

## West Sussex County Council

### Proposed Executive Decision for **28 September 2018** call-in deadline **5 p.m. on 9 October 2018**

The following proposed decision has been endorsed by the Cabinet Member and will come into effect at the end of the call-in period unless the call-in procedure is activated.

<b>Decision Title &amp; Ref No:</b>	Street Works Prosecution Policy HI15 (18/19)
<b>Cabinet Member responsible for Decision</b>	Mr Elkins - Cabinet Member for Highways and Infrastructure
<b>West Sussex Plan priority</b>	A Prosperous Place
<b>Electoral Divisions</b>	All Divisions
<b>Key Decision</b>	Yes
<b>Purpose</b>	<p>Utility companies have a statutory obligation to apply for streetworks permits through the County Council's permit team. This is in accordance with relevant legislation such as the New Roads and Street Works Act, the Traffic Management Act, the West Sussex Permit Scheme and the associated regulations and Codes of Practice.</p> <p>Utility companies are required to use their best endeavours to co-operate with the County Council as the street authority, in the interests of safety, to minimise inconvenience to people using the street and to protect the structure of the street and the integrity of the apparatus in the street. Failure to do so is an offence under the relevant section of the legislation.</p> <p>The County Council's street authority will prosecute if it considers that an offence has been committed and if the evidence shows that there is a realistic prospect of conviction, for example where the relevant offender has shown a previous poor history of compliance under its statutory obligations and/or the offender has failed to discharge its liability under The Street Works (Fixed Penalty) (England) Regulations 2007 or the Traffic Management Permit Scheme Regulations 2007.</p> <p>The adoption of The West Sussex Streetworks Prosecution Policy will empower the street authority in carrying out its statutory duty/ies in accordance with the relevant Acts of Parliament.</p>
<b>Decision</b>	The Cabinet Member for Highways and Infrastructure has approved the Street Works Prosecution Policy attached as Appendix A to the report.
<b>Interest and nature of interest declared</b>	None
<b>Service Contact</b>	Jeff Elliot, Highway Network and Traffic Manager - Tel:

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<b>Background Papers</b>	See report for details