

Portfolio Holder (Environment) Decision Making Session

Agenda

Friday 30 April 2010

A Portfolio Holder (Environment) Decision Making Session will be held at **SHIRE HALL, WARWICK** on **Friday 30 April 2010 at 12.00 noon**

The agenda will be:

1. General

(1) Members' Disclosures of Personal and Prejudicial Interests.

Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of a district or borough council is classed as a personal interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

(2) Minutes of meeting held on 25 February 2010

2. High Speed Rail Link – Exceptional Hardship Scheme

Report of the Strategic Director of Environment and Economy enclosed.

3. Response to the Department for Transport consultation on charges for unreasonably prolonged occupation of the highway.

Report of the Strategic Director of Environment and Economy enclosed.

4. Any Other Urgent Business

**JIM GRAHAM
Chief Executive
Warwickshire County Council
April 2010**

Cabinet Portfolio Holder for Environment: Councillor Alan Cockburn
Cllrcockburn@warwickshire.gov.uk

General Enquiries: Please contact Janet Purcell, Executive & Member Support Manager
Tel 01926 413716 or email: janetpurcell@warwickshire.gov.uk

**Minutes of Portfolio Holder (Environment) Decision Making Session held
on 25 February 2010**

Present:

Decision Maker: Councillor Alan Cockburn (Portfolio Holder for Environment)

Other Councillors: Martin Heatley and Heather Timms.

Officer: Janet Purcell (Executive and Member Support Manager).

1. General

(1) Member Declarations of Personal and Prejudicial Interests

None.

(2) Minutes of meeting held on 15 December 2009.

Resolved

That the minutes of the meeting held on 15 December 2009 be approved as a correct record.

2. Charges to District/Borough Councils for the Disposal of Trade Waste in 2010/11.

Councillor Alan Cockburn, Cabinet Portfolio Holder for Environment, considered a report of the Strategic Director of Environment and Economy setting out proposals for increasing charges to district and borough councils for the disposal of waste. The report proposed that the charges for trade waste continue to be set at 25% above the average expected contract tipping rate (excluding the landfill tax, and any haulage charges from the County Council) with no charge where the trade waste is to be recycled. The proposed increase included the increase in landfill tax to £48 per tonne from 1 April 2010.

Resolved

That the charges, including landfill tax at £48 per tonne for the disposal of general trade waste collected by the District/Borough Councils in 2010/11 be:

Ling Hall - £62.06 per tonne.

Packington with Haulage - £68.38/tonne.

Packington without Haulage - £59.88/tonne.

3. Any Other Urgent Business

None.

The meeting rose at 12.06

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Portfolio Holder (Environment)

AGENDA MANAGEMENT SHEET

Name of Committee Portfolio Holder (Environment) Decision Making Session

Date of Committee 30 April 2010

Report Title Exceptional Hardship Scheme for Properties Affected by the Proposed Route of the High Speed Rail (HS2)

Summary On 11 March 2010, Government announced plans for a High Speed Railway (HS2) from London to Birmingham and beyond. The Preferred Route passes through Warwickshire. This report recommends that the Council supports the principle of an Exceptional Hardship Scheme for residential owner-occupiers proposed by Government in relation to HS2.

For further information please contact Andy Cowan - County Planner
Tel. 01926 412126
andycowan@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? No

Background Papers <http://www.dft.gov.uk/pgr/rail/pi/highspeedrail/>
www.dft.gov.uk/consultations/open/2010-18

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor J Appleton
(With brief comments, if appropriate) Councillor M Doody
Councillor P Fowler
Councillor Mrs J Lea
Councillor B Moss
Councillor D Shilton
Councillor B Stevens
Councillor J Whitehouse
- Other Elected Members Councillor R Sweet



Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Councillor A Cockburn – supports the report.

Chief Executive

.....

Legal

I Marriott

Finance

.....

Other Chief Officers

.....

District Councils

.....

Health Authority

.....

Police

.....

Other Bodies/Individuals

.....

FINAL DECISION

NO (If 'No' complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Details to be specified

Further consideration by this Committee

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To Council

.....

To Cabinet

Report to Cabinet on 22 April 2010 and further reports to Cabinet as the HS2 proposal proceeds to formal consultation (expected to commence in Autumn 2010).

To an O & S Committee

Special Overview and Scrutiny Committee Meeting on 28 April 2010.

**Portfolio Holder (Environment) Decision Making Session
– 30 April 2010**

**Exceptional Hardship Scheme for Properties Affected by the
Proposed Route of the High Speed Rail (HS2)**

**Report of the Strategic Director for
Environment and Economy**

Recommendation

That Warwickshire County Council supports the early implementation of the proposed Exceptional Hardship Scheme for owner-occupied residential properties affected by the proposed route of the rail link. In its response to the consultation on the scheme the County Council should request that the scheme be extended to cover commercial properties and in particular those occupied by small businesses.

1. Introduction

- 1.1 On 11 March 2010 Government announced its Preferred Route for a high speed railway (HS2) from London to the West Midlands. The Government recognises that the proposals can have an adverse impact on home owners who need to sell their property but are prevented from doing so because of the effect of the Government's unconfirmed proposals on property values.

2. Exceptional Hardship Scheme

- 2.1 If and when there are confirmed plans for HS2 route, affected residential and agricultural property owners will have access to statutory blight provisions – enabling affected owners to require properties to be purchased and providing for compensation for disturbance etc. However, Government now recognises that the announcement of such proposals yet to be confirmed can have an adverse impact on home owners who need to sell their properties and are being prevented from doing so because of the effect of the Government's unconfirmed proposals on property values.
- 2.2 Specifically in relation to its proposed Preferred Route for HS2, the Government proposes to introduce an Exceptional Hardship Scheme (EHS), the details of which have been extracted and copied in **Appendix A**. In summary, this Scheme would provide for the Government to purchase properties of residential owner-occupiers if they can demonstrate that they had a pressing need to sell at that time and they would suffer hardship if they had to wait until the statutory blight provisions to be triggered by the HS2 proposal preferred route being confirmed. The full EHS

consultation paper can be viewed on the DfT website at www.dft.gov.uk/consultations/open/2010-18. The consultation closes on 20 May.

- 2.3 Obviously it is important that Government canvasses public views on major schemes, such as this, before it finally makes up its mind. However, as the County Council advised in 2002 in relation to the proposed options for new and expanded airports, this can cause hardship to some people who have an exceptional need to sell their properties. The types of personal circumstance identified in the proposed EHS appear to cover the most likely situations that residential owner-occupiers may find themselves in and there are no geographical limits specified to limit the scope for them being considered. However, in particular the owners of small businesses could also be adversely affected by the proposed rail line. Therefore, it seems appropriate that these should also be included in any exceptional hardship scheme. The County Council in its response to the consultation will recommend that the scheme be extended to cover commercial properties at the very least small those of businesses.
- 2.4 Therefore, the Government's proposed Exceptional Hardship Scheme is to be welcomed and should be supported in principle provided its scope is extended to cover commercial properties, at the very least those of small businesses. It should be brought into effect as soon as possible to minimise the distress experienced in those particular instances where there is a legitimate case to be addressed.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

9 April 2010

**Portfolio Holder (Environment) Decision Making Session
– 30 April 2010**

**Exceptional Hardship Scheme for Properties Affected by the
Proposed Route of the High Speed Rail (HS2)**

HS2 Exceptional Hardship Scheme - The Government's Proposals

What are the Objectives of an Exceptional Hardship Scheme?

- 2.1 On 11 March, the Government published its Command Paper setting out its preferred route option for a new high speed rail link between London and the West Midlands and potentially beyond.

Existing protections

- 2.2 As explained in paragraph 1.3, it is proposed to hold a full public consultation in autumn 2010 on proposals for a high speed line. Following this, the Government will need time to consider the responses to the consultation. If it then decides to proceed with a high speed rail link, it would announce its proposed route and would then seek powers from Parliament to build the new line. The necessary arrangements would also be made to safeguard the route¹.
- 2.3 The effect of safeguarding would be to trigger the statutory blight provisions under the Town and Country Planning Act 1990. These apply where the promoter of a transport scheme has given notice that they are looking to acquire property, or affect it by their proposals, and entitles a person with a qualifying interest² in that property to serve a blight notice on the relevant authority (in the case of High Speed Two, the Secretary of State). This may result in the Secretary of State purchasing the property in question. These provisions apply to certain commercial³, agricultural and residential land, and there is no requirement to demonstrate exceptional hardship.

Exceptional Hardship

- 2.4 However, the Government recognises that until it makes a decision on any high speed rail link there will be uncertainty as to whether the line will be built, exactly what route any such line would follow and which properties may need to be purchased to construct or operate it, as well as which other properties may be affected during the construction period or once any new line is open.
- 2.5 This means that, in some cases, there may be an effect on property values in the immediate vicinity of the preferred route option in the period before statutory protection is available.
- 2.6 There is no statutory remedy to address this, but the Government accepts that those adversely affected should have access to some form of redress. This is why it intends to introduce a non-statutory EHS which would be available to

eligible residential property owner-occupiers who can demonstrate that they have an urgent need to move before the statutory protection takes effect.

- 2.7 The EHS is intended as an interim measure, which would remain in place only until such time as the statutory blight provisions apply. If the Secretary of State decided to use compulsory purchase powers to acquire land from its owner later on, following a decision on the final route of any new line, or the owner of a nearby property would be injuriously affected⁴ by the construction or operation of any line, then the normal statutory provisions for the assessment and payment of compensation would apply.

Proposed Introduction of an Exceptional Hardship Scheme

- 2.8 The Department for Transport would welcome views as to whether it should introduce an EHS ahead of decisions on whether, and if so how, to proceed with a high speed route?

Who would the Exceptional Hardship Scheme Cover?

- 2.9 The aim of the EHS would be to protect the interests of residential owner-occupiers of properties the value of which may be seriously affected by the preferred route option for a new high speed rail link between London and the West Midlands, and who can demonstrate that they have an urgent need to sell their properties before any decision was taken which might trigger the application of the statutory blight provisions.

Criteria to determine qualification for the exceptional hardship scheme

- 2.10 The owner-occupiers of residential properties on or in the close vicinity of any of the sections of the preferred route option (see paragraphs 1.4 and 1.5 above) could qualify for the EHS, subject to their meeting the other criteria set out in paragraphs 2.12 to 2.17.
- 2.11 Where the preferred route option is in tunnel we would expect any blighting effects of the proposals to be limited. Given this, the EHS would not apply to properties above tunnelled sections. More details on which sections of the preferred route option it is proposed to place in tunnel can be found in the detailed plan and profile route plans, mentioned in paragraph 1.5.

Type of Property and Qualifying Interests

- 2.12 At the time of applying for the EHS a person must have a “qualifying interest” in a residential property which they are attempting to sell. This means that they must be the owner-occupier⁵ of the property. If the property is commercially let or if the occupier does not own the property and is a residential tenant subject to a periodic tenancy⁶ then they will not have a qualifying interest or be eligible for the EHS. Owners of non-residential properties would not be eligible for the EHS. Owners of residential properties which are not the owner’s main place of residence – e.g. second homes – would also not be eligible.

Exceptional Hardship

- 2.13 Residential property owner-occupiers would have to be able to demonstrate that they had a pressing need to sell their property at that time and that they would suffer exceptional hardship if they had to wait until such time as the statutory blight provisions applied.
- 2.14 It is proposed that the following circumstances would be regarded as potentially giving rise to such need and related extreme hardship:
- a change in employment location;
 - extreme financial pressure;
 - the accommodation of an enlarged family;
 - a requirement to move into sheltered accommodation, a nursing home, or with other family members;
 - a medical condition suffered by a family member living in the property.

Effort to Sell

- 2.15 Applicants would have to demonstrate that they had already made reasonable efforts to sell their property; that it had been on the market for at least 3 months and that no offer had been received within 15% of its existing open market property price (that is the price it would most likely have fetched other than for the High Speed Two preferred route option).
- 2.16 Applicants would also need to demonstrate that their ability to sell their property had been seriously affected and that these difficulties were directly related to the High Speed Two preferred route option, rather than other factors (for example that the property market in their area was already slow and that broadly similar properties that were not close to the Government's preferred High Speed Two route option were also affected).

Prior Knowledge of High Speed Two Proposals

- 2.17 An applicant would not be eligible for the EHS where they bought their property at a time when they could reasonably have been expected to have been aware of the High Speed Two preferred route option.

Exceptional Hardship Scheme Principles and Criteria

- 2.18 Do you agree with the proposed principles underpinning the proposed EHS? If not, what alternative arrangements would you propose, including specific criteria for determining qualification for the scheme?

How would the Exceptional Hardship Scheme Operate? Process

- 2.19 Where a residential property owner-occupier has an urgent need to sell their property and believes that the value of that property had been affected by the High Speed Two preferred route option, they would be able to apply to the Secretary of State to purchase their property under the EHS. It is proposed to

set up a panel of experts, including independent members, which would consider individual applications and make recommendations to the Secretary of State as to whether they should be accepted. The panel would consider each application on its own merits, according to how far it meets the criteria set out in paragraphs 2.10 to 2.17 above.

- 2.20 Where the Panel recommended that the Secretary of State should offer to buy a particular property, independent valuers would be appointed to assess its value, based on unaffected realistic open market value (that is, what would have been the value of the property without any adverse effect arising from the High Speed Two preferred route option).
- 2.21 The valuation would not cover additional costs, such as the seller's agents & legal fees or removal costs, on the grounds that if the property owner was already looking to sell their property they would normally expect to have to meet these costs themselves. In addition the Secretary of State would not make any payments as part of the EHS process which could be payable later on if the property was subject to compulsory acquisition. For example this would include home loss payments, which are fixed sums payable to persons displaced from property where compulsory purchase takes place.

Dealing with applications

- 2.22 Should the Government decide to introduce an EHS, the scheme would come into force on the date of announcement and applicants who consider that they met the eligibility criteria would be able to apply to the Secretary of State for consideration with immediate effect.
- 2.23 The Secretary of State would be required to determine each application within three months of receipt. Where the Secretary of State offered to buy the property in question, the applicant would have two months to decide whether to accept the offer.
- 2.24 The EHS would be entirely discretionary. In other words, the Secretary of State would be under no automatic obligation to buy any individual property, and the applicant would be under no obligation to sell the property if the Secretary of State offered to buy it.

Notes:

- 1 Safeguarding is a process under which the Secretary of State issues directions under the Town and Country Planning (General Development Procedure) Order 1995. These directions are given to local planning authorities and are designed to protect route corridors which have already been identified for building transport and other projects. Once the directions are made, where a third party submits certain types of planning applications which affect these route corridors – for instance to erect a new supermarket – the applications need to be reviewed in order to safeguard the development of the project which is the subject of the directions.
- 2 This term is defined in section 149 of the Town and Country Planning Act 1990.
- 3 In the case of commercial land, the provisions are restricted to land which has an annual rateable value which does not exceed £29,000.
- 4 Injurious affection is the effect of acquiring land for a public project on any neighbouring or remaining land; for instance, where only part of a person's land was purchased compulsorily by a scheme promoter how would this affect the value of the remainder of the owner's property and what compensation would be payable to the owner.
- 5 In this document, the terms "owner-occupier" is used to refer to someone who must have occupied the whole (or a substantial part) of the property as a private dwelling and who has either a freehold interest in the property, or a leasehold interest consisting of a tenancy granted or extended for a specified term of years of which at least 3 years remain unexpired.⁶ This is a tenancy which is not granted for a fixed period of time but which can be ended by either party on the giving of the appropriate notice e.g. a standard rental agreement.

AGENDA MANAGEMENT SHEET

Name of Committee Portfolio Holder (Environment) Decision Making Session

Date of Committee 30 April 2010

Report Title Response to the Department for Transport Consultation on Charges for Unreasonably Prolonged Occupation of the Highway

Summary The Department for Transport are consulting on increases in charges for overrunning works on the highway. They propose a higher maximum charge for any works on the more traffic sensitive streets that last longer than agreed. This report considers the questions posed by the consultation and recommends how the council should respond to the consultation.

For further information please contact Keith Davenport
Tel. 01926 412246
keithdavenport@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? No

Background Papers Consultation on the draft amendment to the charges for unreasonably prolonged occupation of the highway.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees

Local Member(s)
(With brief comments, if appropriate)

Other Elected Members Councillor M Doody
Councillor R Sweet
Councillor J Whitehouse

Cabinet Member Councillor A Cockburn
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)



- Chief Executive
- Legal I Marriott
- Finance
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION **YES** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Portfolio Holder (Environment) Decision Making Session- 30 April 2010

Response to the Department for Transport Consultation on Charges for Unreasonably Prolonged Occupation of the Highway

Report of the Strategic Director for Environment and Economy

Recommendation

That Members support the increase in charges proposed in the consultation and the response to the consultation in **Appendix A** be endorsed.

1. Introduction

- 1.1 The existing legislative framework for works within the highway is set out within the New Roads and Streetworks Act 1991 (NRSWA), which along with associated regulations, sets the broad responsibilities of highway authorities and utilities with regard to works. There are now some 200 utilities companies that have the statutory right to dig up the roads, a significant increase in the numbers since its inception in 1991.
- 1.2 The Department for Transport (DfT) has issued a consultation on proposed amendments to the "Charges for unreasonably prolonged occupation of the highway regulations" which provides for the imposition of the charges under section 74 of NRSWA.
- 1.3 This consultation is about proposed higher charges for works that overrun on traffic-sensitive streets. The consultation response should be sent by 25 May 2010.

2. Background

- 2.1 Local authorities have felt for some time that the current over-run charges do not adequately reflect the impact of the works on Traffic Sensitive Streets and have been lobbying the DfT to increase them. These streets are by their nature the key distributors on our network.

The intention behind overrun charges is to encourage undertakers to complete works in the highway within the planned duration. Any proposed increase in the

over-run charge is intended to encourage the right behaviour and to help minimise the disruption on key routes and help us fulfil our network management duties.

3. Consultation Proposals

- 3.1 The current regulations do not impose a higher charge for over-runs on our more traffic sensitive streets, despite the fact that the impact of disruption and congestion is significantly higher than on the other streets within our network.
- 3.2 The DfT are proposing higher maximum overrun charges for any works on traffic sensitive streets that last longer than agreed. As the impact of the work is the same irrespective of the category of that work, the DfT are proposing a single daily charge.

The proposed new charges are shown in the table below;

Table 3.1 Maximum Over-run Charges			
£	Road Category * 0 or 1	Road Category 2	Road category 3 or 4
Traffic-sensitive streets			
All work categories	25,000 (2,500)	8,000 (2,000)	1,000 (250)
Non traffic-sensitive streets			
**Major or standard works	2,500 (2,500)	2,000 (2,000)	250 (250)
**Minor or immediate works	500 (500)	500 (500)	100 (100)
<p>Figures in brackets are existing charges</p> <p>* Road category measures how busy a street is, based on commercial vehicle numbers it is designed to serve. Category 0 are the busiest and 4 the least busy. For the purposes of these regulations, the definition of Category 0 roads shall be taken to mean roads carrying over 30 million standard axles, with no upper limit.</p> <p>** Works Categories</p> <p>Major works are works with a duration of 11 days or more; or generally identified in advance in an organisation's annual operating programme; or works which require a temporary traffic order (e.g. to shut the street) under the Road Traffic Regulation Act 1984.</p> <p>Standard works are between 4 and 10 days duration.</p> <p>Minor works are works with duration of three days or less.</p> <p>Immediate works are emergency works (e.g. to deal with gas leaks) and urgent works (e.g. restoring an electricity supply where this has been severed).</p>			

- 3.3 These are maximum daily charges. The Council has the discretion to either reduce or waive the charge in such circumstance that we deem appropriate. The DfT only expect the full charge to be levied in situations where the overrun has resulted in significant disruption to road users. This may include taking into account the actual impact of the works on traffic flow, and a likely judgement

about an undertakers likely behaviour in response to the proposed charge. It is unlikely that the full charge will be levied unless significant disruption has been caused to the residents of Warwickshire.

4. Summary

- 4.1 The consultation proposes significantly higher charges for overrunning roadwork's on traffic sensitive routes. Existing levels of charges do not provide sufficient incentive for utilities to complete their works on time. The proposal for higher charges is intended to encourage the right behaviours, to minimise disruption on our more important routes and to assist us in meeting our network management duty. We will exercise discretion in setting the charges applied in the particular circumstances of each case.

5. Financial Implications

- 5.1 The impact on income from fines on utilities may be affected if higher charges are imposed, but the impact is unpredictable. Higher charges may lead to improved compliance and therefore reduced income or it may lead to higher income if compliance by utilities does not improve. The amendments are to the maximum levels of fines so it will be under the control of the County Council to set fines at levels which do not distort incentives too much.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

14 April 2010

**Portfolio Holder (Environment) Decision Making Session-
30 April 2010**

**Response to the Department for Transport Consultation on
Charges for Unreasonably Prolonged
Occupation of the Highway**

CONSULTATION RESPONSE PRO-FORMA

**Consultation on the proposed Amendment to the Charges for
Unreasonably Prolonged Occupation of the Highway**

PART 1 - Information about you

Name				
Address	Po Box 43, Shire Hall, Warwick, Warwickshire,			
Postcode	CV34 4SX			
email	keithdavenport@warwickshire.gov.uk			
Company Name or Organisation (if applicable)	Warwickshire County Council			
Please tick one box from the list below that best describes you /your company or organisation.				
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)			
<input type="checkbox"/>	Large Company			
<input type="checkbox"/>	Utility Company			
	<input type="checkbox"/> Water	<input type="checkbox"/> Gas	<input type="checkbox"/> Electricity	<input type="checkbox"/> Telecoms
<input type="checkbox"/>	Representative Organisation			
<input type="checkbox"/>	Trade Union			
<input type="checkbox"/>	Interest Group			

<input type="checkbox"/>	Local Government			
	<input checked="" type="checkbox"/> County Council	<input type="checkbox"/> London Borough	<input type="checkbox"/> Metropolitan Borough Council	<input type="checkbox"/> Unitary
<input type="checkbox"/>	Central Government			
<input type="checkbox"/>	Emergency Service			
	<input type="checkbox"/> Ambulance	<input type="checkbox"/> Fire & Rescue	<input type="checkbox"/> Police	<input type="checkbox"/> Other
<input type="checkbox"/>	Member of the Public			
<input type="checkbox"/>	Other (please describe):			
<p>If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:</p>				
<p>If you would like your response or personal details to be treated confidentially please explain why:</p>				

PART 2 - Your Comments

Question 1

Q1: Do you consider that the proposed level of overrun charges correctly reflects the impact that works can have on road users? If not what do you consider an appropriate level, and what evidence do you have to support an alternative level of charges that reflects the impact on road users?			
Yes	X	No	<input type="checkbox"/>
Please explain your view			

Question 2

Q2: Do you agree that on traffic sensitive streets, the impact of works on traffic flow is the same whatever category of works is taking place? If not why do you think the impact varies by works category?			
Yes	<input type="checkbox"/> X	No	<input type="checkbox"/>
Please explain your view			

Question 3

Q3: For immediate works, do you consider an alternative overrun charge for immediate works on traffic sensitive streets is required? If so what level would you consider appropriate to reflect the impact on road users and what evidence do you have to support this?

Yes

No

Please explain your view

Question 4

Q4: Do you agree that Chapter 10 of the Co-ordination Code of Practice should be revised as proposed to encourage greater use of the discretion to waive or reduce overrun charges, when the impact on road users is not significant?

Yes

No

Please explain your view

Warwickshire County Council already runs a Section 74 scheme and applies discretion and arbitration to agree final Section 74 overrun charges. The County Council will continue with this approach we will continue to set fines at levels which do not distort incentives to much.

Question 5

Q5: If you are responding on behalf of an authority, does your organisation already use the discretion to waive or reduce overrun charges? If so please provide examples of the occasions when this discretion has been used and, where possible, an indication of the range of charge levels imposed and the frequency with which charges have been reduced or waived.

Yes

No

Please explain your view

This discretion has been applied to a number of occasions where the utility have not picked up the cones and barriers from site at the end of the works. We have not used discretion where the works are on our more sensitive routes and the utility have failed to perform, i.e. left site early and not attending on a number of days during the period of the works.

Question 6

Q6: What factors would influence the use of discretion by authorities?

Yes

No

Please explain your view

As long as it can be proven that the undertaker has taken all reasonable steps to ensure that the works are completed on time then the County Council will take these into account, for example adverse weather or ground conditions etc....

IMPACT ASSESSMENT

Question 7

Impact Assessment Details

The Impact Assessment drafted by the department details costs and benefits associated with the proposed changes to the code.

Q7: Does the impact assessment identify the main costs and benefits likely to arise from the proposal? Do you disagree with any of the assumptions in the impact assessment?

Yes

X

No

If so why? Please provide justification supported with data for using alternative assumptions.

GENERAL

Question 8

Q8: Are there any additional issues that are not covered by this consultation?

Yes

X

No

X

If so, please describe why and provide supporting evidence