

**Minutes of Portfolio Holder (Environment) Decision Making Session held  
on 30 April 2010**

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

Other Councillors: Martin Heatley, Heather Timms and Izzi Seccombe.

Officer: Jane Pollard (Democratic Services Manager).

**1. General**

**(1) Member Declarations of Personal and Prejudicial Interests**

None.

**(2) Minutes of meeting held on 25 February 2010.**

**Resolved**

That the minutes of the meeting held on 25 February 2010 be approved as a correct record.

**2. High Speed Rail Link – Exceptional Hardship Scheme**

Councillor Alan Cockburn, Cabinet Portfolio Holder for Environment, indicated that he needed more time to reflect on the outcomes from the Environment & Economy Overview and Scrutiny committee on 28<sup>th</sup> April 2010 before finalising the response to the consultation

**Resolved**

That the matter be deferred to a Portfolio holder (Environment) Decision Making Session at 12 noon on Friday 14<sup>th</sup> May 2010.

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

Councillor Alan Cockburn, Cabinet Portfolio Holder for Environment considered the report of the Strategic Director of Environment and Economy. He considered that the government proposal to increase charges was reasonable and he was satisfied with the proposed consultation response.

**Resolved**

That the proposed increases in charges in the consultation response are supported and the consultation response in **Appendix A** be endorsed.

**4. Any Other Urgent Business**

None.

The meeting rose at 12.01

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Portfolio Holder (Environment)

**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):			
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:				
If you would like your response or personal details to be treated confidentially please explain why:				

**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  No

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  No

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

<b>Q6: What factors would influence the use of discretion by authorities?</b>			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Please explain your view</b>			
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

<b>Impact Assessment Details</b>			
The Impact Assessment drafted by the department details costs and benefits associated with the proposed changes to the code.			
<b>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?</b>			
Yes	<input checked="" type="checkbox"/> X	No	<input type="checkbox"/>
<b>If so why? Please provide justification supported with data for using alternative assumptions.</b>			

## GENERAL

### Question 8

<b>Q8: Are there any additional issues that are not covered by this consultation?</b>			
Yes	<input checked="" type="checkbox"/> X	No	<input checked="" type="checkbox"/> X
<b>If so, please describe why and provide supporting evidence</b>			

