposes of providing operational services, including economic regeneration.

### **Performance Targets**

The primary targets of the Treasury Management Strategy are to minimise interest payments and maximise interest receipts over the long term whilst achieving annual budgets, without taking undue risk. Where there are comparative statistics available for individual aspects of the Strategy these will be used to monitor performance. The Council will continue to review best practice at other authorities and work with its treasury advisors (Link Asset Services) to assess performance.



## 2018/19 Risk Management Annual Report

### Report of the County Treasurer

Please note that the following recommendations are subject to confirmation by the Committee before taking effect.

#### Recommendations:

- i. that the committee notes the movement of risks during 2018/19.
- ii. that members note the summary risk position for exiting risks.
- iii. that members note the risks and mitigations currently ranked the highest.

The attached report sets out the changes to risk management during 2018/19 and confirms the role of the Scrutiny Committee as per the Risk Management Policy.

It further summarises the existing risk position and links to initial work on visual reporting via power BI.

- Appendix A shows the risks with a Current rating oh High at the time of writing this report.
- Appendix B shows the mitigating actions for the risks in Appendix A.
- Appendix C shows Archived risks which had an Inherent Score of High.

Mary Davis

Electoral Divisions: All  
Local Government Act 1972

Contact for Enquiries: Robert Hutchins  
Tel No: (01392) 382437 Larkbeare House

<u>Background Paper</u>	<u>Date</u>	<u>File Ref</u>
Nil		

There are no equality issues associated with this report



devon**audit**partnership

**Risk Management**

CIR Risk Management  
AWARDS 2018  
*shortlisted*

## **Risk Management**

**Annual Report for 2018/19**

**June 2019**



**Corporate Infrastructure and  
Regulatory Services Scrutiny  
Committee**

**CUSTOMER  
SERVICE  
EXCELLENCE**



**Support, Assurance & Innovation**

## Introduction

Devon Audit Partnership (DAP) continues to support and facilitate the development of the Councils Risk Management Framework and Processes. This support is designed to assist members, senior management and staff in identifying risks, recognising and recording the "true" risk, mitigation thereof and promote effective monitoring and reporting of those risks.

## Background

The Risk Management Policy includes a description of the Roles and Responsibilities in relation to risk management. In respect of Scrutiny Committees, the wording is shown below.

*Scrutiny Committees should be aware of the objectives of the service areas they oversee. Service Managers should identify risks to the achievement of these objectives and provide to Scrutiny a summary of these risks and the mitigating action/s (controls) that are being taking to reduce the risk to an acceptable/agreed level. Specific risks to objectives, in particular those that remain "high", may be discussed in detail and risk owners and accountable officers asked to provide further information.*

In practical terms this results in each of the Scrutiny Committees having oversight of the risks which are relevant to their areas, with the Audit Committee focusing on overall processes and effectiveness of risk management.

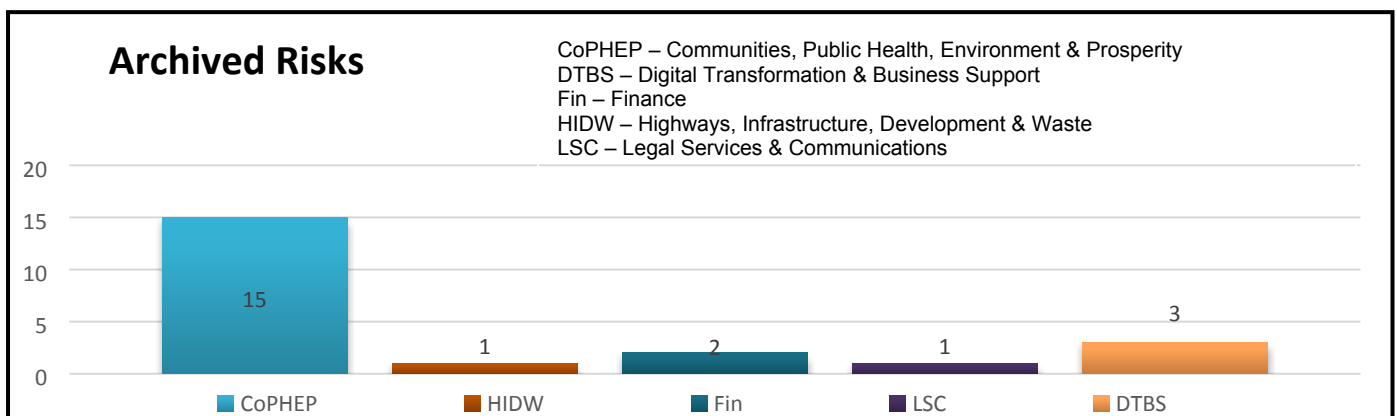
The system used to record risks continues to be developed to ensure that risks can be recorded, reviewed and managed. Where risks cross over service areas these are also reported to the relevant Scrutiny Committees. The highest rated risks, strategic risks and those risks which cross service areas are regularly reported to the Leadership Group to support wider oversight and management.

National issues continue to have an impact on the management of risk across the Council. For example, the lack of certainty on future funding arrangements can limit the ability to put into place longer term mitigations. Furthermore, Brexit continues to impact risks across the council due to the ongoing uncertainty around the future UK-EU relationship.

Work continues across the council to ensure that the data within the risk registers is clear, accurate, relevant and importantly, linked to organisational objectives. Further details can be obtained from Devon Audit Partnership via Robert Hutchins (Head of Partnership) or Tony Rose, who will also be happy to receive your comments and thoughts on risk management within the Council.

## Changes in 2018/19

In the areas for which this Scrutiny is linked to there were 11 risks with a Current Score of High at the end of 2018/19, a net increase of one. During the year 22 risks were archived due to the ongoing application of management actions. The areas in which the risks were recorded prior to being archived is shown in the chart below and additional details can be found in Appendix C.

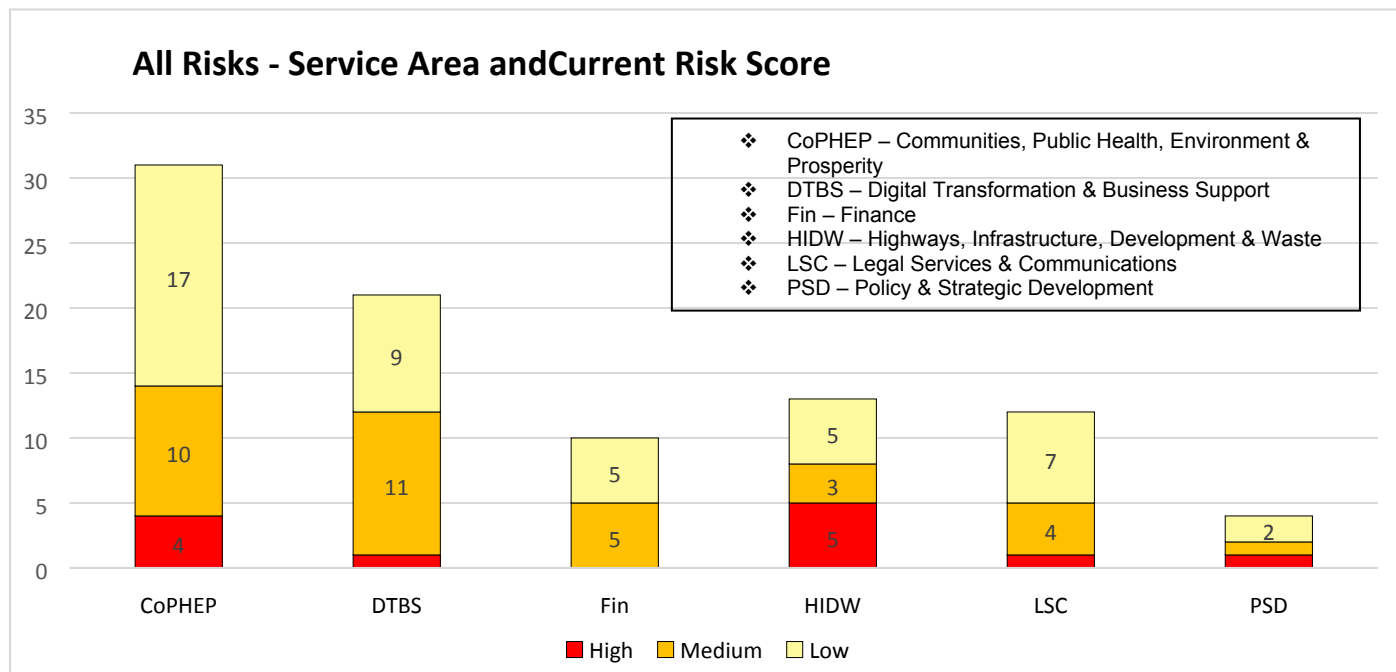


Risks were consistently reviewed throughout the year in line with the requirements set out in the Council's Risk Management Policy and Strategy document.

## Current Risk Position

There were 91 risks recorded in the Risk Register as at 14<sup>th</sup> June 2019 which link to the areas of responsibility for this Scrutiny Committee. Of these, nine were initially assessed to be Very High but all have been reduced to at least High through positive management action.

Of the remaining risks, 57 were initially assessed as High with almost all scores reducing due to mitigations put into place. The breakdown of existing risks by service areas can be seen in the chart below which shows their Current Risk rating, with further information for all High risks in the supporting appendices.



### Comment from Communities, Public Health, Environment and Prosperity

Given the range and diversity of services and outcomes delivered across the Communities, Public Health, Environment and Prosperity teams, the quantum of strategic risks identified by CoPHEP on behalf of the Council, remains relatively high. Active risk management is in place evidenced in part by the number of risks archived and reduced over the last 12 months. The opportunities and risks around climate change; Britain's anticipated exit from the European Union; and the changes within Devon's communities will likely feature amongst CoPHEP's risk management work and strategy in the year ahead.

### Comment from Highways, Infrastructure, Development and Waste

There are five risks with a current categorised as high affecting the service and each of these are monitored and reviewed quarterly and a short comment follows for each.

- **Deterioration of minor road network due to insufficient maintenance** – Despite additional government funding in the previous budget, a backlog of repairs continues due to a shortfall in the funding from central government to fully address this.
- **Lack of capacity or capability to respond effectively to highway safety related issues** – Although there has been improvement on inspection and safety repair, the risk remains high due to level of serviceability defects across the network.
- **Lack of capacity or capability to effectively respond to extreme weather events** – The extreme weather events and recently completed works at Slapton, (where funding assistance was provided by central government) reinforce the need for continued vigilance.
- **Resource availability to manage delivery of the highway capital programme** – A 'Doing what Matters' review is underway with a view to improved alignment of resources.
- **Spread of Ash Die Back Disease (Highways and adjoining land)** – The incidence of ADB is being monitored through an inspection regime and in the Autumn, this will provide data to consider adapting current mitigation measures.

**Comment from Policy and Strategic Development**

The Council is working closely with all local partners, including the Devon, Cornwall and the Isles of Scilly Local Resilience Forum (LRF), to prepare for Brexit and to help everyone in Devon deal with the situation, whatever the final outcome. It has contingency plans in place to provide help and support for the most vulnerable people and families in our communities. The Council continues to work with the Government to help develop and deliver their national contingency arrangements and to share local issues and concerns, or fight Devon's corner whenever it is needed.

It is recommended that Committee consider which if any of the risks outlined within this report may be included in its future work plans.

**Future Risk Reporting**

**Power BI** - Maximising access to new software is enabling risk reporting to become more interactive and live. Work has progressed to use PowerBI to provide a visual presentation of current risk information, the link below can be used to see the current development to date of risk reporting for this Scrutiny Committee. An Office 365 log in will be required for access via PowerBI [CIRS Scrutiny Power BI Link](#).

**Risk Wording** – Work in other areas of the Council has shown that updating the format of the risk wording helps to provide greater clarity on the risks being identified and managed, as well as allowing a clearer link to be drawn between the mitigation and its ability to influence risks. during the next year efforts will be made to update the wording of the risks relevant to this Scrutiny Committee

**Risk Scoring** – Work will continue to ensure that the scoring of risks is consistent, in turn allowing direct comparison of risks to be undertaken with increased confidence.

For questions related to the detail of existing risks either the Risk Owner, Accountable Officer or other Service Area Representative should be contacted.

For questions related to Council Wide processes please contact Tony Rose ([tony.d.rose@devon.gov.uk](mailto:tony.d.rose@devon.gov.uk)).

**Supporting Appendices**

- Appendix A – Risk Register Extract of risks currently scored as High
- Appendix B – Existing Risk Mitigations for risks listed in Appendix A
- Appendix C – Excerpt of Archived Risks

Risk Title	Description	Service Area	Risk category	Inherent Score	Current Score	Risk Owner	Accountable Officer	Latest review	Change direction
BI22 - In-sourcing of Services into DCC	In-sourcing of significant services such as PHN/Short Breaks present a risk to DCC in terms of resources and responsibility. Examples include: <b>Scale</b> - numbers of staff and associated support (circa 400 staff). <b>Infrastructure</b> - Transitioning of IT systems and hardware. <b>Compliance</b> - Lack of clarity in terms of what responsibility or accountability DCC will have for ensuring non DCC premises used by in-sourced staff are compliant, safe or suitable / Infrastructure - transitioning of IT systems and hardware.	Digital Transformation and Business Support Property	Strategic	24: Very high	20: High	Matthew Jones	Matthew Jones	18 Apr 2019	↔
HTM2: Lack of capacity or capability to respond effectively to highway safety related issues	Potential for fatal and severe accidents to citizens due to lack of effective and timely repair or replacement of highway assets. This could be brought about by deteriorating highway condition, inability to meet policy level of service, inadequate procedures or poor staff/contract performance.	Highways and Traffic	Operational	24: Very high	20: High	Joe Deasy	Meg Booth	24 Apr 2019	↔
HTM3: Lack of capacity or capability to effectively respond to extreme weather events	Flooding, obstruction and structural damage to the highway or other transport infrastructure affecting citizens and property causing traffic disruption, economic and health impacts	Highways and Traffic	Strategic	24: Very high	20: High	Joe Deasy	Meg Booth	24 Apr 2019	↔
HTM1: Deterioration of minor road network due to insufficient maintenance.	Injury and delays to road users and damage to vehicles resulting from deterioration of C Class and Unclassified road network due to insufficient planned and Routine Maintenance	Highways and Traffic	Strategic	25: Very high	20: High	Joe Deasy	Meg Booth	24 Apr 2019	↔

Risk Title	Description	Service Area	Risk category	Inherent Score	Current Score	Risk Owner	Accountable Officer	Latest review	Change direction
Brexit - The UK's exit from the European Union results in pressures which directly impact the Council's delivery of services	<p><b>Cause</b> - Referendum Decision to Leave the EU.  <b>Event</b> - New arrangements need to be agreed for the relationship between the UK and the EU.  <b>Impacts Include:</b>  <u>No Deal Brexit</u></p> <ul style="list-style-type: none"> <li>• Return to WTO Rules, reduced trading</li> <li>• Return to WTO Rules, increased cost of trading</li> <li>• Increased uncertainty on employment and residency for EU citizens</li> <li>• Decrease in labour market availability to support care needs</li> <li>• Impacts on supplies of food, fuel and medicine.</li> <li>• Civil disorder and disobedience.</li> <li>• Increased demand for services</li> </ul> <p>Reduced capacity to provide services</p> <p><u>Brexit with Deal</u></p> <ul style="list-style-type: none"> <li>• Additional work to ensure future compliance with EU Rules and Regulations that may still be in force or require adherence to for specific activities.</li> <li>• Increased costs to ensure compliance with all future legislation.</li> </ul> <p><u>Both</u></p> <ul style="list-style-type: none"> <li>• Increased costs due to lost funding to EU funded programmes, including economic growth and regeneration, employment, environmental protection, research and development.</li> <li>• Impact on local business / population and knock on effect to areas such as business rates and council tax.</li> <li>• Greater pressure on labour markets if EU nationals are not available to fill posts.</li> </ul> <p>The full implications for Devon County Council from the UK leaving the EU are not yet known or understood, causing uncertainty in Council business, planning, and service delivery.</p> <p>There is also the potential for opportunities where regulation changes.</p>	Council-wide, Policy and Strategic Development	Strategic	20 : High	20: High	Roland Pyle	Leadership Group	03 Jun 2019	↔

Risk Title	Description	Service Area	Risk category	Inherent Score	Current Score	Risk Owner	Accountable Officer	Latest review	Change direction
HR: Employee Services: System Failures	System failure due to technical problems may result in employees not being paid on time or accurately.	Human Resources	Operational	20: High	16: High	Wendy Smith	Jacky Wilson	05 June 2019	↔
Animal Health Disease Control	Additional costs and staff resource requirements to respond to exotic animal disease spreading in the Devon Somerset and Torbay Communities.	Economy, Enterprise and Skills	Operational	16: High	16: High	Dolores Riordan	Paul Thomas	28 May 2019	↔
Inadequate DCC access to diesel / petrol during a fuel crisis	DCC holds no bunkered fuel and would therefore be vulnerable during a fuel shortage. Access to mutual aid from LRF partners would be limited as more of them are also disposing of stored fuel. Where aid is available it is likely to be restricted to diesel. A national plan to assist key industries and services is in place but activation is likely to be too late to avoid shortages and disruption to services. It is the provision of social care that is of most concern.	Council-wide	Operational	16: High	16: High	Keith Reed	Amanda Palmer	05 June 2019	↔
Resource availability to manage delivery of the highway capital programme	There is insufficient resource available to adequately design manage and audit highway schemes. Development of design processes to meet with legislation and a reduction in the functions provided by Term contract provider, Skanska, is increasing this pressure on internal design resource requirement. A recent contract post implementation review has identified a number of areas of concern which is adversely impacting on DCC staff resources. This is impacting on quality of work affecting value for money, reputation and delivery timings. This in turn will impact on the Councils ability to obtain value from its asset management strategy leading to a reduced condition of the network.	Highways and Traffic	Operational	20: High	15: High	Joe Deasy	Rob Richards	24 Apr 2019	↔



Risk Title	Description	Service Area	Risk category	Inherent Score	Current Score	Risk Owner	Accountable Officer	Latest review	Change direction
Increases in market pressures for sectors relevant to Devon result in higher failure rate and increased unemployment	Due to the increased pressure on enterprises operating within the local economy there is an increased risk that business will close or downsize, resulting in greater unemployment.	Economy, Enterprise and Skills Council-wide	Strategic	20: High	15: High	Jamie Evans	Leadership Group 8	09 Apr 2019	↓
Spread of Ash Die Back Disease (Highways and adjoining land)	Because of the spread of Ash Die Back Disease and its likely infection rate of 95%, the need for intervention by the Council will increase, placing additional pressure on staff and finances. Failure to remove diseased trees, at an appropriate time, could result in fallen branches or trees, causing damage, injury or loss of life.	Highways and Traffic	Strategic	20: High	15: High	Joe Deasy	Meg Booth	18 Apr 2019	↔
Potential Flu pandemic	Risk of a significant influenza outbreak affecting service delivery due to impact on the public and staff. With an increasingly mobile world population the chances of this or a similar disease spreading globally is more likely.	Communities, Public Health, Environment and Prosperity Public Health Council-wide	Operational	15: High	15: High	Keith Reed	Nicola Channon	19 Mar 2019	↔

## Risk Mitigations (RAG rated as per the Risk Register Entry)

The table below outlines the mitigations recorded against the risks shown above with a **Current Risk** rating of High. Each mitigation has been rated as Red, Amber or Green by the owner of the action, with those actions which are Completed shown in a darker green as per the Key below.

Key to Colours	Completed	Red	Amber	Green
----------------	-----------	-----	-------	-------

Risk Title	Current Risk Score	Controls and Mitigations			
BI22 - In-sourcing of Services into DCC	20: High	Green	Cost of support services are being captured	Amber	<ul style="list-style-type: none"> <li>In-sourcing Board convened to manage process</li> <li>Discussions occurring to agree and manage transfer</li> </ul>
HTM2: Lack of capacity or capability to respond effectively to highway safety related issues	20: High	Green	<ul style="list-style-type: none"> <li>Programme flexibility</li> <li>Staff training and audit procedures</li> </ul>	Amber	Highway Monitoring Red Safety repairs
HTM3: Lack of capacity or capability to effectively respond to extreme weather events	20: High	Green	<ul style="list-style-type: none"> <li>Winter Service and Emergency Plan</li> <li>Highway Monitoring</li> <li>Delivery of Planned works</li> <li>Preparedness</li> <li>Asset Management</li> </ul>	Amber	Resources
HTM1: Deterioration of minor road network due to insufficient maintenance.	20: High	Green	<ul style="list-style-type: none"> <li>Highway Monitoring</li> <li>Value for Money solutions</li> <li>Safety repairs</li> <li>Communication with stakeholders</li> </ul>	Red	Funding
Brexit - The UK's exit from the European Union results in pressures which directly impact the	20: High	Green	<ul style="list-style-type: none"> <li>Establish a Devon County Council Brexit website for key messages and signposting. Continue communications to DCC Members, staff, and Trade Unions.</li> <li>Continue to engage with MHCLG via the Chief Executives' regional communications network.</li> <li>Update, revise, prepare and publish business and service continuity plans.</li> <li>Support DCC staff who are EU citizens to register through the Government's EU Settlement Scheme.</li> <li>Participation in the Heart of the South West Brexit Resilience and Opportunities Group to help business and communities.</li> </ul>		

Page 141

Risk Title	Current Risk Score	Controls and Mitigations							
Council’s delivery of services			<ul style="list-style-type: none"><li>Situation reporting template available for DCC service leads to enable reporting to the Cornwall and Devon Local Resilience Forum.</li><li>Responding to the forthcoming consultation on the UK Shared Prosperity Fund.</li></ul>						
HR: Employee Services: System Failures	16: High	Green	<ul style="list-style-type: none"><li>Proactive controls.</li><li>HRMS Project.</li><li>Collaborative working.</li><li>HR and ICT Business Continuity Plans.</li><li>Monitoring of performance and careful planning of larger processes.</li></ul>						
Animal Health Disease Control	16: High	Green	<ul style="list-style-type: none"><li>Contingency Plans and trained staff available via an emergency cascade system.</li></ul>						
Inadequate DCC access to diesel / petrol during a fuel crisis	16: High	Green	Local LRF Planning	Amber	<ul style="list-style-type: none"><li>Highways contractors.</li><li>Risk of a No Deal Brexit.</li></ul>	Red	<ul style="list-style-type: none"><li>National Emergency Plan for Fuel 2017</li><li>Concerns over ability of social care providers to cope with a fuel shortage</li><li>LRF Questionnaire on bunkered fuel</li></ul>	Completed	<ul style="list-style-type: none"><li>National Fuel Plan (last updated early 2017).</li><li>Mutual aid arrangements with others.</li><li>Use of the military.</li><li>Delays to the review of the national plan.</li><li>Contact details for Designated Filling Stations.</li><li>Escalated concerns to LRF COG Sept 2015.</li></ul>
Resource availability to manage delivery of the highway capital programme	15: High	Amber	<ul style="list-style-type: none"><li>Application of lessons learnt following TMC post implementation review</li><li>Term contract business model review</li><li>working more effectively within asset group</li></ul>				Red	<ul style="list-style-type: none"><li>development and implementation of works auditing programme</li><li>increase resources of asset officers</li></ul>	
Increases in market pressures for sectors relevant to Devon result in higher failure rate and increased unemployment	15: High	Green	<ul style="list-style-type: none"><li>A multi-agency task force has been set up for Appledore Shipyard and DCC is involved.</li><li>Representatives from other key organisations and influencers included officers and representatives from Heart of the South West Local Enterprise Partnership, Job Centre+, Chamber of Commerce/Recruitment specialist, Unite, GMB, Torridge District Council, Devon County Council, North Devon Council, Petroc, North Devon Manufacturers Association and South West Business Council.</li></ul>						

Risk Title	Current Risk Score	Controls and Mitigations						
Spread of Ash Die Back Disease (Highways and adjoining land)	15: High	Green	<ul style="list-style-type: none"><li>• Monitor High risk trees on DCC highway or land. The frequency will be increased as evidence becomes available that the disease has spread enough to increase likelihood.</li><li>• Notify landowners of potentially dangerous trees</li><li>• identify and engage with stakeholders to support collaboration and partnership working in addressing management of ADB</li></ul>		Amber	Finance resource is provided to support the costs associated with approved proposals for managing Ash Die Back	Completed	Cabinet support for proposals outlining how Devon County Council should manage its responsibility for Ash Dieback in the county regarding public safety and the environment.
Potential Flu pandemic	15: High	Amber	Size of the Authority	Completed	<ul style="list-style-type: none"><li>• DCC Flu Pandemic Plan</li><li>• ACS Flu Pandemic Plan</li><li>• LRF Influenza Pandemic Plan</li><li>• Exercising plans</li></ul>			

The table below shows an extract of archived risks where the initial Inherent Score was High

Risk Title	Service area	Archived Date	Inherent score	Inherent Rating	Current score	Current Rating	Risk Owner	Accountable Officer
Community Needs Assessment/Strategy - Overlap	Communities	19-Sep-18	20	High	9	Low	Steve Edwards	Simon Kitchen
Town and Parish Fund	Communities	10-Sep-18	20	High	9	Low	Steve Edwards	Simon Kitchen
Re-procure North Devon and Torridge residual waste contract	Highways, Infrastructure Development and Waste	04-Jun-18	20	High	6	Low	Annete Denith	Meg Booth
Inadequate capacity/skills to fulfil statutory responsibilities in relation to Prevent/Channel/Community Safety/DHRs	Communities	11-Feb-19	16	High	9	Low	Julie Richards	Simon Kitchen
Locality Roles	Communities	19-Sep-18	16	High	9	Low	Steve Edwards	Simon Kitchen
Community Needs Assessment/Strategy - Resources	Communities	19-Sep-18	16	High	8	Low	Steve Edwards	Simon Kitchen
Hybridge TC Development	Communities	04-Jun-18	16	High	6	Low	Steve Edwards	Simon Kitchen
RO5 - Specifications and commissioning strategies not clearly defined service on behalf of the Council.	Digital Transformation and Business Support Procurement	04-Jun-18	16	High	4	Low	Justin Bennetts	Justin Bennetts
Voluntary and Community Sector does not have the capacity to support changes to delivery of community of Health and Social Care.	Communities	13-Dec- 18	15	High	9	Low	Steve Edwards	Simon Kitchen



SC/19/1

Corporate, Infrastructure and Regulatory Services Scrutiny Committee  
25 June 2019

## **Locality Budget Annual Report 2018/19**

Joint Report of the County Treasurer, and Chief Officer for Communities, Public Health, Environment & Prosperity

### **1. Introduction**

In line with the Council's 'Locality Budget Operating Principles' an annual statement which summarises the allocations approved by Members is submitted to this Committee for audit and monitoring purposes.

Each Member of the County Council was allocated a budget of £10,000 for 2018/19 to use to respond to local needs by giving grants in accordance with operating principle in Part 3 of Section 5 of the Constitution.

The locality budget process enables Members to give grants which respond to local needs within electoral divisions by supporting projects or activities that benefit the people and communities they represent. The Locality Budget, together with the 2018-19 Communities Together Fund, have been key elements of the Council's commitment to community resilience. Looking to 2019-20, our commitment to community resilience and well-being will be further strengthened by the ongoing Crowdfund Devon pilot and the development of new funding schemes worth nearly £460,000 to support local voluntary and community organisations, groups and projects that help to make communities stronger, and that improve people's wellbeing. The aim is to encourage people to work together to feel part of their communities and to be active in them. A priority for 2019-20 is to support projects and groups that help tackle loneliness or isolation. Further details can be found on the DCC Newscentre: [www.devonnewscentre.info/cash-boost-for-volunteers-and-communities-in-devon-to-help-themselves/](http://www.devonnewscentre.info/cash-boost-for-volunteers-and-communities-in-devon-to-help-themselves/) and the DCC Communities webpages.

### **2. Locality Budget Statement of 2018/19**

This Statement has been prepared for audit and monitoring purposes and summaries expenditure in 2018/19 by each of the 60 Councillors.

For each Member, Appendix 1 to this report details:

- Total Locality Budget for 2018/19
- Carried forward Locality Budget from 2017/18
- Total Locality Budget payments allocated in 2018/19.

The Committee may wish to note the following:

#### **Total Locality Budget for 2018/19**

- The total Locality Budget available for 2018/19 was **£791,699.58**.

#### **Total Locality Budget expenditure in 2018/19**

- The total Locality Budget allocated in 2018/19 was **£575,982.24**.

# Agenda Item 15

An analysis of 2018/19 Locality Budget expenditure by project type shows the following expenditure during 2018/19:

Type of project	Total allocated
Culture	£90,123.00
Economy	£105,429.29
Events	£115,951.11
Facilities	£205,210.03
Highways	£40,231.10
Other	£19,037.71
<b>Total</b>	<b>£575,982.24</b>

**Culture** includes: Sport, leisure, arts, heritage, culture e.g. allotments, theatre, play, music.

**Economy** includes: Local economy, employment and welfare e.g. community shops, food banks, homelessness, youth clubs and libraries.

**Events** includes: Community events and seasonal celebrations, trips, visits, commemorations, memorial events.

**Facilities** includes: village hall/community facility improvements.

**Highways** includes: grit bins, signs, safety improvements, bridges, traffic regulation orders, rights of way, weed treatment/clearance.

Mary Davis  
County Treasurer

Dr Virginia Pearson  
Chief Officer for Communities, Public Health, Environment & Prosperity

## Electoral Divisions: All

Cabinet Member for Policy and Corporate: Councillor John Hart

Cabinet Member for Community, Public Health, Transportation and Environmental Services:  
Councillor Roger Croad

Local Government Act 1972: List of Background Papers

Contact for enquiries: Chris Ring/Steven Edwards

Room No. County Hall, Topsham Road, Exeter, EX2 4QD

Tel No: (01392) 382865

Background Paper

Date

File Reference

Nil

se220519cirssc Locality Budget Annual Report 2018-19  
hk 04 120619



# Agenda Item 15

## Appendix 1 to SC/19/1

	Carry forward 2017/18	Budget 2018/19	Total Budget	Total Allocated	Remaining
Ian Hall	2,371.72	10,000.00	12,371.72	12,237.61	134.11
Ray Bloxham	2,979.70	10,000.00	12,979.70	11,594.73	1,384.97
Sara Randall-Johnson	2,979.70	10,000.00	12,979.70	11,594.73	1,384.97
Richard Scott	6,931.67	10,000.00	16,931.67	9,788.01	7,143.66
Jeffrey Trail	6,981.66	10,000.00	16,981.66	10,038.01	6,943.65
Christine Channon	5,961.67	10,000.00	15,961.67	9,313.01	6,648.66
Phillip Twiss	5,100.00	10,000.00	15,100.00	12,770.50	2,329.50
Claire Wright	1,435.00	10,000.00	11,435.00	6,911.82	4,523.18
Martin Shaw	5,150.00	10,000.00	15,150.00	13,256.37	1,893.63
Stuart Hughes	2,495.31	10,000.00	12,495.31	10,882.64	1,612.67
Iain Chubb	8,900.00	10,000.00	18,900.00	3,760.00	15,140.00
<b>EAST DEVON</b>	<b>51,286.43</b>	<b>110,000.00</b>	<b>161,286.43</b>	<b>112,147.43</b>	<b>49,139.00</b>
Yvonne Atkinson	5,800.67	10,000.00	15,800.67	15,800.67	0.00
Percy Prowse	4,253.67	10,000.00	14,253.67	11,561.94	2,691.73
Rob Hannaford	0.00	10,000.00	10,000.00	9,450.00	550.00
Emma Brennan	3,278.67	10,000.00	13,278.67	8,779.69	4,498.98
Hilary Ackland	3,038.67	10,000.00	13,038.67	10,000.57	3,038.10
Carol Whitton	2,789.67	10,000.00	12,789.67	7,645.44	5,144.23
Su Aves	2,000.67	10,000.00	12,000.67	9,800.67	2,200.00
Andrew Leadbetter	5,354.67	10,000.00	15,354.67	9,443.32	5,911.35
Marina Asvachin	159.83	10,000.00	10,159.83	10,159.83	0.00
<b>EXETER</b>	<b>26,676.52</b>	<b>90,000.00</b>	<b>116,676.52</b>	<b>92,642.13</b>	<b>24,034.39</b>
Nick Way	3,596.00	10,000.00	13,596.00	12,055.00	1,541.00
Margaret Squires	1,108.00	10,000.00	11,108.00	9,158.40	1,949.60
John Berry	1,000.15	10,000.00	11,000.15	9,083.13	1,917.02
Colin Slade	1,512.68	10,000.00	11,512.68	10,510.20	1,002.48
Polly Colthorpe	1,377.68	10,000.00	11,377.68	8,017.40	3,360.28
Ray Radford	5,573.00	10,000.00	15,573.00	12,568.00	3,005.00
<b>MID DEVON</b>	<b>14,167.51</b>	<b>60,000.00</b>	<b>74,167.51</b>	<b>61,392.13</b>	<b>12,775.38</b>
Brian Greenslade	5,650.00	10,000.00	15,650.00	2,203.60	13,446.40
John Mathews	5,100.00	10,000.00	15,100.00	8,453.59	6,646.41
Caroline Chugg	1,821.32	10,000.00	11,821.32	8,637.59	3,183.73
Richard Edgell	4,299.04	10,000.00	14,299.04	6,750.00	7,549.04
Andrea Davis	6,656.01	10,000.00	16,656.01	7,275.31	9,380.70
Frank Biederman	2,830.00	10,000.00	12,830.00	7,430.73	5,399.27
Paul Crabb	9,000.00	10,000.00	19,000.00	2,093.59	16,906.41
Jeremy Yabsley	3,700.00	10,000.00	13,700.00	13,000.00	700.00
<b>NORTH DEVON</b>	<b>39,056.37</b>	<b>80,000.00</b>	<b>119,056.37</b>	<b>55,844.41</b>	<b>63,211.96</b>

# Agenda Item 15

	Carry forward 2017/18	Budget 2018/19	Total Budget	Total Allocated	Remaining
John Hart	4,708.00	10,000.00	14,708.00	10,514.44	4,193.56
Jonathan Hawkins	0.00	10,000.00	10,000.00	10,000.00	0.00
Roger Croad	4,011.60	10,000.00	14,011.60	8,237.00	5,774.60
Julian Brazil	0.00	10,000.00	10,000.00	9,429.71	570.29
Rufus Gilbert	0.11	10,000.00	10,000.11	8,927.23	1,072.88
Richard Hosking	5,750.23	10,000.00	15,750.23	6,550.00	9,200.23
Jacqi Hodgson	1,335.00	10,000.00	11,335.00	11,017.47	317.53
<b>SOUTH HAMS</b>	<b>15,804.94</b>	<b>70,000.00</b>	<b>85,804.94</b>	<b>64,675.85</b>	<b>21,129.09</b>
Stuart Barker	3,150.00	10,000.00	13,150.00	6,200.00	6,950.00
George Gribble	1,848.00	10,000.00	11,848.00	10,839.97	1,008.03
Jerry Brook	3,919.83	10,000.00	13,919.83	10,928.00	2,991.83
John Clatworthy	2,850.00	10,000.00	12,850.00	12,703.99	146.01
Alan Connett	0.00	10,000.00	10,000.00	9,738.65	261.35
Alistair Dewhirst	166.00	10,000.00	10,166.00	10,166.00	0.00
Ron Peart	31.00	10,000.00	10,031.00	9,734.00	297.00
Jackie Hook	1,180.00	10,000.00	11,180.00	11,180.00	0.00
Gordon Hook	4,749.00	10,000.00	14,749.00	11,506.00	3,243.00
Sylvia Russell	3,480.00	10,000.00	13,480.00	11,761.00	1,719.00
<b>TEIGNBRIDGE</b>	<b>21,373.83</b>	<b>100,000.00</b>	<b>121,373.83</b>	<b>104,757.61</b>	<b>16,616.22</b>
Linda Hellyer	1,075.00	10,000.00	11,075.00	7,671.59	3,403.41
Tony Inch	400.00	10,000.00	10,400.00	8,648.59	1,751.41
Barry Parsons	777.26	10,000.00	10,777.26	9,226.97	1,550.29
Andrew Eastman	7,900.00	10,000.00	17,900.00	8,768.59	9,131.41
Andrew Saywell	2,810.07	10,000.00	12,810.07	11,667.29	1,142.78
<b>TORRIDGE</b>	<b>12,962.33</b>	<b>50,000.00</b>	<b>62,962.33</b>	<b>45,983.03</b>	<b>16,979.30</b>
James McInnes	2,280.00	10,000.00	12,280.00	9,200.00	3,080.00
Kevin Ball	2,700.00	10,000.00	12,700.00	7,598.00	5,102.00
Debo Sellis	541.65	10,000.00	10,541.65	10,541.65	0.00
Philip Sanders	4,850.00	10,000.00	14,850.00	11,200.00	3,650.00
<b>WEST DEVON</b>	<b>10,371.65</b>	<b>40,000.00</b>	<b>50,371.65</b>	<b>38,539.65</b>	<b>11,832.00</b>
<b>TOTAL</b>	<b>191,699.58</b>	<b>600,000.00</b>	<b>791,699.58</b>	<b>575,982.24</b>	<b>215,717.34</b>