

North Tyneside Council

Report to Cabinet Member for Environment

Date: 10 April 2024

Title: Consultation response – Street works access:
electric vehicle chargepoint operators

Portfolio(s): Environment	Cabinet Member(s):	Councillor H Johnson
Report from Service Area:	Regeneration and Economic Development	
Responsible Officer:	John Sparkes, Director of Regeneration and Economic Development	(Tel: 0191 643 6091)
Wards affected:	All	

PART 1

1.1 Executive Summary:

This report seeks the approval of the Cabinet Member for Environment to submit a response, attached as Appendix 1, to the Government’s public consultation on access to the public highway for electric vehicle (EV) chargepoint operators when performing street works.

1.2 Recommendation(s):

It is recommended that the Cabinet Member for Environment:

- a) notes the contents of the report;
- b) agrees that the Authority should respond to the consultation; and

- c) approves the draft response attached as Appendix 1 and, in consultation with the Director of Regeneration and Economic Development, makes any final amendments to the draft response before the submission of the final response to the consultation.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 23 February 2024.

1.4 Council Plan and Policy Framework

The proposals in this report relate to the following priority in Our North Tyneside, the Council Plan 2021 to 2025:

- A green North Tyneside:
 - We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030

The proposals also support the following priority in the Carbon Net Zero 2030 Action Plan:

- Travel
 - Bid for EV charging infrastructure (on-Street, Fast, HPC)

1.5 Information:

1.5.1 Background

The North Tyneside Transport Strategy notes the Authority's commitments to support a substantial shift to zero-emission vehicles, such as EVs, in place of petrol or diesel vehicles; support the travel needs of tourists and visitors; manage our transport network effectively; and ensure that the highway network, including footways and cycle routes, is well maintained.

Within the context of the Transport Strategy are a number of more detailed strategies and plans: these include the North Tyneside Network Management Plan; the North Tyneside Parking Strategy; and the North Tyneside Zero Emission Vehicles (ZEV) Strategy, which includes aims to work with commercial operators and third party providers on the provision of EV chargepoints where appropriate.

At regional level, the North East Transport Plan's overarching aims include to make travel in the North East net carbon zero and improve transport safety and security; while the North East ZEV Strategy aims to deliver reliable, publicly accessible charging infrastructure across the region to help support drivers of petrol and diesel cars and vans to make the transition to zero-emission vehicles.

Publicly available EV chargepoints in North Tyneside are currently located within public car parks, or on private land such as retail sites. As EV charging provision becomes more widespread, it is anticipated that consideration will be given, where appropriate, to on-street locations for EV chargepoints.

1.5.2 The Government consultation

The Government's 'Plan for drivers', announced in October 2023, included an aim of further supporting the transition to zero-emission driving. It included a commitment to consult on a measure intended to accelerate the approvals process for the installation of EV chargepoints.

EV chargepoint operators (EV CPOs) are responsible for the installation of EV charging apparatus on the public road network. Installation is subject to various highways and consents procedures. Most highway authorities, including the Authority, have set up a scheme to issue permits to for street works, under the relevant provisions of the Traffic Management Act 2004.

However, street works permits can currently only be made available to those operators with a statutory right to carry out works on the highway (e.g. utility companies). Other organisations, including EV CPOs, need to apply for a licence under S.50 of the New Roads and Street Works Act 1991 (a "section 50 licence").

On 5 February 2024, the Government commenced a public consultation seeking views on changing legal access for street works carried out by EV CPOs.

This would remove the need for EV CPOs to apply for a section 50 licence and enable them instead to apply for a street works permit, which the consultation document describes as being a quicker, cheaper and less resource-intensive process.

The consultation also proposes to amend the Highways Act 1980 to prevent highway authorities from granting permission under section 115E of that Act for

EV chargepoint installation in cases where this is capable of being authorised by a permit.

1.6 Decision options:

The following decision options are available for consideration by the Cabinet Member for Environment:

Option 1

Decide that a response to the consultation should be submitted and approve the proposed course of action set out at 1.2 to allow the response to be submitted.

Option 2

Decide not to submit a response to the consultation.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended as this will allow the Authority to contribute to the Government's public consultation on changing legal access for street works carried out by EV chargepoint operators.

1.8 Appendices:

Appendix 1 – Proposed North Tyneside Council response to the consultation

1.9 Contact officers:

Paul Watson, Head of Highways and Transportation, 0345 2000 101
Andrew Flynn, Senior Manager – Integrated Transport, 0191 643 6083
John Cram, Integrated Transport Officer, 0191 643 6122
Amar Hassan, Principal Accountant, Investment (Capital) and Revenue, 0191 643 5747

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [North Tyneside Transport Strategy](#)

- (2) [North East Transport Plan](#)
- (3) [North Tyneside Zero Emission Vehicles Strategy](#)
- (4) [North East Zero Emission Vehicles Strategy](#)
- (5) [North Tyneside Parking Strategy](#)
- (6) [North Tyneside Network Management Plan](#)
- (7) [Transport and Highways SPD](#)
- (8) [North Tyneside Highway Asset Management Plan \(HAMP\)](#)
- (9) [Traffic Management Act 2004](#)
- (10) [New Roads and Street Works Act 1991](#)
- (11) [Highways Act 1980](#)
- (12) Department for Transport [The Plan for Drivers](#)
- (13) Government [consultation document](#) – Street works access:
electric vehicle chargepoint operators

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from this report in terms of responding to the consultation. There may be financial implications arising in the future from measures relating to the proposed changes set out in the Government's consultation (for the management of street works relating to EV chargepoints) being implemented in North Tyneside and if so these will be reported to Council / Cabinet, as appropriate, at the time, for a decision before any expenditure is incurred.

2.2 Legal

There are no legal implications directly arising from this report. This report relates to a public consultation in which the Government proposes to make changes to the process on access to the public highway for EV CPOs when performing street works, within the context of the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and the Highways Act 1980 as set out in section 1.5.2.

By virtue of section 9D of the Local Government Act 2000 any function of the Authority is the responsibility of the Executive unless there is a contrary intention expressed in legislation. There is nothing in the legislation referred to in this section or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 that indicate that responding to this Government consultation is not to be a matter for Cabinet. In accordance with the Mayor's Scheme of Delegation it is therefore appropriate for the Cabinet Member for Environment to be invited to make a delegated decision on responding to the consultation.

2.3 Consultation/community engagement

2.3.1 Internal consultation

Internal consultation has taken place involving the Cabinet Member for Environment and the Director of Regeneration and Economic Development.

2.3.2 Community engagement

Any person may respond to the Government consultation.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications from approving a response to the consultation.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

The proposed changes being consulted on by the Government, by updating processes for the installation of publicly available EV chargepoints, have the potential to support the environment and sustainability by facilitating the more rapid uptake of EVs in preference to petrol or diesel vehicles.

PART 3 - SIGN OFF

- Chief Executive
- Director of Service
- Mayor/Cabinet Member
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive