



**East Midlands Highways Authorities & Utilities Committee  
East Midlands Regional Permit Forum**

Minutes of the Meeting Held on Tuesday 7<sup>th</sup> February 2017 at  
**Nottingham City Council**

Loxley House  
Station Street  
Nottingham  
NG2 3NG

**1.0 Present**

<b><u>Name:</u></b>	<b><u>Initials</u></b>	<b><u>Company</u></b>
Elaine Coope	(EC)	Derbyshire County Council (Chair)
Samantha Brothwell	(SBr)	Western Power Distribution (Co-Chair) (Secretary)
Chris Brown	(CB)	National Grid Gas
Andy Chatfield	(AnC)	Anglian Water
Stuart Goldby	(SG)	North Lincolnshire County Council
Simon Havill	(SH)	Western Power Distribution
Liz Hiskens	(LH)	Nottingham City Council
Rhiannon Jones	(RJ)	Network Rail
Raj Kataria	(RK)	Leicester City Council
Chris Nesbitt	(CN)	Vodafone
Mandi Robinson	(MR)	Lincolnshire County Council
Paul Smith	(PS)	Severn Trent Water
Pete Warren	(PW)	Nottingham City Council
Bernie McGuckin	(BMcG)	Nottinghamshire County Council

**2.0 Apologies**

<b><u>Name:</u></b>	<b><u>Initials</u></b>	<b><u>Company</u></b>
Steve Burley	(SBu)	Anglian Water
Joanne Brocklehurst	(JB)	Openreach
Adam Chambers	(AdC)	Northamptonshire County Council
Ian Darbyshire	(ID)	Northern Powergrid
Dave Haxby	(DH)	North East Lincolnshire County Council
Tim Ingham	(TI)	Virgin Media
James Kenney	(JK)	Severn Trent Water
Tim Patel	(TP)	Leicestershire County Council
Steve Toon	(ST)	Highways England
Bob Woodland	(BW)	Openreach

1.0	<p><b>Welcome and agreement of agenda</b></p> <p>Elaine Coope (Chair) outlined the proposed agenda items for this EMHAUC Permit Forum, Samantha Brothwell agreed to act as Secretary.</p>	
2.0	<p><b>Minutes of Previous Meeting – Accuracy &amp; Matters Arising</b></p> <p>As there were no formal minutes from the previous meeting held on 1 November 2016, this item was not covered in this meeting.</p> <p><b>Action</b> – to provide documented minutes for this meeting.</p>	SBr
3.0	<p><b>Minutes of National Permit Forum (NPF) meeting 21 December 2016</b></p> <p>3.1 <b>Permits for Coring.</b> Discussion and agreement around the wording from the NPF minutes;</p> <p><b>NPF Minutes Item 4: Permits for Coring</b> <i>General view that where Promotor seeks to undertake cores of less than 150mm diameter to assess the performance of a reinstatement the view was that a permit would not be required although legally a permit is required, if a permit is requested it was agreed that no permit fee is chargeable.</i></p> <p><b>Action</b> – all to follow this advice.</p> <p>3.2 <b>Membership &amp; Terms of Reference of NPF</b> Highlights of revised NPF Terms of Reference. <b>Action</b> - copy sent out with these minutes.</p> <p>3.3 <b>Permit Scheme Evaluation Reports (compliance with Regulation 16A SI 2015/958)</b> Discussion around the requirement in regulations for Permit Authorities to provide an evaluation report on the 1<sup>st</sup>, 2<sup>nd</sup> &amp; 3<sup>rd</sup> anniversary of the commencement of their permit scheme, and then every three years after that. It has been discussed previously and EMHAUC Permit Forum, and also raised at the NPF that there are a number of East Midlands Permit Authorities who have not met the requirements in regulations to produce a report in the specified timeframes, and to share these reports with the Works Promoters. There is an action for the East Midlands Permit Authorities who have not yet completed this evaluation to either do so, or report back their explanation as to why not via EC to update the next NPF.</p> <p><b>NPF Minutes Item 7: Regional Reps Report</b> <i>East and West Midlands were not represented but promoters that operate within those areas commented that there were very few annual reports have been prepared or issued to date. It should be noted that the reporting requirements are included within the Regulations and should therefore not be “flouted” by those Authorities.</i></p>	<p>All</p> <p>SBr</p> <p>EM Permit Authorities</p> <p>EM &amp; WM Permit Authorities</p>

3.4	<p><b>FPN's &amp; Fees for Retrospective Permits</b>  Discussion around the application of Fixed Penalty Notices and Permit Fees for retrospective permits; i.e. when a works promoter carries out works without a permit in place. Agreement, in line with the NPF view, is that where the works are historic (i.e. fully complete) then a Regulation 19 offence has been committed and a single (PS01) FPN will be adequate, with no further 'late noticing' FPNs for the Actual Start, Works Stop and Registration to encourage accuracy on the Register. No permit fee would be payable. Where the works are still in progress, then the Regulation 19 offence would be subject to a (PS01) FPN, and the permit fee and any subsequent late noticing offences would be at the discretion of the Permit Authority. However this scenario should be an exceptional circumstance, and all works promoters should ensure a valid permit is in place before works commence on site.  <b>Action</b> – all to follow this advice.</p>	All
3.5	<p><b>Works on a Junction</b>  Awaiting outcome of action from NPF regarding developing a draft guidance note on the requirements.  <b>Action</b> – all to respond to draft guidance note when ready for consultation</p>	All
3.6	<p><b>Permit Guidance Document</b>  The Permit Guidance document prepared by request from HAUC England by a sub-group of the National Permit Forum is nearing completion and publication. On publication, the intention is to set up a workshop for the NPF representatives to brief out the Permit Guidance, to ensure consistency of message. Following this session, the next step will be to arrange a regional workshop to disseminate this information to key representatives of all Permit Authorities and Works Promoters in the area (e.g. East Midlands). At this session we will also agree a common approach to processes, and use of conditions.  <b>Action</b> – EC &amp; SBr to attend National Workshop and arrange East Midlands Workshop  <b>Action</b> – All to ensure suitable representation at East Midlands Workshop.</p> <p>Date of next National Permit Forum – Monday 10<sup>th</sup> April 2017</p>	EC & SBr  All
4.0	<p><b>East Midlands Regional Matters</b>  This part of the meeting is to allow any specific issues to be raised and discussed with the wider group.</p>	
4.1	<p><b>Duration challenge process on emergency works</b>  CB raised an issue regarding the process for duration challenging National Grid Gas's emergency works. It appears that some PA's are refusing the permit application to challenge the duration. CB requested that these are granted, and then duration challenged.  <b>Action</b> – PA's to check their process, in line with the new Permit Guidance documents.</p>	Permit Authorities

4.2	<p><b>Use of Standard Response Codes</b>  CB requested that PA's used the nationally agreed standard response codes when using AIV/PMR on National Grid Gas's permit applications. The other statutory undertakers agreed that this was needed for all.  <b>Action</b> – PA's to ensure staff are aware of the standard response codes and use them appropriately.</p>	<b>Permit Authorities</b>
4.3	<p><b>Permit Fee Invoices</b>  AC asked MR about the lack of permit fee statements &amp; invoices from Lincolnshire County Council sent to Anglian Water, since their scheme commenced in October 2016. Other statutory undertakers also agreed this is a concern. MR explained the issues they were having with their software system not providing the relevant information requested by statutory undertakers in the permit fee statement. This was causing delays in the process. Other PA's confirmed that they too had encountered these issues, and had to revert to a manually intensive way of producing the permit fee statements.  <b>Action</b> – MR to raise with the PAG (Permit Authorities Group) to gather support to enable the software to be adapted.  <b>Action</b> – EC to raise with the NPF to gather support to enable the software to be adapted.</p>	<b>MR</b> <b>EC</b>
4.4	<p><b>Permit Report &amp; Conditions</b>  LH &amp; PW shared their latest permit report, demonstrating the progress made with the Nottingham City Council permit scheme. It is noted that Nottingham have produced this report consistently since the commencement of their scheme, and have provided their annual evaluation report. The report demonstrated parity of reporting for all works promoters, including the NCC DLO.  LH did highlight issues with the NCC DLO and their software system that made it difficult to include conditions on their permit applications; this is reflected in the information within the reports.</p>	
4.5	<p><b>Permit Scheme Change &amp; Consultation</b>  SG advised that North Lincolnshire County Council are intending to move from the Yorkshire Permit Scheme, to the Lincolnshire Permit Scheme (LiPS). There will be a short consultation to facilitate this.  <b>Action</b> - Works Promoters to respond to consultation.</p>	<b>Works Promoters</b>
4.6	<p><b>Conditions for Restricted Hours Working</b>  MR raised a query around the correct conditions to be used when Lincolnshire County Council requires restricted working hours on site, and temporary traffic signals are in use. The statutory undertakers felt that use of both NCT2a &amp; NCT9c should be used to clarify the requirements, as long as LCC provides justification as to why the conditions are needed.  <b>Action</b> – MR to inform LCC permit teams.</p>	<b>MR</b>
4.7	<p><b>Developers and S278/S38 Works</b>  MR asked the other PA's what process they follow for s278 or</p>	

4.8	<p>s38 activities with regard to permits. The PA's indicated that they would manually put a notice or a permit on the Register for information.</p> <p><b>Action</b> – MR to inform LCC permit teams.</p> <p><b>Permit Reference Number – Consistency for Display on Site</b></p> <p>SH raised an issue with the inconsistency in requirements for the permit reference number that must be displayed on permit boards on sites. Western Power Distribution's unique part of the reference (i.e. our Work Instruction reference) is usually 7 digits long and quoting this number will identify the relevant works. SH requested that the PA's do not require the entire number sequence, including suffixes, as this can be 19 digits long (excluding punctuation). The other statutory undertakers agreed that this was needed for all. The PA's present agreed that this is reasonable, as long as the number displayed can be used to identify the works associated with that specific permit. Northamptonshire County Council are the only PA in the East Midlands that insists on the full suffix, however they were not present at the meeting.</p> <p><b>Action</b> – PA's to inform their permit inspectors that the 'unique part' of a permit number (i.e. the Work Instruction number) is adequate to comply with the permit condition.</p> <p><b>Action</b> – Northamptonshire County Council to confirm that they will be consistent with the other East Midlands PA's.</p> <p><b>Action</b> – Following confirmation from all EMPAs, Works Promoters to inform their operational teams.</p>	<p><b>MR</b></p> <p><b>Permit Authorities</b></p> <p><b>Northamptonshire County Council</b></p> <p><b>Works Promoters</b></p>
4.9	<p><b>Use of Correct Date for Permits</b></p> <p>EC requested that when Immediate Works permits are raised for works that started on a non-working day (e.g. Saturday, Sunday, Public Holiday), that the day the works actually commenced on site is used as the start date. Derbyshire County Council has noticed that there is an issue with the start date being the next working day (e.g. work starts on Saturday, permit start date is Monday).</p> <p><b>Action</b> – Works Promoters to ensure the start date of permits (and notices) reflects the actual start of the works on site.</p>	<p><b>Works Promoters</b></p>
5.0	<p><b>Date of Next Meeting</b></p> <p>The next meeting will be held on 20<sup>th</sup> June 2017 at Western Power Distribution offices, Deacon Road, Lincoln. This meeting will follow on from East Midlands HAUC.</p>	