

EXECUTIVE BOARD

Thursday, 08 December 2016

Time: 18:00

Venue: Meeting Room A

Address: Blackburn Town Hall

AGENDA

Information may be provided by each Executive Member relating to their area of responsibility

Part 1- Items for consideration in public

- 1 **Welcome and Apologies**
- 2 **Minutes of the Previous Meeting**
- 3 **10th November Minutes** 4 - 8
- 4 **Declarations of Interest in Items on this Agenda**
If a Board Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Phil Llewellyn at least 24 hours before the meeting
- 4 **Declarations of Interest** 9 - 9
- 4 **Equality Implications**
The Chair will ask Members to confirm that they have considered and understood any Equality Impact Assessments associated with reports on this agenda ahead of making any decisions
- 5 **Public Forum**
To receive written questions or statements submitted by members of the public no later than 4.00 p.m. on the day prior to the meeting.
- 6 **Questions by Non-Executive Members**
To receive written questions on any issue submitted by Non-Executive Members no later than 4.00 p.m. on the day prior to the meeting.
- 7 **Youth MP's Update**
To receive an update from the Youth MP's along with any issues they would like to raise.
- 8 **EXECUTIVE MEMBER REPORTS**
Verbal updates may be given by each Executive

	Member	
8.1	Leader (Chair of the Executive Board)	
8.1.1	Pan Lancashire Health and Wellbeing Governance Arrangements	
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8.3.3	Regional Adoption Agency (RAA)	
	RAA Update Exec Board Decision Form v2.0	76 - 79
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8.5	Leisure, Culture and Young People	
8.6	Neighbourhood and Prevention Services	
8.7	Regeneration	
8.7.1	Residents Parking Scheme Policy	
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	Scheme Policy Dec 16pdf	
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8.7.2	Blackburn with Darwen Borough Council Permit Scheme	
	This item is urgent under rule 15 of the Overview and Scrutiny procedure rules and will not be subject to the usual call in procedures.	
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10.1	Petition: Say No to Fortnightly Collections	
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PART 2 – THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

11	PART 2 – THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS	
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Date Published: Wednesday, 07 December 2016
Harry Catherall, Chief Executive

EXECUTIVE BOARD

10th November 2016

Item 3

PRESENT

COUNCILLOR:

Maureen Bateson
Phil Riley
Arshid Mahmood
Dave Harling
Mustafa Desai

PORTFOLIO:

Children's Services
Regeneration
Neighbourhoods & Prevention Services
Schools & Education
Health & Adult Social Care

EXECUTIVE MEMBER

John Slater

NON-PORTFOLIO

Leader of the Conservative Group

Item No.	Item	Action
1	<p><u>Welcome and Apologies</u></p> <p>The Deputy Leader of the Council, Councillor Phil Riley welcomed all present to the meeting.</p> <p>Apologies were received from Councillors Mohammed Khan, Andy Kay, Damian Talbot and Jim Smith and the Youth MP's.</p>	
2	<p><u>Minutes of the Meeting held on 13th October 2016</u></p> <p>The Minutes of the meeting of the Executive Board held on 13th October 2016 were agreed as a correct record.</p>	Approved
3	<p><u>Declarations of Interest</u></p> <p>There were no Declarations of Interest submitted.</p>	
8.1	<p><u>Leader's Update</u></p> <p>The Deputy Leader, Councillor Phil Riley, indicated that the By-Election for the Higher Croft Ward, following the sad death of Councillor Mike Johnson, had been called for Thursday, December 15th 2016.</p> <p><i>(A minutes silence for Councillor Johnson had been held at the commencement of the meeting).</i></p>	Noted
8.3	<p><u>Children's Services Update</u></p> <p>The Executive Member for Children's Services, Councillor Maureen Bateson reported that a number of activities were being held to mark Annual CSE (Child Sexual Exploitation) Awareness week during the current week.</p>	Noted

<p>9.1</p>	<p><u>Award of Contract for the Public Health “Healthy Child Programme (0-19): Public Health Nursing Service”</u></p> <p>A report was submitted which summarised the process and outcome of a review of public health spend on Healthy Child Programme (0-19): Public Health Nursing Service, along with the re-tendering of this service to improve health outcomes and ensure compliance with EU Procurement Rules.</p> <p>Following extensive stakeholder engagement and review of best practice guidelines, a number of public health contracts for children and young people had been brought together and re-designed into the new contract that had been procured. All included contracts were due to expire at the end of March 2017. Contracts in 2015/16 included in financial envelope and scope of the service included:</p> <ul style="list-style-type: none"> • Health Visiting Service • School Nursing Service (including NCMP) • Specialist Infant Feeding • Public Health Third Sector commissions <ul style="list-style-type: none"> ○ Homestart ○ Facilitating Access to Universal Health Services for Young People <p>The new service contract, under a prime provider model, was for a 3 year period (with the option for extend for a further 1 + 1 years), commencing 1st April 2017. The newly procured service would be required to demonstrate commitment and ability to transform into an integrated/collaborative ‘Start Well Locality Offer’ with other Local Authority provided services for children and young people, in line with the wider strategic direction.</p> <p>The tender process was now complete and a final decision was sought in order to notify the successful bidder by the 11th November 2016, with the intention to award the contract for commencement of delivery from 1st April 2017.</p> <p>RESOLVED – That the Executive Board:</p> <p>Approves the Award of Contract for the Healthy Child Programme (0-19): Public Health Nursing Service to commence on 1st April 2017 until 31st March 2020(22) to the highest scoring bidder.</p>	<p>Approved</p>
<p>9.2</p>	<p><u>Corporate Capital Budget and Balance Sheet Monitoring Report 2016/17 – Quarter 2 30th September 2016</u></p> <p>Members received a report which detailed the overall capital financial position of the Council, highlighting major issues and explaining variations in the second quarter of the financial year.</p> <p>The projected aggregate cost of the Council’s capital investment for 2016/17 had now decreased from £40.092 million, as approved by Executive Board on 11th August 2016, to £36.749 million. The net variation of £4.153 million (detailed at Appendix 2), reflected the requested variations to the programme of £0.991 million and transferred from the 2016/17 programme into future years of £5.144 million.</p> <p>As at 30th September 2016, the capital expenditure across the portfolios was £10.056 million (27.3% of the current projected spend).</p>	

	<p>The estimate of capital receipts expected in 2016/17 was £2.1 million; to date £0.766 million had been received.</p> <p>RESOLVED - That the Executive Board:</p> <p>Approve the revised capital programme as per Appendix 1, together with the variations shown in Appendix 2.</p>	<p>Approved</p>
<p>9.3</p>	<p><u>Corporate Revenue Budget Monitoring Report Quarter 2 - 2016/17</u></p> <p>A report was submitted which detailed the overall revenue financial position of the Council as at 30th September 2016, highlighting key issues and explaining variations in the second quarter of the financial year.</p> <p>Actual revenue expenditure at 30th September 2016 in respect of cash limited budgets across all portfolios was £56.50 million, which was 51.76% of current budgeted expenditure. The detail of the forecast outturn position for each portfolio was outlined in Section 6 of the report.</p> <p>The current forecast balance for unallocated General Fund reserves at 31st March 2017 was £5.260 million, subject to adjustment for the final outturn position and the application of earmarked reserves as required.</p> <p>The current forecast for Earmarked reserves at 31st March 2017 was £11.408 million compared with the forecast of £13.543 million reported to Executive Board in August 2016. There remained a further balance of Other Reserves of £18.123 million which largely related to schools.</p> <p>RESOLVED – That the Executive Board is asked to approve:</p> <ol style="list-style-type: none"> 1) The variations to revenue expenditure as listed in Section 6, thereby giving rise to a revised forecast balance of £5.260 million on the unallocated General Fund revenue reserve and £29.471 million in earmarked reserves at 31st March 2017. This position will then be subject to potential adjustment for the final outturn position for 2016/17 and the application of earmarked reserves as required; and 2) The cash limit adjustments outlined in Appendix 1. 	<p>Approved</p> <p>Approved</p>
<p>9.4</p>	<p><u>Report on the progress against the Corporate Plan 2016/2017 for six months (April to September 2016)</u></p> <p>The Executive Board received a report which provided the opportunity to review progress against the Council's strategic priorities documented within the Corporate Plan and to provide assurance that appropriate actions were being taken to address key areas of concern.</p> <p>The report tracked the progress of performance against the Council's strategic objectives for six months (April to September 2016).</p> <p>The Corporate Plan measured baselines and targets had been refreshed for 2016/19 to make sure that the Council continued to strive for improvements in service delivery, within an extremely challenging financial context. The refreshed document was presented to Council Forum in July 2016 and was formally adopted.</p>	

	<p>Following the identification of the priorities, the Council’s Corporate Plan 2016/19 was a means through which the priorities could be communicated to residents, elected members and staff.</p> <p>Of the 99 measures information for the period was as follows:</p> <ul style="list-style-type: none"> • 5% (5 actual) had been forecast as “red” where performance is, or is likely to be off track • 35% (35 actual) had been forecast “amber” where delivery is on track and currently being managed • 54% (53 actual) had been forecast “green” or on track • 6% (6 actual) of the measures a RAG rating was not available <p>The purpose of this report was to provide a picture of overall performance and highlight any key issues of concern which are in need of closer monitoring and follow up action. Information on all Corporate Plan measures and key issues raise through the performance challenge process were documented for Executive Board, in two separate appendices, as follows:</p> <ol style="list-style-type: none"> 1. Appendix One showed a summary of all Corporate Plan priorities, highlighting those areas that are forecast as being on track; those where delivery is not going as planned and those where performance is forecast as off track or likely to be off track. Performance data was provisional and is subject to validation. 2. Appendix Two provided exception reports for priorities which were considered to be off track. <p>RESOLVED - That the Executive Board:</p> <ol style="list-style-type: none"> 1) Note the overall performance against the delivery of the Council’s strategic objectives as illustrated in Appendix One; and 2) Note the remedial action to improve delivery against those priorities which are giving cause for concern, as outlined in Appendix Two. 	<p>Noted</p> <p>Noted</p>
	<p>AT THIS STAGE OF THE PROCEEDINGS THE PRESS AND THE PUBLIC WERE EXCLUDED FROM THE MEETING</p>	
11.1	<p><u>Award of Contract for the Public Health “Healthy Child Programme (0-19): Public Health Nursing Service”</u></p> <p>Further to the report submitted at Agenda Item 9.1, a report was submitted containing additional commercially sensitive information.</p> <p>RESOLVED– That the Executive Board:</p> <p>Approves the Award of Contract for the Healthy Child Programme (0-19): Public Health Nursing Service to commence on 1st April 2017 until 31st March 2020(22) to Lancashire Care NHS Foundation Trust (LCFT), with sub-contracting arrangements to East Lancashire Hospitals Trust, The Families Health and Wellbeing Consortium and Homestart Blackburn with Darwen.</p>	<p>Approved</p>

	<p>Signed at a meeting of the Board On the day of (being the next ensuing meeting Of the Board) Chair of the meeting at which the minutes were confirmed</p>	
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**DECLARATIONS OF INTEREST IN
ITEMS ON THIS AGENDA**

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **EXECUTIVE BOARD**

DATE: **8TH DECEMBER 2016**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



EXECUTIVE BOARD DECISION

REPORT OF:	Leader
LEAD OFFICERS:	Director of Public Health
DATE:	8 December 2016

PORTFOLIO/S AFFECTED:	Health and Adult Social Care
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WARD/S AFFECTED:	All
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KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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SUBJECT: Pan-Lancashire health and wellbeing governance arrangements

1. EXECUTIVE SUMMARY

Earlier in the year Lancashire Leaders Group agreed that work should be undertaken to move to a new model of health and wellbeing board governance, in the form of a single health and wellbeing board (HWB) for Lancashire, with five local area health and wellbeing partnerships (LAHWPs), reflecting the local area health economies across Lancashire.

A Summit was held on 26th July 2016, which allowed existing HWB members from across Lancashire, including Blackburn with Darwen, to explore how their statutory responsibilities could be jointly delivered in line with the proposed model. Subsequently, joint proposals and terms of reference have been drafted for approval by each of the upper tier authorities in Lancashire. These are set out for approval in this report.

2. RECOMMENDATIONS

That the Executive Board:

- Notes the proposals for a new pan-Lancashire model for health and wellbeing board governance set out in this report
- Notes the draft terms of reference for the proposed Pan Lancashire Health and Wellbeing Board and Local Health and Wellbeing Partnerships, (see Appendices), which will be finalised during the shadow operation period and presented to Annual Council (19th May 2017) for formal adoption
- Note that the new pan-Lancashire model will operate in shadow form between January and March 2017 in accordance with the draft terms of reference
- Supports the principles for the new pan-Lancashire model for health and wellbeing board governance arrangements for adoption and implementation from May 2017

3. BACKGROUND

Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 as a means to deliver improved strategic co-ordination across the NHS, social care, children’s services and public health. Health and Wellbeing Boards are required to assess the needs and assets of the local population through joint strategic needs assessment, produce a joint health and wellbeing strategy that addresses these needs and builds on any assets, influence commissioning plans of organisations and promote joint commissioning and integrated provision.

Statutory responsibility for the provision of health and wellbeing boards sits with upper tier authorities, which for Lancashire is Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council.

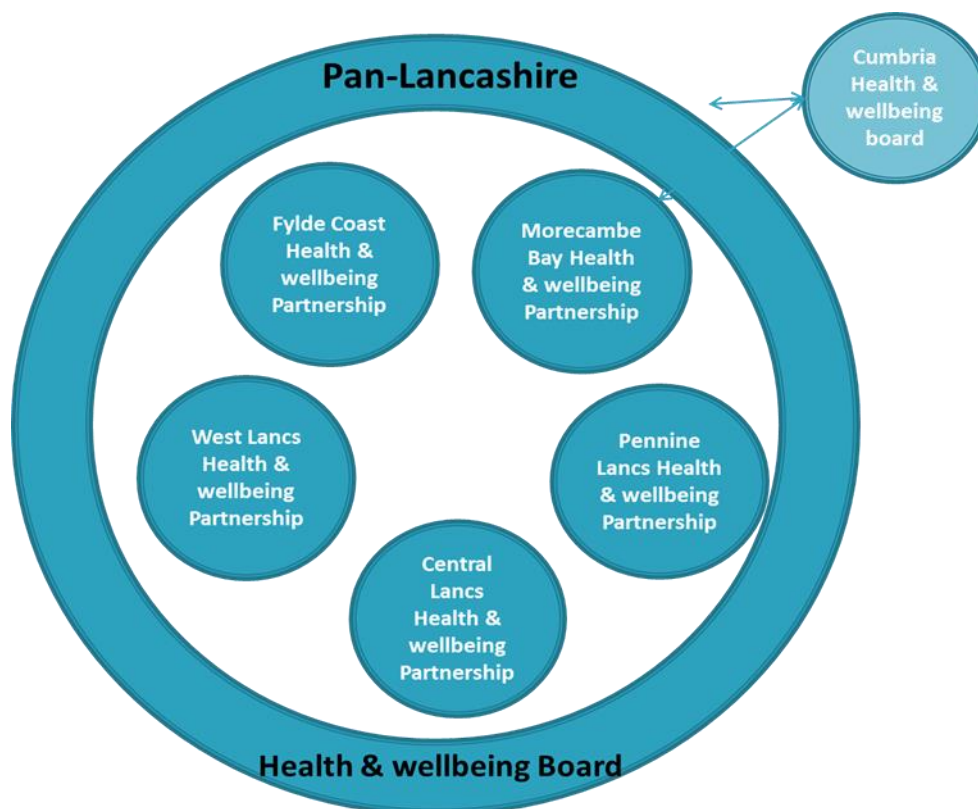
The health and wellbeing “system” is changing at both pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for health and wellbeing board governance for the pan-Lancashire footprint.

The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single Health and Wellbeing Board for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies across Lancashire (Pennine, Central, West, Morecambe bay and Fylde Coast)

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1:



The first step to implementing the new governance model is for the upper tier authorities, who currently hold the statutory HWB duties, to develop a joint framework for delivering these responsibilities.

A summit was held on 26th July, with 64 delegates attending from across the HWBB's. Delegates were given an overview of the changing landscape for health and wellbeing and the future governance model that had been agreed through Lancashire Leaders. Participants considered the statutory role and responsibilities of HWBBs and how these duties could be delivered through the new model, in particular;

- Governance and democratic influence
- Promoting integration
- Joint strategic needs assessments and health and wellbeing strategies
- Membership

Senior representatives from the three upper-tier authorities developed the recommendations from the Summit into a proposal for consideration by Lancashire Leaders. This included draft terms of reference for a Pan Lancashire Health and Wellbeing Board and for the Local Area Health and Wellbeing Partnerships (See Appendix 1 and 2).

Blackburn with Darwen Health and Wellbeing Board received further opportunity to comment and review the proposals during Board development sessions that took place between September and November 2016.

The proposals have been subject to legal appraisal, to ensure their lawfulness and were reported back to Lancashire Leaders on 18th November 2016. The key points for consideration are highlighted below.

4. KEY ISSUES & RISKS

The key issues relating to the new model of health and wellbeing board governance are as follows;

Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategies (JHWS):

Under the new model it is proposed that a pan-Lancashire JSNA/JHWS be introduced with the inclusion of chapters for each of the five local areas, to highlight local priorities and assets.

This will require the statutory duty for developing a JSNA/JHWS be delegated to the pan-Lancashire HWB, by the upper tier authorities, but in doing so there will be clear stipulations that local area needs and priorities be adequately reflected through appendices or chapters.

The rationale for this is:

- This work is already developed through the Lancashire and South Cumbria public health intelligence network, which includes representatives from BwD and Blackpool
- The Lancashire and South Cumbria intelligence group can jointly agree what JSNA programme would be, they could lead across patch, with key topics/areas of focus being planned with engagement from all three statutory bodies
- This will allow the identification of key pan-Lancashire issues, that would benefit from a coordinated approach, whilst recognising there are local distinctions which can be identified for delivery at the local footprint level

Promoting integration, including Better Care Fund (BCF):

Feedback from the Summit recommended that;

- There should be a common set of goals and ambitions for integration
- There is a need for a pan-Lancashire strategic framework but local influence for local delivery
- The HWBB could “rise above” organisational boundaries and encourage what is right for people and the area - outcome focused, rather than organisational focus

It is therefore, recommended that the statutory duty for promoting integration should sit with the pan-Lancashire HWB on the proviso that the pan-Lancashire HWB set out ambitions and principles for integration, which are implemented across all levels of delivery, including at locality and neighbourhood level where relevant– this would be developed through full engagement with all areas.

Better Care Fund (BCF):

Arrangements in relation to the development and approval of Better Care Fund plans will be defined during 2017, when the future direction of travel of the Fund both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood. In considering this and feedback from the Summit the following recommendations are made:

- That the development and sign off for BCF plans for 2017/18 be conducted under the current statutory HWB arrangements
- That the framework for signing off BCF plans for 2018 onwards is reviewed, when agreement has been reached with regards to the operation of BCF within the Lancashire and South Cumbria Change Programme and the national direction of travel is confirmed

Membership:

Feedback from the Summit suggested that;

- Core Membership for the pan-Lancashire HWB should be as small as possible to enable productive discussions to take place
- A core membership should be prescribed for the LHWBPs, with the flexibility to co-opt other members as locally relevant
- A balance of elected member, public sector and VCFS representation was needed
- Providers should be represented at the local area partnership level, rather than pan-Lancs.

These views are reflected in the initial draft membership proposals included in the Appendices, although these are subject to further consideration.

Governance and democratic influence (including terms of reference):

In order to ensure that both the pan Lancashire HWB and LHWBP's operate effectively, take meaningful decisions and have productive discussions, that decision making processes are robust and transparent and that public and community engagement is key;

- Terms of reference have been developed for the pan-Lancashire HWB and the five LHWBPs, in conjunction with legal representatives, to formalise the recommendations of the HWB Summit held in July 2016. The draft terms of reference are available in Appendix 1 and 2 of this report. These will be finalised during the shadow phase and brought to each authority for decision as appropriate
- Ways of working between the pan-Lancashire HWB and LHWBPs will be considered during the shadow phase and reflected in the final terms of reference.
- Chairs/vice chairs from the LHWBPs should give updates on behalf of their group to the pan-Lancashire HWBB, and will be expected to report back to their groups on key issues emerging from the pan-Lancashire Board
- The Board and partnerships operate a named deputy system, to ensure decisions can be taken in the absence of formal members

Timescales for implementation:

It is recommended that the new model be implemented from the start of the new municipal year. As such the following path to implementation is recommended.

November to January 2016	<ul style="list-style-type: none">• Draft Terms of reference endorsed by Lancashire Chief Executives and Lancashire Leaders• Council (upper tier) approval through Cabinet/Executive and Full Council• Continue engagement with statutory HWBs on the new proposals• Statutory boards build relationships with local area partnerships, potentially through joint meetings/workshops to begin to identify membership; ways of working; key priorities etc.
January to March 2017	<ul style="list-style-type: none">• Operate in shadow form with members agreed and in place• Finalising of terms of reference for each group, taking feedback from Cabinets/Executives and Full Councils• Communications on ways of working from May 2017• Existing statutory HWBBs will meet, including signing off Better Care Fund Plans for 2017/18, in March 2017 (subject to national timescales)
1st April 2017 – June 2017	<ul style="list-style-type: none">• Final terms of reference for pan-Lancashire HWB and LHWBP agreed by the three partner authorities in May 2017 (19th May Blackburn with Darwen) and formally transfer statutory powers from existing three HWBBs• Inaugural meetings of new HWBB and LHWBP's• Formal agreement of chair and vice-chair

Review:

Once enacted, the approach will be reviewed after twelve months, with any proposals for change being brought back to the Lancashire Leaders for consideration, with any changes to be agreed by the three partner authorities.

5. POLICY IMPLICATIONS

As set out above, the new model of health and wellbeing board governance will have implications for the way in which statutory health and wellbeing board functions are delivered at a local level, including those that directly affect policy making such as Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

6. FINANCIAL IMPLICATIONS

There are no specific financial requirements associated with this report. Any future implications associated with these arrangements will be presented to the Board along with detailed plans in respect of the Better Care Fund.

7. LEGAL IMPLICATIONS

There is a requirement under section 194 of the Health and Social Care Act 2012 ("the Act") for local authorities to establish Health and Wellbeing Boards. Health and Wellbeing Boards (HWBs) are governed under local government legislation and are regarded as 'committees of the Council' (section 102 Local Government Act 1972).

Although HWBs are 'committees of the Council' they may, if delegated, exercise Executive functions. There is a duty on HWBs under the Act to encourage integrated working and gives responsibility for developing the JSNA and JHWS. There are also other specific powers and responsibilities of HWBs in the Act and the in Local Government and Public Involvement in Health Act 2007.

Section 101 of the Local Government Act 1972 allows for two or more Local Authorities to exercise functions jointly through a joint committee and Section 198 of the Act allows two or more HWBs to make arrangements for any of their functions to be exercised jointly or by a sub-committee of the Boards.

The pan-Lancashire HWB will be required to comply with the above requirements under the Acts and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Each upper tier authority with statutory health and wellbeing functions must formally delegate specific functions to the newly established pan-Lancashire HWB. The establishment and membership of the pan-Lancashire HWB will be under section 194 of the Act. The members of the Board will be required to comply with duties and restrictions relating to Disclosable Pecuniary Interests under the Localism Act 2011.

The arrangements and relationships between the pan-Lancashire HwB and the five local area health and wellbeing partnerships (LAHWPs) relating to the exercise of the functions will need to be adequately reflected in the Terms of References of the Board and the Partnerships.

8. RESOURCE IMPLICATIONS

Administrative support arrangements for the pan Lancashire HWB will be agreed between the upper tier authorities

To date there has been input into the development of these proposals from legal, finance and public health departments. It is anticipated that there will be a continued requirement for officer support from these departments for this programme of work.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)



HWB Governance
HIA v1.0.pdf

10. CONSULTATIONS

A summit was held in July 2016, with 64 delegates attending from across the HWBB's. Delegates considered the statutory role and responsibilities of HWBBs and how these duties could be delivered through the new model.

The proposals have been considered by a number of number of groups including the Shadow Lancashire Combined Authority, Lancashire Chief Executives and by the Blackburn with Darwen Health and Wellbeing Board during Board Development Sessions.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1.0
CONTACT OFFICER:	Laura Wharton
DATE:	28 th November 2016
BACKGROUND PAPER:	

PAN LANCASHIRE - HEALTH AND WELLBEING BOARD

TERMS OF REFERENCE

Introduction

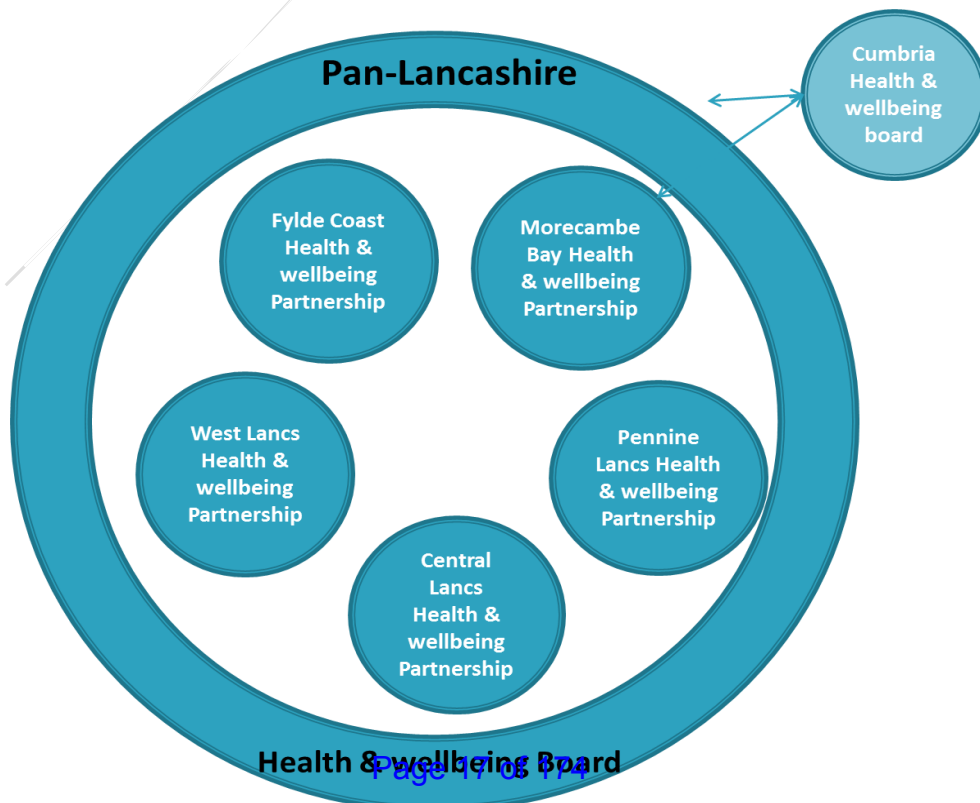
Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 and they are a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. The Boards must assess the needs and assets of the local population, producing a strategy that addresses these needs and builds on any assets, influences commissioning plans of organisations and promotes joint commissioning and integrated provision. Statutory responsibility for the provision of health and wellbeing boards sit with upper tier authorities, which for Lancashire is Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council. For the purposes of this terms of reference the three upper tier authorities with statutory responsibility for health and wellbeing will be referred to as the three statutory health and wellbeing authorities.

The health and wellbeing "system" is changing at both a pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for health and wellbeing board governance for the pan-Lancashire footprint. The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single Health and Wellbeing Board for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies.

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1.



Pan-Lancashire Health and Wellbeing Board
Terms of Reference

1. Aims

- 1.1 To improve life chances for the residents of Lancashire, by improving health and wellbeing; creating healthy places and reducing health inequalities, giving all people the opportunity to Start Well, Live Well and Age Well;
- 1.2 To provide local accountability for improved health and wellbeing (morbidity, mortality, quality of life) and health equity outcomes for the population of Lancashire;
- 1.3 To promote integration and partnership working between the NHS, social care, public health and other local services.

2. Purpose

- 2.1 To prepare a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS), which is a duty of the statutory HWB authorities and Clinical Commissioning Groups (CCGs);
- 2.2 To oversee the delivery of the agreed Joint Health and Wellbeing Strategy and associated outcomes through the five local area health and wellbeing partnerships;
- 2.3 To receive recommendations from the five local area health and wellbeing partnerships in relation to CCG commissioning intentions and plans for joint commissioning and pooled budget arrangements;
- 2.4 To approve plans for joint commissioning and pooled budget arrangements, particularly the Better Care Fund, so people are provided with better integrated care and support;
- 2.5 To oversee the implementation of plans for joint commissioning and pooled budget arrangements, through the five local area health and wellbeing partnerships;
- 2.6 To lead close working between commissioners and providers of health and social care services and other health related services, such as housing and other local government services, across Lancashire and other relevant footprints;
- 2.7 To influence the development of major plans and service redesigns of health and wellbeing related services, to ensure that local needs are understood and reflected within proposals.

NB arrangements in relation to the development and approval of Better Care Fund plans will be defined during 2017, when the future direction of travel of the Fund both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood.

3. Accountability

- 3.1 The Board will report to the Cabinet/Executive Board of Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council and the relevant Clinical Commissioning Group Governing bodies, by ensuring access to meeting minutes and presenting papers as required;
- 3.2 The Joint Committee of Clinical Commissioning Groups (JCCCGs) for Lancashire and South Cumbria will report into the pan-Lancashire Health and Wellbeing Board on a regular basis, by ensuring access to meeting minutes and presenting papers as required;
- 3.3 The Overview and Scrutiny Committees¹ have powers in relation to the discharge of functions by the Health and Wellbeing Board. Updates on the work of the pan-Lancashire Health and Wellbeing Board will be provided to the relevant Overview and Scrutiny Committees² as required;
- 3.4 The Directors of Public Health will provide Annual Reports to their Council detailing the Health and Wellbeing Board's work during the past year.

4. Leadership:

- 4.1 Leadership for the Board will be as follows:
 - Chair – a councillor from one of the statutory HWB authorities
 - Vice-chair – a CCG representative.
- 4.2 The Leadership will be rotated annually between the statutory HWB authorities and administration of the Board will be agreed by the upper tier authorities.

5. Membership

- 5.1 The pan-Lancashire HWBB reflects the statutory prescribed membership for health and wellbeing boards and local good practice;
- 5.2 Statutory members:
 - Three councillors – one from each of the statutory HWB authorities (one of whom will chair the Board)
 - Five councillors – one from each of the Local Area Health and Wellbeing Partnerships
 - Five CCG representatives - one of whom would be vice-chair
 - One director of adult services – as nominated by the three Directors of Adult Social Services (Blackpool; Blackburn with Darwen and Lancashire)
 - One director of children's services - as nominated by the three Directors of Children's Services (Blackpool; Blackburn with Darwen and Lancashire)
 - One director of public health - as nominated by the three Directors of Public Health (Blackpool; Blackburn and Lancashire)

¹&² Wording to be finalised when the overview and scrutiny arrangements for health and wellbeing have been confirmed.

- One representative of the Local Healthwatch organisation.

5.3 Non-statutory members:

- One representative from NHS England
- One representative from Public Health England
- The Police and Crime Commissioner for Lancashire
- Chief officer Lancashire Constabulary
- Chair or Chief officer Lancashire Fire and Rescue Authority
- Chair of Combined Authority
- Voluntary, Community and Faith Sector representative from the pan-Lancashire infrastructure.

5.4 Named deputies for Board members are as follows:

- To be agreed

5.5 The statutory members will keep under review the membership of the Board and if appropriate will make recommendations on any changes to the core membership as required, to continue to respond to changes in the system.

6. Voting members

6.1 The statutory members outlined above, or their nominated deputies, will be the only individuals with voting rights.

7. Non-voting members

7.1 The members identified above as non-statutory members have been invited to form part of the pan-Lancashire HWWB to ensure an adequate breadth of service delivery and activity is represented and considered by the Board in their discussions.

7.2 The non-statutory members will not have voting rights.

8. Invited members

8.1 Additional members may be invited *at the discretion* of the Board to specific meetings. These are *likely* to include:

- Representatives from the NHS Commissioning Board
- Local authority directors or heads of service
- Other officers of the local authorities, NHS and other local health and wellbeing stakeholders
- Other Executive/Cabinet Members of the local authorities.

8.2 Invited members will not have voting rights.

9. Decision making

9.1 The Board will need at least six voting members to be quorate – this must include each of the three elected members from statutory HWB authorities, one Clinical

Commissioning Group member and two other Board members. Voting members will appoint deputies with the agreement of the Chair;

- 9.2 Decisions will be made by way of a simple majority vote members present in the room at the time the question was put. The Chair will take the vote by a show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote;
- 9.3 For a decision on statutory HWBB functions members of the Board will need assure themselves that the relevant Local Area Health and Wellbeing Partnership (s) have given their endorsement to the decision.
- 9.4 The statutory HWBB functions are:
- Joint strategic needs assessment
 - Joint health and wellbeing strategy
 - Encouraging the integrated working of health and care providers for the purposes of improving health and wellbeing in their local area

10. Roles and responsibilities of Board members

- 10.1 To work together effectively to ensure the production and delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;
- 10.2 To work within the Board to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership;
- 10.3 To participate in Board discussions to reflect the views of their organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery;
- 10.4 To champion the work of the Board in their wider work and networks and in all individual community engagement activities;
- 10.5 To share any changes to strategy, system configuration and performance pertinent to their own partner organisations, with the Board, outlining the consequences of such on budgets and service delivery, to allow the Board to consider the wider system implications;
- 10.6 To ensure that there are communication mechanisms in place within their organisations to enable information about the Health and Wellbeing Board's priorities and recommendations to be effectively disseminated.

11. Agenda setting and notice of meetings

- 11.1 The agenda will be developed by partnership representation at agenda setting meetings and membership of this group is Chair, Vice-chair, the five Chairs of the Local Health and Wellbeing Partnerships and the three Directors of Public Health.

11.2 Any agenda items or reports to be considered at the meeting should be submitted to the nominated Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda, unless agreed with the Chair prior to commencement of the meeting.

11.3 In accordance with the Access of Information Legislation, the nominated Council's Democratic Services will circulate and publish the agenda and reports prior to each meeting. Exempt or Confidential Information shall only be circulated to core members.

12. Procedure at meetings

12.1 General meetings of the Board are open to the public and in accordance with the Combined Authority's Committee Procedure Rules will include a Public Question Time session. Papers, agendas and minutes will be published on the relevant section of each of the statutory HWB authorities' webpages.

12.2 The Board will also hold development / informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests;

13. Conflict of interest

13.1 In accordance with the Combined Authority's Committee Procedure Rules, at the commencement of all meetings all Board members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest;

13.2 In the case of non-pecuniary matters members may remain for all or part of the meeting, participate and vote at the meeting on the item in question;

13.3 In the case of pecuniary matters members must leave the meeting during consideration of that item.

14. Code of conduct

14.1 All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct of the Combined Authority <insert relevant section when finalised> Therefore, all voting members of the Board will be required to comply with the Code of Conduct.

14.2 Sections of the Combined Authority Code of Conduct, relevant to declarations of interest to be inserted once finalised.

14.3 The NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive – as non-Councillor members of Board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.

14.4 As a matter of process, each agenda of the Health and Wellbeing Board will have "Declarations of Interest" as a standing item.

15. Governance, decision making, transparency and accountability

- 15.1 The Health and Wellbeing Board is a Committee of the statutory HWB councils established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.
- 15.2 Health and Wellbeing Board meetings will be subject to the same openness and transparency rules as other Council committees established under section 102 of the Local Government Act 1972. The law requires all agendas and reports to be made available to the public five clear working days in advance of the meeting. Meetings should be held in public and the public should also be able to access any additional information that is discussed in a meeting. If a decision needs to be made in private, information associated with that decision can be exempt from these rules only in the circumstances prescribed in the Council's Access to Information rules in the Council Constitution. The Board has taken the decision not to formally broadcast their meetings, due to financial constraints, however members of the public and press are welcome to broadcast proceedings using any media available to them, should they wish to.
- 15.3 Decisions made by the Health and Wellbeing Board under their core functions do not need to go on the Council's 'Register of Key Decisions' and they are not subject to the requirement to provide 28 days' notice of intention to take a decision. The only exception to this will apply if the Council delegates additional specific functions to the Board. In these circumstances, the Board will need to adhere to the relevant requirements of all the applicable legal frameworks. As Health and Wellbeing Boards are non-Executive Committees (they are a committee of the Council), their core functions are not subject to the Council's "Call in" procedure.

LOCAL AREA HEALTH AND WELLBEING PARTNERSHIP

TERMS OF REFERENCE

Introduction

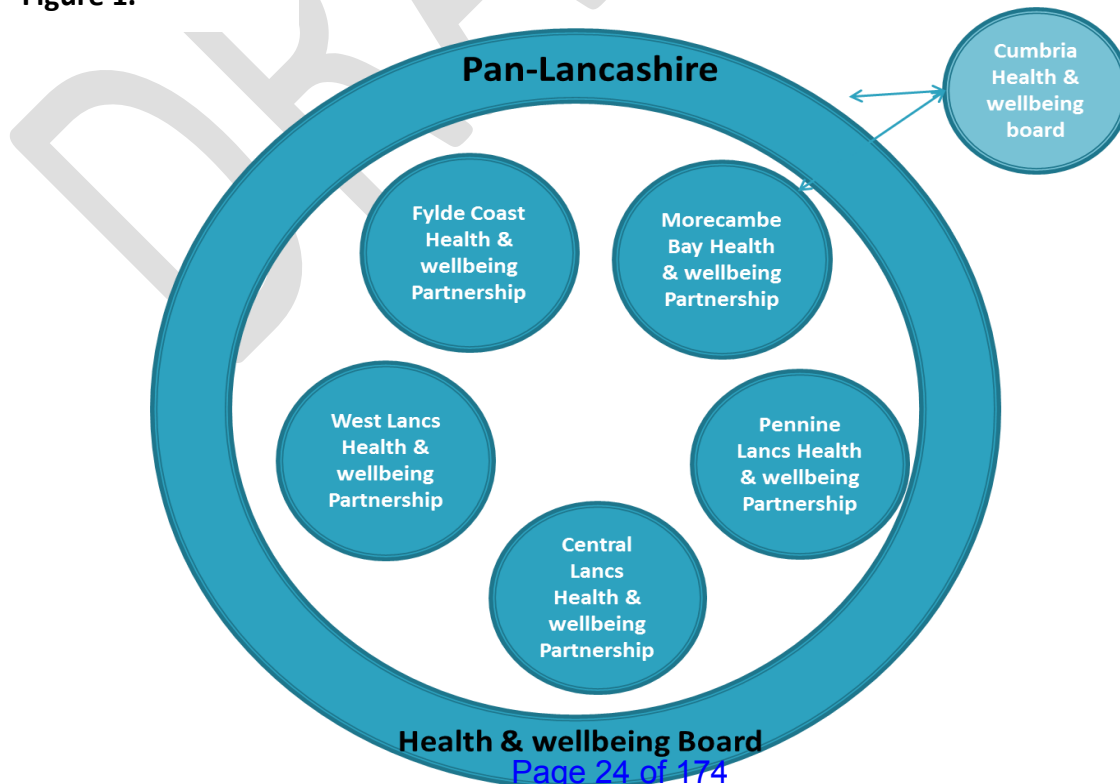
Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 and they are a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. The Boards must assess the needs and assets of the local population, producing a strategy that addresses these needs and builds on any assets, influences commissioning plans of organisations and promotes joint commissioning and integrated provision. Statutory responsibility for the provision of health and wellbeing boards sit with upper tier authorities, which for Lancashire is Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council. For the purposes of this terms of reference the three upper tier authorities with statutory responsibility for health and wellbeing will be referred to as the three statutory health and wellbeing authorities.

The health and wellbeing "system" is changing at both a pan-Lancashire level and at a local delivery level, in line with the Five Year Forward View for the NHS, national Sustainability and Transformation Plan (STP) agenda and the Combined Authority approach for Lancashire.

In light of these changes, the Leaders and Chief Executives from each of the Lancashire local authorities have worked together to design a new model for health and wellbeing board governance for the pan-Lancashire footprint. The model reflects a need to ensure robust accountability of system changes linked to the Lancashire and South Cumbria STP delivery and service reconfigurations and as such aligns itself to the delivery footprints for the STP. The agreed model, presented in Figure 1 below, takes the form of a single Health and Wellbeing Board for the pan-Lancashire footprint, with five local area health and wellbeing partnerships (LHWBPs), reflecting the local health economies.

The model has been designed to provide the strongest collective influence and governance across the new emerging health and wellbeing system.

Figure 1.



Local Area Health and Wellbeing Partnership
Terms of Reference

1. Aims

- 1.1 To improve life chances for the residents of <INSERT AREA> by improving health and wellbeing, creating healthy places and reducing health inequalities, giving all people the opportunity to Start Well, Live Well and Age Well;
- 1.2 To provide local accountability for improved health and wellbeing (morbidity, mortality, quality of life) and health equity outcomes for the population of Lancashire;
- 1.3 To promote integration and partnership working between the NHS, social care, public health and other local services.

2. Purpose

- 2.1 To support the pan-Lancashire Health and Wellbeing Board in its preparation of a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS);
- 2.2 To ensure the implementation of the pan-Lancashire Joint Health and Wellbeing Strategy within their local delivery area and the achievement of associated outcomes;
- 2.3 To approve plans for joint commissioning and pooled budget arrangements relevant to their local delivery area, so people are provided with better integrated care and support;
- 2.4 To make recommendations to the pan-Lancashire Health and Wellbeing Board in respect of the local area CCG commissioning intentions and plans for joint commissioning and pooled budget arrangements relevant to their local delivery area;
- 2.5 To oversee the implementation of plans for joint commissioning and pooled budget arrangements, within their local delivery area
- 2.6 To lead close working between commissioners and providers of health and social care services and other health related services within <INSERT AREA>, such as housing and other local government services, across Lancashire and other relevant footprints;
- 2.7 To influence the development of major plans and service redesigns of health and wellbeing related services both within their local delivery area and at the pan-Lancashire level, to ensure that local needs are understood and reflected within proposals.

NB arrangements in relation to the development and approval of Better Care Fund plans will be defined during 2017, when the future direction of travel of the Fund

both from a national Government point of view and a Lancashire and South Cumbria STP point of view is known and understood.

3. Accountability

- 3.1 The Partnership will be accountable to the pan-Lancashire Health and Wellbeing Board; the relevant local Council and Clinical Commissioning Group governing bodies, by ensuring access to meeting minutes and presenting papers as required;
- 3.2 The local area Clinical Commissioning Groups will report to the Partnership on a regular basis, by ensuring access to meeting minutes and presenting papers as required;

4. Leadership

4.1 Leadership of the Partnership is as follows:

- Chair – a councillor
- Vice-chair – a CCG representative

5. Membership

5.1 Core membership:

- A representative from each district level council relevant to the area
- A representative from each CCG relevant to the area
- A representative from Lancashire County Council
- The relevant Divisional Commander of Lancashire Constabulary
- The relevant Chief Officer of Lancashire Fire and Rescue Service
- One or more VCFS representatives
- A Healthwatch representative
- Children's services; adult services and public health departmental representatives
- <For the Morecambe Bay area only - A representative from the relevant HWBB for Cumbria>

5.2 Provider representatives relevant to the local area will also be invited to form part of the Partnership, however, these members will not have voting rights;

5.3 The co-option of other members, including any lay members, will be at the discretion of the Partnership;

5.4 Named deputies for Partnership members are as follows;

- **To be agreed**

5.5 The Chair and Vice Chair will keep under review the membership of the Board and if appropriate will make recommendations on any changes to the core membership as required, to continue to respond to changes in the system.

6. Voting members

- 6.1 The core members outlined above, or their nominated deputies, will be the only individuals with voting rights.

7. Invited members

- 7.1 Additional members may be invited *at the discretion* of the Partnership to specific meetings. These are *likely* to include:

- Representatives from the NHS Commissioning Board
- Local authority directors or heads of service
- Other officers of the local authorities, NHS and other local health and wellbeing stakeholders
- Other councillors of the local authorities.

- 7.2 Invited members will not have voting rights.

8. Decision making

- 8.1 The Partnership will need at least a third of its membership <INSERT EXACT NUMBER RELEVANT TO AREA> to be quorate – this must include one member from each of the relevant local authorities and one Clinical Commissioning Group member. Voting members will appoint deputies with the agreement of the Chair;

- 8.2 Where consensus cannot be reached the matter will be decided by a simple majority of those voting members present in the room at the time the question was put. The Chair will take the vote by a show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

9. Roles and responsibilities of Partnership members

- 9.1 To work together effectively to support the production and delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;

- 9.2 To work within the Partnership to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership;

- 9.3 To participate in Partnership discussions to reflect the views of their organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery;

- 9.4 To champion the work of the Partnership in their wider work and networks and in all individual community engagement activities;

- 9.5 To share any changes to strategy, system configuration and performance pertinent to their own partner organisations, with the Partnership, outlining the consequences of such on budgets and service delivery, to allow the Partnership to consider the wider system implications;

9.6 To ensure that there are communication mechanisms in place within their organisations to enable information about the Partnership's priorities and recommendations to be effectively disseminated;

10 Agenda setting and notice of meetings

10.1 The agenda will be developed by partnership representation at agenda setting meetings and membership of this group is, as a minimum, Chair and Vice-chair.

10.2 Any agenda items or reports to be considered at the meeting should be submitted to the nominated Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda, unless agreed with the Chair prior to commencement of the meeting.

11 Procedure at meetings

11.1 Meetings of the Board are not required to be open to the public

11.2 The Partnership may also hold development / informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.

12 Conflict of interest

12.1 In accordance with the Combined Authority's Committee Procedure Rules, at the commencement of all meetings all Board members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest;

12.2 In the case of non-pecuniary matters members may remain for all or part of the meeting, participate and vote at the meeting on the item in question;

12.3 In the case of pecuniary matters members must leave the meeting during consideration of that item.

13 Code of conduct

13.1 All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct of the Combined Authority <insert relevant section when finalised> Therefore, all voting members of the Board will be required to comply with the Code of Conduct.

13.2 Sections of the Combined Authority Code of Conduct, relevant to declarations of interest to be inserted once finalised.

13.3 The NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive – as non-Councillor members of Board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.

13.4 As a matter of process, each agenda of the Health and Wellbeing Board will have "Declarations of Interest" as a standing item.

14 Governance

- 14.1 The Health and Wellbeing Partnership is a sub-committee of the pan-Lancashire Health and Wellbeing Board, which in-turn is a committee of the statutory HWB councils established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply. A full copy of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218) is available on request.

DRAFT

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Health and Adult Social Care
LEAD OFFICERS:	Director of Adult Social Services (DASS)
DATE:	8 December 2016

PORTFOLIO/S AFFECTED:	Health and Adult Social Care
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WARD/S AFFECTED:	All
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KEY DECISION:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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SUBJECT: Summary report of the Adults Customer Care, Complaints and Representations Annual Report 2015/16
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1. EXECUTIVE SUMMARY

This report presents to the Executive Board the summary of the contents of the Adults Customer Care, Complaints and Representations Annual Report for 2015/2016, which includes analysis of key issues, actions taken and development during this monitoring period.

2. RECOMMENDATIONS

That the Executive Board:
note the information in the Summary report for 2015/2016

3. BACKGROUND

The information in this report reflects complaints, representations and customer care activity in adult social care for the period April 2015 to March 2016. The majority of the information is presented in bar/pie charts to enable the reader to make an easy comparison across services and categories, and the data is supported by written commentary and analysis.

4. KEY ISSUES & RISKS

4.1 The 2015/2016 Executive Summary of the Customer Care, Complaints and Representations Annual report for Blackburn with Darwen Adult Services is presented to the Executive Board to be noted.

4.2 The overall number of complaints recorded for Adult Services has seen a slight increase from the previous year: 94 recorded in 2014/15 as opposed to 100 this year. However, levels have remained broadly similar over the last 5 years, with only minor fluctuations.

4.3 The percentage of complaints that are resolved at the first stage of the complaints procedures remain high at 98%.

4.4 Whilst almost half of the complaints in Adult Services were categorised as attributable to social work teams (45), these should be seen in context with the high number of contacts (16,361) and assessments and reviews (8440) undertaken. [Page 56 of 74](#) 45 complaints equates to 0.53% of the number of assessments/reviews undertaken. When compared to the complaints that were upheld (4)

this equates to only 0.047%.

4.5 A statistical breakdown of complaints, compliments and queries for 2015/2016 can be found on pages 4 to 6 of the report.

4.6 A range of initiatives have been undertaken during 2015/2016 to advertise the right of service users and carers to make comments, compliments or complaints about the assessments process or services they receive. Details of these initiatives can be found on pages 9 to 10.

4.7 The Customer Care Manager is responsible for the procedures and arranges for relevant investigations to be undertaken. This officer produces the management information required to compile this and other reports.

5. POLICY IMPLICATIONS

In cases where issues raised through a complaint or representation highlight challenges to existing policies or procedures in adult social care, these are taken into account in the future reviews and in service developments.

6. FINANCIAL IMPLICATIONS

Any financial implications are met from within existing budgets.

7. LEGAL IMPLICATIONS

The Annual report meets the legal requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

8. RESOURCE IMPLICATIONS

The resource implications of implementing changes in service in response to user feedback are built into service planning processes. Where it has been established that an employee has acted inappropriately HR policies and procedures are followed.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

The Customer Care team undertook consultation with service users of the learning disability service, prior to the production of a revised DVD and easy read leaflet to advertise the complaints procedure.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with

equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	2.0
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CONTACT OFFICER:	Lynda Henderson	tel: 01254 585755
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DATE:	02 November 2016
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BACKGROUND PAPER:	Adults Customer Care, Complaints and Representations - Annual Report 2015/2016
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Adult Services

Customer care complaints and representations

Annual Report 2015-2016

Executive Summary

Introduction

This is the Executive Summary of the eighteenth annual report on representations and complaints, covering the period from 1 April 2015 to 31 March 2016. The report was presented to the Adult Services Policy team on the 17 October 2016. A separate report has been prepared for Children's Services Social Care.

Complaints, Compliments and Queries

All complaints, compliments and queries received by this department are logged into the 'Respond' database, which is the source of the graphs and trends analysis contained below.

Complaints: Review for the Year 2015/2016.

The overall number of complaints recorded for Adult Services has seen a slight increase from the previous year: 94 recorded in 2014/15 as opposed to 100 this year.

The services of an Independent Investigator have been purchased on just one occasion during this monitoring period. There has also been an independent case review.

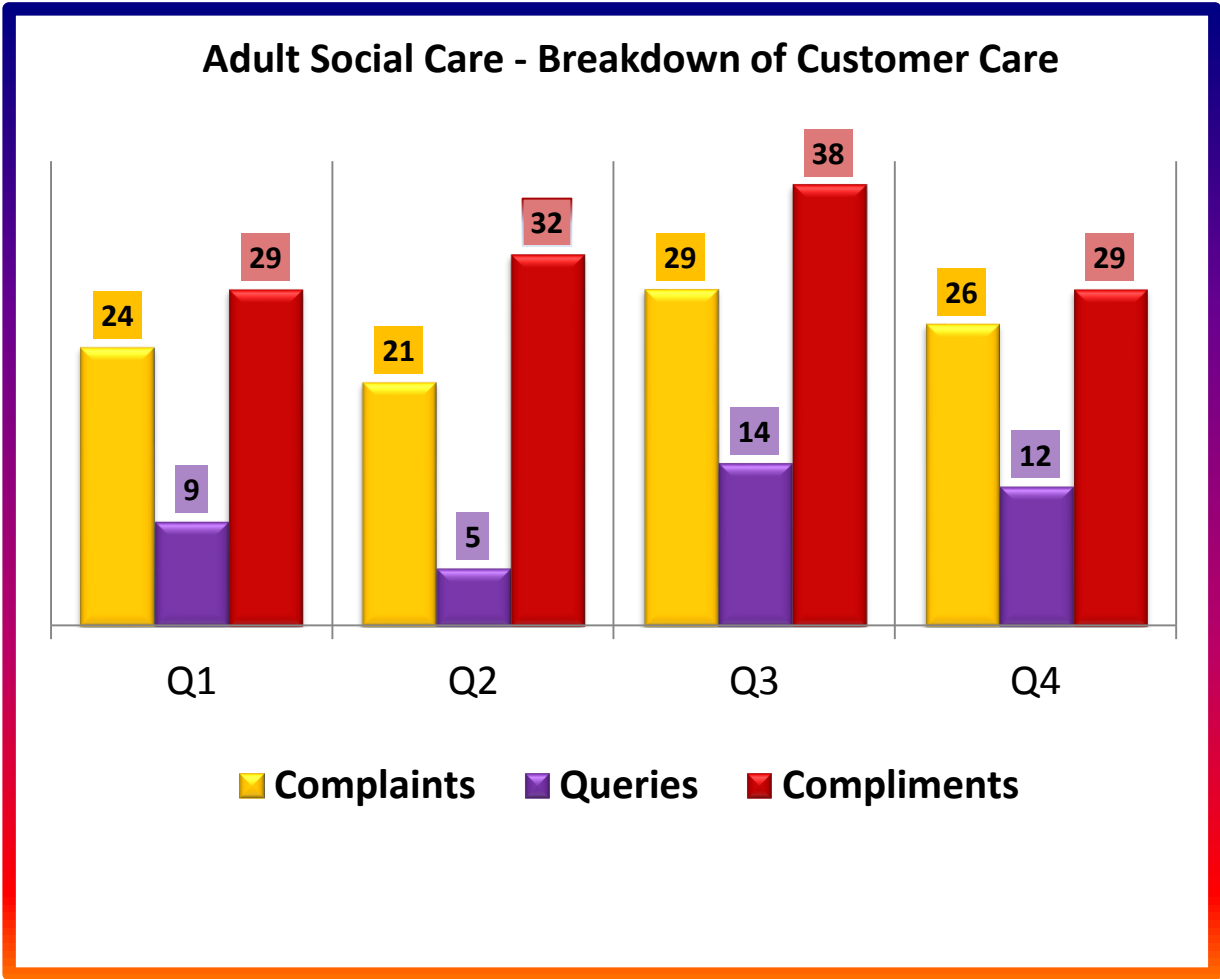
The percentage of complaints that are resolved at the first stage of the complaints procedures remains high at 98%, and social work managers should be commended for their efforts in working with complainants at an early stage with the aim of reaching a resolution.

There have been 40 formal queries dealt with in the Customer Care team during the monitoring period.

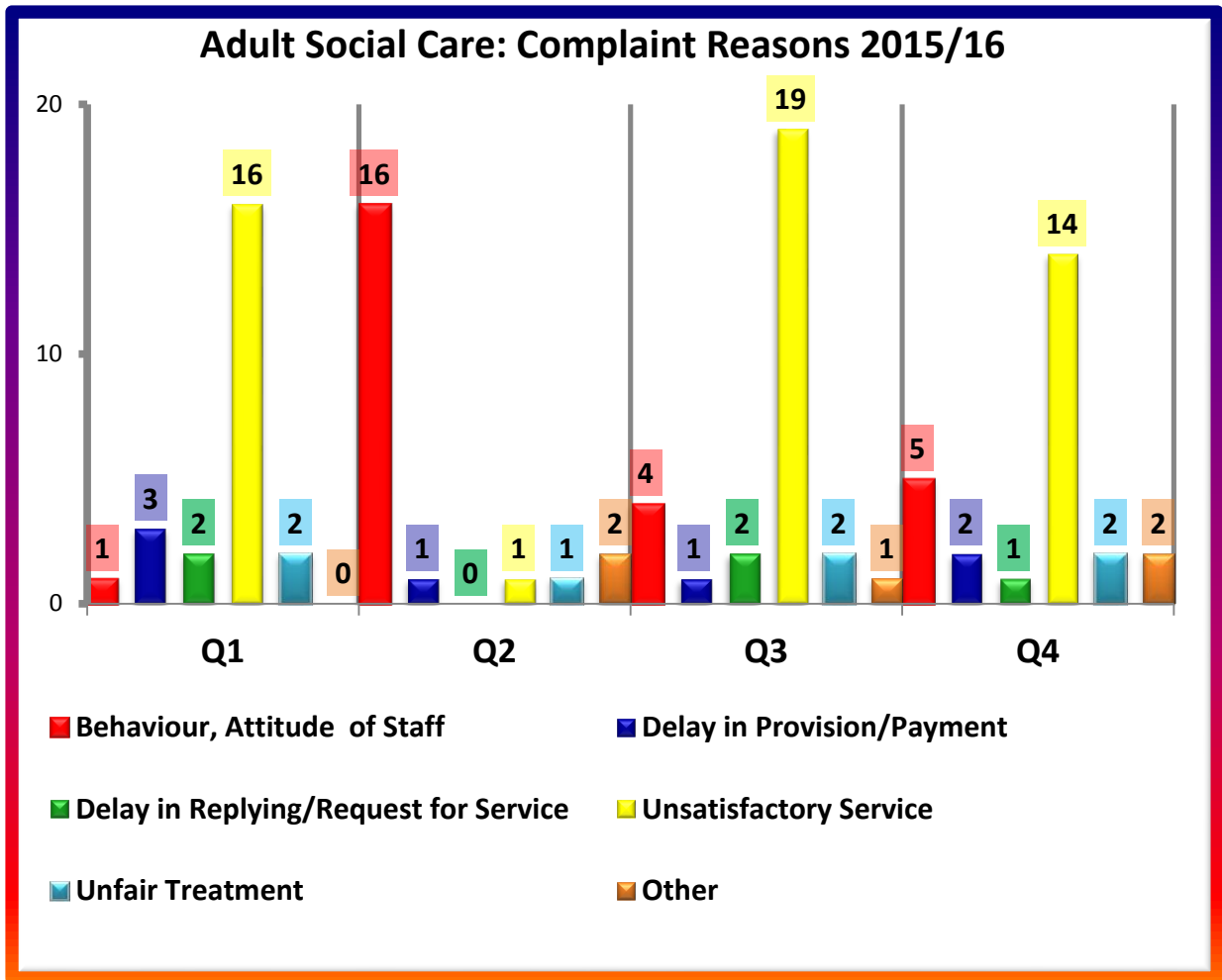
Compliments and Other Feedback

Compliments from whatever source are welcome. They are a sign of appreciation from the users and carers provided with support.

During the year 1 April 2015 to 31 March 2016, the total number of compliments received was 128. Whilst the number of compliments has fallen from previous years, this may be accounted for by the closure of some of Blackburn with Darwen's own establishments and compliments now going directly to the independent providers. However, the number of compliments received into this department far outweighed the number of complaints.



- The twelve month figures have seen a small increase in the number of complaints dealt with by the Customer Care team from 94 complaints in 2014/15 to 100 in 2015/16.

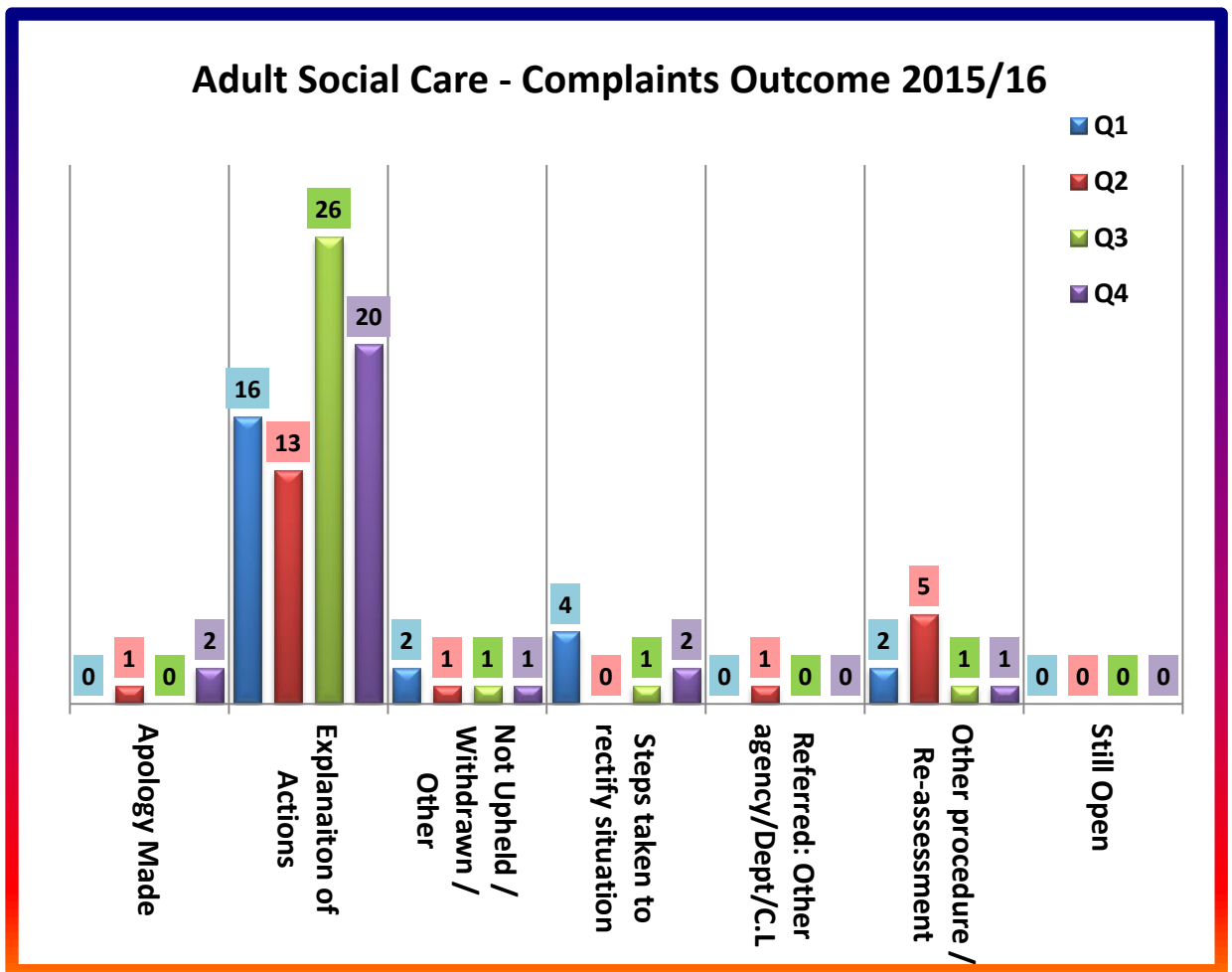


Complaint reasons – Adult Services 2015/16

Of the fifty complaints categorised as ‘Unsatisfactory Service’, following investigation forty three complainants received full explanations of the Authority’s actions. Three complaints received a full apology and steps were taken to rectify the situation in relation to four complaints.

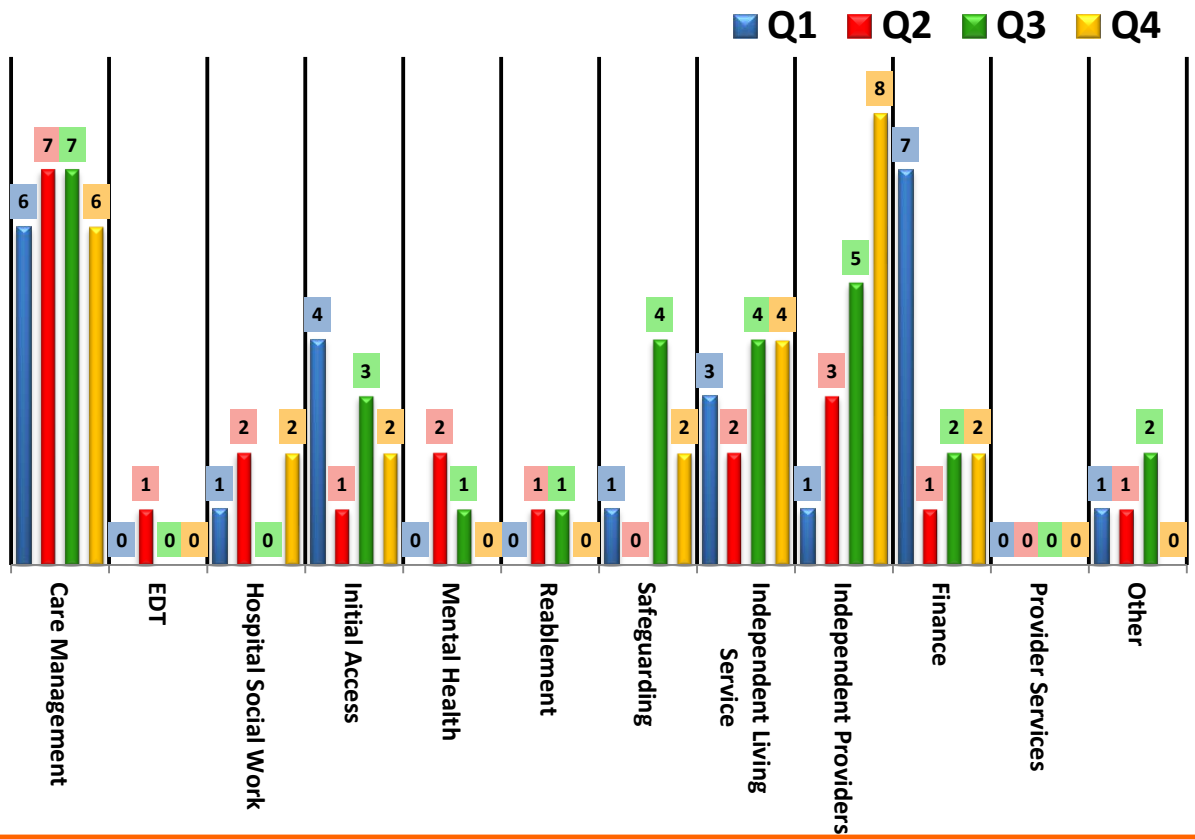
Of the twenty six complaints received for ‘Behaviour or Attitude of Staff’, following investigation none were upheld and a full explanation of the Authority’s actions has been provided to the complainants.

These complaints varied from service users being unhappy with the actions or attitudes of the social workers, carers and other professionals.

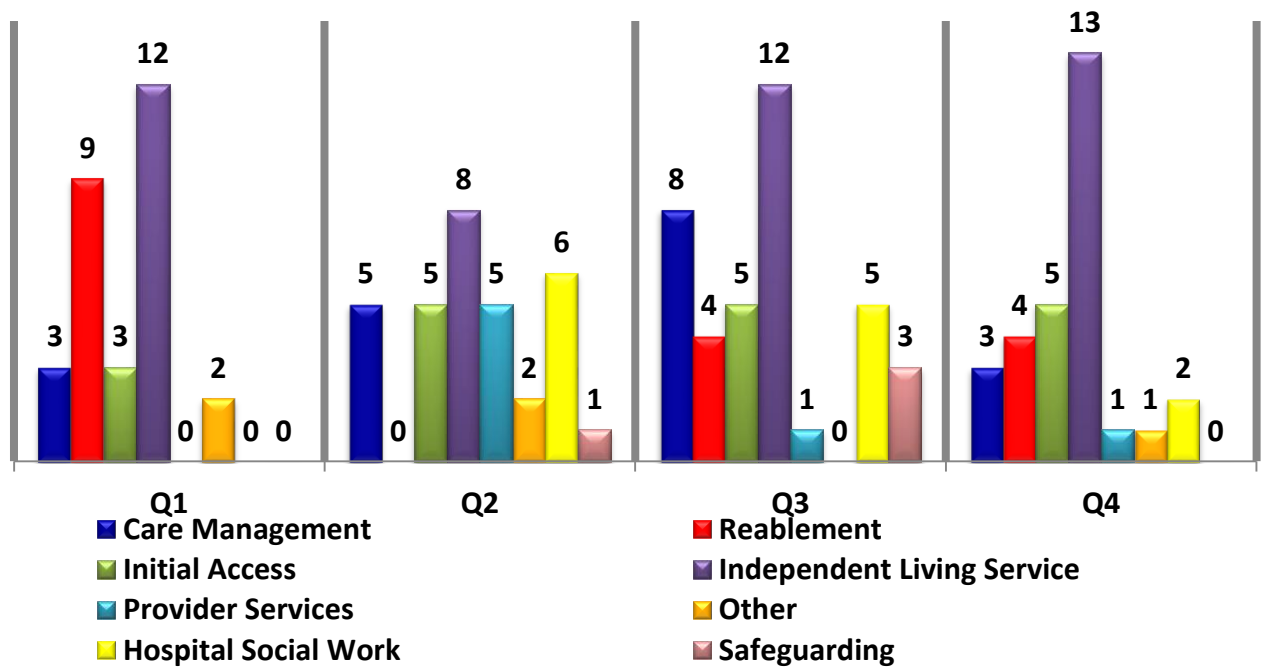


- Whilst almost half of the complaints in Adult Social Care were categorised as attributable to the social work teams (45 of the complaints received) these should be seen in context with the high number of contacts (16,361) and assessments/reviews (8440) undertaken. Therefore 45 complaints equates to 0.53% of the number of assessments/reviews, and when compared to the complaints that were upheld, four in total, this equates to only 0.047%.

Adults Social Care: Complaints by Service Area 2015/16



Adults Services: Compliments by Service Area 2015/16



Feedback Loops: Learning the Lessons from Complaints and other Comments

The department is committed to a process of continually improving its services to the public.

Outcomes of the complaints are used to assist in identifying where improvements and changes need to be made to policy, procedure and/or services.

Learning

It is a vital part of the process that services learn from the representations that are made about their provision. The process that addresses complaints will identify any areas for improvement or learning and will make suggestions for the action that will be taken. This will be addressed in the response. Where necessary action plans will be drawn up and responsibilities assigned.

Examples of the recommendations as a result of investigation and review panel outcomes

Recommendations for training or improvement activities:

Reason for Complaint	Recommendations for training or improvement activities	Action Taken
Complaint that the Authority had unreasonably refused to install a lift to enable Mr X to access the house from the street.	The Authority should minute the proceedings of the Disabled Facilities Grant (DFG) Panel to ensure the process is transparent and is in a position to provide individuals with clear information about decisions taken and the reasons for them.	Since this recommendation was made all meetings of this nature are now minuted.
Complaint that the Council should not have asked the family to pay a top up fee to enable the service user to remain living in the care home. The family advised they could no longer afford to pay the top up fee.	Revise its procedures to ensure that when a resident no longer has the resources needed to remain in a particular care home, the Council carries out an assessment to determine the risk a move will have to the resident's mental, emotional and physical health.	A full review of the Adult Services procedure re 'top ups' has taken place which puts steps in place to ensure family members are clear about the commitment they are taking on.

Customer Care

Customers Making Their Views Known

As Blackburn with Darwen Borough Council is a compact local authority, customers have very easy access to the department. This can be either in person at offices, by phone, by e mail, or with the help of elected members, or other representatives. The information which is provided to users and carers following assessments, includes a user-friendly leaflet about how to make a comment, compliment or complaint about the service they have received. This leaflet is also available in all establishments, teams and contact points throughout the Authority.

Carers are sent a comments, complaints and compliments leaflet following assessment. They are a vital part of the process of informing the department of concerns and help ensure that concerns are dealt with at the point of access to our services.

People can make comments directly to the Customer Care Manager via the Council's website.

Customer Care – Feedback Surgeries

Informal 'drop in' sessions have continued to be held regularly over the last 12 months, giving service users the opportunity to share their experiences of the assessment process in both Adult and Children's Services (social care). The events are an opportunity to meet and talk to members of the customer care team and to offer their views on the services they received. The sessions are held at Blackburn Central Library and Darwen Town Hall as these have proved popular venues with service users because of their central locations and easy accessibility.

The Customer Care Team writes out to every individual who has been newly assessed over the previous three month period in Adult or Children's Services (approx 750 invites per three months). The sessions generate around 40 contacts with compliments, queries and one or two complaints but the majority just want to say thank you to those who have helped them and are pleased to have the opportunity to say so. They also value the fact that their views are being sought and welcome the opportunity to contribute by sharing their experiences.

Adults with Learning Disabilities

On a six monthly basis the Customer Care team write out to every service user with a learning disability to reinforce their right to make a complaint. The letter and the leaflet enclosed are both easy read and usually bring in some 8-10 contacts from our service users.

Safeguarding Adults/ Complaints/Contracts and Quality

Monitoring Complaints, Safeguarding and Contracts

A bi-monthly Combined Quality Meeting takes place between Complaints, Safeguarding & Contracts teams to discuss and bring together all ongoing issues and alleviate the risk of issues 'falling through the net'. This meeting is also attended by appropriate health care professionals to ensure a co-ordinated approach.

This meeting ensures that lessons learned are actioned and shared.

Consultation

The Customer Care Team is responsible for the administration of the yearly Department of Health Adult Social Care User Survey. In 2015/2016 this survey was undertaken with 716 service users who had received services on the 31 October 2015. The team received 306 responses from service users.

The Department of Health also require each Local Authority to undertake a survey of carers. This is a bi-annual survey and last took place in the summer of 2016. The outcome of the DOH Surveys is reported to the Department's Senior Leadership Team and Elected Members.

Advocacy

There is a commitment by the department to providing advocacy for vulnerable individuals and groups of service users who use the Complaints Procedure. The services aim to make the complaints process available to everyone.

Where adults required the services of an advocate in 2015/16 these were provided by the Advocacy Focus Service.

Complaints Referred to Ombudsman

Complaints can be referred to the Local Government Ombudsman (LGO) at any stage. However, if the Authority has not had the opportunity to address the complaint through the Complaints Procedure, the LGO will not investigate and will advise the complainant to contact the department.

During this monitoring period, five complainants approached the LGO. One of the complaints was not taken up for investigation by the LGO. Two complaints were investigated by the LGO but no fault was found. Of the other two complaints investigated: in both cases the issues raised by the complainants were not upheld but the LGO considered there to have been some delay in dealing with the complaint issue, therefore recommended the Department pay the complainant a small amount for the delay and also for their time and trouble of raising the complaints. No complaints were referred to the Health Service Commissioner.

The Independent Element : Investigating Officer

Complaints

The department has employed the services of External Complaint Investigators on a fee-paid basis in order to promote the independent element of its complaints process, when the issues have been complex or if the complainant remained unhappy following internal investigation.

Key Issues for Work Programme for 2016/2017

- The Customer Care Team to provide training to Managers on skills and knowledge required when undertaking investigations.
- The Customer Care Manager to review/revise the current Complaints and Representation Procedures

Fostering Service Quarter 2 Report

1st July 2016 to 30th September 2016

Executive Report



Quarterly reports to the Executive Board are a requirement of the Fostering Service to meet Standard 25.7 of the National Minimum Standards for Fostering Services. They are a key part of the documentation considered by OFSTED when conducting a Service inspection.

Introduction

Blackburn with Darwen Borough Council's Fostering Service aims to ensure that:

- The best foster carers are recruited for our children;
- All placements receive high quality support, effectively targeted according to need;
- Children are found permanent families without delay;
- Children and young people in foster care achieve the best possible outcomes.

Children in our Care in Foster Placements

The number of children in our care has continued to increase from Quarter 1 to Quarter 2 from 346 to 365. 66% (242) of the children in our care are in foster care and 42% (153) are placed with in-house foster carers. The majority of the new admissions have been placed in foster care, an increase of 9 new foster placements from Quarter 1 and 5 who have been placed with in house foster carers. The number of family and friends placements has remained static in this Quarter. There has been a slight decrease in the number of agency placements

	30th Sept 2016
Number of Children in our Care (CioC)	365
Number of CioC in Foster Care	242
Number of children in in-house foster care placements	153
Number of children in family and friends foster care	39
Number of children in independent fostering agency placements	45
Number of BwD children placed with other local authority foster carers	5

In House Placements

Male	101
Female	52

Age breakdown of in house fostering placements

Babies and very young children generally require short term placements as they proceed to legal permanence relatively quickly. Fostering for adoption and concurrent placements are also used for babies, therefore the turnover of placements is high and availability of foster carers for this age group is good. The older age groups require permanent placements, the throughput is slower and the need for carers is greater. The majority of new admissions to in house foster care in this Quarter are younger children under 9 years old. The number of admissions of children over the age of 10 years has remained static.

Age Breakdown of In-house Placements

	30th Sept 2016
0 to 4 years	36
4 to 9 years	35
10 to 14 years	53
15 years +	29

New Referrals in Quarter 2

Month	No Children	No Sibling Groups	Age 0 to 5	Age 6 to 11	Age 12+
July	12	1	2	4	6
August	20	4	10	7	3
September	16	3	12	2	2
Total	48	8	24	13	11

Of the 48 children referred to the Fostering Service in Quarter 2, 50% were under the age of 5 years. For the first time in many months, the Service experienced some pressure on placements for this age group for which there has been a surplus of placements for some time. Nevertheless, the majority of children referred who eventually came into care were placed in house. Two children placed with an Independent Fostering Agency in August were unaccompanied asylum seekers, who arrived in Blackburn without warning. There was a significant demand for parent and child placements during the Quarter, 8 referrals in August / September. Two of these are children, who have yet to be admitted to care.

Placement Destinations - new referrals

Month	Placed in house foster care	Placed Independent Fostering Agency	In house Residential Placements	Didn't come in
July	4	1	3	4
August	8	3	1	8
September	8	1	0	7
Total	20	5	4	19

Feedback from children in foster care

The feedback received from children in foster care is positive. Their views are obtained from:

- Participation in the Voice and Junior Voice groups;
- The work of the Participation Champions in the Service;
- Participation in staff recruitment (interviews) and foster carer training;
- Contributing to the annual review report of the foster carers looking after them;
- A support group for birth children and grandchildren;
- Social worker feedback for foster carer reviews.

Children, young people and their social workers made the following comments about placements when contributing to foster carer reviews:

Children and young people said:

'I can talk to C about anything, she has supported me through difficult relationships breaking down and falling out with my friends'.

'Loving me. That is what I like about her'.

'I enjoy playing with them and hugging them'.

'J tries really hard with me and never gives up. They want what's best for me.'

One child was asked whether there was anything she wanted to say about her carers for their review and responded with a 'no, keep your nose out'!

Social workers said:

'I have seen their faces light up and the children have cancelled other things to spend time with them',

'All 3 children were emotionally distressed by their experiences at home and she (the foster carer) helped them to work through these'.

'K has a loving relationship with W which is lovely to see'.

'They make him feel special and part of their family'.

'They go above and beyond'.

Promoting Children's Health, Emotional Development, Education & Leisure

Foster families are provided with pre and post-approval preparation and training on the importance and availability of health, education and leisure services to enable them to help children achieve their potential and enhance their emotional wellbeing.

Looked After Children and young people are encouraged to participate in a variety of activities in which they can succeed and are supported in achieving better outcomes. All local Looked After Children and care leavers are provided with a Be Active card, which enables them to access free sport and leisure activities within the Borough.

Children in foster care have regular medicals at the statutory frequency appropriate for their age. There is a designated Nurse for Looked After Children, who takes an active role in following up health issues and assisting with health promotion work. Foster carers have a Health Passport for each child they care for in which they or the

child records all of the child’s health details. Public Health funding for 18 months has enabled the appointment of a specialist nurse to work with ‘hard to reach’ Looked After Children and care leavers.

In relation to emotional wellbeing, Looked After Children have access to Clinical Psychology and related services through the East Lancashire Child and Adolescent Service (ELCAS) also known as Children and Adolescent Mental Health Service (CAMHS). During Quarter 2, the former SCAYT (Supporting Carers and Young People Looked After Together) Psychological Service for Looked After Children which ended in April was replaced by our own in house arrangement called Revive. A Consultant Clinical Psychologist commissioned through ELCAS has taken up the role of overseeing and coordinating existing therapeutic provision in order to provide a flexible and responsive service offer that is under the control of Children’s Services.

As well as mandatory First Aid training, foster carers also receive training on a variety of health related issues including ‘Infectious Diseases in Childhood’ and ‘Managing Medicine.’ Phase 1 of a ‘Healthy Homes’ training package for carers has been developed.

In line with Standard 8 of the National Minimum Standards for Fostering Services, the Department has, and implements, a written education policy prepared in partnership with the Education Manager for Children in Our Care. The Virtual Head’s role is to oversee that the educational needs of all Children in our Care are met and that levels of achievement and aspiration among our children and young people are raised. Termly briefings are held with a group of social workers, managers, designated teachers and Head teachers to consider ways to improve achievement and attainment.

The Pupil Premium allowance previously paid to schools to support Children in our Care to achieve in school is now managed by the Virtual Head and a system is in place to administer and ensure the money is spent appropriately to further their educational achievements. The Virtual Head quality assures all Personal Education Plans (PEPs). In Quarter 2, a PEP Audit was completed examining the quality of 120 PEPs.

The virtual school is in place and the governing body has been established. 2 hours a week of additional tuition is offered to all young people in Year 11 to promote GCSE improvements.

The Education Manager sits within the Children in our Care Social Work Service and where necessary, actively intervenes with schools to promote the needs of children in foster care. As part of the preparation and assessment process and through the Foster Carer Agreement, foster carers are set a clear expectation that they will promote and support children’s educational attainment. The ways in which foster carers meet children’s educational needs are monitored through the foster carer review process and supervisory visits. Foster carers regularly receive training on ‘The Education of Children in Care’.

Results 2016 – Key Stage 1

We had 21 young children in care who formed the KS1 cohort in 2016, 13 (62%) attended primary schools in Blackburn with Darwen. Of these, 3 were dis-applied from the assessment in reading and writing and 4 dis-applied in maths. 1 school (out of borough) has failed to provide the results for a child despite repeated requests; therefore, the child has not been included in the results. 4 children in the group (20%) had either a Statement of Special Educational Needs or an Education Health and Care Plan. Also included is one asylum seeker, who had only been in the country a few months.

Subject	BwD 2016 CioC Expected Standard +	BwD 2016 All Expected Standard +	National 2016 Expected Standard +
Reading	47%	75%	74%
Writing	29%	67%	66%
Maths	25%	74%	73%

Key Stage 2

We had 24 children in care who formed the KS2 cohort in 2016; 23 of these sat the end of Key Stage tests with 1 child being dis-applied from the tests. 67% of the cohort was educated in BwD primary schools at the time of

taking the tests. 4 children in the group (18%) had either a Statement of Special Educational Needs or an Education Health and Care Plan.

Subject	BwD 2016 CioC Expected Standard +	BwD 2016 All Expected Standard +	National 2016 Expected Standard +
Reading	47.8%	61.5%	66%
Writing	47.8%	73.5%	74%
Maths	34.8%	72.7%	70%
Overall	26.0%	50.6%	53%

GCSE Results

	5 A* to C Maths and English	At least 1 A* to C	At least 1 A* to G	Achieving 1 or more GCSE or national qualification
2016	9%	70%	87%	91%
2016 students with statements/ EHCP	0%	13%	22%	83%

In 2016, Blackburn with Darwen Borough Council had 23 CIOC eligible to take GCSE and other public examinations. 61% of these young people received their education within the Borough. Of the Year 11 cohort, 6 (26%) had a Statement of Special Educational Needs or Education, Health and Care Plan (EHCP).

Engagement with Children & Young People

Two members of staff from the Fostering Service continue to promote the participation agenda and set a number of priorities throughout the year. One member of staff attended the Leapfrog Research Project in conjunction with Lancaster University, which aimed to provide a range of tools to support the work and explore different ways of communicating with young people, gaining their wishes and feelings and ensuring their voice is heard. Members of the 'VOICE' group continue to attend foster carers preparation training where they lead an activity with applicants and provide feedback, which contributes to the applicants' assessment.

Following a number of recruitment activities, there has been an increase in attendance at the monthly VOICE group sessions from children in both foster care and residential placements. A wider group of staff have also been identified to support the sessions.

Towards the end of Quarter 2, a Corporate Parenting Conference was held at Darwen Vale High School. It was attended by 30 children in our care and care leavers supported by a number of foster carers. The purpose of this two-yearly event is to raise awareness amongst corporate parents, which includes elected members and professionals, of the issues faced by children and young people in care and leaving care. The event is designed and led by children, and young people also being participative and interactive.

Two members of staff from the Fostering Service continue to promote the participation agenda and set a number of priorities throughout the year. One member of staff has been busy meeting with the 'Sons and Daughters Champions' and also several young people from the 'VOICE' group to gain their feedback on the new consultation forms for foster carers' annual reviews and staff appraisal feedback forms. These forms have been developed with the help and support of the young people, and will actively support and transform the service area.

VOICE Group

The Junior VOICE group (8 to 12 year olds) and the main VOICE group (12 to 16 year olds) now meet on a monthly basis at Knott Street Community Centre and the majority of children who attend are in foster care. This venue was chosen as the facilities allow part of each session to be activity-based. Both groups have been involved in a number of consultation activities to inform and shape services. Members of the groups have been involved with a research project with Lancaster University to design tools to improve how adults communicate with children and young people.

VOICE members continue to attend the Children & Young People's Scrutiny Committee and recently presented the Leapfrog Tools project and Young Advisors Social Media Research to the Committee. Children in care have also been involved in several staff recruitment interviews including those for social workers, Advanced Practitioners and a Team Manager post.

There is also a Care Leavers Forum that is well attended. A number of young people have undertaken Peer Mentoring training and are mentoring others through the 'Getting Ready for Adult Life' pack. Additionally, a Young Advisors Group which a number of care leavers attend has been working on a project on the impact of social media on young people. Members of the group have delivered Total Respect training to a multi-agency audience of practitioners, Councillors and foster carers. Two care leavers recently received awards for their campaign work to improve the lives of children in care and care leavers.

Transitions

Children and young people in foster care are supported to make a positive transition to adult life and foster carers attend training on 'Transitions', which focusses on their role in developing young people's skills to live independently as they progress towards adulthood. They are allocated a Leaving Care Worker at the age of 15½ years, who supports their decision making about post-16 education, training and employment and their future accommodation needs and wishes. The Children in Our Care Team and the Fostering Team encourage carers and young people to consider 'staying put' and the Leaving Care Service has delivered 5 courses for foster carers in recent months about this to develop their understanding of the implications. The training has been positively evaluated by carers and most indicate a willingness to work with 'staying put'. Although finance causes carers the most concern, some are willing to receive Housing Benefit as part of their financial package and will consider changing their status to landlord. The Service has started some work to develop a 'staying close' option, which may be more suitable for a number of care leavers.

The Leaving Care Service has achieved an increase in the number of supported lodgings providers this year, which increases choice for young people leaving foster care and residential placements in favour of semi independence. The Service has worked well with training providers in the Quarter and achieved 5 Apprenticeships. Participation levels continue to be good with young people delivering the Total Respect training and training for foster carers. Training was also delivered to foster carers on the 21st September including Staying Put.

Care Planning

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 provide a revised definition of 'permanence' for Children Looked After including for the first time the definition of a long term foster placement. The responsibilities of the Local Authority in assessing the ability of the foster carer to meet the needs of the child now and in the future, and identifying any support services needed to achieve this are also set out. Local Authorities are required to achieve long term matching within reasonable timescales. The Regulations introduce new duties for ceasing to look after a child. One long term match was approved in Quarter 1.

The Fostering Service

During Quarter 2, the Deputy Manager role was disestablished. One of the Team Managers took voluntary redundancy and the Deputy Manager was moved into her role as a 'bump redundancy'. This has meant that the Deputy Manager responsibilities have been shared between the two Managers and the Advanced Practitioner.

The increase in Family and Friends work has continued and this function of the Fostering Service is now undertaken by all team members alongside their mainstream fostering role. All team members have an increased workload and are expected to work flexibly across all functions of the Service in order to achieve greater efficiency and meet the statutory functions of the Service with a reduced team.

Foster Carer Resource

The overall number of foster carers has increased slightly compared to the last Quarter.

There have been 5 mainstream approvals, 4 being short term. The 5th is an approval of a carer transferring from an independent fostering agency and will provide long term, PACE and remand placements.

Overall, the new approvals create 10 additional placements.

	Total number of foster carers	Mainstream	Short breaks carers	Family and friends carers
Quarter 1 April to 30 th June 2016	119	89	14	16
Quarter 1 st July to 30 th September	126	93	15	18

Matching and Ethnicity

The majority of placements made during Quarter 2 were a suitable ethnic match.

Two asylum seeking unaccompanied Afghani Muslim brothers aged 8 and 9 years were placed with agency Muslim foster carers following a short emergency placement with in-house foster carers, who were unable to meet the complex emotional needs of the children compounded by language difficulties.

A Muslim parent and child placement was made with agency foster carers, who are a White British and Asian couple.

Foster Carer Recruitment

Initial Enquiries

April	May	June	July	Aug	Sept
5	12	8	9	14	13

Numerous recruitment events were held in Quarter 2

- July – Foster Carer interviewed by Radio Lancashire about her family’s experience of fostering for the Borough, which was shared on our social media platforms.
- The Ream attended an Eid in the Park family event at Witton Park.
- August – Google ads campaign launched.
- September - Children with Disabilities campaign launched online via Facebook supported by a short video of carers talking about their experiences of fostering. The video went viral with lots of views and positive comments (see below).

The Fostering Service’s longest serving carers celebrated their diamond wedding anniversary with the Lancashire Telegraph covering the story in the paper. The article was shared on the Let’s Foster Facebook page and twitter receiving many positive comments (see below).

Many of our foster carers received long service awards, which were presented by the Mayor and Cllr Bateson at the Foster Carer Forum.



Approvals

Quarter 1

1 new mainstream approval

Quarter 2

July – 4 households; 9 placements

August – 1 household; 2 placements

September – No approvals

Total approvals to date = 6 households; 12 placements

End of Quarter 2

Enquirers at Initial Visit Stage	Applicants at Stage 1	Applicants at Stage 2
6	2	0

Regional Campaign

The regional 'You Can Foster' recruitment campaign has been running since September and has helped generate enquiries via the You Can Foster website.

- Josh wants to make the team
- Olivia wants to be a chef
- Maya wants to be a vet
- Zak wants to be a superhero
- Jack and Emilie want to be Rock stars
- Chloe wants to go to college

Fostering Service Managers and the Strategy Officer have been involved in the development of this campaign to ensure that Blackburn with Darwen Borough Council derives full benefit from it.

The campaign is prioritising recruitment at a local level through targeting of PR and digital marketing and additional local activity. Universal priorities include:

1. Brothers and sisters – including sibling groups of 3 or more children/young people;
2. Older children/young people – over half of all Looked After Children are now aged 10 years or older;
3. Children from BME communities;
4. Long term foster carers; and
5. Children with complex/additional needs including behaviour that challenges.

Foster Carer Retention

Retention of foster carers remains good based on a strategy of good support, including a financial allowance scheme, and a wide and varied programme of training. Foster carer satisfaction with the Service appears high and there are regular meetings with foster carers via the Foster Care Association (FCA) where issues can be raised.

Research about foster carer retention indicates that support is a key issue and a factor in carers' abilities to maintain placements and continue to foster when things become challenging.

The 11 years plus support offer was extended to support placements from aged 7 years earlier in the year. Fostered children in the 7 to 11 years age group are able to access activities and support offered by the Limes Project Team based at the Limes in Darwen. Children in this age group needing short breaks are referred to short break foster care.

A telephone on call service is in place and the Fostering Support Officer has a caseload of carers and young people requiring additional support. The initiative is based at the Adolescent Support Unit (ASU) and those young people participating are able to join groups and activities and / or enjoy one-to-one sessions. In addition, a monthly multi-agency drop-in has been introduced to give carers the opportunity to seek advice from specialist workers. A number of foster carers have benefitted from one to one support and advice during the Quarter.

During this Quarter, one mainstream fostering couple have retired after fostering for 37 years. They have cared for many children during this time and are a significant loss to the Fostering Service. There have been three friends and family carers, who have resigned in this period - two have gone on to gain Special Guardianship Orders and one has resigned following a placement break down.

Assessment

Statutory guidance for fostering assessments is that they should be completed within 8 months and this is generally achieved. The quality of assessments remains good and is monitored by the Fostering Panel.

Foster Carer Training

The Foster Carer training programme currently provides a range of training courses covering the Mandatory Fostering Standards, specialist training on relevant topics, safeguarding training, Health and Safety training and Support Groups for Carers.

The new conference style training will deliver more focussed learning for carers, which is specifically tailored to their requirements and will allow them to attend one training day and cover multiple topics. We anticipate that this will increase attendance and evaluation feedback whilst offering a more time-efficient option for carers.

The first new Foster Carer Conference has taken place covering Staying Put, Moving to Independence, Delegated Authority and Equality and Diversity. 22 Carers attended and feedback from the day was overwhelmingly positive;

- Good insight into equality and diversity
- Good up to date refresher
- Will help to do my job better with more up to date information
- It is always helpful to refresh your memory; you always take away something extra
- All very good
- Leaving care team especially good
- All topics were well covered

Future conference dates are planned and bookings are looking very positive so far –

Conference	Topics covered	Date	Places booked to date
Conference 2	<ul style="list-style-type: none"> • Promoting education and achievement of CIOC • Moving children on • Legal Framework 	January 2017	29 of 40
Conference 3	<ul style="list-style-type: none"> • Managing allegations • Positive care and control • Risk assessment 	May 2017	31 of 40

There were no KEEP or Nurturing Attachment courses during this Quarter but they will be run again in the next financial year. The plan is to run one of each course every year in future.

Fostering Panel

At the end of Quarter 2, the main Panel Advisor retired and the role transferred to the Review Panel Advisor. The retired Advisor has been in role for many years and is a loss to the Panel.

However, the Panel has continued to operate effectively and there have been no adverse comments received via Service evaluations. There were 3 Panel member appraisals in the Quarter and the feedback received in all 3 has been positive about the Panel’s effectiveness and way the Panel members work together.

This Quarter has seen five mainstream and one short break approvals, 5 Regulation 24 placements were noted and there were 2 friends and family approvals.

A mainstream foster carer review was presented to the Panel in July following an allegation and the carers' continued approval was agreed.

The first reviews of two friends and family foster carers were presented during the Quarter.

Two exemptions were noted, one for the placement of a parent and child and the other with an Independent Fostering Agency in the area.

Review Panel

The Annual Review Panel operated effectively and feedback received has been positive. There will be a change to the Annual Review Panel Chair from January 2017 due to the retirement of the main Fostering Panel Chair at the end of the year.

This Quarter, 27 foster carer reviews were presented to the Annual Review Panel with 16 of these being attended by the foster carers. Social worker comments are received, and the quality of these has improved and is continuing to be monitored.

Complaints

One complaint was made in Quarter 2 by an approved friends and family foster carer. The carer requested a change in Supervising Social Worker because they did not get on with them. This has resulted in the worker continuing the work with the carers and joint visits will be undertaken with an alternative Supervising Social Worker. The complaint is being managed on behalf of the Customer Service Team and consideration is being given to mediation.

Compliments

3 Compliments were recorded within this Quarter.

One compliment was received from a foster carer complimenting the Team on the service and support provided to all foster carers, which was fed back during a Fostering Forum.

A further compliment was received from a foster carer complimenting the work and support received in respect of three different professionals, who had been involved with the carers and their family.

A further compliment was made by foster carers commending the support they had received from their Supervising Social Worker, which was fed back in the foster carers' comments section of their annual review report.

Allegations

Two allegations were reported during Quarter 2 the first of which was a historic allegation. The nature of this was physical and verbal abuse by the male foster carer. The Local Authority Designated Officer (LADO) was notified and the management of the allegation was overseen by the Service Leader. The young person and their sibling were spoken to and maintained their account. The foster carers were also spoken to and recalled an incidence similar to that described by the child but a differing account. A strategy meeting was convened and the outcome of the allegation was that it was unsubstantiated with no further action to be taken.

The second allegation was one of physical abuse reported by a child in placement in respect of the male foster carer. Following investigation, this allegation was also found to be unsubstantiated though there were several actions agreed including a review being presented to the main Fostering Panel and an updated assessment to be completed in respect of the child, who remained in placement.

Specific Incidents and Restraints

There were 9 specific incidences reported in Quarter 2, 6 of which involved two of the same young people.

The incidents reported involved 2 A&E attendances, a number of behavioural incidents and several incidents of significant damage caused to foster carers' property and vehicles. One of the incidents involved the police.

The issues have been dealt with by referrals to fostering support and risk management plans being reviewed and implemented within these fostering households.

Offending by Children and Young People in Foster Care

This is a new section for this report as it has been agreed that the Protocol that exists between Children's Services, the Youth Justice Service and the police should be monitored to ensure that it is appropriately implemented. The Protocol applies to children and young people in fostering and residential placements.

The Protocol aims to ensure that children and young people in care in Blackburn with Darwen are not inappropriately criminalised for behaviours that are likely to be a response to their adverse life experiences. Recent national research highlights failings at various levels of the system, including the unnecessary criminalisation of some children in care for minor offences, which would not have led to police involvement for children living at home with their own parents.

There has been one incident of a child in foster care involving the police during Quarter 2. This was an incident that occurred in an out-of-borough foster placement where a young person had become very distressed and was causing significant damage to the property with the potential to also harm other young people in placement. The carer contacted the local police (Rochdale) who attended, calmed the situation down and left indicating that no further action was required thus avoiding the criminalisation of this child.

Serious Illnesses and Accidents

There were 3 episodes of serious illness and accidents reported during Quarter 2.

There was an accident report of a young child tripping and falling leading to bruising and swelling to their eye. The carers provided cream and cuddles to the young child, and no further treatment was required.

There were 2 A&E attendances. The first was the result of an ankle injury and suspected fracture, which was later confirmed to be significant swelling and bruising. The other A&E attendance was due to a young person experiencing stomach pains. Tests were carried out for suspected constipation and medication prescribed.

Bullying

There have been no reported incidences of bullying within this Quarter.

Missing From Home

4 young people (8 incidents) were reported during this Quarter.

In July, one young person had been reported missing from home as they had failed to return to their placement at the agreed time following a visit to relatives. Eventually, the young person returned to the placement address in the early hours of the morning. Another young person was reported 3 times because they failed to return home and maintain contact with the foster carer as previously agreed.

In September, one young person under the supervision of the Youth Offending Team was reported missing three times. The young person breached their court order and as a result, was made the subject of a court ordered curfew.

Another young person was reported because they refused to return home wishing to remain with friends. The incident was reported to the police and the young person returned to their placement address in the early hours.

Exemptions

Four exemptions were in place during Quarter 2 of which three remain in place. The first supported a mother and baby placement, which has now ended. The second supported a sibling placement of 4 children and the third

continues to support a short break weekend placement every six weeks. The fourth is a further mother and baby placement, which remains in place.

Engagement with Foster Carers

Blackburn with Darwen Borough Council has a Foster Carer Association (FCA), which meets regularly and has an Elected Committee. Members of the Committee meet senior managers and the Executive Member on a quarterly basis. The Chair of the FCA sits on the Corporate Parenting Specialist Advisory Group. The FCA has its own website, which has been increasingly used to communicate messages and news. It was recently agreed that the Chair and Secretary will meet every quarter with the Service Leader and Service Managers to discuss operational issues. A forum to consult foster carers on a range of issues is held at least once a year. The Committee meets with the Director of Children's Services and Elected Member for Children's Services every quarter to discuss issues and concerns.

All foster carers are provided with membership of the Fostering Network and foster carers also have access to independent support commissioned from the Fostering Network to provide support and advocacy services in the event of complaints or allegations.

A small group of foster carers meet on a monthly basis; they are recruitment champions helping to drive recruitment forward. They are involved with the planning of events, Skills to Foster preparation training, recruitment stands and events.

Family and Friends Foster Care

There are 18 family and friends fostering households. There have been two approvals during this Quarter and no resignations.

During this Quarter, there have been a total of 12 viability assessments completed by the Assessment and Social Work Team supported by the Advanced Practitioner in the Fostering Service. Six of these were ruled out, four are ongoing, and 2 are positive and have moved on to further assessment.

There have been eight full Family and Friends fostering assessments. Two of these are on hold, two have withdrawn from the assessment, one was ruled out of the assessment, one was approved and two are ongoing.

There have been eight Regulation 24 assessments. One was approved, two went on to become section 38.6 assessments and five are currently ongoing.

There have been six Special Guardianship Order (SGO) assessments of which 2 have ended with no further action, one was withdrawn, one ruled out, one was positive and completed, one was still ongoing.

Overall, the service completed 24 assessments in Quarter 2, which represents a significant increase from previous quarters.

Short Break Foster Care

There are currently 14 carers, who have provided 21 short break placements during this Quarter. Carers provide support to parents, other placements and emergency placements. The majority of carers are matched to children, who have a wide range of additional and complex needs.

A support group is available to all short breaks carers. Other training is available through Newfield School and Appletrees.

Training / Staff

All staff members have individual training and a development plan, which is linked to their annual appraisal and monitored during monthly supervision. A number of staff are in the process of undertaking 'practice education' training, which will enable them to support student placements in future.

Placement Stability

Currently, the Department uses a definition of placement stability based on 3 or more placements in a 12 month period that is calculated on a cumulative basis over the year. At this stage in the year, the percentage stability figures are low but it is clear that placement stability has increased in comparison with the same time last year. By the end of Quarter 2, 3.3% of Looked After Children had 3 or more placements, which was an improvement compared to 5.1% for the same period in 2015.

Year to date	July	August	September
LAC with 3 or more placements	9	11	12
Total number of LAC	350	354	364
% Stability of LAC placements 2016/17	2.6 %	3.1%	3.3%
%Stability of LAC placements 2015/16	2.1%	2.7%	5.1%

Disruption meetings are held in order to identify learning and inform future planning for any child whose placement has been disrupted. A number of managers across Children's Services have been trained to chair these meetings. The Head of Service for Permanence completes an analysis of disruption meetings on a six monthly basis in order to identify themes or trends, and learning for the Service.

The Fostering Support Service is now well established for the 11 years plus age group and has been extended to children aged 7 years and over. The Service has been supporting a number of fragile placements, which has contributed to the improvement in placement stability performance.

Commissioned Placements

In Quarter 2, 7 new placements were commissioned. 3 of these were parent/child placements. We have an acute shortage of these type of placements in house currently and our October online recruitment campaign focussed on it as there is likely to be increased demand in future. One placement was required for two unaccompanied asylum seeking siblings, which was required in an emergency as the in house carers initially allocated were unable to manage their complex needs. One placement was a secure one required for a teenage girl, who had been putting herself at very high levels of risk. Two placements were long term foster placements for teenagers as placements could not be identified in house.

During Quarter 2, 5 commissioned placements ended. One of these was a concurrent placement that ended in September as the Court allowed the baby to return home. However, this was not successful and the placement recommenced in October.

Budget

The Fostering Service is on target to be within budget for the year. This has required the Service to make a number of efficiencies including the way that foster carer training is provided, the loss of a Fostering Support Officer post and the loss of the Deputy Manager role, plus the loss of a social work post.

The demand for foster placements for older children, for children with disabilities and in recent months for parent and child placements, which have not been available in house, continues to place the commissioning budget under great pressure. The recruitment budget, which is shared with the Adoption Service, is also under considerable pressure.

Priorities for 2016/17

1. To continue to develop the campaign to recruit foster carers for older children in need of permanent placements, children with disabilities, mother and baby and sibling groups.

Update – There has been significant recruitment activity during Quarter 2 as described in the body of this Report. A targeted digital campaign started in September. There have been a number of enquiries through the events and via the website.

2. To implement the Placement Stability Action Plan to reduce the percentage of Looked After Children, who experience disruption and have more than 3 placements during their time in care. This includes the continued development of fostering placement support services across the full age range.
Update – Support services for foster placements are now in place across the full age range. Support for children aged 11 years + is well embedded and in the last 12 months, 13 placements have been maintained as a result of the support provided.
3. To implement foster carer training proposals with the aim of improving attendance rates and delivering valuable courses that meet the needs of foster carers.
Update – The new conference style training programme commenced in September with positive feedback from the first conference held.
4. Continue to monitor compliance with Fostering Service Regulations 2011 and National Minimum Standards for Fostering Services 2011.
Update – Service Managers are continually auditing compliance with Standards and Regulations.
5. Maintain the Investing in Children status of the Service and ensure that children and young people’s participation remains central to the work of the Service.
Update – Participation work is ongoing. Investing in Children status will be reassessed by December when the current accreditation expires.

Alyson Hanson
Service Leader, Placement Services
1st November 2016



EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Children's Services

LEAD OFFICER: Director of Children's Services

DATE: 8th December 2016

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Fostering Service Quarterly Report - July – September 2016

1. EXECUTIVE SUMMARY

This report provides information to the Council's Executive Board on the management and performance of the Local Authority's Fostering Service.

2. RECOMMENDATIONS

That the Executive Board:
Notes the quarterly report which is available on the Council website.

3. BACKGROUND

The Fostering Service Regulations 2011 and the National Minimum Standards for Fostering Services requires the Council Executive to:

- a) Receive written reports on the management, outcomes and financial state of the Fostering Service every 3 months;
- b) Monitor the management and outcomes of the services in order to satisfy themselves that the Service is effective and is achieving good outcomes for children; and
- c) Satisfy themselves that the provider is complying with the conditions of registration.

The report has been written to address the issues identified above. It will be taken into account by OFSTED in inspecting the Service.

This report is for the second quarter of 2016 - 2017, covering the period from 1st July to 30th September 2016, and provides an overview of the Service.

4. KEY ISSUES

The number of children coming into the care system has now increased to 365 and keeping up with the demand for placements is becoming increasingly difficult. Despite this, the majority of children admitted in Quarter 2 were placed in-house. 7 new commissioned placements were made and were

offset by 5 commissioned placements coming to an end.

An online recruitment campaign commenced in Quarter 2 and continued into Quarter 3. The campaign for carers for children with complex health needs and disabilities brought very little interest but the campaign focussing on parent-child placements has generated a number of initial enquiries that are being followed up. July's Fostering Panel approved 5 new carer households and the overall number of carers increased in Quarter 2.

The new approach to foster carer training commenced in September. Carers will now attend two out of three full day conferences a year rather than lots of short courses which is what they have said is their preference. The first conference went well with good attendance and positive feedback. An optional conference addressing placement stability will also be offered.

Placement stability improved in Quarter 2. The Fostering Support Service is now embedded and is supporting between 10 and 15 placements every quarter. Feedback on this service from young people and carers is positive.

5. POLICY IMPLICATIONS

No policy implications identified.

6. FINANCIAL IMPLICATIONS

No financial implications identified.

7. LEGAL IMPLICATIONS

This report is required to meet statutory requirements as outlined in section 3.

8. RESOURCE IMPLICATIONS

No resource implications identified.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of

Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

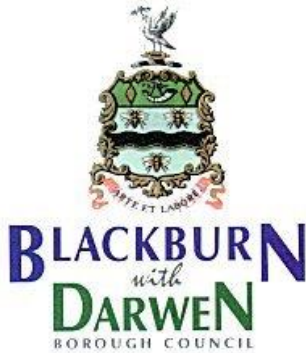
VERSION: 1.0

CONTACT OFFICER: Alyson Hanson – Service Leader, Placement Services

DATE: 1st November 2016

BACKGROUND PAPER: Fostering Service Quarterly Report July to Sept 2016





EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Children's Services
LEAD OFFICER: Director of Children's Services
DATE: 8 December 2016

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Adoption Service Six Monthly Report – 1 April 2016 – 30 September 2016

1. EXECUTIVE SUMMARY

To provide information on the management and performance of the Local Authority's Adoption Service.

2. RECOMMENDATIONS

That the Executive Board:
Notes this six monthly report which is available in the new format in Political Group Rooms and on the Council website.

3. BACKGROUND

Standard 25.6 of the National Minimum Standards for Adoption requires the Local Authority Adoption Agency to produce a six monthly report to be received by the Council's Executive.

The standard states that the Council's Executive:

- a. Receive written reports on the management, outcomes and financial state of the agency every 6 months;
- b. Monitor the management and outcomes of the services in order to satisfy themselves that the agency is effective and is achieving good outcomes for children and/or service users;
- c. Satisfy themselves that the agency is complying with the conditions of registration.

The report has been written to address the issues identified above, and it will be taken into account by OFSTED when inspecting the Service.

The report summarises the performance of the Adoption Service for the six month period from 1st April 2016 to 30th September 2016 and provides an overview of the work of the Service for this period.

4. KEY ISSUES

1. The development of the Regional Adoption Agency has progressed more slowly than previously expected whilst awaiting further assurances and information regarding funding which has been received In October 2016. Meanwhile workshops to further develop collaborative working have taken place.
2. The number of children being made subject to Placement Orders is still low; however they include a large percentage of children who it is generally considered are harder to place. It is therefore very positive that the timescales for matching are showing improvement due to the family finding strategies that are in place.
3. There were twelve adopters awaiting the placement of children at the end of September 2016, a reduction of 8 from the beginning of the year. This is as a result of significant success in matching Blackburn with Darwen adopters with children. In addition, the number of adopters being approved in the first half of this year was very low, in line with the experience of other agencies in the region. Whilst child numbers remain low, the level of recruitment is broadly in keeping, however it is anticipated that following a rise in the number of Looked After Children both locally and nationally this will eventually result in an increase in the number of children requiring adoptive families.
4. Post Adoption Support remains a busy area with an increase in open cases from 42 at the beginning of the financial year to 60 at the end of this six month period. The Fast Track Psychologist has changed roles at the end of this period but will remain involved in a few ongoing Fast Track and Post Adoption cases to complete courses of therapy.

5. POLICY IMPLICATIONS

No policy implications identified.

6. FINANCIAL IMPLICATIONS

No financial implications identified.

7. LEGAL IMPLICATIONS

This report is required to meet statutory requirements as set out in the 'National Minimum Standards for Adoption.'

8. RESOURCE IMPLICATIONS

No resource implications identified.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

[Page 62 of 174](#)

10. CONSULTATIONS

None.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	V2.0
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CONTACT OFFICER:	Alyson Hanson – Service Leader, Placement Services
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DATE:	1 November 2016
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BACKGROUND PAPER:	Adoption Service Six Monthly Report – 1 April 2016 – 30 September 2016
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Adoption Six Monthly Report

1st April to 30th September 2016



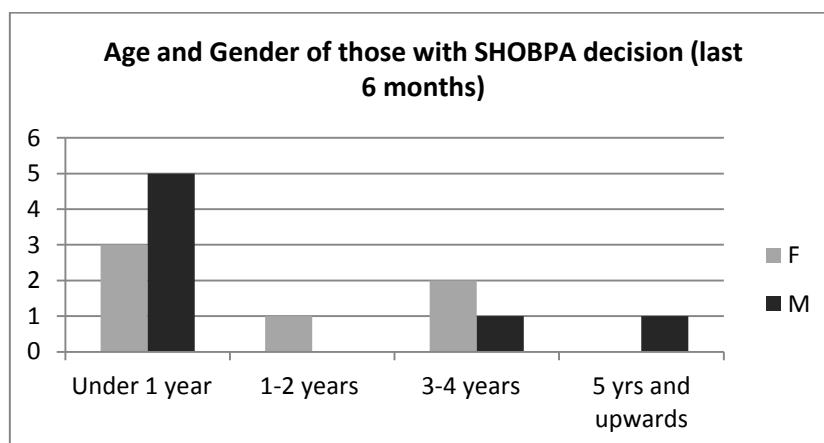
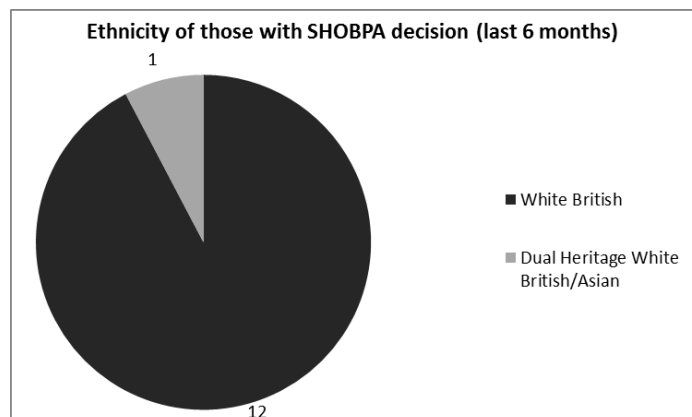
Executive Report

The Adoption Service contributes to improving outcomes for the most vulnerable children and young people in line with priorities outlined in other Council plans.

Adoption Agency Business - Children

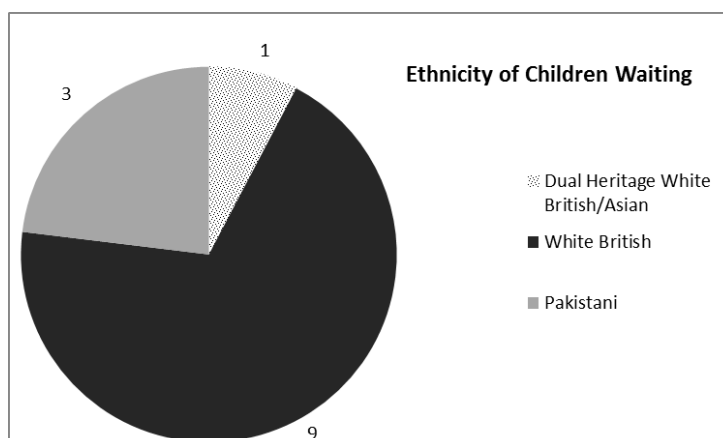
Children with an Adoption Plan

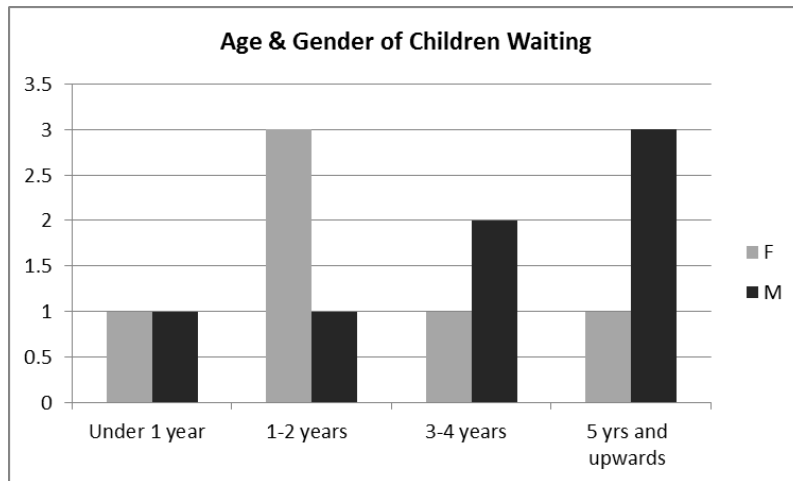
During this 6 month period, thirteen children have been presented to the Agency Decision Maker (ADM) for a Should Be Placed for Adoption decision (SHOBPA), a slight increase on this time last year. Of these children three have significant additional health needs likely to result in disability including twin boys. There was also a sibling group of four. One child is awaiting a reversal to the decision after the court ruled that a Special Guardianship Order was in his best interests.



Children Awaiting Matching

On 30th September 2016, there were 13 children with a plan for adoption awaiting placement, a similar figure to the same time last year. The does not include the child for whom a reversal of plan is awaited. Six children, including one sibling group of 4, are awaiting the making of Placement Orders and for one of these foster carers are being assessed. Of the remainder, five are due to go to panel in October for matching including one sibling group of three and one baby with suspected foetal alcohol syndrome and other significant health needs, and one is already matched and awaiting imminent placement. This leaves only one child on a Placement Order without a linked family.



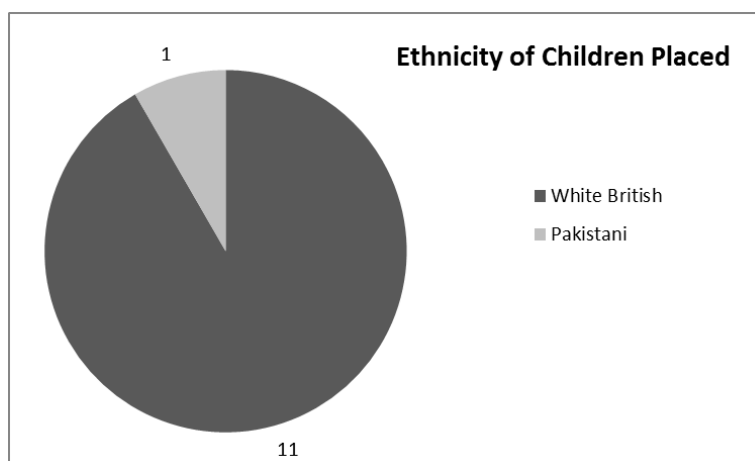


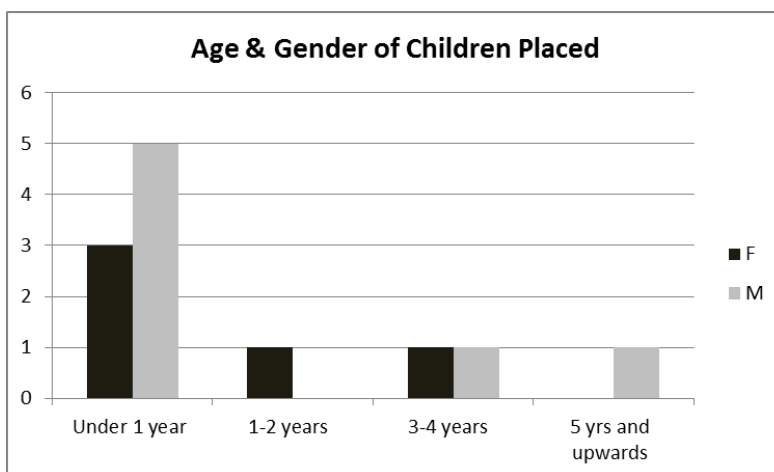
Family Finding Activity

Professional links and relationships have continued to result in some positive matches. Blackburn with Darwen also regularly receives high numbers of profiles of adopters seeking children and these are circulated as appropriate. In addition to these more informal routes, in-house placement meetings and regional placement meetings continue to be held on a monthly basis with children coming through court profiled anonymously alongside those with Placement Orders still waiting. Link Maker (previously Adoption Link) continues to be a useful tool, and children are also placed immediately on Adoption Match (previously the Adoption Register) and CHARMS (the NW database). One Exchange Day has been used for a sibling group of three but mostly there have been no children available to profile at Exchange Days. Equally there have been no children for whom it was possible to use Activity Days or publications during the last six months.

Children Placed for Adoption

A total of 12 children have been placed with adoptive families since April 2016 in 10 placements, a further slight reduction on last year's figure. Three of these children were formally matched with Concurrent or Fostering To Adopt Carers, changing the status of the placement from a foster placement to an adoptive placement. There were two sibling groups of two including twin baby boys with additional health needs and an older sibling group of two were placed as was a further baby with developmental delay and additional health complications.





It has only been possible to place one child in an in-house placement, mirroring the second half of last year, however all of the placements made have been within the North West and the majority have been made within agencies included in the developing West Penine Regional Adoption Agency. This should therefore result in a cost saving once the agency is fully formed. Placing children within the North West also enables the Local Authority to provide a high level of support when needed using in-house resources.

	North West	Further Afield
Own	1	N/A
Other LA's within Adopt NoW	3	N/A
VAA within Adopt NoW	3	N/A
Other Local Authority	3	0

There are a number of different targets used to measure timescales as indicated below.

Timescales for placements made

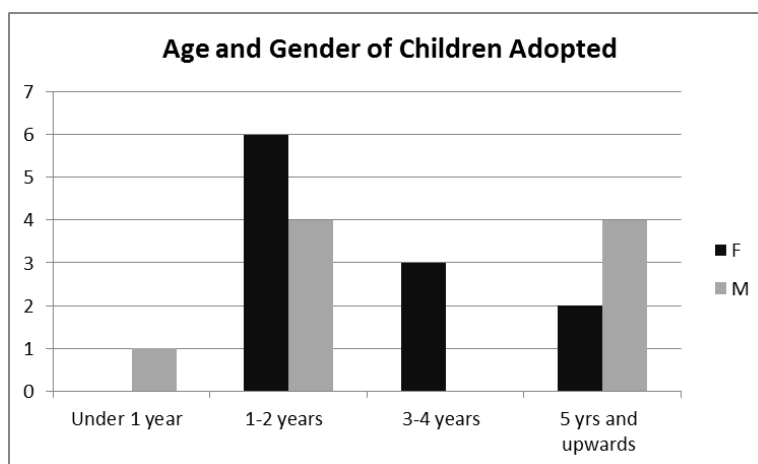
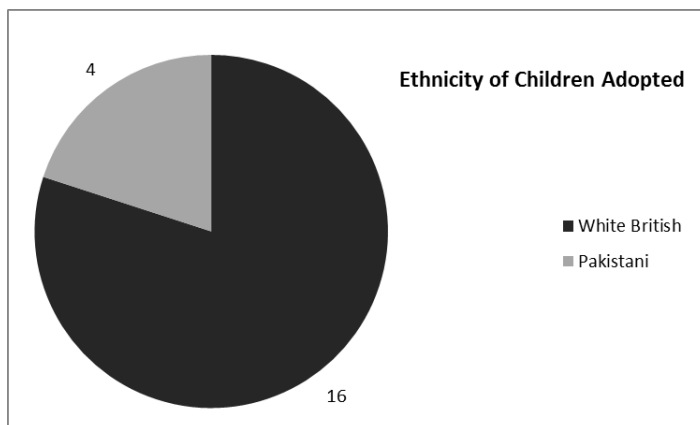
Timescale	Target	BwD Placements achieved quicker than standard	BwD Placements achieved slower than standard
SHOBPA to Panel	National Minimum Standard – 6 months	10	2
SHOBPA to Placement	Government Standard - 12 months	12	0
Placement Order to Matching	Scorecard Indicator - 121 days	8	4

These figures show a marked improvement on last year's figures. The most useful indicator in terms of measuring the quality and speed of our family finding is the Scorecard Indicator. As indicated above two thirds of placements made in the first half of this year were within this timescale despite the continuing placement of some more complex/harder to place children. Those that took longer went over the target by 7 days for a baby with additional health needs, 16 days for an older sibling group of two and 35 days for an older boy with some additional behavioural needs. The Scorecard measures are not 'counted' until after an Adoption Order has been made, therefore these positive figures will not influence our published Scorecard results for some time yet.

Children Adopted

The number of Adoption Orders being granted to Blackburn with Darwen children has remained on a similar level to last year with 20 children having been adopted in the first half of this financial year including one child with a significant disability, one child with foetal alcohol syndrome, two sibling groups of two, one

sibling group of three and one child who had previously experienced the breakdown of an adoptive placement.



It has now become the norm for birth parents to request leave to contest Adoption Orders which causes delay in the making of the orders, however all orders to date have eventually been made with confidence by the judges involved. A number of children adopted in the first half of this year have had exceptionally long journeys from entry into care to adoption order. This has been for a number of reasons including children’s additional emotional and behavioural needs making it harder to find the right families plus the adopters needing additional support for an extended period before feeling confident to apply for an adoption order; the placement breakdown mentioned above; and difficulties in tracing birth parents in order to inform them about court proceedings.

Whilst the outcomes for these children have eventually been positive, the inclusion of these historic cases in our Scorecard Indicator data has resulted in an inflated average for the last six month period. As detailed earlier, the target average from Placement Order to Matching is 121 days. Blackburn with Darwen’s average over the first six months is 233, a slight increase on last year. The target timescale from entry into care to placement is 426 days with Blackburn with Darwen’s average for the first six months of this year being 443. If the figures for the child who had a placement breakdown are disregarded the averages are reduced to 183 and 389 respectively. Whilst 183 is still above the target timescale it is a significant improvement upon recent years. Therefore it is evident that the Department is making the necessary improvements to achieve timely placements for the children in its care.

Adoption Disruption

There have been no adoption disruptions in the first half of this year.

Adoption Agency Business - Adopters

Adopter Recruitment

The number of potential adopters coming forward has continued to fall with only four approved in the first half of this year as compared to 9 during the same period last year. Whilst the exact reasons for this are

hard to ascertain, this reduction is also reflected regionally. Recruitment activity has continued but with more focus on those children who are waiting nationally. There are currently eight families in assessment with the possibility of a further three families who are either foster carers or second time adopters who may need assessing for a specific child. Overall however this will result in very low numbers at the end of the year.

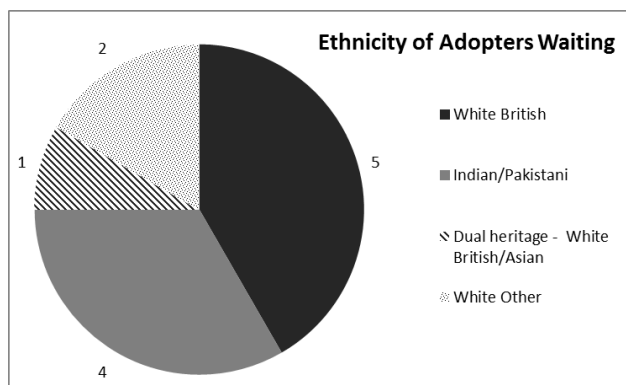
Of those adopters approved the majority are White British, with one couple being of Indian heritage. 50% live within the Local Authority border and the remainder outside. Two of the four already have children placed with them, one of these being second time adopters who were assessed for a sibling of their existing child.

Six of the eight currently in assessment live outside of Blackburn with Darwen which increases opportunities for in-house matches. Between them they offer a variety of resource in terms of matching criteria although many still have a preference for younger single children without additional needs.

Blackburn with Darwen has continued to perform well with regards to adopter assessment timescales. All four assessments were within timescales for stage 2. Two took longer than 6 months from application to approval due to either adopter led delay or factors (eg. Statutory checks) outside of our control.

Adopters Waiting

On 30th September 2016, there were 12 families awaiting the placement of a child/children, just over half those waiting at the same time last year. One family have been matched with a child who will be placed in early October.



Time Waited as of 30/09/2016

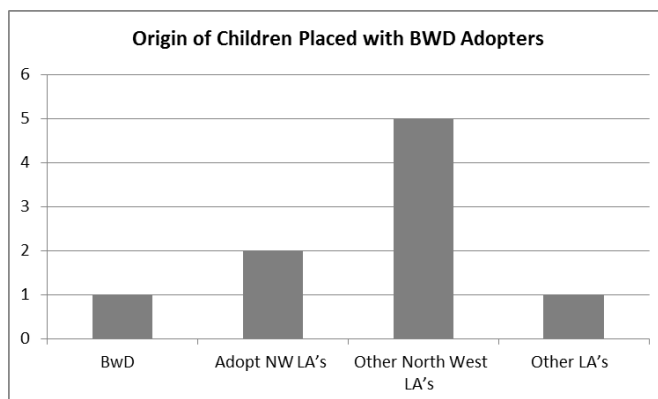
Over 2 years	2
Over 18 months	4
Over 1 year	3
6-12 mths	1
0-6 mths	2

Two families have withdrawn over the last six months and further two are anticipated imminently. This is largely due to the length of time the families have been waiting, causing them to reassess their decision to adopt. Further events have been offered to those adopters waiting to help support them however they have chosen not to attend these. One couple attended a recent North West event for those who have waited for longer than six months and found this very helpful both in terms of their interactions with other authorities and the support they experienced from Blackburn with Darwen. Only three of the families waiting currently live in areas where an in-house placement could be considered, however all three require more 'straight forward' children than are currently available locally.

Two families over the past six months have had possible placements fall through due to the adopters plans to travel resulting in delay to the child being placed with them. In both cases the Department has given clear council to the adopters to reconsider their plans and prioritise the placement of the child and as a result consideration is now being given with the adopters as the most appropriate way forward.

Adopter Placements

Blackburn with Darwen adopters continue to attract interest from other Local Authorities both in the North West and around the country. Nine families have had children placed with them over the past six months, with one of these welcoming a sibling group of two.



Blackburn with Darwen continues to enjoy very positive links with Blackpool who still attend the Adopt NoW placements meeting by agreement despite not being part of the Regional Adoption Agency. As a result, a third of the placements made were for Blackpool children.

Adoption Panel

Panel has continued to meet on a monthly basis to consider adopter approvals, reviews, matches and Special Guardianship cases. In all cases the panel recommendations were agreed by the Agency Decision maker. The panel has continued to receive very positive feedback from both professionals and prospective adopters who have attended.

For every panel, panel members received the papers in sufficient time to enable them to read the papers thoroughly and had sufficient information to consider the case. All reports in relation to matches and approvals were considered to be good or excellent and in respect of Special Guardianship Orders (SGO) the reports were considered to be good or sufficient. The majority of support plans were found to be robust and reflective of the child's needs.

The timeliness of matches was noted. Panel accepted the explanations for the delays and felt that the Agency could not have done anything different that would have improved upon the timescales. With regards to adopter approvals again most were completed within timescales and the explanation for delay in one case was accepted. Panel minutes were circulated within the planned timescales and in some cases more quickly so that decisions could be ratified without causing delay.

Adoption Agency Business – Support

Training and Support to Adoptive Parents

Preparation training for prospective adopters being assessed continues to run on a monthly basis as detailed earlier in this report. The Adoption Service recognises the value of ongoing training and support for adopters at different stages in the adoption process and their child's/children's development, to prevent family breakdown in later years and add quality of life to adoptive families. Unfortunately however there has been a decline in the take up of training events. Two have been offered over the past six months but had to be cancelled due to lack of participants.

A number of support events were held over the past six months including a Fun Day and a bike ride, both of which attracted good numbers. The regular coffee mornings have been less well attended of late and these are subsequently being reviewed. Due to the family events held over the summer, a young persons' event was not held during this period but one is being planned for November. With the forming of the

Regional Adoption Agency it is anticipated that training and social events will be shared across the region very shortly which should provide more consistency due to the increased numbers being invited.

Post Adoption Support

The Post Adoption Support Team continues to co-ordinate Mailbox contact for children in adoptive placements with their birth families, facilitate direct contact for a number of children with their birth families, provide an access to records service for adult adoptees, provide more individualised support to those adopted children and their families who are in greater need and respond to lower level queries with advice and one off support. Only those general enquiries and mailbox queries which cannot be resolved fairly easily are recorded as referrals. A total of 24 referrals have been received in the first half of this year.

Number of Referrals Received

Assessment and Support	14
Contact/Mailbox issues	3
Information and Advice	2
Access to Records	5

Nineteen applications to the Adoption Support Fund have been accepted providing therapeutic support to 18 children. Scope for the fund has been reviewed placing increased limitations on what is covered. Six children have been receiving therapeutic support delivered by either the Fast Track psychologist or one of the Post Adoption Support social workers and these are included in the applications made to the Support Fund.

On 30th September, a total of 60 cases were open to Post Adoption Support.

Number of open referrals at 30th September 2016

Assessment and Support	40
Contact/Mailbox issues	8
Information and Advice	7
Access to Records	4

A number of birth parents have accessed support through Birth Ties (a service which Blackburn with Darwen commissions through After Adoption) – the exact numbers for the past six months have not yet been received.

Fast Track Adoption and Permanence Team

Over the past six months, Fast Track has received referrals for 7 families, a total of 12 children, requesting assessments prior to a final hearing and/or support. These included two relating to Post Adoption Support. Two of these resulted in one off consultations with the remainder resulting in detailed assessments. Of these, four families went on to receive ongoing therapeutic support. A further 10 one-off consultations have been taken place upon request.

The end of this six month period saw the departure of the Fast Track Psychologist from this role. He has carried a number of Post Adoption Support cases forward into his new role. As of 30th September, the Child Support Officer continues to provide therapeutic life story and preparation work to a total of eleven children who form 6 sibling groups/individuals, working alongside case holding social workers. This includes supporting carers to meet the children's needs over the period of transition into permanency.

It is anticipated that a new Psychologist will be appointed to the Fast Track team but will sit within the new Revive service.

Adoption Agency Business - Other

Non-agency adoptions

There have been two requests for step-parent adoptions. One progressed to assessment however during the assessment the couple decided not to progress. The second is progressing to assessment.

Inter-country adoption

Inter-country adoption services are rarely requested in Blackburn with Darwen but the Local Authority has a statutory obligation to provide or commission a service. The Borough remains part of a regional commission for inter-country adoption services provided by the Inter Country Adoption Centre.

Participation of Young People

The two Participation Champions within the Adoption Team continue to keep participation of young people high on the agenda. The team as a whole is engaged with this area and look for ways not only to involve children fully but also to report stories of good practice. Further creative ways to achieve this continue to be sought and trialled.

Complaints/Compliments

There have been two formal complaints within the last six months and both were resolved. There have been no formal compliments however members of the team regularly receive praise from adopters and other professionals for the work they complete with children and adopters. These are acknowledged and saved on personnel files.

Allegations

There have been no allegations in the last six months.

Staffing

During this 6 months the service operated initially with a team of eleven social workers (two of whom work 4 days a week and two of whom work just over half time), one Child Support Officer (4 days a week), one Psychologist, one Deputy Team Manager and one Team Manager. One full time social worker left during this period and is not being replaced, and one went on maternity leave in August and is not currently being covered. Together they cover adopter recruitment and support, family finding and child case holding, post adoption support and the Fast Track service.

Budget

A total of £330,000 has been spent on placing children with outside agencies in the first half of this year. This expenditure has been completely offset by the making of placements with Blackburn with Darwen adopters totalling an income generation of £313,000 plus the reclamation of £140,000 of interagency fees from the DfE for the placement of harder to place children outside of the area.

In addition, £107,477 has been claimed from the Adoption Support Fund for further assessments and therapeutic work as detailed previously. Most of this work was commissioned externally due to geographical constraints or the nature of the work required; however £26,301 was claimed for work being provided directly by the Local Authority.

Collaborative Working and RAA

The Adoption Team Manager continues to meet regularly with managers from across the North West to share ideas, difficulties and good practice. In addition the Post Adoption Support workers meet with others in their field across this region for similar purposes. Blackburn with Darwen takes part in monthly meetings with six other Local Authorities and two VAA's to facilitate early matches (children with adopters) and highlight available Fostering For Adoption adopters locally. The adopter preparation training continues to be delivered in collaboration with Bolton and Tameside. The training is run monthly with each Local Authority taking turns to facilitate this. It is also possible on occasion for adopters to attend training facilitated by Rochdale, Oldham or Bury when the need arises and there are vacancies available.

Work towards the forming of a Regional Adoption Agency (Adopt NoW) involving Blackburn with Darwen, Bolton, Bury, Rochdale, Oldham, Tameside, Caritas Care and Adoption Matters North West has continued but at a slower pace than originally anticipated. Efforts have been made to increase collaborative working in the interim and it is now possible for emergency items to be heard at any of the adoption panels being held across Adopt NoW rather than having to convene additional panels locally. In September the DfE have informed Adopt NoW that funding has been agreed for its set up which must be completed by the end of March 2018 at the latest. The aim is that Adopt NoW will be operational within a year although there are still some big decisions to make in order to achieve this.

Team Development

Staff continue to attend training events to help with their professional development and this learning is also shared with the wider team. Opportunities are also taken to nurture and grow skills within the team. Information is shared across the team at monthly team meetings.

Various members of the team are involved in workshops to help develop aspects of the Regional Adoption Agency. This is also helping those involved to build stronger relationships with colleagues from the other agencies involved, as well as developing their skills in reflection, development, presentation and negotiation.

Update on actions for the last 6 months

Action – Participate fully as a Team in relevant workshops and events to assist the development of the Regional Adoption Agency.

Progress – Various members of the team have responsibility for attending different workshops but share this with colleagues when they are unable to attend. Blackburn with Darwen has been well represented at every workshop.

Action – Continue the targeted recruitment strategy for adopters, involving the wider team to ensure a greater number of people/people groups are reached and that this results in a good range of adopters willing and able to meet a variety of children's needs.

Progress – Recruitment work has continued but results have been limited in the first half of this year. Articles have been included in disability newsletters.

Action – Improve Scorecard performance by reducing the relevant timescales from SHOBPA through to Adoption Order.

Progress – There has been some slight improvement in the average for the first half of this year. A lack of Concurrent adopters within the commissioned service has prevented some placements from being made in the latter part of this period – concurrent placements help to bring down the overall average.

Action – Improve availability of management of information through electronic systems across all areas of the Adoption Service, and utilise family finding and adopter assessment modules to generate data for future reports.

Progress – Further forms have been developed within Protocol to enable further use on the adopter side. Some development of electronic folders to help mirror paper files more effectively. Adult post adoption cases now being inputted onto Protocol.

Action - Ensure proactive family finding is undertaken with adopters waiting to achieve matches with a majority over the coming year.

Progress – A good number of matches with Blackburn with Darwen adopters has taken place in first half of this year.

Action – Continue to seek ways to promote involvement by children and young people in service development including further development of the young peoples' groups.

Progress – Team members continue to give reports of positive involvement by young people, including one adopted young person mentoring another. Young person's group is due to meet imminently after a break over the summer period due to other activities.

Actions for coming 6 months

Action – Participate fully as a Team in relevant workshops and the next phase of development of the Regional Adoption Agency.

Action – Recruit 12 new adopters with variety of matching criteria, from both within and outside the Local Authority - Whilst there are still some adopters waiting, there are also still children awaiting appropriate placements and therefore the right adopters are still needed. In addition it is anticipated, due to increased numbers in Looked After Children locally and nationally, that there will be an increase in demand in the coming months.

Action - Improve the Scorecard performance by reducing the relevant timescales from SHOBPA through to Adoption Order.

Action – accelerate closures once work is complete to enable new referrals to be allocated and support offered in a timely fashion

Action – Ensure that use of the Adoption Support Fund continues to facilitate therapeutic support for families, ensuring that work is well monitored and strategically planned

Action - Embed full use of Protocol across all areas of adoption

Action - Continue to seek ways to promote involvement by children and young people in service development including further development of the young peoples' groups.

Action – Complete the development of Quality Assurance tools and practices to ensure that accurate information is collated regarding quality of work across the Adoption Team

Katrina Williams
Adoption Team Manager
28th October 2016



EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Children's Services

LEAD OFFICER: Director of Children's Services

DATE: 8th December 2016

PORTFOLIO/S AFFECTED: Children's Services

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Regional Adoption Agency (RAA)

1. EXECUTIVE SUMMARY

It is proposed that the Adoption Service for the Council becomes part of a Regional Adoption Agency (RAA) from Autumn 2017 alongside five other Local Authorities and two Voluntary Adoption Agencies (VAAs). Department for Education (DfE) grant funding has been in place since Autumn 2015 to support the scoping out of this venture; however, funding has not been at the level we have needed to sustain progress between April 2016 and October 2016 so there has been a delay in the initial time frame for implementation.

This paper sets out the proposals in more detail and requests that agreement is given to continue the development of the programme with a view to the RAA becoming operational in 2017. Working together in this way will provide longer term improvements to the timeliness of placing children with adopters and the general quality of experience of adoption throughout the child's life.

2. RECOMMENDATIONS

That the Executive Board:

Gives permission to continue the programme development work through the coming year to finalise the design of the RAA, based on the proposed model recommendations and design principles set out in this report and in further details in Appendix 1.

The proposed plan is to continue development of the RAA to the point of full implementation in Autumn 2017. The proposed model is a hub and spoke model with the hub to be based in Bolton. The proposed legal model is a local authority hosted model and Bolton are the proposed host authority.

3. BACKGROUND

In June 2015, the DfE released plans via the 'Regionalising Adoption Paper' to regionalise adoption services and invited organisations to submit an expression of interest to be early adopters of the model to apply for funding to explore potential models to deliver a regionalised adoption service. The DfE require all adoption agencies to become part of Regional Adoption Agencies within the next few years.

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The West Pennine Regional Adoption Agency Board was established and submitted a joint

expression of interest to release funding to explore options. The group consists of the following organisations: Caritas Care; Adoption Matters; Bury Council; Bolton Council; Rochdale Council; Tameside Council; Oldham Council and Blackburn with Darwen Borough Council.

In January 2016, a Project Team was established to scope out the work. An extensive consultation exercise was conducted involving the workforce from across all 8 partners, along with other stakeholders including adopters, panel chairs and professionals from each of the partners including HR and legal representatives.

A bid for further funding was submitted to the DfE in April 2016; however, the amount offered was significantly less than that requested. This effectively meant that progress slowed down significantly as clarity about future funding was uncertain. Funding has now been clarified and £380k has been allocated to the RAA to progress to implementation. This is in conjunction with the £100k allocated from April 2016 - October 2016, which will suffice to fund the transition.

4. KEY ISSUES

Following considerable scoping work, a number of proposals have been made relating to how the West Pennine RAA should operate.

Following expressions of interest and a vote, the Board's preference is for Bolton Council to host the RAA due to their size, their good reputation in adoption and that Bolton is also one of the more geographically central authorities involved in the RAA.

Proposed models have been considered including collaborating more with each other, having a single Local Authority host the RAA, becoming a local authority limited company or having one of the two VAAs host the RAA.

The preferred legal entity of the RAA from the perspective of the Board is the Local Authority hosted model. Reasons for this include that the VAAs did not feel that they had capacity to host the programme. Separately, the complexities of becoming a limited company would have affected the timescales for delivery and some local authorities had poor experiences of moving to such models. The advantages of a limited company are that commissioning arrangements would be more straight forward and that each local authority would feel more like an equal partner. However, the Board concluded that the limited company model could still be a possibility in the future but a local authority hosted model could be more easily achieved in the first instance. Finally, simply collaborating more was not what the DfE had envisaged and it would be harder to ensure consistency of practice at a high level.

The preferred delivery model is that of hub and spoke whereby some adoption services are delivered from a central point (hub), such as activity around recruitment of adopters and functions of adoption panels, and that others remain in each local authority (spoke). An example of a spoke function is the support to early care planning for children as social workers will remain within the local authorities.

5. POLICY IMPLICATIONS

The Regional Adoption Agency will devise policy and procedures agreeable to all the agencies involved.

6. FINANCIAL IMPLICATIONS

The RAA project is currently funded through a grant received from the DfE, which is managed through Bolton Council. Therefore, there are no direct financial implications to individual members of the RAA in continuing the design work.

Financial modelling is imminent and this will be an independently commissioned piece of work. It is envisaged that set up costs will be met by the grant funding; however, the running costs throughout the process and once the agency is set up will be met by the Council's current adoption budget, although this will depend on some economies of scale to offset the additional infrastructure costs associated with the 'hub'.

A further paper will be submitted to agree the financial arrangements.

7. LEGAL IMPLICATIONS

There are currently no legal implications in the design work. There is a legal workstream within the Project, which will examine potential legal implications in establishing the RAA.

Children will remain the legal responsibility of the local authority from which they originate.

8. RESOURCE IMPLICATIONS

There are implications for staff associated with the Blackburn with Darwen Adoption Service as the RAA is implemented. It is envisaged that staff will be seconded into the RAA from each Local Authority on their existing terms and conditions. Other staff may be required to work from the 'Hub' which will be based in the host Local Authority (Bolton).

Staff have been consulted on the possible implications and will be further consulted as the programme moves forward. Unions are aware of the plans and will work closely with the Department as the specific plans become clearer.

The funding or provision of staff for a variety of administration roles will be required, for example to support adoption panels, and this need will be defined as the work moves forward.

The Head of Service for Permanence has a place on the Project Board and Blackburn with Darwen Adoption Team staff are contributing to the workshops and development groups.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

A briefing paper has been presented to the Local Joint Negotiating Consultative Committee (LJNCC) to inform unions of the proposals and how these may affect staff.

Adopters and adoptees have been and will be consulted on the proposed models of development and their priorities. Staff are engaged in the process of contributing their views on the

process through a variety of workshops.

The Executive Members for Children's Services from all of the local authorities met in late June 2016 to discuss the programme and a further meeting is being arranged.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

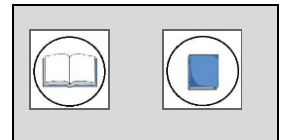
All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1.1
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CONTACT OFFICER:	Karen Barrick, Head of Service – Permanence
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DATE:	01 November 2016
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BACKGROUND PAPER:	Appendix 1 – West Pennine Regional Adoption Agency Additional Information
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Appendix 1

West Pennine Regional Adoption Agency

Additional information

1. Key findings so far

- 1.1 It is essential that the new model retains close links with child care SW teams to support care planning and gather intelligence re children needing permanence through adoption.
- 1.2 It is envisaged that working together regionally will allow for sharing of best practice across all partners, and increase consistency in what we offer.
- 1.3 In order to be responsive to service user needs, the model should be geographically spread around the region for assessment, training, adoption support and work with birth parents and children.
- 1.4 Although there are clear distinct areas of functionality in adoption, it is important these don't become too separate and operate in silo. For example, a theme of good care planning and adoption support should run through every aspect in the child's journey.
- 1.5 There is variance in terms of relationships with health/CAMHS that need to be addressed.
- 1.6 There are a variety of different ICT systems in place, and any new models will need to take into account how this will be managed.
- 1.7 The consultation found that branding is crucial moving forward. A clear branding strategy needs to be in place.

2. Design Principles

The Project Board has agreed a set of principles which will inform the design of the new Regionalised Adoption Agency:

1. We will be innovative and creative in our approach and be open minded to new ways of working, and potential growth. We will be open to debate and discussion around this.
2. The RAA will provide a consistent, high quality service across the region, which is responsive, flexible and accessible to service user needs.
3. We will make design decisions based on the best, evidence based outcomes for children and families, and ensure our work does not become detached from the care planning process.
4. We will ensure we have appropriate infrastructure to support the RAA (eg IT, administration, etc).
5. The RAA will be accountable to all RAA members in a fair and appropriate way.
6. Our staff will be skilled, experts in their field, supported and engaged.
7. We will involve service users and staff in the design phase, and continue to seek feedback and challenge after implementation.
8. We will minimise disruption to service users and staff during the period of change.

3. Recommendations around Model

3.1 Decisions around the model were split into 2:

- Legal model – where the governance sits, who employs the staff etc
- Delivery/operational model – how the service is delivered

4.2 The legal model was broken into the following options:

1. Do nothing
2. Work in partnership
3. LA hosted
4. JV (LA owned)
5. Create new Voluntary Adoption Agency (VAA)
6. Add to an existing VAA

3.2 From the outset the VAA Board members raised concern around their capacity to provide all services on behalf of the LAs, due to the scale and size of the operations, and the complexity of taking on the responsibilities if they should be delegated or abdicated by LAs. Additionally, the VAAs have existing strong brands and identities, to fit their overall missions, option 5 would risk this, as they would become subsumed into a new model.

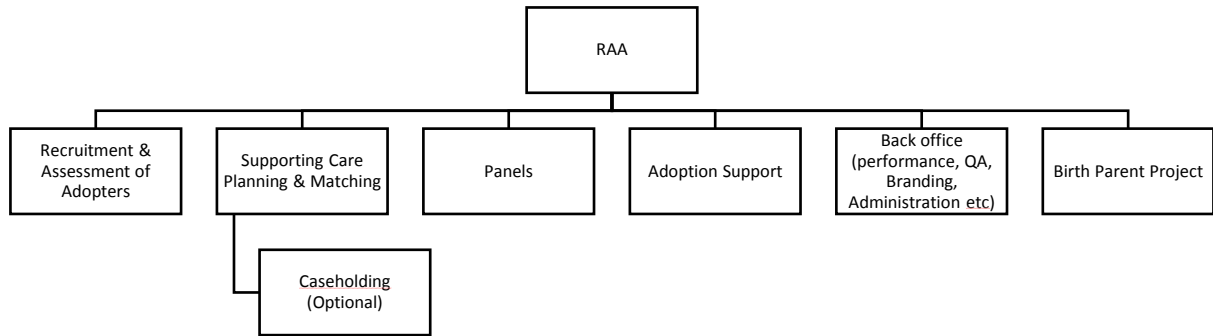
3.3 For the remaining options, criteria questions were developed with the board to facilitate decision making. The board also took into account findings from HR and legal workshops, and experiences each partner had from other shared service projects.

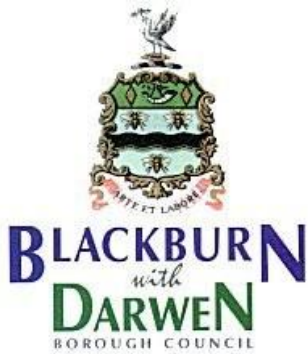
3.4 A final discussion between board members led to an agreement that a **Local Authority hosted model** was the most appropriate recommendation initially, with the flexibility to develop the model further post implementation (to be reviewed at the end of the financial year). Further to that, interested LAs were asked to complete an Expression of Interest if they considered that their LA could host the RAA. Following a vote, it was agreed by the Board that Bolton Council were best placed to host the RAA and had an excellent track record in adoption.

3.5 In terms of the delivery/operating model, the discussion has focused on the child's and adopter's journey and how best to provide services in a way that meets their needs. A clear priority from the workshops and Board meetings was to ensure that care planning for children is woven into the RAA's operating model. Concern was expressed that a fully regional service could struggle to maintain links, and provide local services in a way that is accessible for adopters, birth parents and children. In addition, successful adoption process must be embedded within the local safeguarding teams as early as possible, to ensure the best outcomes for children. A fully regionalised model presents some difficulties around this. The option of 'As is +' was not seen as providing the most robust opportunities for improving service delivery.

3.6 The Project Team developed an options paper detailing service delivery under a variety of hub and spoke and tiered models. After reviewing this paper, the Board agreed a flexible hub and spoke model for the most part, with panels being shared by all councils in 2/3 locations. Although this general approach has been agreed by the Board, more detailed service design will take place during the implementation phase, and the agreed model will be finalised by October 2016.

3.7 Work will continue throughout the summer to develop the specification further, as we work through process design. Currently the functions which are in scope are below, with further research needed, particularly around case holding for children post Adoption Order and Special Guardianship Orders.





EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Regeneration

LEAD OFFICER: Director of Planning and Prosperity

DATE: 8 December 2016

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Residents Parking Scheme Policy

1. EXECUTIVE SUMMARY

The Residents Parking Scheme Policy sets out appropriate guidelines and criteria for such schemes and is now due for review. This has been highlighted by a recent complaint regarding implementation of a local scheme.

2. RECOMMENDATIONS

That the Executive Board:
Approve the proposed policy for Resident Parking Schemes

3. BACKGROUND

Further to a recent Stage 2 complaint regarding the implementation of the Residents Parking Scheme in the Shear Brow area, it was agreed that the existing policy was due for review.

The review would need to focus on residential consultation and subsequent implementation based on results.

4. KEY ISSUES

The objective of Residents Parking Schemes is generally to safeguard the amenity of residential areas. This is achieved by removing non-resident parking. In order to be successful Residents Parking Schemes require an adequate enforcement regime to deter this additional parking. This enforcement is provided by the Council's Civil Enforcement Officers (CEO's) under the Civil Parking Enforcement (CPE) powers of the council. Under legislation when a Council takes on CPE, it has to be demonstrated that it is self-funding. Conversely it is also not meant to be used as an income generator, i.e. ideally it should be break even. In this respect therefore any Residents Parking Scheme should also be self-funding.

Currently, residents are offered a fixed number of permits at fixed costs with no consideration as to the likely level of enforcement costs for the scheme. Despite this lack of detailed analysis, current schemes have tended to almost be self-financing due to the size of the schemes and the ability for the CEO's to incorporate enforcement into their normal town centre routes.

Increasingly however, requests are being received for Residents Parking Schemes to be introduced in smaller areas away from the current main areas of enforcement which would inevitably lead to higher enforcement costs. The proposed policy looks to address these issues by being more robust when designing and costing a scheme, tailoring the number of permits issued and their cost to each individual scheme.

Finally, and most importantly however, the proposed policy sets down strict criteria for residents support for schemes. Whilst the proposed policy sets down a minimum level of residents support required before a scheme will be considered the major change in policy is the level of support required before a scheme will be implemented.

Residents have always been consulted before the introduction of any scheme which subsequently were only implemented if the majority of residents were in favour; a ratio of 2:1 in favour was generally used but this was not formally documented.

Historically, only the responses received have been analysed to see if an area was in favour. Under the new policy the percentage of those in favour will be calculated against the total number of those consulted as the basis for residents support of the scheme, with the level of support required for the introduction of a scheme being 70%, i.e. approx 2:1 as before. This method of calculation is that used by the majority of other traffic authorities.

5. POLICY IMPLICATIONS

The proposed policy tightens up on eligibility criteria, etc., making the process more auditable and fulfilling the requirements of the Stage 2 complaint recommendations.

6. FINANCIAL IMPLICATIONS

The proposed policy seeks to ensure that any residents parking scheme introduced is self-financing thus meeting the requirements of TMA 2004.

7. LEGAL IMPLICATIONS

The Council provide Civil Parking Enforcement under the Traffic Management Act 2004 (TMA 2004) which requires that it be self-financing.

8. RESOURCE IMPLICATIONS

Any future resource implications will be factored into the cost of individual schemes.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

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10. CONSULTATIONS

Members

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	0.02
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CONTACT OFFICER:	George Bell
DATE:	21 st September 2016
BACKGROUND PAPER:	





BLACKBURN
with
DARWEN
BOROUGH COUNCIL

**Residents' Parking Scheme
Policy**

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1. INTRODUCTION

- 1.1. This document sets out the Council's policy towards the provision of residents parking schemes on the local road network within the borough.
- 1.2. This policy is designed to help ensure that:
 - Requests for the introduction of a Residents' Parking Scheme are dealt with in a fair, consistent and transparent way.
 - Schemes that are introduced have passed the criteria detailed in the policy and have been through a vigorous localised consultation and engagement process
- 1.3. A residents' parking scheme is introduced by way of a Traffic Regulation Order ("TRO"). It is one of many means of controlling on-street parking, through the issue of parking permits to individual persons for the use of specified vehicles. It is not a means of controlling access to certain areas as short term parking by any vehicle should ideally be accommodated within the area.

2. Background

- 2.1. The main purpose of the highway is for the movement of traffic. Neither residents nor other vehicle owners have a legal right to park on the highway. However, parking is generally allowed where it doesn't impinge on the movement of traffic; where it does not create a safety hazard; where it does not obstruct access for emergency vehicles or access to property, nor causes damage to the fabric of the highway.
- 2.2. Parking restrictions may be introduced for a variety of reasons including highway safety and access; traffic management or for environmental reasons in protecting residential or other sensitive areas.
- 2.3. Householders are often resentful when others park outside their homes, even where the householder does not actually have the use of a car. Some residents even believe, incorrectly, that they actually have rights to park on the road outside their property.
- 2.4. Residents' Parking Schemes provide formal parking arrangements (through the introduction of a legal Order) and can be used in certain circumstances to prioritise the available parking space in a road or area. Schemes can help in situations where residents regularly find it difficult to park near their own home because a large proportion of spaces are taken up by other road users.
- 2.5. Schemes are most often requested and introduced in residential areas near to town centres or where other major sources of parking demand occur, e.g. hospitals, factories and further education establishments. Schemes do not guarantee a parking space, but rather aims to return the area to the situation prior to the extra demand from outside in order to provide better opportunity for residents to park within vicinity of their home.

3. Pro's and Con's

Is a Residents' Parking Scheme the answer?

- 3.1. The introduction of a Residents' Scheme is only one of a number of options available to address a parking problem on a road by road or area wide basis. Other, more effective options may be suitable depending on the root cause of the parking problem, e.g. residents parking is unlikely to be a solution where parking spaces are being taken by parents dropping off or collecting children from school. If parking problems arise because of existing restrictions then resolution might be achieved by reviewing those restrictions and changing them where they are no longer appropriate.

What are the advantages of a Residents' Parking Scheme?

- 3.2. Better management of limited parking space can be achieved through the introduction of a Residents' Parking Scheme. A scheme can help ensure that space is provided, as far as possible, for those residents that require it. The benefits of a residents' parking scheme may include improved traffic flow, better access for emergency vehicles and servicing of premises for disabled parking, taxis and other public transport. There may also be improved safety for road users, including pedestrians and cyclists.

What are the disadvantages of a Residents' Parking Scheme?

- 3.3. To accommodate marked spaces for residents it may be necessary to prevent parking on the opposite side of the street and at junctions to ensure clear passage for vehicles. This can have the effect of reducing the overall parking capacity available and so might result in a worsened situation for those needing to park than if the scheme had not been implemented.
- 3.4. Schemes may also create problems by displacing non-residents' vehicles and lead to the inefficient use of on-street parking space. For these reasons the Council will usually only consider their introduction on an area wide basis with schemes for individual streets only being considered in exceptional circumstances.

4. Key Principles

Can a scheme be introduced anywhere?

- 4.1. Residents' Parking Schemes are not suitable for all areas. Before a scheme is implemented an assessment is made to make sure that introducing a scheme is technically and financially feasible; that it provides the most effective way of addressing existing parking problems; that it will not create new or displaced parking problems, that it represents good value for money and is broadly self-supporting financially.
- 4.2. Only Schemes which are assessed as feasible and meet the criteria (set out in section 4) may be implemented.

How does a Residents' Parking Scheme work?

- 4.3. Residents' Parking Schemes are achieved by introducing a Traffic Regulation Order within the provisions of the Road Traffic Act 1984. The Order restricts parking but exempts permit holders (residents and if appropriate other groups) from those restrictions. Schemes can take different forms e.g. exclusive use of bays by resident permit holders or where the bays are shared with other short term parkers who would be subject to a time limit of typically 1, 2 or 3 hours.
- 4.4. With such permit schemes the street or area is divided into prohibited and permitted parking and in order to park where permitted a valid permit or paid for parking ticket must be displayed. Permit categories can vary and are usually made available to residents, their visitors and health care workers and may include other users, dependent on highway capacity. Any vehicles found parked without a valid permit or paid for ticket are subject to a Penalty Charge Notice (PCN).
- 4.5. Residents' Parking Schemes are designed by taking into account a number of factors, including the problems experienced, demand for residents' day time and overnight parking, road safety and available space for parking. Residents and other affected parties are given opportunity to provide feedback on draft proposals as part of the consultation process before they are formally published or implemented.
- 4.6. For a scheme to work, a pro-active enforcement regime is required to ensure that the terms of the Order are upheld. Availability of enforcement resources will be taken into account when considering the viability of a scheme.

How much does a scheme cost?

- 4.7. The costs associated with Residents' Parking Schemes fall into two main categories: firstly, set-up costs (including technical surveys, public engagement and consultation; changes to/introduction of the signing and lining of the areas concerned and the preparation and publication of Traffic Regulation Orders) and secondly, on-going (permit issue, administration and enforcement) costs. For full details of the necessary work involved refer to paragraph 4.8.
- 4.8. As schemes are, by their nature, of a direct benefit to a small and localised group of residents, the general principle will apply that Residents' Parking Schemes are set up and run on a cost-recovery basis i.e. schemes are self-funding.
- 4.9. On-going costs are recovered through the charges made to residents within the areas of benefit together with any income from enforcement. In this way those who directly benefit from the schemes contribute to the costs incurred for ongoing administration and enforcement. The charge made for permits will be set at a level aimed to recover costs. It is recognised that there may be a surplus or a deficit in funding of residents' schemes and this will be taken into account when permit fees are reviewed annually.

How much will a permit cost?

- 4.10. The ongoing management and enforcement costs of the schemes are recovered from residents that the schemes are designed to help by charging for permits. Residents will be informed of how much permits will cost before any scheme is implemented.

5. Criteria for Residents' Parking Schemes

- 5.1. To ensure that resources are used effectively all requests for the introduction of a Residents' Parking Scheme will be assessed using the criteria described in this policy. A request for a scheme will not be progressed if it fails to meet the specified criteria.

There must be a genuine need for the Residents' Parking Scheme

- 5.2. It is widely accepted that a scheme can help when parking problems caused by presence of vehicles parked by non-residents are regularly experienced by the residents of the area. Where problems are created by an over-demand for on street parking from residents in relation to the space available a scheme with a reduced allocation of permit(s) for each dwelling may be helpful.

A Scheme will **only** be considered where:

- There is limited or no off-street parking
 - Residents are unable to park near to where they live because 40% or more of the available space is regularly taken by other road users and;
 - There is not enough space to accommodate either residents' needs or residents' and non-residents' day time parking needs; and
 - The majority of residents have a need for on street parking (60% or more in the proposed area).
- 5.3. Where a request for a scheme does not fulfil the criteria above its introduction will not be considered unless:
- The introduction of a scheme will be the most effective and appropriate way to address existing road safety problems or access needs;
 - The scheme is necessary to address the adverse impact from new development in a residential area;
 - The scheme is to be introduced as part of a wider integrated traffic or parking management scheme or to encourage use of alternative facilities such as off-street parking or park and ride schemes
 - The scheme is required to deal with considerable inconsiderate, indiscriminate but transient parking problems such as around Ewood Park or Witton Park during live events.

The majority of the community should support the Scheme

- 5.4. A scheme will not be imposed upon a community. Its purpose is to improve the quality of life for those residents who require on-street parking and its success will rely on the support and cooperation of the residents living in the proposed Parking Scheme area. For this reason a scheme will only be considered (and implemented) where there is clear support from residents affected by the scheme. Therefore, a scheme will only be considered where an initial request for the introduction of a Scheme is supported by at least 10 households (or representatives from 25% of households) from the road or area experiencing problems.
- 5.5. Where it is determined that there is a genuine need for a scheme, it will be implemented only where the majority (at least 70%) of households in the proposed

area agree to its introduction. The level of support for a Scheme will be determined through consultation with residents.

Prioritisation of requests for Schemes

- 5.6. Requests for schemes will be considered annually during a defined period. Potentially viable schemes will undergo a feasibility test according to the criteria described in paragraphs 4.1 to 4.3 above. If the proposed scheme fails the assessment it will not be progressed any further.
- 5.7. At times it may not be possible to progress all requests for feasible schemes e.g. where demand exceeds available resources. Where it is not possible to accommodate all requests they will be prioritised using the assessment factors below. Any requests left over after prioritisation has taken place will be placed on a waiting list.
- Frequency of the problem (i.e. how often residents parking is taken by nonresidents);
 - Existing accessibility problems for emergency vehicles and public transport;
 - Number of properties affected

Process for introducing a Residents' Parking Scheme

- 5.8. A number of steps are involved from the initiation to the implementation of a Scheme including:
- Feasibility study to assess demand and availability of spaces;
 - Public engagement and consultation with residents and other local interests
 - Drafting and publication of a Traffic Regulation Order
 - Statutory consultation for the Order in the local press and with key stakeholders and consideration of objections)
 - Work on the road to lay markings and put up signs
 - Processing permit applications and issuing permits.
- 5.9. During the initial stages, work will be carried out to assess the area under consideration including measuring available kerb-side space and carrying out a survey to establish the type of parking that occurs and the residents demand. Only if this assessment indicates that a scheme is feasible will a request progress.
- 5.10. Where the road space available for a residents" parking scheme falls below that required to issue one permit per household, a scheme will not be pursued. This will often be the case along narrow streets as rationalising parking to introduce a residents" parking scheme can often reduce the current available parking spaces by 50%. (- see 6.2(b) for Allocation of Permits)
- 5.11. The next stage (when a scheme is assessed as feasible) involves engagement with local residents to identify support for or objections against a scheme. Where consultation reveals majority support from residents needing on street parking facilities for the scheme a formal process is started by publication of Traffic Regulation Orders. All objections received will be considered and referred to Planning & Highways Committee for approval of the recommendation to the Executive Member for Regeneration who will make the final decision. Before any scheme is activated,

road markings and signing of the scheme area are required and permit applications processed and permits issued. Once a scheme goes 'live' enforcement of the restrictions is carried out by the Council's Civil Enforcement Officers.

6. General terms and conditions

6.1. Each Resident's Parking Scheme will be designed to suit the needs of the community where the scheme is being introduced e.g. a community experiencing problems from commuters during the week is likely to need a different solution than a community with problems on a football match day.

6.2. General terms which apply to all schemes are given below.

a) Types of Permit

When a scheme is designed the types of vehicle allowed to park will be defined. Vehicle types will vary according to area e.g. residents permits, visitor permits, health carer permits or business vehicle permits may or may not be required or be appropriate. When a scheme is drafted and consulted upon it will include details of proposed permitted vehicles.

For more detailed information on Permit types refer to Appendix A.

b) Allocation of Permits

The allocation of permits per dwelling or household will be decided based upon the number of dwellings requiring on-street parking during the daytime and the length of kerb space safely available in each road for parking purposes. They will vary from 1 permit per household where space is limited to 3 per household where road space is widely available. Permit allocation may be reduced prorata for each off street parking space available to each dwelling. (It should be noted that purchase of a permit does not guarantee a parking space)

c) Eligibility for a Resident's Permit

To qualify for a resident's permit an individual must permanently reside at an address within the road or scheme area where off-street parking for the appropriate number of vehicles is not available (but need not be the property owner) and should own or have the use on a regular basis of a vehicle, i.e. a company car, of the type permitted to park in the Residents' Parking Scheme area.

d) Permanent Resident

Proof of residency at an address within the relevant Residents' Parking Scheme area must be provided in order for an application for a permit to be considered.

Acceptable forms of proof include:

- Current (within last 3 months) utility bill
- Driver's licence
- Mortgage/rent agreement for at least 3 months
- Current Council Tax Bill

- e) **Ownership/Use of vehicle**
Proof of ownership or the regular use of vehicle must be provided in order for an application for a permit to be considered. Acceptable forms of proof include vehicle registration document (Form V5C) and a valid vehicle insurance certificate.
- f) **Blue Badge Holders**
Blue Badge Holders are not allowed to park in a Residents' Parking Bay unless a valid permit is displayed.
- g) **Transfer of Permits**
Permits cannot be transferred from one vehicle to another. When a resident changes their vehicle they should apply for a new Permit if they wish to park that vehicle within the Residents' Parking Scheme.
- h) **Householders without a vehicle**
Householders living within a Residents' Parking Scheme who do not own or have regular use of a vehicle are not eligible for a Residents' Permit. However, provision is usually made in each scheme to accommodate parking by visitors to a resident e.g. friends, relatives, carers, regardless of whether the resident has a permit themselves.
- i) **Renewals**
Residents' permits are subject to annual renewal. It is the responsibility of the permit holder to ensure that they apply to renew their permit. Existing permit holders will usually be invited to renew their permit, and subject to meeting the eligibility criteria, will be issued with a new permit. In any scheme where permits are restricted, where a resident fails to renew their permit before the expiry date it will be assumed that the resident does not wish to renew. In these cases, after a period of 10 working days from the expiry date, the permit will be made available to other residents.
- j) **New applications**
Residents living within a Residents' Parking Scheme area may request a permit by submitting an application to the Council at any time. Each scheme will be designed to accommodate a certain level of permit provision per dwelling, i.e. 1, 2 or 3 as detailed above.
- k) **Refunds**
Where a resident no longer requires their permit they should return the permit to Parking Services in order to receive a refund. Refunds will be made for any full months remaining on the permit after an administration fee¹ has been deducted. Refunds will not be given in relation to any permits which have been defaced or tampered with.
- l) **Lost/stolen Permits**
Where a permit is lost or stolen a resident can obtain a replacement by applying to the Parking Team. A replacement permit will be issued subject to an administration fee² and provided that the resident still meets the eligibility criteria.
- m) **Moving home**
Where a resident moves out of the Residents' Parking Scheme area they should return their permit to the Council in order to receive a refund. Refunds will be made for any full months remaining on the permit after an administration fee³ has been

deducted. Refunds will not be given in relation to any permits which have been defaced or tampered with.

n) Misuse

The Council reserves the right to revoke any permits issued to individuals who abuse the Residents' Parking Scheme system e.g. tampering with permits or supplying permits to others who are not entitled to use them. The Council may refuse to provide a permit to individuals who have failed to comply with the terms of a Residents' Parking Scheme.

o) Scheme Area

This is the road or geographic area described in the Traffic Regulation Order which introduces restricted parking and allows parking with a permit.

p) Allocation of Permits

When a scheme is designed, details of how permits will be allocated will be included, for example, the number of permits available per household.

q) Variations to existing Schemes

Requests for changes to existing schemes will be considered by applying the general principles outlined in this policy document. Significant changes e.g. those that require a change to the Traffic Regulation Order will always require public consultation.

r) Household

Where a building is made up of separate, self-contained dwellings (e.g. flats) each separate dwelling will be treated as a separate household.

s) Off-street Parking

In case of dispute over whether off street parking is adequate the space will be considered as adequate if the following dimensions are met:

2.4 metres x 4.8 metres (or if flanked by a wall on one or both sides 2.5 metres x 4.5 metres)

Where a garage is used for off street parking it will be considered adequate if it is at least 2.5 x 4.5 metres.

t) Waiting lists

In cases where permits are restricted and all available permits have been allocated new applicants will be placed on a waiting list. As permits become available (e.g. as existing permit holders no longer require their permit when they move out of the area) those on the waiting list will be invited to apply for that permit based on the length of time on the waiting list.

¹ £20 in 2016 but the fee will be subject to inflation and other possible rises and will be published in the Council's Fees & Charges going forward

² As endnote 1

³ As endnote 1

Appendix A

Residents' permit

To qualify for a permit you must:

- Permanently reside at an address within the relevant parking zone
- Own or have the regular use of a vehicle

Visitor permits

Visitor permits are available throughout the scheme in all of the parking zones. Any household in the zones may purchase books of two hour or all day permits every four weeks.

- 20 no. two hour permits⁴
- Ten no. all day permits⁵

Visitor permits must only be used by vehicles visiting the property of the permit holder.

Health/Service Provider permits

There are 2 types of permit in this category, to qualify for these you must either be a medical professional or a carer for a resident within a scheme. Evidence will be required and there will be an annual charge.

Type 1 – To qualify for this permit you must be a health/medical professional who is required to visit patients/clients in the community to provide carer and/or medical support i.e. GPs, Nurses, Home Help etc and be employed by a recognised professional body. These permits are:

- Issued to a specific vehicle registration number (max of 2)
- Valid in **all** resident parking areas
- Time restricted (max 2/3 hours)

Type 2 – To qualify for this permit you must be a relative that provides carer and/or medical support to a resident within a scheme. These permits are:

- Issued to a specific vehicle registration number (max of 2)
- For a specific scheme and cannot be used elsewhere
- Restricted to households who do not hold any other permits
- time restricted (max 2/3 hours)

Lost permits

Lost or damaged permits will be replaced at a cost of £20 per permit.

Business Permits

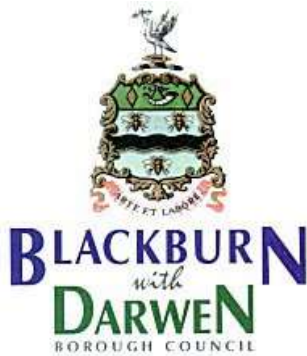
Businesses will generally be eligible for the same number of permits as residents unless they can justify a requirement for extra permits; it should be noted that limited waiting spaces will normally be incorporated into any scheme at the design stage in order to cater for business's customers.

Disabled badge holders

Disabled badge Holders are not permitted to park in resident's parking areas without displaying a valid parking permit. They may however be eligible to apply for a residential disabled parking bay and, notwithstanding this; the removal of extraneous traffic from the area should increase their chance of parking closer to their property.

⁴ £20 in 2016 but the fee will be subject to inflation and other possible rises and will be published in the Council's Fees & Charges going forward

⁵ £30 in 2016 but the fee will be subject to inflation and other possible rises and will be published in the Council's Fees & Charges going forward



EXECUTIVE BOARD DECISION

REPORT OF: Executive Member for Regeneration

LEAD OFFICERS: Director of Planning & Prosperity

DATE: 8 December 2016

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Blackburn with Darwen Borough Council Permit Scheme

1. EXECUTIVE SUMMARY

The requirement to formally implement an all roads Permit Scheme within Blackburn with Darwen has been deemed essential in order to provide improved and increased management of all works undertaken on the highway. This will lead to better network co-ordination and management of all works affecting the highway network within the Borough.

2. RECOMMENDATIONS

That the Executive Board:

Approves and brings into force the Proposed Blackburn with Darwen Permit Scheme

3. BACKGROUND

Within a permit scheme, anyone carrying out works in the road will legally need to apply to the Council for permission, in advance of the works.

Key benefits of a Permit scheme are increased Highway Authority powers to manage Streetworks on the highway network, and in turn being the ability to proactively better manage the network.

The Permit Scheme will provide the following key benefits for Blackburn with Darwen residents, businesses and visitors;

- A greater opportunity to deliver and achieve completion dates;
- Reduced delays and disruption to economic activity
- Improved reliability of journey times, especially by public transport;
- Improved communication about the purpose and duration of works;
- A single point of contact for all activities.

4. KEY ISSUES & RISKS

The government have made it mandatory that every Council must follow the same noticing process as is required from the Statutory Undertakers. Therefore, should councils fail to follow the required

process, there is a greater chance of challenge from Statutory Undertakers. This risk will be mitigated by the Council implementing the necessary processes in relation to its own works..

The noticing of works is an electronic transfer of information of the where and what work will be undertaken, when they will be undertaken and how long for. This allows the Blackburn with Darwen to fulfil its network management duty under the Traffic Management Act 2004.

5. POLICY IMPLICATIONS

The introduction of the permit scheme will bring in tighter controls on the management works undertaken by Statutory Undertakers which in turn will allow for an improved network management service.

6. FINANCIAL IMPLICATIONS

A cost benefit analysis has been undertaken to assess the future needs of detailed implementation. This has set out the full implementation costs along with projected income based on number of street works notices issued per year. The Business Case has cost an initial investment of **£31k**.

Permit Schemes have a set amount of charges that can be applied against a Utility company per Permit issued. It is within this cost that the additional administrative costs have been built in which will assist on the actual day to day operation.

The Permit Scheme allows set conditions on timing, co-ordination with other works, the amount of road space to be left available to road users and pedestrians and other appropriate requirements.

It allows Blackburn with Darwen B.C to charge a fee for granting a Permit. The income fee will provide for additional staffing and administration of the scheme and so that the impact on road users and frontagers (businesses and residents on stretches of highway affected by road works) are fully considered and minimised.

Detailed below is an indication of the items needed for setting up a permit scheme in Blackburn with Darwen along with the estimated costs with an optimism bias of 15%, risk of 20% and overhead applied. The list is not meant to be exhaustive and some consideration may be required by fluctuations upwards or downwards.

Set Up cost to Blackburn with Darwen Borough Council

Project Management -	£50,000
Exor Production system upgrade and migration	£45,000
<ul style="list-style-type: none">• TMA/Permitting Manager, NSG Manager, spatial manager• Application server (Permit element)• Database export• Install TMA Web Services running Oracle SOA suite 11.1.1.7.0 on Test and Production• Configure TMA API as a Web Service• Configure Permitting• Install Information Manager and IM4 Streetworks reporting pack	
Exor licences	£9,000
BwD ICT support with implementation	£28,000

(final costs to be based on actual days)

Additional staff, recruitment costs, office space, equipment £35,000 (3 months prior to go-live)
TMA Permitting consultancy/training £29,000

(Exor, training consultancy)

Total Set Up Cost £196,000

The set up cost of £196,000 is to be recovered over the first three years of operation of the Scheme – subject to rounding this produces a Set Up Cost element in years 1-3 of £65,000 per year. This cost, along with the annual baseline scheme running cost, is to be covered by annual income from the Scheme, as shown below.

Annual running costs and income

Years	1	2	3
Set Up Costs	£65,000 (£196,000/3)	£65,000 (£196,000/3)	£65,000 (£196,000/3)
Baseline annual running costs- Permit Authority	£222,000	£222,000	£222,000
Total Costs in year	£287,000 (£65,000 + £222,000)	£287,000 (£65,000 + £222,000)	£287,000 (£65,000 + £222,000)
Annual Revenue from Utility Companies	£287,000	£287,000	£287,000
Net	(breakeven)	(breakeven)	(breakeven)

The Secretary of State has set maximum permit fees for various types of activity and road category. A permit authority must set out and justify its proposed fees in its application to run a permit scheme. The income from fees shall not exceed the total allowable costs prescribed in the permit regulations. The allowable costs of the complete scheme and its overall income have to be balanced.

Allowable costs are limited to:

- the proportion of direct costs and overheads attributable to operating the scheme
- the element of those costs that are over and above the cost of the authority’s co-ordination duty under NRSWA.

This includes the costs of dealing with:

- activities which required a permit but for which no permit was sought
- proposed activities which would be subject to a permit but which do not lead to an application, for example, activity planning involving the authority which is later abandoned.

Overheads can include:

- non-salary staff-related costs such as pensions and benefits
- appropriate allocation of accommodation costs
- appropriate allocation of central services costs
- appropriate share of IT costs (software and hardware)
- general administration and management
- monitoring the permit system and the production of KPIs
- invoicing.

Notwithstanding an authority’s costs, the regulations and Statutory Guidance set maximum fees that

permit authorities may not exceed. The fees for permits within Blackburn with Darwen have been set out as part of the final business case.

7. LEGAL IMPLICATIONS

Permit schemes operate under the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Schemes (England) Regulations 2007. New Road Street Works Act 1991 remains the current practice for undertaking street works assessments which will still run parallel with a Permit Scheme. The Council has a duty under Section 59 of The New Roads and Street Works Act 1991 to co-ordinate works of all kinds. In addition, section 16 of the Traffic Management Act 2004 requires Councils to manage their road network with a view to achieving so far as may be reasonably practicable having regard to other obligations, policies and objectives, the following overriding objectives: securing the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. The Traffic Management Permit Scheme (England) Regulations 2007 currently set out the process for such applications to be submitted for assessment and approval to the Secretary of State.

8. RESOURCE IMPLICATIONS

In order to operate the scheme fully it has been identified that 2-3 additional FTE's will be required in order to administer the permit application and supervise the Statutory Undertakers on site. 2 Permit administrators will be required to process the permit applications and 1 Permit inspector will be required to ensure the Statutory undertakers sites adhere to the permit conditions stated on the authorised permit.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

The Proposed Permit Scheme has followed the required Statutory Consultation process required by the Department for Transport. All Responses have been reviewed, alterations made were required and answers provided as per the attached documents

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

[Page 100 of 174](#)

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted

by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION: 2

CONTACT OFFICER: Simon Littler

DATE: 01 October 2016

**BACKGROUND
PAPER:** DfT Code of Practice



Blackburn with Darwen Borough Council

Road Activities Permit Scheme

For Road Works and Street Works

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1. Introduction

1.1 Background

Part 3 of the Traffic Management Act (TMA) 2004 introduced Permit Schemes as a new way in which activities in the public highway could be managed and to improve Authorities' ability to minimise disruption from road and street works. This Permit Scheme is known as the Blackburn with Darwen Permit Scheme or hereby known within this document as the "Permit Scheme".

It is based on Part 3 of the Traffic Management Act 2004, or hereby known within this document as the "TMA", Sections 32 to 39 and the Traffic Management Permit Scheme (England) Regulations 2007, or hereby known within this document as "the Regulations", Statutory Instrument 2015/958 hereby known within this document as "the SI 2015" and Statutory Guidance for Highway Authority Permit Schemes, hereby known within this document as "the statutory Guidance". All the above apply unless otherwise specifically stated within the Permit Scheme.

In making this application to the Local Authority under regulation 3(1) to run this scheme a full consultation was carried out which includes all stakeholders as required under that regulation.

1.2 The Permit Authority

The Permit Scheme is operated as a single scheme by Blackburn with Darwen as the Street Authority, hereinafter referred to as "the Permit Authority".

1.3 Relationship to NRSWA

Permit Schemes (as defined with the TMA) provide an alternative to the notification system of the New Roads and Street Works Act (NRSWA) 1991 in the following ways;

- Instead of informing a Street Authority about its intention to carry out works in their area, a statutory undertaker has to book time on the highway by obtaining a permit from the Permit Authority
- Under a Permit Scheme, the Highway Authority's activities undertaken by itself, its partners or agents are also treated in the same way as a statutory undertaker
- The street Authority has chosen to implement a Permit Scheme on all of the roads under its control.
- Conditions can be applied to the works which impose constraints on dates and times of activities and the way in which work is carried out
- A Permit Authority has greater control over the variations that can be applied to works such as time extensions.

1.4 The Permit Scheme

This Permit Scheme has been prepared in accordance with the Statutory Guidance issued to assist Street Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations. Activity promoters should make themselves aware of the content of these documents. It has also been prepared with due regard to the Equality Act 2010.

All current New Roads and Street Works Act and Traffic Management Act legislation, codes of practice and statutory guidance and any of their successors will apply to this scheme.

The scheme has taken into account nationally significant initiatives and will ensure that these are accommodated appropriately within the operation of the scheme.

1.5 Changes to NRSWA Legislation

Where it is implemented on the specified streets and in accordance with the Regulations, the Permit Scheme will result in the non-application and modification of the following sections of the NRSWA:

- Sections of NRSWA not applied: s.53; s.54; s.55; s.56; s.57; s.66
- Sections of NRSWA modified: s.58; s.73A; s.74; s.88; s.89; s.93; Schedule 105; Schedule 3A
- Regulations modified: The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 SI 2007/1951.
- In the interests of parity, the modified legislation will also apply to works for road purposes where allowable.

Section 74 (Charges for unreasonably prolonged occupation of the highway) apply only to undertakers activities, however the Permit Scheme makes arrangements for shadow charging in relation to timings, durations and monitoring of Highway Authority activities to ensure parity for all promoters. Where it is stated in the scheme it refers to the current regulations, guidance and Codes of Practice and its successors.

Section 58 (Restrictions on works followings substantial road works) apply only to undertakers activities as restricting the Highway Authority may be contrary to the statutory duty to maintain the highway under other obligations such as the Highways Act 1980. Where it is stated in the scheme it refers to the current regulations, guidance and Codes of Practice and its successors.

1.6 Activities

The generic term “activities” has been used rather than “works” to reflect the fact that the scheme may eventually cover more than road and street works in subsequent regulations. These are the specified activities as set out in the Regulations.

The term “promoters” has been used for both the statutory undertaker and the Highway Authority as it applies to a person or organisation responsible for commissioning activities in streets covered by the Permit Scheme.

The Highway Authority operating the Permit Scheme must apply for permits in the same manner as a statutory undertaker. All fees and charges for the Highway Authorities will not apply in the application of the Permit Scheme, but shadow fees and charges will be collated and monitored in demonstration of parity.

The Permit Scheme applies to the road categories as set out in paragraph S1.3.1 of the Specification for the Reinstatement of Openings in the Highway (current edition) and shall not apply to roads not maintained at the public expense. Permits will be required on all road categories within the Permit Authority’s area.

To assist in the identification of the road categories the Permit Authority will provide through the NSG custodian identification on the street record for each street for which a permit to carry out activities is required.

1.7 Objectives of the Permit Scheme

The Permit Scheme has been prepared with due regards to section 59 of NRSWA to co-ordinate works of all kinds on the highway and also achieving the overriding statutory objectives and duties under the TMA 2004. It is an important aspect of the duties and policies for the Permit Authority to manage activities in the street, so as to minimise the impact of those activities, while allowing essential activities to take place. The specific objectives of the Permit Scheme are as follows;

- Reduce occupation of the highway
- Enhance co-ordination of all activities on the highway
- Obtain greater control of all activities on the public highway
- Minimise/avoid/manage delays to all road users
- Encourage collaborative activities between all activity promoters
- Promoting best practices across Blackburn with Darwen and the East Lancashire region
- Enhanced cross-boundary co-operation
- Reducing the impact of noise on residents by having greater control of timing of activities
- Reduce instances of customer complaints regarding road and street activities

- Public transport benefits which come from more structured and coherent engagement with all stakeholders at all stages of the activities life cycle.
- Promote common activity practices across the region to ensure ease of operation for activity promoters
- Demonstrate parity for all activity promoters
- Enhance reliability of activities taking place at a particular time.

The Permit Scheme intends to use incentives and discounts to encourage promoters to actively plan the methodology and scheduling of works with the future in mind which it is hoped will lead to;

- Enhancing safety of all road users at road and street activities
- Reducing potential incidents/accidents at road activities
- Improving public perception of management of road activities
- Enhancing reliability of journey times
- Enhancing journey experience.

1.8 Aligned Objectives

The vision within the “LTP3: The Third Local Transport Plan for Blackburn with Darwen” is that

“Transport helps make our area a great place to live, work and play. Effective transport will support a sustainable social, economic and environmental future”

This vision is therefore reliant upon improving the efficiency and reliability of Blackburn with Darwen’s highway routes and supports the importance of the proposed Blackburn with Darwen Permit Scheme.

The objectives have also been shaped by the goals identified by the transport strategy for the highway network which includes the following:

- Support national economic competitiveness and growth, by delivering reliable and efficient transport networks
- Improved quality of life for transport users and non-transport users

2. Principles

2.1 Co-ordination

All activities performed for the purposes of highway maintenance can reduce the width of the street available for public use whoever the promoter is. The scale of the disruption experienced is relative to the activity type and the capacity of the street, however we must not ignore the impact small scale works in non-traffic sensitive streets have on the residents as there is still an aspect of disruption in their lives.

Effective co-ordination and management by the Permit Authority is essential to ensure that traffic disruption is minimised whilst allowing promoters time and space to complete their works.

Before any specified works are carried out on a specified street a permit must be obtained from the Permit Authority in accordance with the Permit Scheme.

Under the Permit Scheme, all promoter activities are treated equally with regards to co-ordination and setting of conditions.

The Permit Authority will actively promote a cultural change in attitudes from its own departments that play an important role in the overall network management by;

- Working closely with its own highways contractors to improve working practices
- Forming network management teams to bring together the coordination of all highways activities including events and highways operations
- Better engagement with Development Control and Planning departments to bring in the structures and processes to the forward planning process to ensure better coordination and delivery of all activities that affect the highway.

2.2 Promoters

It is essential that everyone undertaking activities on the highway take both the Permit Scheme objectives and the broader TMA objective of expediting the movement of traffic into account. To do this the Authority and the promoter must adhere to four key principles;

- 1) The need to balance the potentially conflicting interests of road users, promoters and their customers
- 2) The importance of close co-operation and liaison between the two parties
- 3) Acknowledgement that pre-planned activities, planned programmes and working practices may have to be adjusted to meet coordination provisions in statutory objectives
- 4) The provision of timely, clear, accurate and complete information.

The Permit Scheme will give the Permit Authority greater influence over how and when activities are carried out although the initial responsibility for planning, supervising and carrying out activities remains with the promoters.

Promoters must consider the needs of public transport operators, pedestrians, motorists, cyclists, horse riders or any other road user, paying particular attention to those with disabilities when planning and executing activities on the highway. They should also ensure they have considered and co-ordinated activities with other existing road activities and considered how their proposals will integrate with those and the impact and effect of the operation on the local and strategic highway network.

Some considerations are listed, but not limited to;

- Timing of activities
- The methods of working
- Road safety
- Health and Safety (CDM regulations)

- Noise, light and traffic management
- Activity programme management
- Co-ordination with other promoters.

Proposals should be discussed with other interested parties in advance such as neighbouring Authorities, Network Rail, bus and rail operators, schools, businesses and residents and where necessary modified when appropriate and practical. Other appropriate bodies include but are not limited to those representing disabled people, pedestrian and cycle groups, hauliers, local tourism boards, the Environment Agency and English Heritage.

The greater the disruption the sooner the application should be made and promoters should recognise that statutory application periods are only a minimum and longer should be given where practicable.

Promoters should also take into account the space needed for the works, the storage of plant and materials and other associated plant such as welfare cabins and car parking areas. Where this is outside the working area including if on another street, the promoter must consider the impact of this on disruption to traffic, local residents, businesses and the local environment. These areas may be subject to another permit application and conditions applicable as appropriate to the disruption, road type or network congestion.

2.3 Collaborative Working

The Permit Authority actively encourages collaborative working and will offer fee reductions or waived fees for cooperative working between promoters. NOTE. Each promoter should apply for a permit in the normal way.

This includes, but is not limited to, the following;

- Trench sharing
- Concurrent activities on a single street
- Traffic Management sharing
- Multi-promoters sharing road space
- Multi-promoters sharing road closures
- Timing works on nearby streets which affect traffic flow in order to minimise overall effect.

Whilst co-operative working is encouraged it is understood that such arrangements can cause problems with contractual, CDM and other management arrangements but every opportunity should be explored.

Therefore, where two or more promoters demonstrate collaborative working reduced permit charges may be applicable. See Notes for Guidance for fee discounts related to collaborative working.

Where two or more activity promoters for street activities and activities for road purposes enter into such arrangements, one must take on the role of the primary promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority.

While the secondary activity promoter(s) will be required to make a permit application for the activity for which they are responsible, only the permit application made by the primary activity promoter will need to show the number of estimated inspection units.

The primary activity promoter's permit application must give details of the other activity promoter(s) involved and the extent of the collaborative working. The primary activity promoter must also ensure that the estimates of the activity duration are agreed and confirmed with the secondary activity promoter(s) when submitting the application.

While the Permit Authority will issue permits to all of the activity promoters involved, not just the primary activity promoter, the fees will be discounted (please refer to **section 12.6**) to reflect the collaborative approach, subject to all criteria being met.

The primary activity promoter will excavate the trench and install its own apparatus with the secondary activity promoter(s) installing their apparatus in the same trench. The primary activity promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and documented by the works promoter via EToN, that the secondary activity promoter(s) will undertake the reinstatement, in which case the responsibility for the reinstatement will rest with the activity promoter who undertook this reinstatement, although the registration through EToN for this activity will still have to be submitted by the primary activity promoter.

The other promoters in these circumstances must indicate a “No excavation” status on the Section 74 Work Stop Notice. Notice text within the work stop notice must indicate that reinstatements have been registered by the promoter responsible for the reinstatement.

This process may vary in line with future amendments to the technical specification for EToN.

2.4 Forward planning

Forward planning information on large-scale and potentially disruptive activities is included in the permits register at the earliest opportunity. This will enable promoters to;

- Engage in early co-ordination
- Consider joint working
- Consider trench sharing
- Consider other planned activities.

Forward planning information does not remove the need to apply for the appropriate permit at the appropriate time.

2.5 Non-Discrimination: Parity Treatment

A key objective of the Permit Scheme is that it treats all activities covered on an equal basis. The Regulations provide for permit schemes to include both street works by statutory undertakers (as defined in NRSWA) and highway works (as defined in Section 86 (2) of NRSWA) as works for road purposes. Although the term “specified works” is used generically in the Regulations, “activities” is used in the Permit Scheme to encompass both types of works and anticipates subsequent sets of Regulations which may extend the scope of permit schemes to other activities on the street.

Whilst not all activities require a permit, Promoters are strongly recommended to check the Permit Authority street works register to ensure that they are not planning to work at the same time as other activities in that street.

Permits for all qualifying street works and works for road purposes, and all applications (which can only be made by licensed undertakers or Highway Authorities), will be treated in a non-discriminatory way, as required in Regulation 40. The Highway Authority's activities and their applications will be treated in exactly the same way as those of a licensed undertaker's with regard to co-ordination and the setting of conditions.

In order to show that the Permit Authority is operating the Permit Scheme in a fair and equitable way each Officer responsible for making any decision related to a permit application will be separated from the highway activities of the Authority.

3. Specified Activities

3.1 Activities requiring a Permit

The Permit Scheme controls activities undertaken on any publicly maintained highway and defined as registerable activities in regulation 9(2)

The term registerable corresponds to what are specified works under the Regulations and are registerable for all promoters and information related to them has to be recorded on the register. This includes;

- Street works as in part 3 of NRSWA, except for works by licensees under section 50 of NRSWA
- Works for road purposes as defined by section 86 of NRSWA – maintenance and improvement works carried out by, or on behalf of the highway Authority
- Other activities that may be introduced under future regulations.

3.2 Activities for Road Purposes

The requirements of the Permit Scheme apply equally to both Highway Authority and statutory undertakers' activities with the exception that fees will not be charged for permits issued for the Highway Authority's own activities for road purposes. Promoters of activities for road purposes must ensure that they have followed the equivalent processes for activities and declare that they have fulfilled these requirements in their applications.

The Permit Authority must demonstrate parity of treatment for all activity promoters which will be measured through appropriate key performance indicators (See Section 14).

Diversions shall require a permit and will require the statutory undertaker to apply for and pay for the permit except where agreed with the Permit Authority. However the statutory undertaker may wish to apply for a reduction in fees if collaborative working can be applied as per Section 12.6

3.3 Activities not requiring a Permit before they start

Immediate activities do require a permit, although as such activities are concerned with emergency or urgent situations, an activity promoter can start the activity before applying for a permit but they MUST apply for the permit within 2 hours of starting on site.

If the works commence out of working hours then a permit must be applied for by 10am the next working day.

Immediate activity permit applications must comply with the relevant conditions.

3.4 Activities for which no Permit is required

Non registerable activities are those which do not fall under the criteria set out in **Section 3.1** and can take place without requiring a permit. If the circumstances change so that the works then falls under registerable activities, the undertaker must obtain the correct permit within the required timescales. This may require the activity to cease and the permit obtained, however it is strongly recommended that contact is made with the Authority to discuss this as continuity of works may be allowed by agreement provided the permit is applied for within adequate timescales and the relevant fee payable.

- Activities executed in a street pursuant to a street works licence issued under Section 50 of the NRSWA are not included in the Permit Scheme but have to follow the normal procedures as required through Blackburn with Darwen Council. A permit should be submitted into the register but no permit fee will be charged.
- Third party repairs carried out under 171 of the Highways Act e.g. repairs to private apparatus.
- Traffic census surveys.
- Pole testing which does not involve excavation.

- Activities being carried out by Fire service vehicles only, parked adjacent to or near fire hydrants , on the provision that this is done outside traffic sensitive hours. Any other circumstances will be considered on a case by case basis. However, in any event no fee will be charged.
- Works not involving excavation in nonTraffic Sensitive situations.

To enable full co-ordination of all activities which occupy the highway promoters of activities are encouraged to submit a permit to ensure that road space is available. This will ensure that their activity will not be interrupted by other activities for which a permit has been granted. No fee will be charged for the granting of permits for exempt activities unless during the course of the activity the classification of the activity changes. For example, placing of an electricity generator or a water bowser.

3.5 Street lighting

The definition of works for road purposes may include some works carried out by undertakers, such as street lighting. It is for works promoters to ensure that permit applications for such activities are notified or registered, as appropriate. Responsibility for new connection works to the Street Authority asset resides with the Street Authority.

Fault repairs and works carried out for any other Authority, such as District or Parish Councils, are not works for road purposes. They should be treated as street works and must follow the normal procedures.

3.6 Common elements with NRSWA

To facilitate working across Highway Authority boundaries, the Permit Scheme uses the same or similar definitions or requirements as used in the NRSWA notice system for;

- Registerable activities
- Categories of activities (major, standard, minor and immediate)
- Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Additional Street Data (ASD)
- Street reinstatement categories as defined in the specification for the reinstatement of reinstatement of openings in the highway
- The distinction between main roads and minor roads, where such distinctions are relevant
- Streets designated as protected, having special engineering difficulty or traffic sensitivity.

The Permit Authority will be set up to receive applications, issue and receive notices and otherwise communicate electronically. All such communications relating to works on the highway should be made using the Electronic Transfer of Notifications (EToN) where possible and available.

4. Specified Streets

4.1 Definition of the Term “Street”

For the purposes of the Permit Scheme, the term “street” refers to that length of road associated with a single USRN. Where a single street on the ground has more than one USRN, separate permits will be required for each USRN to which an activity relates.

4.2 Streets covered by the Permit Scheme

The Permit Scheme will apply to ALL Highway Authority maintained streets in Blackburn with Darwen. The street gazetteer will be updated with the relevant information indicating it to be a permitted street well in advance of the implementation date. The street gazetteer will be available to all work promoters via the National Street Gazetteer (NSG) concessionaire’s website.

4.3 Identification of Streets

All streets that are subject to the Permit Scheme will be identified via the ASD record and held on the National Street Gazetteer (NSG) concessionaire’s website alongside the NSG data, where the Operational District responsible for maintaining the street is defined as operating a Permit Scheme.

4.4 Motorways and Trunk Roads

Motorways and trunk roads within Blackburn with Darwen boundary for which the Highways Agency is the Highway Authority are excluded from the Permit Scheme.

4.5 Non-Maintainable Highways

Streets that are not publically maintainable highways, other than those that are expected to become a maintainable highway, are not included in the Permit Scheme.

4.6 Streets to be adopted as Maintainable Highways

Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway. A minimum of one calendar month’s notice will be provided to all affected stakeholders when the new street becomes a maintainable highway.

4.7 Reinstatement categories

The reinstatement categories of streets used in the Permit Scheme are the same as the reinstatement categories under NRSWA and as given in the ASD. If any street does not have a category on the NSG the street will be treated as a category 4 for the purposes of the Permit Scheme and the overrun charges and other elements as necessary.

5. Permits General

5.1 Permit Validity

Permits are valid from the start date to the end date of the permit. The start and end dates are calendar days and will include weekends and bank holidays even if these are not working days subject to the conditions on the permit. The permit will include information on the duration of the works.

Permits will only be valid from the start date to the end date of the permit on category 0 to 2 or traffic sensitive streets, and between adjusted dates based on the allowed starting window in the start date for category 3 and 4 streets that are not designated as traffic sensitive. The start and end dates will be calendar days, not withstanding reference elsewhere to working days, and will include weekends and bank holidays.

The permit will allow an activity to be carried out during the specified duration and a promoter working outside those dates will not have a valid permit and will be committing an offence. If the activity cannot commence on the proposed start date, or within the allowed starting window, a variation is required.

5.2 Permit Variation

Changing circumstances for any promoter may necessitate applications for permit details and/or conditions to be modified. Variations to permits if acceptable to the Permit Authority will be confirmed by the granting of an amended permit showing the revised details.

If the Permit Authority initiates the variation then there will be no fee charged for the granting of this revised permit, however if the variation is initiated by the activity promoter then a variation fee will be applied.

Further information on variations refer to **Section 9**

5.3 Error Correction

Where the Permit Authority identifies an error in data recorded, or submitted for recording, in the Permit Authority register, it will contact the activity promoter to discuss and agree the corrections to be made. Where the activity promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been made identified on an application, the activity promoter shall submit a permit variation request by the end of the next working day following the agreement of the correction. This permit variation request should include the corrected data and the reference number provided while agreeing the correction; it must also state the data elements that have been corrected. The error correction process is described in the EToN Technical Specification. This procedure must not be used without the prior agreement of both parties.

A variation fee will be payable where the identified error has been caused by the activity promoter and identified by the permit authority, although if the error has been identified by the activity promoter there will be no charge for the permit variation

5.4 Working without a Permit

In accordance with Regulation 19 it is an offence for an activity promoter or a person contracted to act on its behalf to undertake specified activities in a specified street without a permit, except where the Permit Scheme provides that this requirement does not apply. Where it is believed that such an offence is being committed, the Permit Authority may impose a Fixed Penalty Notice (FPN) or pursue legal action via a prosecution and require the party concerned to remove the activity and return the street to its full use.

5.5 Phasing of Activities

A phase of an activity is a period of continuous occupation of the street (whether or not the activity is taking place for the whole time) between the start and completion of the works. As one permit can only contain one phase, the dates given in a permit application will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.

5.6 Linked Activities

An activity promoter should clarify that an activity is to be carried out in phases on the application. Each phase will require a permit and possibly also a Provisional Advance Authorisation, which again should ideally use the original works / activity reference but failing that must be cross referenced to the original notice or permit. Phased activities must relate to the same activity and be within the scope of the description provided in the initial application. These could be a single or multiple linked excavations, or a trench dug progressively along the street as part of a continuous operation.

The Technical Specification for Electronic Transfer of Notices (EToN) allows for project references, activity references and phase types:

- 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 the works
- A promoter must clarify that an activity is to be carried out in phases on the initial PAA or permit application
- For a major activity, the EToN activity reference number must be used within the PAA
- Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. All works in these circumstances must be related and operationally dependant on each other
- Unconnected activities carried out by the same promoter in one street must not be treated as parts, or phases, of a single activity
- A new main or cable run, which includes new customer connections, can be classed as one phase if all the activity is completed in a single occupation of the street. Otherwise, a new permit will be required for the customer connections stage
- Even if an activity involving more than one street forms part of one project in management and contractual terms, separate permits and PAA's must be obtained for each street or USRN.

5.7 Reinstatement

If a permanent reinstatement cannot be completed on the first phase, the activity shall be regarded as having two separate phases. Under the provisions of NRSWA, this will mean two separate works/activities for Section 74 purposes. Each phase is from the start date in the relevant permit to the completion of either interim or permanent reinstatement and the removal of all surplus materials and equipment from site. The same activity reference must be used for all phases.

5.8 Remedial Works

Remedial works correct defects identified in accordance with the Code of Practice for Inspections, its successor and other associated regulations and codes of practice and their successors. They will need to ideally use the original works / activity reference but if this is not available a promoter will need to cross-reference the original activity promoter reference number. Those remedial works to remedy dangerous defects will be categorised as immediate emergency activities however the burden of proof of proving the validity of this categorisation will remain with the promoter. Remedial works will require a new permit in all cases.

5.9 Interrupted Activities

In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is acquired, the activity promoter shall contact the Permit Authority to agree what action should be taken. Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a permit variation will be required. However, where it is considered that the opening should be reinstated and the road returned to full traffic use, then the activity promoter will need to apply for a further permit to complete the activity at a later date.

If an activity is interrupted at the request of the Permit Authority, they should discuss this and agree to a permit variation. If the permit is fully closed at the request of the Permit Authority, the subsequent permit to re-open will be free of charge providing it is a new phase of the same permit, uses the same permit number and an agreement number provided.

Whenever an activity is interrupted, the activity promoter should contact the Permit Authority before starting any of the processes above.

5.10 Charges for Overrunning Street Works/Activities

Charges for overrunning street works/activities, under Section 74 of NRSWA, will be made alongside the Permit Scheme. These regulations incorporate the process of setting and modifying the duration of the activity through the permit application, approval and variation processes, with the option to treat all or parts of a duration extension as chargeable overrun. See Section 17.8 for further information on Section 74 overruns.

5.11 Early Start

An activity must not start before the expiry of the application period except where an early start has been agreed with the relevant Permit Authority, and after the relevant Permit Authority has consulted any other interested parties. A Promoter may request an early start after applying for a Permit. Where an early start is agreed after the Permit has been issued, the Promoter must submit an application for a variation to the Permit including the reference number provided by the Permit Authority.

Where a promoter cannot adhere to the minimum application period, the Permit Authority and any other interested party will consider applications where mitigating circumstances justify this. Permission to allow a promoter to submit such an application is solely at the discretion of the Permit Authority and any other interested party where applicable but will not be unreasonably withheld.

Where an application is granted, thereby providing such permission, it will be recorded by the Permit Authority, where permission is not granted, the application will be refused.

5.12 Actual Start

Notification of the actual start for the activity must be given to begin the reasonable period. An activity must not begin before the date given in the permit, unless an early start has been agreed; to do so would be committing an offence. Once the activity has begun, a Notice of Actual Start of an activity must be given by 10.00am the next working day on category 0, 1, 2 and traffic sensitive streets and by the end of the next working day in the case of category 3 and 4 non traffic-sensitive streets. In the case of an immediate activity the permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be "In Progress". Notice of Actual Start must be given in accordance with the requirements described in the Technical Specification for EToN. The identity of the main contractor or, if appropriate the Direct Labour Organisation ("DLO") must be provided on the actual start date notice. This should always be the organisation with whom the undertaker has the contract, and not any subcontractor who may be actually carrying out the activity.

5.13 Starting windows

The Permit Scheme has been designed so that permits have the flexibility of a starting window where appropriate.

5.14 Category 0-2 and Traffic Sensitive Streets

In Category 0-2 and traffic sensitive streets, the duration of the activity will exactly match the time from the start date to the end date, for example: start date Wednesday 1 June, end date Friday 10 June, duration ten days including the weekend. The permit start date will be the proposed start date of the activity. If the activity cannot begin on the permit start date, the promoter should inform the Permit Authority [on the previous day by telephone]. There is no automatic extension of the permit in these circumstances. If the promoter thinks that it could still complete the activity before the permit end date, then they could begin the activity on a subsequent day, submitting an actual start of activity notice under Section 74 of NRSWA.

If the activity promoter could not complete the activity before the permit end date, it would need to apply for a permit variation (extension). This would be required even if the extra days are on a weekend. A Permit Authority may or may not agree to a permit variation (extension), depending on the circumstances, and the activity promoter may be subject to overrun charges.

5.15 Category 3-4 Non-Traffic Sensitive Streets

In Category 3 and 4 streets that are not traffic sensitive, the permit will be issued with a start and end date. However, because both competition for space and the expected level of disruption is likely to be lower on less busy streets, there will be flexibility on the start of the activity - a "starting window" - equivalent to the validity period on a NRSWA notice.

The starting windows are;

- 5 days for major and standard activities
- 2 days for minor activities.

When the activity commences, the activity promoter would have to submit the Actual Start of activity notice, setting out the Actual Start of the activity, and the duration must be the same as that given in the permit. The permit end date is automatically adjusted to allow the agreed duration if the activity starts on any day up to the last day of the starting window. The duration applies to continuous calendar days and, once the activity starts, the activity promoter has only the successive calendar days in duration in which to complete the activity subject to the conditions applicable granted within the permit.

5.16 Works Clear

A Works Clear notice is used following an interim reinstatement. Works Clear must be given no later than the end of the working day following the one on which the activity was cleared. Where the activity is completed in different phases such as interim and permanent reinstatement, there will be a need for separate permits for each phase. In no circumstances should permits be sought for more than one phase.

All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a works clear notice. A new permit will be required for any subsequent phases such as to complete the permanent reinstatement.

5.17 Works Closed

A Works Closed notice is used following permanent reinstatement. The Notice of Works Closed must be given by the end of the next working day following the day on which the activity was closed. All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a Works Closed Notice. If temporary road markings have been used, then the

activity is not complete until the permanent markings are applied and the activity duration should also cover this period.

5.18 Application Requirements

Each application for a permit must include the information indicated in **Section 7**

6 Permits – Types

6.1 Types covered by the Permit Scheme

There are two types of permit covered by the Permit Scheme as set out below.

6.2 Provisional Advance Authorisation (PAA)

PAA's, are a means of enabling significant activities to be identified, co-ordinated and programmed in advance by allowing activities to be provisionally planned in by the activity promoters, pending the Permit Authority's subsequent decision on whether, and with what conditions, to grant a permit for the activities. An activity promoter who wishes to undertake Major Activities (see 6.5 below) on a specified street shall apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority. Subsequent applications for permits for Major Activities that have not been preceded by a PAA will not be accepted by the Permit Authority.

Each application for a PAA will be limited to one street.

An application for a PAA must include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final permit with full justification of the amendment of the start and end dates.

A fee will be charged for a PAA in addition to the fee which is charged for the issue of the major permit unless other conditions have been met by pre-agreement with the Permit Authority.

The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a major permit to which the PAA relates, if circumstances should change. For major works to commence the promoter will be required to provide the final detailed information in support of the application for a permit at least 10 days before the activity is due to commence unless otherwise agreed.

6.3 Permits

Permits are the full permit applications with final details for all registerable activities on the specified street. The information which shall accompany a permit is set out in Section 7 and wherever practicably possible be supplied using the latest EToN version and in any event within the timescales as set out within Section 7.22.

Promoters should note that in line with Regulation 9(9) of The Traffic Management Permit Scheme (England) Regulations 2007 the Permit Scheme requires applicants to copy any permit applications to any Authority, statutory undertaker or other relevant body that has requested to see notices or permit application on certain streets.

The minimum timescales are set out in **section 7.2.2** however promoters are encouraged to contact the Permit Authority early so that conditions can be discussed and, if possible, an agreement can be reached so that the application is approved quickly.

6.4 Classes covered by the Permit Scheme

There are four classes of permit covered by the Permit Scheme as set out below.

6.5 Permit for Major Activities

Major Activities are those which;

- have been identified in an activity promoters' annual operating programme or, if not identified in that programme, are normally planned or known about at least six months in advance of the proposed date of the activity

- other than immediate activities, require a temporary traffic regulation order (i.e. not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other activities
- other than immediate activities, have a duration of 11 days or more. Major Activity Permits are required for the most significant activities on the highway and will require the activity promoter to obtain a Provisional Advance Authorisation as part of the application process for a Major Activity Permit. (See section 7 for application process).

An application for a Major Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Section 7 and must include a description of the proposed activity together with the proposed start and end dates of the activity. Where these differ from those given in the PAA application, the applicant must justify the reasons for any variation.

6.6 Permit for Standard Activities

Standard Activities are those activities, other than immediate or major activities, that have a planned duration of between 4 and 10 days inclusive. Activities lasting less than 10 days but which require a traffic regulation order, such as a temporary road closure, or are part of the promoters operating programme will be classified as Major Activities and will be subject to the application process for a Major Activity. (See Section 7 for application process). However, as per DfT Guidelines may be subject to reduced fees for Non-Traffic Sensitive Roads or in Non-Traffic Sensitive times.

An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in **Section 7.2.2** below and must include a description of the proposed activity together with the proposed start and end dates of the activity.

6.7 Permit for Minor Activities

Minor Activities are those activities, other than immediate or major activities, where the planned working duration is 3 days or less. An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Section 7.2.2 below and must include a description of the proposed activity together with the proposed start and end dates of the activity.

6.8 Permit for Immediate Activities

Immediate Activities are those which;

- a) are emergency activities as defined in section 52 of NRSWA
- b) are activities (not being emergency activities) which are required;
 - to prevent or put an end to an unplanned interruption of any supply or service provided by the works promoter
 - to avoid substantial loss to the promoter in relation to an existing service
 - to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate permit period.
- c) Includes the activity that cannot reasonably be severed from such activities

Given the nature of Immediate Activities, the activity may commence without a permit. However, where it is necessary to carry out immediate activities requiring traffic control on traffic sensitive streets, where indicated on the ASD, promoters of such activities must contact the Permit Authority by telephone immediately, and in any case must apply to the Permit Authority within 2 hours of the activity starting. Immediate activities will be subject to relevant conditions

Remedial works for dangerous defects may be classed as emergency works.

6.9 Burden of Proof

The activity description must clearly justify why the activity is immediate.

If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the promoter must demonstrate, conclusively that it is. Those elements of the activity, which could be subject to the normal application period, cannot be included in the immediate category. Failure to do so will constitute an offence and appropriate enforcement action will be taken by the Permit Authority. This may include, but is not limited to the revocation of the permit and the requirement to resubmit against the correct permit type and/or criminal proceedings against the work promoters.

7. Making a Permit Application

7.1 Permit Authority Requirements

Any promoter of specified activities who wishes to carry out such an activity on a specified street must first obtain a permit from the Permit Authority. The permit will allow the promoter to;

- carry out the specified activity
- at the specified location
- between the dates shown
- subject to any conditions the authority may require to be included.

Permit applications must contain the required level of information in order for the Permit Authority to properly assess the application and if necessary request that appropriate conditions be attached.

Permit application timings will vary according to the proposed activity however where early applications are received the Permit Authority will be able to give better advice in relation to the use of conditions, requirements and deliver more effective coordination.

Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval or the suspension of parking regulations, the relevant timescales should be taken into account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA or Forward Planning Notification. The application process will begin when the Permit Authority receives the applications, as defined in the EToN Specifications, not when the permit application is sent.

7.2 Submitting an Application

Permit and PAA applications should be made electronically, as set down in EToN, unless there is a failure in the electronic system or the activity promoter does not have access to electronic systems, in which case an alternative application methods such as e-mail, post, hand, fax will be acceptable but this must be pre-agreed in writing with the Permit Authority. In these instances the definitive format of both paper and electronic permit applications must comply with that given in the current EToN Technical Specification.

Where an alternative to EToN is being used, the pre-agreement must include how the receipt of the permit/variation application and the associated responses are to be made to ensure no misunderstanding of receipt and response times.

7.3 Application for fee exemption

Where the works promoter believes the permit is subject to a fee exemption, the promoter will submit a comment with the first permit application

7.4 System Failure

In the event of a system failure, activity promoters shall adopt the EToN Technical Specification procedure. FPN's, Section 74 charges and any other penalties that result due to system failures will be waived. However, activity promoters must inform the Permit Authority about system failures immediately and get an agreement in principle to avoid the creation of FPNs and Section 74 charges in advance.

7.5 Compliance with EToN

All applications must comply with the definitive format and content given in the current EToN Technical Specification.

7.6 Use of Plain English

The description of activities must be in plain English, avoiding industry specific jargon. A standard description used consistently with added text for exceptions which will allow for quicker analysis of applications and ongoing coordination.

7.7 One application per street

Each application shall refer to activities in only one street and for one activity only; multiple activities MUST NOT be grouped under one permit. Where a project covers more than one street, all related applications must be cross-referenced and the project reference included on each application.

7.8 Activities covering several streets

Where the specified activity, as part of the same project involves a number of specified streets, a separate PAA and/or permit will be required for each street. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications. Fees which involve several permits may be subject to a discount (refer to Notes for Guidance) for information on discount and incentive options) if the applications are submitted together and cross referenced. For consistency with NRSWA, a street will correspond to a USRN.

7.9 Notification to Interested Parties

Where the ASD indicates other interested parties, Provisional advance applications and permit applications shall be copied to those parties.

7.10 Consultation Requirements

Activity promoters must carry out necessary consultations as set down in sections 88, 89 and 93 (as amended) and sections 90 and 91 of the NRSWA.

7.11 Restriction on Activities

Where an activity promoter wishes to apply for a permit to carry out specified activities on a specified street where a notice has been issued under Sections 58 or 58A of NRSWA, and the activities are not covered by the specific exemptions of that notice, the activity promoter must make an application for the Permit Authority's consent specifying the grounds on which the consent is sought. If the consent is given, then the Permit Authority will provide an agreement reference number. This agreement reference number must be included in the specific field for agreement details with the permit application for the permit to be approved.

7.12 Contact Person

Each permit application must include the contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made for out of hours contact where required. Where collaborative works are to be performed, the identity of the lead promoter must be provided.

7.13 USRN

Each application must relate to a single street only. Where a single street on the ground has more than one USRN, separate permit applications will be required for each USRN to which an activity relates.

7.14 Description of Activity and Collaborative Promoters

For all works a sufficiently detailed description of the activity, clearly setting out what the works are, and their purpose must be provided to allow the Permit Authority to assess the likely impact of the activity. Where

collaborative working is proposed the promoter must provide a detailed description of the collaborative scheme of the works.

7.15 Location

The activity promoter must provide accurate location details using a spatial feature (point, line or polygon) covering the extent of the works based on National Grid References (NGR). In the case of small excavations, an NGR should be given for the centre of the excavation; for larger works, a polygon representing the works footprint is required. In addition, dimensions should be given of the space that will be taken up by the activity in the street, including space for the storage of plant/materials, activity space, safety zone, provision for pedestrians and traffic management.

If any NGR contained within a permit application is considered to be inaccurate or misleading the application may be refused.

Major works – Start and end NGR's must be supplied, however a poly line is desirable particularly if proposed works areas or trenches are not in a straight line and follow a road or require a road crossing.

Standard, Minor, Immediate – A centre point must be provided as a minimum, however a poly line is desirable if;

- the activity area or trench is expected to be more than 10m in length
- there are multiple separate locations on the same street
- proposed works areas or trenches are not in a straight line and follow a road or require a road crossing.

NGR's must be supported by the notice location text facility as defined in the EToN technical specification and must contain relevant and detailed information specific to the application including but not necessarily limited to the following;

- house names and numbers
- proximity to fixed points where house names and numbers cannot be obtained (e.g. distances from junctions or lamp columns)

If the activity location description of the proposed permit is considered to be inadequate for any reason the application may be refused.

7.16 Timing and Duration

Each permit application must include the proposed start and end dates of the activity. The application must also include the times of the day when the activity is to be carried out and the applicant must also indicate if it is intended for the activity to continue over weekends and bank holidays and if night activities are required. For traffic sensitive streets, details of the times of day the activity is to be carried out must also be provided. This information can be provided on the application in the conditions

7.17 Illustration

PAA's, PA's and any other activities that pose disruption as directed by the Permit Authority should be accompanied by an illustration(s) of the activity and should include details of the activity, and the extent of highway occupancy. The illustration may comprise plans, sections, digital photographs and similar material. Illustrations may also be submitted with the application for standard activities located on a designated traffic sensitive street and streets of engineering difficulty.

Illustrations should be sent via EToN as an attachment wherever possible.

7.18 Techniques to be used for Underground Activities – Methods

Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig must be provided. This information may be included in the EToN Excavation Type Code that is provided for this purpose and supplemented in the description field if necessary.

7.19 Traffic Management, Parking and Traffic Regulation Orders

The activity promoter must supply full details of the traffic management proposals, including any requirement for action by the local Permit Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. In the case of the suspension of a parking bay being required, the activity promoter should make an application to the Parking Manager.

Applicants should be aware that such applications may involve additional costs and activity promoters should familiarise themselves with the timescales and procedures relating to such applications.

Any requirement for action on the part of the Permit Authority, including but not limited to those listed below must be included within the application;

- the need to make Temporary Traffic Regulation orders
- notice to suspend parking restrictions
- to give approval for all portable traffic signals

A PAA must specify that an application has been made to the relevant Authority for a TTRO where one is required.

The follow up Major Works PA must confirm that a TTRO has been made by that relevant Authority.

An associated traffic management plan for traffic sensitive streets must be provided with the application, together with the justification for use of 24 hour portable traffic signals. The costs associated with these are not within the scope of the permit fees and will be applied separately.

7.20 Public Transport

If the proposed activities are likely to have an effect on public transport operators the promoters should have liaised with the operators to consider what measures could be taken to mitigate any adverse impact on public transport. The promoter should include information of such discussions and actions with their application. Where bus stops need to be closed or relocated then the existing application process should be followed and evidence attached to the permit application.

7.21 Depth

Activity promoters must provide their best estimate of the excavation depth of the activity. This may be expressed as a range where appropriate. This information may be provided in the form of text, either in the activity description or in the form of a comment for proposed works.

However, when registering the reinstatement the actual depth measurements must be declared as per the EToN specification

7.22 Reinstatement Type

Permit applications must indicate whether the proposed activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

Where the activity will be completed with a mixture of both interim and permanent reinstatement, the applicant must give details of where these methods will be used within the permit. These details can be provided in the form of text, either in the activity description or in the form of a comment.

Where the activity is completed with an interim reinstatement, a separate permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the permit.

7.23 Inspection Units

The activity promoter is required to indicate the provisional number of estimated inspection units appropriate to the activity in accordance with the rules laid down in the relevant Code of Practice for Inspections and its successor and in the Street Works Inspection Fees (England) (Amendment) Regulations 2004 or any subsequent amendments to those regulations.

7.24 Application and Response Times

The Permit Scheme sets down the application and response times for dealing with permit applications and permit variation applications electronically in the table below. In all cases given in the table, the time period is measured from the time of receipt of the application by the Permit Authority. A “response” means a Permit Grant, Permit Refusal or a Permit Modification Request. In the case of either of the latter two options where there are reasons why the permit cannot be granted in the terms applied for, the response terms will explain the reasons to the applicant and if relevant what needs to be altered to make the application acceptable.

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 advance 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	

Without a prior telephone call, the minimum period to apply electronically for a permit variation (extension) before the permit expires is 2 days or 20% of the original duration.

7.25 Decision making

The Permit Authority when making a decision on an application will act reasonably and in accordance with the statutory duty to co-ordinate and manage the network and also in line with the objectives of the scheme.

When reaching a decision, the Permit Authority will consider all aspects of the proposed activity and other influences that may affect the traffic flow. These will include but will not be limited to;

- the network capacity
- safety
- the scope for collaborative working
- the overall effect on the local and regional highway network
- the local residents
- appropriate technique and arrangements

- working arrangements
- environmental impacts
- public transport.

7.26 Approval of a Permit Application

If the Permit Authority is content with the proposal it will grant the permit within the timescales detailed in the table in 7.24 The permit will be granted based solely on the details provided in the application that is being granted including associated documentation, cross referenced sites and any conditions. The permit will be granted in accordance with the EToN technical Specification.

7.27 Modification of a Permit Application

If it is necessary to seek further clarification of the information contained in the application then the Permit Authority will endeavour to resolve this within the mandatory response times so that the estimated start date and duration of the original application remains.

The Permit Authority may submit a Modification Request EToN notification to allow the activity promoter the opportunity to make amendments to their application and resubmit this within the required timeframe.

As long as the timeframes are met, the original start and end dates of the first application can be kept and no early start agreements are required.

The Permit Authority will make every attempt to submit a modification request with all required amendments to ensure that the application can be fully modified at the first attempt. This will ensure that the application is not being passed between parties an unacceptable number of times.

If, however, the matter cannot be resolved satisfactorily within the timeframes or the response period then the Permit Authority will refuse the application.

If the Modification Application is not subsequently submitted within the required timeframes then the Permit Authority will consider the application refused.

The EToN technical specification sets out the requirements and timelines in more detail.

7.28 Refusal of a Permit Application

The Permit Authority cannot refuse legitimate activities, but reserves the right to refuse an application for a PAA or PA where it considers that any element of the permit application is not acceptable.

In these cases the Permit Authority will clearly state the reasons for refusal within the required response times and if necessary and where possible, all the aspects which require modification.

A promoter may cancel the application at any point before the works has started by way of an EToN electronic works notice or if EToN is not being used the pre-agreed methodology. At any point up to the point until the permit has been granted no fee will be charged for the cancellation or withdrawal, however if the permit has been granted prior to the cancellation or withdrawal the fee will be charged regardless.

There is no legislation that states that a promoter has to respond to a works comment however is strongly recommended that communications between both promoter and Permit Authority are maintained in these situations as the timescales for permit responses remain valid and if agreement cannot be reached the Permit Authority may have no option but to refuse a permit to avoid the potential for a deemed permit.

Permit applications can be refused, but are not limited to the following reasons;

- **Overlapping activities** – Where other activities are due to take place in the same street or other streets affected by the proposed activity. In which case the Permit Authority may request the promoter to consider collaborative working as an alternative.
- **Timing and duration** – A promoter must ensure that when making an application that the proposed duration of the activity takes into account both the legitimate need to complete the activity in an efficient and economic manner and the legitimate interest of other users of the highway.
- **Location** – This would only apply in relation to new apparatus and where disruption would be reduced by installing the apparatus in an alternative street and where it is reasonable to use the alternative street.

8 Issue of Permits

8.1 Timing of Permit Issue

Where the Permit Authority is content that all aspects of the permit application meet the criteria of the scheme, it will issue a permit within the response times detailed in 7.25.

8.2 Issue of Permit

A permit will be issued electronically (and copied to Interested Parties) in accordance with the formats given in the Technical Specification for EToN, with the details placed on the permit register, the permit will reference in detail the activity it allows and its duration.

In case of an EToN system failure, and if the Permit Authority has been made aware of the system failure the Permit Authority will contact the activity promoter and agree an alternative method by which permit should be sent.

8.3 Inclusion of Conditions

A permit granted notice will be issued to the activity promoter for every permit and will reference all of the conditions identified in the permit.

8.4 Permit unique reference number

In accordance with Regulation 12 and as allowed in the EToN technical specification each permit must have a unique reference number. For all permits it is a requirement that where there is any other linked permits, references to those other linked permits must be included with the permit.

A valid unique permit reference number shall be prominently displayed on the site information board in line with the conditions. The version number or suffix will not be required to be displayed.

8.5 Amendment to the original application

Where the Permit Authority requests further conditions are added to the permit, which effectively amends the details of the original application, the activity promoter shall amend and resubmit a revised application. There will be no charge for the variation if instigated by the Permit Authority. If the variation is instigated by the promoter variation charges will apply if the original preceding application has been granted.

8.6 Right of appeal

The activity promoter has a right of appeal, in accordance with the dispute resolution process set down in the Code of Practice, should it not be possible to reach a satisfactory resolution in discussions with the Permit Authority. In these cases activities should not commence or it will be necessary for them to be stopped until the issues are resolved. In the cases of an immediate activity, stopping the activity is subject to safety and legal considerations.

8.7 Permit application Deemed to be approved

If the Permit Authority fails to reply to an application for a permit or PAA within the designated response times, the permit or PAA is deemed to be granted in the terms of the latest version of the application. The proposed start and end dates, description, location, duration, traffic management, etc. will be included in the permit and associated conditions for the activity and will then be binding on the activity promoter in the same manner as if the permit had been granted within the timescale and no fee will be applicable. Breaching the conditions applied will constitute an offence and an FPN may be submitted.

9. Reviews, Variation and Revocation of Permits and Permit Conditions

9.1 Permit Authority Powers

Within the Permit Scheme, and in accordance with **Regulation 15** the Permit Authority has the power to review, vary or revoke permits and permit conditions on its own or at an activity promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the permitted period and any activities which exceed the allowable duration will be subject to overrun charges under Section 74 of NRSWA.

9.2 Changes to a Provisional Advance Authorisation

A PAA cannot be varied. Where a PAA has been given and a full permit has not been issued and the proposals change, the activity promoter must inform the Permit Authority immediately of the proposed changes and a revised application for a PAA should be made.

9.3 Avoidance of a Criminal Offence

Permit variations should be sought as soon as changes are identified to avoid a criminal offence being committed by activities being undertaken without a permit or outside of the conditions associated with that permit.

9.4 Timing of Permit Variations

Applications for permit variations may be made at any time after the permit has been issued and before or during the activity itself. Applications must not be made after the end date has passed (no variation for an extension after the end date is allowed).

9.5 Electronic Application for a Variation

Where the existing permit has more than 20% of its duration or more than two activity days to run, whichever is the longer, the activity promoter shall apply for a variation electronically.

9.6 Telephone Application for a Variation

Where the criteria in **9.5** are not met, the activity promoter shall first telephone the Permit Authority to ascertain whether the Permit Authority is prepared to grant a variation and only then apply, again electronically, if the Permit Authority has agreed quoting the agreement reference.

9.7 Systems Failure

In the event of a system failure from either the Permit Authority or the activity promoter, either party shall adopt the EToN Technical Specification procedure. FPN's, Section 74 charges and any other penalties that result due to system failures will be waived in these circumstances. However, the Permit Authority or the activity promoters must inform either party about system failures immediately and get an agreement in principle to avoid the creation of FPNs and Section 74 charges in advance.

9.8 Variations for Immediate Activities

In the event of immediate activities requiring a series of fault-finding excavations or openings, the following procedure shall apply where it is necessary to undertake activities beyond the initial excavation or opening that was indicated in the first permit application. For immediate activities, the activity promoter will submit the first permit application within two hours of starting the activity. That first permit application will contain the location of the initial excavation or opening.

- For any further excavations or openings on the **same** street within 50 metres of the original excavation or opening, the activity promoter will telephone the Permit Authority with the new location. No permit variation will be needed and no variation charge will apply.

- the activity promoter will telephone the Permit Authority to apply for a permit variation for the first excavation in each subsequent 50 metre band away from the original excavation or opening in the same street, i.e. 50-100 metres, 100-150 metres, etc. Standard permit variation charges will apply.
- if the search carries into a different street or a new USRN (including if the street changes to a different street/Permit Authority), then a new and separate permit application will be required.
- if the activity promoter cannot contact the Permit Authority by telephone, it should record the fact and send the message electronically by means of a comment. Conditions for these activities may be varied to take into account the fact that a new location, even within the permitted bands, may be more disruptive.

9.9 Information required for Permit Variation application

Applications for permit variations could contain the following information as applicable to the variation application, although not limited to;

- the revised timescale
- any change to the description of the activity
- a revised illustration
- any change to the method of excavation
- any variation to the depth of the excavation
- any changes to the reinstatement method
- any changes to the conditions, if applicable
- any changes to the Traffic Management
- changes to the actual location of the excavation from that stated on the original application.

9.10 Review of Permit by Permit Authority due to circumstances beyond its control

The Permit Authority may review the permit and associated conditions in the event of circumstances beyond its control having a significant disruptive effect at the location of the activity. The Permit Authority's policy regarding the circumstances in which it will review, vary or revoke permits on its own initiative is given in Appendix C.

No fee will apply for permit variations initiated by the Permit Authority unless, at the same time, the activity promoter applies for permit variations which are not the result of the circumstances causing the Permit Authority's action.

9.11 Review of Permit due to non-compliance by the Activity Promoter

If the Permit Authority considers that an activity promoter is failing to comply with the conditions of a permit, then it may issue an FPN or revoke the permit. Before revoking a permit, the Permit Authority will contact the activity promoter to inform them of its intention and discuss situation in the first instance.

9.12 Waiving of Fees

If the Permit Authority has to revoke a permit through no fault of the activity promoter, no fee will be chargeable for a new permit.

9.13 Revocation

The Permit Authority can revoke a permit at its own initiative; in particular, it has the power to do so under Regulation 10(4) where there has been a breach of a condition (which is also a criminal offence). In such a circumstance the Permit Authority may use the provisions replacing Section 66 of NRSWA to clear the street if required, namely under Regulation 18. The Authority's policy for revocation is written in Appendix C in accordance with Regulation 15(3) but it should be noted herein that the Permit Authority will revoke a permit on its own initiative if;

- as with variations, where the circumstances arise which cause the Authority to have to review the permit they concluded that the permit needs to be revoked rather than simply varied
- revocation will be exceptional and will only happen when the circumstances could not have been reasonably predicted or where the impact is significant.

No charge will be raised for the revocation if made at the Permit Authority's own initiative. If as a result of the revocation a promoter has to apply for a new permit there would be no fee for the new permit except where the permit is revoked as a consequence of any action or omission on the part of the promoter.

Revocation will be used as an alternative to criminal action where it is reasonable taking into account the nature of the breach and where it is proportionate.

Where the promoter disagrees with the Permit Authority decision in any of the above, the promoter has the option of invoking the dispute resolution procedure as detailed in Section 15.

9.14 Continuation of an Activity when a Permit has been revoked

An activity promoter will be committing an offence if it continues an activity when a permit has been revoked.

10. Cancellation of a Permit

10.1 Cancellation Process

There is no mechanism for suspending or postponing a permit should the activity need to occur at a later date once a permit has already been granted. In these circumstances a permit will require cancelling and re-applying and permit fees will apply for the new permit.

If an activity promoter wishes to cancel a permit for which it has no further use, or withdraw a permit application that has been submitted, for which a permit has not yet been granted, it should use the cancellation process containing the relevant activity/works reference – see EToN Technical Specification.

No fee is payable for cancellations unless the permit has already been granted in which case the fee will be chargeable. See Section 12.5 for circumstances where fee reductions apply.

10.2 Continuing an Activity following cancellation of a Permit

An activity promoter will be committing an offence if it continues an activity when a permit has been cancelled.

11 Permit Conditions

11.1 Condition classes

The Permit Scheme will use the national standardised conditions as written in in the Statutory Guidance for Highway Authority Permit Schemes and its successors. In deciding which conditions should be applied the Permit Authority will consider the proposed activity's potential to cause disruption. Where possible, conditions attached to a permit will provide flexibility for the promoter by requiring an outcome rather than stipulating the method by which the work must be carried out. They should also be worded and numbered in accordance with this guidance.

11.2 Breaching of Conditions

If the Permit Authority considers that an activity promoter is failing to comply with the conditions of a permit, then it may revoke the permit. Before revoking a permit, the Permit Authority will contact the activity promoter to warn them of its intention and allow the situation to be discussed.

Where it appears to the Permit Authority that a condition has been breached and that the activity promoter or a person contracted to act on its behalf has therefore committed an offence, it will take action as described in Section 17.4

11.3 Avoidance of conflict with other legislation

The Permit Authority will endeavour to ensure that any conditions applied to a permit do not conflict with the activity promoter's obligations under separate legislation. The activity promoter should bring such conflicts to the attention of the Permit Authority, who will then be responsible for resolving the issue with the other body and amending the permit conditions accordingly. If the activity promoter has safety concerns about conditions set by the Permit Authority, it should raise these concerns with the Permit Authority and, if necessary, challenge the permit condition

All parties should promote safe working practices and act reasonably and responsibly.

11.4 Permit Authority Imposed Conditions

The Permit Authority may request that further conditions are applied prior to granting the permit. The impositions of such conditions will be in full consultation with the promoter of the activity and they will be included in the modified application and the subsequent permit.

The Permit Authority may also request to vary the conditions on a permit after it has been granted as an Authority imposed variation. There will be no fee for these variation types.

11.5 Imposing Conditions upon Highway Authority Works Permits

The Highway Authority will be subject to the same conditions in the same form and for the same reasons.

12 Fees

12.1 Permit Authority's power to charge Fees

To meet the costs of introducing and operating the Permit Scheme, Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following;

- the application for a PAA
- the granting of a permit
- each occasion where there is a permit variation or the conditions attached
- where a permit variation would move an activity into a higher permit category, the activity promoter will be required to pay the difference between the permit categories as well as the permit variation fee.

The current level of fees, including variations, is given in Appendix B and reflect the cost of running the current noticing system. Permit fees do not include costs charged or recoverable in relation to other consents or other requirements such as for TTRO's or parking suspensions etc.

Fees are payable by statutory undertakers but not the Highway Authority. This is due simply to the fact that monies would circulate around the Highway Authority. However to promote good practice the Permit Authority will use a shadow charging arrangement to show the cost of issuing permits to its own promoters both to help understand its own costs and to set alongside the costs to other promoters.

12.2 Allowable Costs and Fees

The income shall not exceed the total allowable costs prescribed in the Regulations. The allowable costs of the complete scheme and its overall income have to be balanced. This balance can be achieved over several years.

Allowable costs are limited to the proportion of direct costs and overheads attributable to operating the scheme for undertakers and the element of those costs over and above the cost of the Authority's co-ordination duty under NRSWA.

This includes the cost of dealing with activities which required a permit but for which no permit was sought and proposed activities which would be subject to a permit but which do not lead to an application.

Overheads can include but are not limited to;

- Non salary staff related costs such as pensions and benefits
- Appropriate accommodation costs
- Central services costs
- An appropriate share of IT costs (software and hardware)
- General administration and management
- Monitoring the permit system and KPI production
- Invoicing and debt recovery.

12.3 Fee Policy

The Permit Authority will charge undertakers for the actions set out in 12.1 and in accordance with 12.2.

12.4 Where Fees will not be chargeable

Fees will not be payable in the following circumstances;

- **Cancellation of a permit** – prior to the Permit Authority’s granting, a promoter cancels the permit
- **Refusal of permit or variation** – where an application for a permit or variation is refused
- **Revocation of permit** – Where a permit is revoked on the Permit Authority’s own initiative and the promoter had to apply for a new permit there will 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 promoter.
- **Authority imposed variation** – For permit variations initiated by the Permit Authority, unless at the same time promoter seeks variations which are not the result of the circumstances causing the Permit Authority’s action (in which case the fee would be payable)
- **Deemed permit** – Where the Permit Authority fails to respond to application for a permit within the relevant timescales and the permit is subsequently deemed to be granted.

12.5 Review of Fees

The Permit Authority will review its level of fees annually to ensure that the overall fee income does not exceed the allowable costs. In the event of a 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. However, if the fees should be demonstrated not to be covering the allowable costs, a review of the scheme prescribed costs will be carried out and a fee review undertaken in line with the appropriate legislative pathway of the time.

The outcome of the annual fee reviews will be publically published.

12.6 Fee Discounts and Incentives

Fee discounts will be considered in a set of agreed circumstances. To ensure the incentive scheme remains valid, manageable and fit for purpose the non statutory incentives will not form part of the agreed scheme. However they will be agreed in advance as “Notes for Guidance” to the scheme and reviewed on an annual basis. This will allow for changes to the incentive scheme without the need for varying the scheme through formal governance.

The incentives and any changes to them must be agreed by all relevant parties and stakeholders and with one month notification of any changes submitted in writing by the Authority following that agreement. See NFG 1

12.6.1 Collaborative Working

Where multiple promoters work together using the same signing and guarding or road closure and the duration is not significantly extended (by agreement with the Permit Authority) the following fee application may apply.

- Primary Promoter: - 30% reduction on PAA and Major PA fee application
- Subsequent Promoter: - 30% reduction on PAA and Major PA fee application

This fee structure will be particularly useful for works being carried out during diversionary works and major schemes and should be considered during the pre-planning stage by the Highway Authority Engineers during their initial consultations with the statutory undertakers.

These reductions will only be considered if the collaboration type is notified correctly in EToN and have been received within 3 working days of each other.

This is to encourage collaboration of promoters to reduce the duration of the occupation of the highway.

12.6.2 Mandatory reduction for several Permit Applications on one project

Where several permit applications for activities which are part of the same project but which may be carried out in more than one street, are submitted at the same time. This is not intended to cover area-wide activities.

The minimum discount is 30% for all qualifying permits. The Permit Authority can give greater discounts if they wish to encourage particular behaviours.

12.7 Approved Level of Fees

The current approved level of fees is included in the order made by Blackburn with Darwen for the Permit Authority to operate the Permit Scheme (see Appendix B)

12.8 Option to Waive or Reduce Fees

The Permit Authority retains the option to waive or reduce fees at its discretion in other certain circumstances

13. Registers

13.1 Register of Permits

The Permit Authority will maintain a register of each street covered by their Permit Scheme. The register should contain information about all registerable activities on those streets and forward planning information about activities and other events, which could potentially affect users of the streets.

Permit authorities will still need a register under Section 53 of NRSWA for street information. This will cover those streets that are not part of the Permit Scheme, including non-maintainable streets. The Permit Authority will maintain a register of permits in connection with the Permit Scheme and in accordance with Regulation 33 and 34, Part 7 of the Regulations.

13.2 Referencing of Information

All information held in the register of permits will be referenced to the USRN and the permit register will be Geographic Information System (GIS) based.

13.3 Content of Register

The permit register must record;

- copies of all Provisional Advance Authorisation, permit and permit variation applications submitted to the Permit Authority relating to registerable activities in any street;
- copies of all permits and Provisional Advance Authorisations given by the Authority, including conditions attached as well as all variations to permits and conditions including any permits "deemed" granted (see section 8.7)
- copies of all revoked permits, refused Provisional Advance Authorisations and refused permits, together with the reasons for such refusals
- copies of all notices, consents and directions served by a street Authority under section 58 or 58A of NRSWA
- copies of all notices served by a promoter under sections 58 and 58A of NRSWA;
- copies of all notices given under section 74 of NRSWA
- description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties)
- particulars of notices given by any relevant Authority under Schedule 4 of NRSWA
- particulars of street works licences under section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- information under section 70(3) and (4A) of NRSWA as to completion of reinstatements
- particulars of apparatus notified to the street Authority under section 80(2) of NRSWA
- every notice of works pursuant to section 85(2) of NRSWA
- details of every street for which the local highway Authority are the street Authority
- details of every street which is a prospectively maintainable highway over which a Permit Scheme would operate
- details of every street over which a Permit Scheme would operate, of which the local Authority is aware, which is a highway but for which it is not the highway Authority
- details of every street which is
 - a) a protected street
 - b) a street with special engineering difficulties;
 - c) a traffic sensitive street. Authorities should ensure that their register also includes the following items, which are contained within the ASD:
- the road category of each street
- details of every street where early notification of immediate activities is required.

13.4 Access to Registers

Everyone has access to inspect the register(s), free of charge at all reasonable times. Reasonable times should be taken as normal office hours e.g. 9.00am to 4.30pm Monday to Friday except Bank Holidays.

The Permit Authority will publish a limited content version of their register on the public website which will be available 24 hours a day, 7 days a week except for those times when it will be unavailable due to maintenance.

Much of the information is unlikely to be of interest, however the Permit Authority will decide how much information to make available, whilst restricting information such as contact information that may be contained within the Permit. Whilst the Permit Authority will restrict specific contact fields from being published the promoter must be aware that information contained in free text fields may be published. The Permit Authority will make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the promoter.

13.5 Street Gazetteer

The Permit Authority will produce a Local Street Gazetteer (LSG) and a copy will be held centrally by the NSG Concessionaire. The specification for street gazetteers is set out in British Standards BS7666 and specifies the highest level, 3, which includes the geospatial representation of the centre-line of the street as well as the end points. With the degree of attention which will be exercised by the Permit Authority, accurate locations will often need the centre-line information if the impact of activities is to be properly assessed.

13.6 Additional Street Data

Additional Street Data (ASD) refers to other information about streets held on the NSG custodian's website alongside the NSG data. Highway authorities, promoters, other interested and approved parties may obtain copies and updates to this data from the custodian.

The Permit Authority will provide the following information for the ASD alongside the NSG data.

- the street Authority responsible for maintaining the street
- whether the street is publically maintainable, prospectively publically maintainable, or private
- whether the street, or part of the street, is covered by a Permit Scheme or NRSWA notification regime, which the Permit Authority is or street Authority is and details of shared street if this applies.
- any other authorities and promoters with an interest in the street
- the street reinstatement category
- designations of protected streets
- designations of streets with special engineering difficulties
- designations of traffic sensitive streets.

The Permit Authority may also provide the following information for the ASD which is optional;

- whether the street is subject to early notification of immediate activities
- where possible, streets on which it might be expected that conditions relating to the non-use of that street for new apparatus, but not the maintenance of existing apparatus,
- other features of the street, such as structures, environmental areas, parking restrictions, priority lanes, special surfaces and special construction needs.

Designations may cover only part of a street or may vary along a street. The relevant detail should/will be recorded in the ASD.

Promoters must ensure that they make their permit application to the appropriate Permit Authority as failure to do may constitute a failure and be considered as working without a permit.

14. Monitoring

14.1 Monitoring and Evaluating the Permit Scheme

The Permit Authority will establish an internal monitoring group, which includes the Traffic Manager to monitor and evaluate the Permit Scheme to ensure that it demonstrates parity of treatment for all activity promoters, particularly between statutory undertakers and the highway Authority's own activity promoters.

The scheme will be subject to review as per Regulation 16a on an annual basis after every 12 months of operation for the first three years and every three years thereafter. This review will give consideration to the following;

- Whether the fee structure needs to be changed in light of any surplus or deficit
- Performance of the permit scheme against objectives
- Operational performance against specified indicators
- Analysis against benchmarked data

14.2 Use of Key Performance Indicators

Equality and parity of treatment will be measured through Key Performance Indicators (KPIs). The following KPIs or their successors will be used to measure performance. Benchmarking of the following has been undertaken prior to scheme go-live and will be used to measure the performance of the scheme after 12 months of operation. Following this the same benchmarking will be completed annually to ensure year on year monitoring and evaluation.

Reference Number	Indicator
TPI 1	Works Phases Started (Base Data)
TPI 2	Works Phases Completed (Base Data)
TPI 3	Days Of Occupancy Phases Completed
TPI 4	Average Duration of Works
TPI 5	Phases Completed involving Overrun
TPI 6	Number of deemed permit applications
TPI 7	Number of Phase One Permanent Registrations

These KPI's may change, be revoked, updated or amended by HAUC (England).

KPI 1 - The number of permit and permit variation applications received, the number granted and the number refused.

This will be measured by the promoter and shown as:

- the total number of permit and permit variation applications received, excluding any applications that are subsequently withdrawn
- the number granted as a percentage of the total applications made
- the number refused as a percentage of the total applications made.

KPI 2 - The number of conditions applied by condition type.

This will be measured by promoter and shown as:

- the number of permits issued
- the number of conditions applied, broken down into condition types.
- The number of each type being shown as a percentage of the total permits issued.

This KPI is dependent upon the use of standard conditions. Local or specific conditions will be grouped into a single category that may be analysed more fully if required.

KPI 3 - The number of agreed extensions

This will be measured by promoter and shown as:

- the total number of permits issued
- the number of requests for extensions shown as a percentage of permits issued
- the number of agreed extensions as a percentage of extensions applied for.

KPI 4 – Number of inspections carried out to monitor conditions

This will be broken down by promoter and shown as:

- the number of sample permit condition checks carried out as a percentage of the number of permits issued
- the percentage of sample inspections by promoter will also be shown.

14.3 Presentation of KPIs

The KPIs will be discussed at the regular promoter meetings as appropriate. In addition, the KPIs will be made available to any other person on request or the Authority may wish to publish them on their website. If any promoter considers that they are not being treated in accordance with Regulation 40 then they can take the matter up either through the regular promoter meetings or the dispute resolution procedures highlighted in Section 15. The data will also be made available for discussion at regional meetings such as JAG or HAUC.

14.4 Management Information

Any other Management information will be provided in an agreed format at regular activity promoter meetings.

15. Disputes

15.1 Disputes

The TMA provides wide ranging powers to devise a reasonable and suitable dispute resolution procedure and to identify the stages at which it can be invoked. As yet there are no prescribed procedures set out in statute for Permit Schemes. Therefore it is felt prudent to build on and use the arrangements already established in HAUC(England) and at local and national level.

The Permit Authority and the promoters are expected to use their best endeavours to resolve disputes without the need for formal appeals using existing escalation processes through individual management structures. However, it is recognised that this may not always be possible. If agreements cannot be reached on any matter arising under the terms of the Permit Scheme the dispute will be referred for review on the following basis:

- Straightforward issues
Where the two parties consider that the issues involved in the dispute are relatively straightforward and can be referred to impartial members of the regional HAUC (that is those not representing the parties directly involved) for review. That should take place within 5 working days of the referral. It is recommended that the result is accepted as binding
- Complex issues
If the parties think the issues are particularly complex, they should ask HAUC(England)) to set up a review panel of four members comprising of two statutory undertakers and two Permit Authority representatives, one of which will be appointed chair by the HAUC(England) joint chairs.

Each party will make all the relevant financial, technical and other information available to the review panel. The review should take place within 10 days of the date on which the issue is referred to HAUC(England) and it is recommended that both parties accept the advice given by the review panel.

15.2 Adjudication

If an agreement cannot be reached and/or if one of the parties does not accept the ruling given as binding, then the dispute will be referred to independent adjudication on the proviso that the parties agree that the decision of the adjudicator is deemed to be final.

The costs of the adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where this route is followed, the parties should apply to the joint chairs of HAUC (England) who will select and appoint the independent adjudicator from a suitable recognised professional body.

If the parties do not agree that the decision of the adjudicator is deemed to be final the promoter will have the option of challenging the Permit Authority's decision through the administrative court by way of judicial review.

15.3 Arbitration

Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in section 99 of NRSWA;

- Section 61 (6) - consent to placing apparatus in protected streets
- Section 62 (5) - directions relating to protected streets
- Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged
- Section 74A (12) - charges determined by reference to duration of works
- Section 84 (3) - apparatus affected by major works
- Section 96 (3) - recovery of costs or expenses.

16. Related Matters and Procedures

16.1 Permit Authority Contact Details

The Permit Authority will publish their contact details, including out-of-working-hours, to their website and the NSG concessionaire's website via the operational data batch file.

16.2 Traffic Restrictions and Road Closures

Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14 – 16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (*Temporary Restrictions*) Act 1991, and Regulations made under the 1984 Act.

- Where urgent action is needed the relevant Permit Authority may issue an 'Emergency Notice' imposing a short term closure or restriction. Prior notice is not necessary. The notice is limited to 21 calendar days if there is a danger to the public or risk of serious damage to the road, independent of street works, a leaking gas main, for example. It can be extended by one further notice. The notice is limited to 5 calendar days if there is no risk of danger or damage
- In less urgent cases the Permit Authority may make a 'temporary order', which may remain in force for up to 18 months. This is limited to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.

A temporary notice and a temporary order may provide that restrictions have effect only when traffic signs are lawfully in place. This will help limit traffic disruption where activities progress along a length of road. In other extraordinary circumstances, the Road Traffic Regulation Act (1984), allows the police to suspend designated street parking places temporarily to prevent or mitigate traffic disruption, or danger to traffic.

16.3 Temporary Notices

This procedure will normally only apply to immediate activities. The Promoter will inform the relevant Permit Authority as soon as practicable if a closure or traffic restriction is needed. The Permit Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a notice will be made.

The Permit Authority will state in the notice;

- the reason for issue
- its effect
- alternative routes (where applicable)
- the date and duration of the notice.

The Permit Authority must also notify the emergency services and any other Permit Authority with roads that may be affected. This should be done on, or before, the day the notice is issued.

16.4 Temporary Orders

A temporary traffic order is generally needed for planned activities in the street (except where the order follows a closure notice). If a closure order is needed, the Promoter should notify the Permit Authority at least three months in advance. This will allow the Authority time to consult, and to obtain approvals and advertise the order.

Activities that require a temporary traffic order are automatically classed as major works and require at least three months' notice for applying for a PAA, initially, and a temporary traffic order. The Promoter is required to submit all the information needed to justify a road closure together with the application for an order.

16.5 Working near Rail Tracks

Particular attention must be given to the possible effects of activities taking place at or in the vicinity of the railway. Promoters planning activities in such locations must refer to the advice of the Code of Practice, or as subsequently amended, which sets out Network Rail's requirements.

16.6 Vehicle parking at Street works and Road works

16.6.1 Vehicle within Activity Site

A works vehicle may be parked in an activity site provided that it is necessary for the carrying out of that activity. Basic site layouts are shown in the Code of Practice on Safety at Street Works and Road Works.

A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case and should be considered within the permit application and associated conditions.

16.6.2 Vehicle located outside Activity Site

A vehicle parked outside an activity site has no special status and no exemption from parking enforcement.

16.6.3 Implications

When assessing the impact of activities, the parking of any vehicles associated with the activity must be taken into account. This is a particular problem for activities which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the activity, in a place which vehicles could not normally use, then it must be part of the activity site. It must be signed and guarded appropriately therefore the activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for permits must reflect this.

16.6.4 Parking Restrictions

A Traffic Regulation Order imposing parking restrictions on a particular street should already contain an exemption allowing for activities to take place in a parking bay. Promoters should check whether any further dispensation is required well before the activities are due to start.

It will be a condition of a permit where parking restrictions or suspension is required that the necessary order or approval will be in place before the activity, or the relevant part of the activity, starts on site.

16.7 Storage of materials

Promoters must take care to place materials so that they do not cause an obstruction to road users. The location of any storage outside of the designated working space must be with the advance agreement of the Permit Authority. These storage areas may require either a separate licence under Section 171 of the Highways Act 1980 or a separate permit or both and must be agreed between the two parties in advance.

16.8 Apparatus belonging to others

There may be other apparatus where activities are planned and under Section 69 of NRSWA, those carrying out activities must ensure that the owners of that apparatus are able to monitor the activity and they are afforded all reasonable requirements to protect the apparatus. Failure to do so constitutes a criminal offence.

16.9 Environmental Issues

Where works are planned near any conservation areas, culverts, water courses, trees with preservation orders, basements, bridges, monuments or any other location where environmental factors may be of concern, Promoters must liaise with the Authority's relevant departments to ensure that environmental officials along with any necessary Authority officers are notified when drawing up their proposals.

16.10 Section 58 & 58a Restrictions

Details of Section 58 and 58a restrictions will be provided as required under 8.3 of the Code of Practice.

16.10.1 Activities during a Restriction

Activities may be carried out during a restriction if they either fall within the categories of exempt activities or have the consent of the relevant Permit Authority.

16.10.2 Exempt Activities and Reduced Restrictions

Activities which are exempt or subject to reduced restrictions are;

- minor activities that do not involve breaking up or excavating in the highway
- immediate activities
- customer connections, subject to Section 16.13.3 below
- works to comply with either an improvement notice or prohibition notice issued by the Health and Safety Executive under Section s 21 or 22 of the Health and Safety at Work Act 1974
- works carried out under regulation 16(3) (b) of the Gas Safety (Installation and Use) Regulations 1998
- works carried out to comply with approved programme permitted under Regulation 13A of the Gas Pipelines Safety Regulations 1996 (SI1996/825, as amended by SI2003/2563) that could not have been identified before the restriction began
- activities required exposing equipment covers and manhole covers buried during the Substantial Street or road works.

The normal Permit application rules appropriate to the activity concerned must be followed.

16.10.3 Customer Connections

If an undertaker receives a request for a new customer connection after the period for response to a Section 58 or Section 58a notice of restriction, and it is not possible to carry out the necessary works before the restriction comes into force, then an embargo on carrying out those works shall apply for 20 working days immediately following the completion of the substantial street or road works.

Before applying for the appropriate permit the undertaker must contact the relevant Permit Authority to discuss its proposals and the extent of the works in the street. The subsequent permit application must contain the information discussed, the fact that it is a customer connection, and the name of the relevant Permit Authority Officer who has confirmed the proposal.

It is expected that the minimum works will be carried out to provide the connection but it must be recognised that in some circumstances, extra work may be required to minimise disturbance to the restricted surfaces.

There may be circumstances where activities that are not covered by the exemptions are required to be carried out during a period of restriction. The relevant Permit Authority will consider each application on its own merits. If the Promoter had been informed of the pending restriction when it was first notified but not applied to carry out its activities at the time, then Regulation 14 of the Regulations

allow this to be taken into account by the relevant Permit Authority in deciding whether or not to grant a Permit during a restriction. In the Permit Scheme, there will be a presumption against granting a Permit in such circumstances unless there are overwhelming counter arguments.

16.10.4 Permit Applications during Restrictions

The Permit application that a Promoter must give for an activity that they wish to carry out during the period of a restriction imposed under Section 58 or Section 58a of NRSWA depends upon whether;

- a) the activity comes within the scope of any of the specific exemptions or
- b) the relevant Permit Authority's consent is required.

In (a), the ordinary rules appropriate to the activity concerned must be followed

In (b), an application for consent should be made, specifying, in addition to the normal activity information, the grounds upon which consent is sought.

Once consent is granted, an application for a permit must be made in the usual way. The relevant Permit Authority will then deal with this, again in the usual way. If the relevant Permit Authority refuses consent then the Promoter may appeal if it considers this to be unreasonable.

A restriction under Section 58 or Section 58a cannot be made if substantial activities have started, on the basis of an already issued Permit, without a notice under Section 58 or Section 58A having been given.

If a street in which a Promoter proposes to carry out activities has been newly constructed, recently reconstructed or resurfaced, even if the Promoter is not aware of a restriction, the Promoter is strongly recommended to approach the Permit Authority to establish whether a restriction is in force. Promoters should not assume that they can automatically break open that street but should check with the Permit Authority. It may be that a particular Promoter was not sent the relevant notice under Section 58 or Section 58a and there may be a restriction in force.

If having received an application for a PAA or PA, the Permit Authority, or the relevant Permit Authority realises that there is a restriction in place, they will advise the activity Promoter of this fact as soon as possible.

Disagreements that cannot be resolved between the Promoter and the relevant Permit Authority will be resolved by means of the dispute resolution procedures. Details of these procedures can be found in Section 15 of this document.

Restrictions may be revoked by the relevant Street Authority at any time. The relevant Street Authority will do this by sending a cancellation notice to the Promoter(s) concerned, informing them that the original restrictions are now revoked. In cancelling restrictions the relevant Authority will give the same consideration to the situation as when issuing the original restrictions and include the reasons for the revocation.

17. Sanctions

17.1 Permit Authority's Policy

Appendix D sets down the Permit Authority's policy of how it will employ sanctions and this policy should be read in conjunction with this section together with current NRSWA/TMA legislation and the Statutory Guidance

17.2 Undertaking Activities without a Permit

Regulation 19 states that it is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to undertake specified activities in a specified street in the absence of a permit, except as set down in Section 3.4 above.

This permit offence applies only to statutory undertakers and not the Highway Authority, however the Permit Authority will monitor the performance of the Highway Authority promoters to ensure a consistent approach and it will be a matter of public record if a Highway Authority acts in such a way that would amount to the commission of an offence under Regulations 19.

Any person found guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

17.3 Breaching a Permit Condition

Regulation 20 provides that it is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to breach a permit condition.

Any person found guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Any statutory undertaker not working within the terms and content of an issued permit (either granted or deemed) will be seen as undertaking work in breach of permit conditions. It is the promoter's responsibility to ensure the content of the permit accurately reflects the proposed or ongoing activity.

17.4 Action by Permit Authority

If the Permit Authority considers that an activity promoter is undertaking activities which are outside the scope of an issued permit, then it may revoke the permit. Before revoking a permit, the Permit Authority will contact the activity promoter to inform them of its intention and initiate a verbal discussion followed by electronic communication.

Where a statutory undertaker or a person contracted to act on its behalf undertakes an activity without a permit, where a permit is required, or breaches a permit condition, the Permit Authority may take one or more of the following actions depending on the seriousness and persistence of the offence(s);

- serve a notice requiring the statutory undertaker to take such reasonable steps as detailed in the notice to remedy the situation within a specified timescale
- where a statutory undertaker fails to comply with the requirements of such a notice within the timescale, the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred, from the statutory undertaker
- issue a Fixed Penalty Notice (FPN) against the statutory undertaker
- prosecute the statutory undertaker.

17.5 Fixed Penalty Notices

Regulations 21 to 28 (and Schedules 1 and 2) authorise permit authorities to issue Fixed Penalty Notices (FPNs) in respect of criminal offences. FPNs offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.

A FPN may not be given more than 91 calendar days after the offence, beginning with the day on which the offence is committed. This is the maximum period allowed, although to improve co-ordination the Permit Authority will, once it is decided that a FPN is to be given, do so as soon as possible. The penalty amount is £500 for carrying out an activity without a permit, although a discounted amount is £300 if payment is received within 29 calendar days. For carrying out an activity in breach of a permit condition, the penalty is £120 and the discounted amount is £80 if payment is received within 29 calendar days, FPNs MUST be in the form set out in Schedule 1 to the Regulations (and in Chapter 18 of the Code of Practice).

A FPN shall identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence. It must also state;

- the amount of the penalty and the period within which it may be paid
- the discounted amount payable in accordance with Regulation 25 and the period within which it may be paid
- the person to whom and the address at which payment may be made
- the method or methods by which payment may be made
- the person to whom and the address at which any representations relating to the notice may be addressed and
- the consequences of not making a payment within the period for payment.

The person specified above shall be the Permit Authority or a person contracted to act on its behalf. FPNs will be served electronically where possible, but other means of giving the fixed penalty notice are permitted.

If an undertaker wishes to receive FPNs by electronic means, it must tell the Permit Authority which method (e.g. EToN, email or fax) and provide details of the EToN web service URL, email address or fax number to be used as appropriate. Where an address for service using a particular method for transmitting an electronic communication has been given for receipt of FPNs and the Permit Authority has not been notified that the address is withdrawn, then a FPN must be given by sending to that electronic address.

In all other circumstances, including system failures or if the Permit Authority has tried and failed to use electronic means, the fixed penalty may be given by alternative methods such as:

- delivering it to the person to whom it is to be given
- leaving it at the proper address
- sending it by first class post to their address
- by any other agreed means.

Section 98 (2) of NRSWA provides that a notice given after 16:30 on a working day is deemed to have been given on the next working day. The Technical Specification for EToN includes a non-mandatory message type for sending a FPN using EToN.

17.6 Withdrawal of an FPN

In accordance with Regulation 27, if the Permit Authority considers that a FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given, a notice withdrawing the FPN. The notice shall be in the form set out in Schedule 2 of the Regulations and the Permit Authority in such circumstances will repay any amount which has been paid by way of a penalty in pursuance of the Fixed Penalty Notice. The Permit Authority shall consider any representations made by or on behalf of the recipient of a Fixed Penalty Notice and decide in all the circumstances whether to withdraw the notice.

17.7 Non Payment of an FPN

If the undertaker pays either the full penalty or the discounted amount within the required period, then no further proceedings can be taken against that undertaker for that offence. If the undertaker does not pay the penalty within the 36 days, then the Authority 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 sometime after the offence was committed. In circumstances where a Fixed Penalty Notice has been issued in relation to an offence, although the Permit Authority subsequently forms the view that it would be more appropriate to prosecute the offender, the Permit Authority must withdraw the notice under Regulation 27 before bringing the proceedings.

17.8 Section 74 of NRSWA

Section 74 of NRSWA enables the Permit Authority to operate an over-run charging scheme alongside the Permit Scheme.

The Section 74 Regulations current at the time of drafting the Permit Scheme namely The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2012 will apply but may be subject to change from time to time in which case the amended or replacement Regulations will apply.

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.

Activities carried out by a Promoter on behalf of a highway Authority or by the highway Authority themselves are not subject to Section 74 overrun charges. However, under the Permit Scheme, Promoters of such activities will be required to follow the same procedures as Promoters who are Statutory Undertakers.

17.8.1 Charges

The level of charge is set in the Section 74 regulations and any other regulations or Codes of Practice that apply at the time of the charge.

The Permit Authority will always endeavour to ensure the facts used for proposing charges are accurate and in line with the regulations at the time.

The burden of proof is with the works promoter to prove that a physical overstay has not occurred in all circumstances where a promoter believes incorrect dates have been submitted. In these circumstances the Permit Authority reserves the right to consider whether an FPN offence has been committed. If no evidence can be provided then a Section 74 charge will be applied in all circumstances.

Overruns on remedial works will be charged at the same rates appropriate in Section 74 regulations.

17.9 Application of Money by the Permit Authority

The Permit Authority recognises that the FPN scheme is NOT intended to be an additional source of income for authorities, although some income may be generated incidentally. The objective of the FPN scheme is to enable permit authorities to manage and control activities better on the street and thereby contribute to the overall aim of the TMA, which is to minimise disruption from street activities, and will be operated with that in mind, the Permit Authority should therefore not expect any net proceeds emerging from this Permit Scheme. They shall however, apply any net proceeds from the costs of operating the FPN scheme to promoting and encouraging safe, integrated, efficient and economic transport facilities and services, to, from and within its area.

17.10 Regulation 18 – Discretionary Unauthorised Works Notices

Under Regulation 18, the Permit Authority may instead of proceeding by way of a criminal sanction use this power to issue a notice where a person or persons who has undertaken works without a permit for which a permit is required to have been obtained or breached a permit condition. This power will only be used where it is considered to be an appropriate response in the circumstances and not as a matter of course.

Where such a notice is issued it will require the persons to take such reasonable steps as specified in the notice to remove the works, to remedy the breach or to minimise or discontinue any obstruction to the street connected with the works and to propose remedial action which must be undertaken within the timeframe set in the notice.

17.11 Other NRSWA Offences

Any offences relating to other sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include but are not limited to offences relating to reinstatement, overrunning works, failure to send appropriate permit updates or failure to send permit updates on time.

18. Permit Fee Payment

18.1 Payment options

All promoters except those on behalf of the highway Authority will be required to pay fees for permits and may have to pay a penalty if they receive a Fixed Penalty Notice for a permit related offence.

Permit Fees and FPN penalties will be kept as separate accounts;

Payment Options are;

- Electronic payment using Bankers Automated Clearing Services (BACS) –
For BACS payment the Promoter must support the payment with details of the Permit/FPN reference covered by the payment and the amount paid
- Post via cheque to the finance department stated on the invoice
When paying by cheque the Promoter must support the payment with details of the permit reference covered by the payment and the amount paid.

The Promoter must set up payment facilities, provide contact details and agree method of payments with the Permit Authority Finance Department PRIOR to requesting Permits.

18.2 Permit Fee payment and reconciliation

There is no legislative process regarding reconciliation and invoicing arrangements and promoters do differ therefore some flexibility must be provided.

The Permit Authority will confirm the frequency, reconciliation model and invoicing process with the promoters prior to go-live.

The Permit Authority will submit a draft invoice to the promoters for a specified period prior to the generation of an invoice to enable them to reconcile the charges. A two week timescale will be allowed for reconciliation of the charges prior to actual invoice.

Invoices will be submitted to the promoters if;

- no challenge is received within the 2 week maximum timescale allowed
- all charges are agreed.

Should a challenge be received the charges will be reviewed and any amendments made by agreement with the promoter.

The Permit fee invoice overview process is document below;

- invoices will be submitted monthly in arrears
- payment terms will be as per the invoice
- non-payment of the invoice will be as per the Permit Authority's standard non payment of invoices chase path procedures.

19. Transitional Arrangements and Estimated start date

19.1 Transitional Arrangements

The basic rules of transition will apply on all roads where the Permit Scheme operates;

- the Permit Scheme as provided for herein will apply to all activities where the administrative processes, such as an application for a permit or a PAA start after the commencement date
- activities which are planned to start on site more than one month after the change over date, for standard, minor and immediate activities, or three months after for Major activities must operate under the Permit Scheme. This means that even if the relevant section 54 or 55 NRSWA has been sent before the change-over date, the promoter must cancel the NRSWA notice for that activity, or phase and apply for a permit
- if the promoter has not substantially begun the activity, or phase, by the time limit for the notice (1 or 3 month as appropriate) the promoter must cancel the NRSWA notice for that activity, or phase and apply for a permit
- any other activities which started under the notices regime and which start on site less than the time limit after the change-over date (according to the category) will continue under NRSWA until completion.

Given the advance notice there should be few activities where the rules will create difficulties but in the event promoters should contact the Permit Authority so that a practical way of dealing with the activities can be resolved,

Following the Order giving effect to the scheme the Permit Authority shall provide to those parties referred to in regulation 3(1) not less than 4 weeks notification before the date on which the scheme will commence as specified in Regulation 17(1).

19.2 Estimated start date

Estimated go-live is 17th January 2017 at the earliest

Appendix A

Term	Explanation
Additional Street Data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG
Apparatus	As defined in section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Arbitration	As defined in section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers"
Bank Holiday	As defined in section 98(3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Bridge	As stated in section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge Authority	As defined in section 88(1)(b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested"
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
Contravention	As defined in section 329 of HA 1980, "contravention in relation to a condition, restriction or requirement, includes failure to comply with that condition, restriction or requirement, and "contravene" is to be construed accordingly"
Council	As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local authority"
DfT	Department for Transport
Emergency Works	As defined in section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
HA 1980	<i>The Highways Act 1980</i>
HAUC	The Highway Authorities and Utilities Committee
HAUC (England)	The Highway Authorities and Utilities Committee for England
Highway	As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in sections 1 and 329 of the HA 1980
Highways England	Highways England is the company set up to run the motorways and major A roads in England through legislation within 'The Infrastructure Act 2015'.
Highway Works	"works for road purposes" or "major highway works"

Immediate Activities	Immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
JAG (UK)	Joint Authorities Group (UK)
Local Authority	As defined in section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local highway authority	As defined in section 329 of HA 1980, "local highway authority means a highway authority other than the Minister"
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility
Maintainable highway	As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Major activities	Major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more".
Major highway works	As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway -(a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Minor activities	Minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Nationally consistent street gazetteer (NSG)	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
Network management duty	As stated in Part 2 of TMA
NJUG	National Joint Utilities Group
NRSWA	New Roads and Street Works Act 1991
OSGR	Ordnance Survey Grid Reference
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions
Permit application	The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Coordination regime.
Permit Authority	A local authority or other "street authority" which has been given approval by the Secretary of State to operate a permit scheme on all or some of

	its road network.
Permit Scheme	A scheme approved by the Secretary of State (pre April 2015) or Local Authority Order (post April 2015)
Protected street	Any street that serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable	Registerable activities correspond to specified works in the regulations.
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good"
Road	"highway"
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice "Specification for the Reinstatement of Openings in Highways"
Road works	Works for road purposes
Special Engineering Difficulties (SED)	By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets or extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory right	As defined in section 105(1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence"
Street	As defined in section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not"
Street authority	As defined in section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers"
Street managers	As defined in section 49(4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"
Street works	As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street"
Street works licence	As stated in section 50(1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or

	remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)
TMA	The Traffic Management Act 2004
Traffic order	This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984
Traffic sensitive street	This means a street designated by a street authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation
Undertaker	As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be"
Unique street reference number (USRN)	As defined in the British Standard BS7666
Urgent activities	Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities
Working day	As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day", or as amended by its successors.
Works for road purposes	As defined in section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles"
Works Promoter	A works promoter is anyone (including Utility Companies, Statutory Undertakers, Local Authorities Road Work Providers and Contractors) responsible for undertaking works on the highway.

Appendix B Fee Matrix

Permit Type	Category 0-2	Category 3-4		
		TS at certain times / locations	Non TS at any time or location	
	All streets			
	Any time and / or location	Wholly or partly within traffic sensitive times and / or locations	Wholly outside of traffic sensitive times and / or locations	Non - TS times
PAA	£98	£75	£70	£66
Major – Over 10 days	£229	£150	£125	£118
Major – 4 to 10 days	£206	£95	£90	£90
Major – up to 3 days	£175	£80	£72	£70
Standard	£122	£75	£68	£64
Minor	£62	£45	£39	£35
Immediate	£54	£40	£35	£30
Variations*	£45	£35	£35	£35

*If a variation takes the activity into a traffic sensitive time or location then the permit variation application will be treated as a full permit, i.e. the full permit fee and the permit variation fee will both be charged

Appendix C

Policy Statement – Circumstances in which the Permit Authority will review, vary or revoke permits on its own initiative

Once a permit has been issued, the activity promoter should have reasonable confidence that the road space will be available for them. However, circumstances beyond the Permit Authority's control may occur which may cause the Permit Authority to review the permit and, as a result, may lead to the conclusion that the permit or its conditions need to be varied or revoked.

The Permit Authority's policy is to avoid making such variations other than in exceptional circumstances which could not reasonably have been predicted or where the impact is significant. Such events may include floods and other adverse weather conditions, burst mains, dangerous buildings, etc. which may result in traffic being diverted onto the road where the activity was underway or about to start.

If the consequent disruption of such events cannot be mitigated in a way other than by varying or revoking the permit, the Permit Authority will adopt the following procedure:

- as soon as the Permit Authority is aware that it may be necessary to vary or revoke a permit, it will contact the activity promoter to discuss the best way of dealing with the situation
- if these discussions lead to an acceptable solution for both the Permit Authority and the activity promoter, the activity promoter will apply for a permit variation from which the Permit Authority will grant the new permit. Failing that, the Permit Authority will issue an "Authority Imposed Variation"
- in the event that agreement cannot be reached, and the Permit Authority believes the terms to be reasonable, then the activity promoter would have the option of invoking the dispute resolution procedure
- no fee will be charged for permit variations or the revoking of a permit where it is initiated by the Permit Authority unless, at the same time, the activity promoter seeks additional permit variations
- the above policy does not restrict the Permit Authority from revoking a permit if the activity promoter is considered to be acting unreasonably and causing unnecessary disruption to the flow of traffic or pedestrians.

Appendix D

Policy Statement – Employment of Sanctions

Failure to obtain a permit, where one is required to undertake specified activities in a specified street/USRN, or to commit a breach of a permit condition, constitutes a criminal offence under the Regulations. The Permit Authority is empowered to employ three courses of action to achieve compliance with the Permit Scheme.

- Fixed Penalty Notices
- Prosecution
- An intervention power

The Permit Authority will endeavour to resolve problems and achieve the necessary compliance within the Permit Scheme by informal negotiation with the activity promoter concerned.

The use of Fixed Penalty Notices will be used as opportunity to the offender to discharge liability for any offences. Where it has not been possible to informally resolve the situation and there is persistent non-compliance the Permit Authority will serve a notice on the activity promoter setting down the action that is to be taken within a set timescale.

Failure of the activity promoter to positively respond to such a notice may result in the Permit Authority carrying out the required action via prosecution and recovering all reasonably incurred costs from the activity promoter.

As a last resort, and dependent on the seriousness and persistence of the offences, the Permit Authority may proceed to an intervention power.

Appendix E

Dis-application / Modifications of NRSWA

Dis-applied Sections

NRSWA Section		Regulation 36 (section provided at end)	Permit Regulations – Revised Arrangements
Section 53	The Street works register	Section 53 (the street works register) Shed (1); Section 53 is prospectively amended by the <i>Traffic Management Act 2004</i> , section 45. [36 (a)]	Permit regulations prescribe similar provisions for permit registers
Section 54	Advance notice of certain works	Section 54 (advance notice of certain works)(2); Shed (2) Section 54 was amended by the <i>Traffic Management Act 2004</i> , sections 40 and 49 and Schedule 1. [36 (b)]	Replaced by applications for provisional advance authorisation
Section 55	Notice of starting date	Section 55 (notice of starting date of works)(3); Schedule (3) Section 55 was amended by the <i>Traffic Management Act 2004</i> , sections 40, 49 and 51 and Schedule 1. [36 (c)]	Replaced by applications for permits
Section 56	Power to direct timing of street works	Section 56 (power to give directions as to timing of street works) (4); Section 56 was amended by the <i>Traffic Management Act 2004</i> , sections 40 and 43(3) and Schedule 1. [36 (d)]	Replaced by permit conditions and variations including those initiated by the Permit Authority
Section 57	Notice of emergency works	Section 57 (notice of emergency works)(5); Section 57 was amended by the <i>Traffic Management Act 2004</i> , sections 40 and 52(3) and Schedule 1 [36 (e)]	Replaced by applications for immediate activities
Section 66	Avoidance of unnecessary delay or obstruction	Section 66 (avoidance of unnecessary delay or obstruction). (6) Section 66 was amended by the <i>Traffic Management Act 2004</i> , section 40 and Schedule 1. [(36 (f)]	Replaced equivalent provisions for permit authorities to require Promoters in breach of the permit requirements to take remedial action and failing that for the Authority to act. 24 hour compliance period to be replaced with a requirement for Promoters to comply within a reasonable specified period determined by circumstances

Modified Sections

NRSWA Section		Permit Regulations – Revised Arrangements
Section 58	Restriction on works following substantial road works	The Authority's ability to issue permits with start and end dates replacing directions to start works covered in NRSWA S58 (5) to (7) - The regulations provide the equivalent of S58A powers by allowing authorities to take into account whether Promoters responded to the S58 notice by submitting an application for their planned activities
Section 58A	Restriction on works following substantial street works	Schedule 3A is modified to work in conjunction with permits
Section 64	Traffic Sensitive Street	Permit regulations provide the requirement for notifying permit applicants of the proposals for to designate streets as traffic sensitive
Section 64 (1)	Traffic Sensitive Street	Has effect as if- (a) after “or paragraph 2 of Schedule 3A” there were inserted “or the content, operation, variation or revocation of permit schemes” ; and (b) after “street works” there was inserted “or works for road purposes”
Section 69	Works likely to affect other apparatus in the street	Permit regulations create an equivalent requirement on highway Authority promoters
Section 74	Charge for occupation of the highway where works are unreasonably prolonged	Permit regulations make provision to operate S74 powers in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified to work in conjunction with permits
Section 89	Public sewers, sewer authorities and related matters	Modified to work in conjunction with permits
Section 90	Provisions as to reinstatement of sewers, drains and tunnels	Modified to work in conjunction with permits
Section 93	Works affecting level crossings or tramways	Modified to work in conjunction with permits

Appendix F

Associated Documents

Traffic Management Act 2004

Statutory Guidance for Highway Authority Permit Schemes 2015 - Current edition and its successors

Traffic Management Act Permit Schemes (England) Regulations 2007

The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015

New Roads and Street Works Act 1991

Highways Act 1980

The Street Works (Charges for unreasonably Prolonged Occupations of the Highway) (England) Regulations 2012 – Current edition and its successors

The Technical Specification for the Electronic Transfer of Notices – Current edition and its successors

The Street Works (Registers, Notices, Directions and Designations (England) Regulations 2007

The Road Traffic Act 1984

Specification for the Reinstatement of Openings in highways – Current edition and its successors

National Street Gazetteer

Code of Practice for Safety at Street Works and Road Works – Current edition and its successors

Code of practice for co-ordination of Street Works and Works for Road Purposes and related matters Rev. 4th Edition and its successors

BS7666 Spatial datasets for geographical referencing, Specification for street gazetteer. July 2006 - Current edition and its successors

Notes for Guidance

This section should not be considered to be part of the approved Permit Scheme. This is to enable fee discounts and incentives to be amended and altered at any time without the need to vary the scheme through the Local Authority Governance Approval process.

No changes may be made to these without prior agreement with relevant stakeholders and 1 months advance notice to all works promoters.

Option to Waive or Reduce Fees

The Permit Authority retains the option to waive or reduce fees at its discretion in other certain circumstances

Fee Discounts and Incentives

On top of the mandatory discounts, fee discounts will be considered be in the following circumstances and will be benchmarked for the first 12 months of operation. Following this 12 months the application of the discounts will be discussed with each works promoter individually.

If a promoter qualifies for multiple discounts, other than the mandatory reductions, the promoter will qualify for the highest applicable discount, but not both.

Payment of invoices – all street works related invoices

Where a works promoter has paid all street works related invoices (including permits) in the previous financial year quarter within the 30 day allowable timescale a discount of 5% will be given on all permits.

If the invoice is subject to a dispute the works promoter should contact the Permit Authority in writing to confirm and advise of all the disputes related to that invoice clearly referencing the following;

- Invoice number
- Specific dispute
- Line items

This must be received within the 30 days of date of invoice in order for the invoice to be removed from the discount calculation.

This will be reviewed by the Permit Authority on a quarterly basis based on the financial year, the discount will be removed and the works promoter notified in writing if any incidence of non-compliance is identified.

This discount will be based on previous financial year quarter (April to June, July to September, October to December, January to March)

Safety at Street Works

If a promoter has 95% pass rate on all inspected live works for compliance against the code of practice for safety at road works and street works in any quarter, in the following quarter that promoter can apply to receive a 10% discount on all permit applications for Immediate, Minor, Standard and Major works.

This is to encourage ongoing investment into safety at street works and road works and that promoters are encouraged to achieve compliance with the code of practice for safety at road works and street works.

The Permit Authority achieves its full statutory compliance of sample inspections but any promoter with a nil return for inspections will not be able to apply.

Completion of defects

If a defect identified under the Specification for the Reinstatement of the Highway is completed within the timescales as stipulated in the Code of Practice for Inspections or its successors, the remedial permit will be subject to a discount of 10%.

The remedial permit must be received and granted before the end of 28 days (or whichever timescale a subsequent code of practice suggests) from initial submission of the defect to qualify for the discount.

Any remedial permits that are subsequently cancelled will be receive the discount

END OF DOCUMENT



MEMORANDUM OF UNDERSTANDING

I confirm that the Blackburn with Darwen Borough Council current application to implement a Permit Scheme relates to the version of the Blackburn with Darwen Permit Scheme submitted through due governance on **20th November 2015**

I confirm also that the costs and benefits statement submitted on **20th November 2015** encompasses a reasonable assessment of the costs and benefits of the implementation of the Blackburn with Darwen Permit Scheme on its road network.

I further confirm that, should Blackburn with Darwen Borough Council decide to approve this application, this authority would:

- ensure that baseline and post-implementation data relating to the network covered by its proposed Permit Scheme is collected, to enable the detailed objectives for the Blackburn with Darwen Permit Scheme to be measured;
- ensure baseline and post-implementation data from its network is analysed to enable the delivery of this authority's objectives on the network covered by its proposed Permit Scheme to be monitored at least once a year;

This Authority furthermore understands that the Secretary of State may, under, section 36 of the Traffic Management Act direct Blackburn With Darwen Borough Council to vary or revoke the implemented Permit Scheme if he considers that it has not performed as effectively as anticipated and has not delivered, over the long term, benefits that significantly outweigh its costs.

Signature: _____

Name (block capitals): _____

Position: _____

Authority: _____

Date: _____



BLACKBURN WITH DARWEN BOROUGH COUNCIL PERMIT SCHEME ORDER 2017

Blackburn with Darwen Borough Council in exercise of its powers conferred by section 33A (2) of the Traffic Management Act 2004 and all other enabling powers hereby makes the following order:

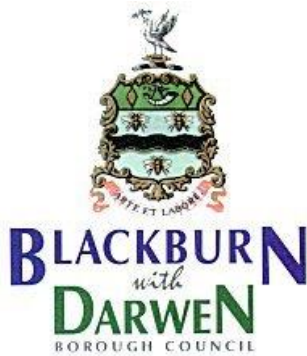
- 1: The Order may be cited as “The Blackburn with Darwen Borough Council Road Activities Permit Scheme Order 2017” and shall come into force on *****
- 2: Blackburn with Darwen Borough Council acting as the Highway Authority for all streets under its control within the whole of the area encompassed by the Authorities boundary approves The Blackburn with Darwen Borough Council Road Activities Permit Scheme which is set out in the schedule to this order.
- 3: The Blackburn with Darwen Borough Council Road Activities Permit Scheme set out in the schedule to this order complies with all aspects of the Traffic Management Permit Scheme (England) Regulations 2007 as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 with all other primary and secondary legislation in relation to Traffic Management Permit schemes and does not exceed the powers provided under such legislation.
- 4: The Blackburn with Darwen Borough Council Road Activities Permit Scheme set out in the schedule to this order comes into effect on *****
- 5: Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 shall apply to the specified street within The Blackburn with Darwen Borough Council Road Activities Permit Scheme

Dated this day * of ***** 2016

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TITLE

(A person authorised by Blackburn with Darwen Borough Council to give effect to. Vary or revoke a permit scheme)



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Environment
LEAD OFFICERS:	Director of Environment and Leisure
DATE:	8 December 2016

PORTFOLIO/S AFFECTED:	Environment
WARD/S AFFECTED:	All
KEY DECISION:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

SUBJECT: Petition: Say NO to Fortnightly Rubbish Collections

1. EXECUTIVE SUMMARY

A petition has been received following the Council's decision to move to alternate weekly collections in October 2016. Residents still receive a weekly collection – one week household waste is collected from the burgundy bin, the next week recycling is collected from the grey bin.

2. RECOMMENDATIONS

That the Executive Board:
Maintain the alternate weekly collections of rubbish and recycling across the Borough.

3. BACKGROUND

Following the introduction of alternate weekly collections within Blackburn with Darwen in October this year, an e- petition has been received by the Council, containing 268 signatures, stating "Say NO to Fortnightly Rubbish Collections", "We the undersigned call upon the Council to ensure the continuation of weekly refuse collections to ensure clean and tidy neighbourhoods and to control the growing problem of urban rats and other vermin".

The Environmental Protection Act 1990 states that waste collection authorities have a duty to arrange waste collections, but there are no requirements about how frequent these collections should be.

The majority of Councils throughout the country empty their household waste bins once every two weeks and in some boroughs, it is every three weeks. Blackburn with Darwen Borough Council was one of only two Councils in the North West that provided a weekly household waste collection service, having moved to a weekly collection service from an alternate weekly collection of household waste in 2007/2008.

In July 2016, the Council approved the introduction of alternate weekly collections within the borough. The change to alternate weekly collections commenced on 3rd October 2016. Residents still receive a weekly collection – one week, household waste is collected from the burgundy bin, the next week recycling is collected from the grey bin.

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4. KEY ISSUES & RISKS

The Council has been dealing with severe and unprecedented budget cuts since 2010 and the way services are delivered has been affected throughout the process with the Council either reducing services or seeking to work in partnership with communities and volunteers to deliver services.

With a further £48m savings required by 2020, the Council has had to review how it delivers the waste collection service in Blackburn with Darwen. Changing the way we collect household waste will save over £200,000 pounds each year in service costs, plus the Council would gain financially, if these changes increased recycling rates and less household waste was sent to landfill.

As well as financial constraints, the Council needs to meet demanding government targets to reduce the amount of waste we produce and try to recycle more. If the Council does not meet these targets, the Council could face tough financial penalties and it's likely these penalties would be passed on to Council Tax payers.

The most sustainable way to manage our waste is to alternate bin collections, which encourages householders to recycle more. To achieve the targets, the Council needs to increase recycling rates in the borough from the current rate of 36% to at least 50%, the Government's target, by 2020.

Recycling in the borough has reduced over the past 5 years from a high of 45%, to the current level of 36%. The Council has had no option but to drive further recycling, in order to meet the Government's target, as tonnages of waste put out in the burgundy bins by residents has increased in the last 5 years.

Prior to the introduction of the alternate weekly collections in October 2016, independent analysis of the waste collection and recycling services showed the following:-

- On average, across the borough, only 51% of grey recycling bins are put out for collection each fortnight, prior to 3rd October
- On average, across the borough, only 53% of burgundy (rubbish) bins are put out for collection each week
- The burgundy (rubbish) bins contain on average 17.3% of materials that could be recycled via the grey recycling bin, which if recycled could save the Council Tax payers £117,000 per year on top of the £200,000 previously mentioned above. This is down to the differential in disposal costs, with recycling costing some £26 per tonne cheaper than it costs to dispose of a tonne of rubbish from the burgundy bin.

To enable residents to cope with the service change, provision has been made for households with 4 or more persons to apply for a larger 240 litre burgundy bin, to replace the existing 140 litre bin. This will help reduce problems associated with vermin, as the waste will be contained within a bin and not left in bags in collection areas.

5. POLICY IMPLICATIONS

Waste and recycling are statutory services, with the move to alternate weekly collections helping to achieve the Council's priority of making your money go further.

6. FINANCIAL IMPLICATIONS

the impact of not achieving recycling and waste diversion targets, could see the council face tough financial penalties.

7. LEGAL IMPLICATIONS

The Council has statutory functions as a waste collection and disposal authority and must comply with the provisions contained in Environmental Protection Act 1990. The changes in the frequency of residual waste collections to fortnightly do not contravene the statutory requirements.

The petition must be considered in accordance with the Council's Petition Scheme contained in the Council's Constitution.

8. RESOURCE IMPLICATIONS

There are no resource implications from this report.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Consultations have been held with regards to the joint Lancashire Municipal Waste Management Strategy, that commits the Council to achieving waste and recycling targets.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	0.01
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CONTACT OFFICER:	Tony Watson
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DATE:	27 October 2016
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BACKGROUND PAPER:	
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