



Notice of KEY Executive Decision

Subject Heading:	Approval of Lane Rental Scheme for Street Works
Decision Maker:	Cabinet Member for Environment, Councillor Barry Mugglestone
Cabinet Member:	Cabinet Member for Environment, Councillor Barry Mufflestone
ELT Lead:	Neil Stubbings
Report Author and contact details:	James O'Regan James.oregan@havering.gov.uk
Policy context:	The New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA)
Financial summary:	Please see below
Reason decision is Key	Grounds for decision being Key: (a) Expenditure or saving (including anticipated income) of £500,000 or more (c) Significant effect on two or more Wards
Date notice given of intended decision:	15 July 2025

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Relevant Overview & Scrutiny Committee:	Places
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. Approve the introduction and operation of a draft Lane Rental scheme in the Borough.
2. To review the outcome of consultation exercises, agree any amendments to the draft scheme considered necessary to make it operationally sound, and approve the application to the Secretary of State to introduce a scheme.
3. To make any amendments to the draft scheme required by SoS then submit a report to Cabinet to approve implementation of a final scheme as a Havering policy and implement that scheme.

Implementation of a Lane Rental scheme, subject to the Secretary of State approving the application and confirming a scheme.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.2 – Responsibility for Functions Executive
Functions Delegated to Individual Cabinet Members by the Leader

- a. To review customer satisfaction, results of consultation with stakeholders and the efficiency of service provision generally and to agree arrangements for continuous improvements to be made.
- 3.17 To consider recommendations relating to highways and traffic schemes and to make decisions relating to them.

STATEMENT OF THE REASONS FOR THE DECISION

Summary

- 1.1 This report recommends the introduction of a draft Lane Rental Scheme. A Lane Rental Scheme provides a mechanism of charging Works Promoters for carrying out works on the borough's busiest roads during peak times. The aim of the scheme is to encourage better planning of works, delivery of works outside of peak times and consequently less disruption and fewer delays.
- 1.2 In the development of the scheme principals and rules, consultation has taken place with other London boroughs, utility companies, internal highway works promoters and members of the public.

Background and Context

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- 2.1 The New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA), contains provision for Highway Authorities to operate Lane Rental Schemes that involve charging Promoters of street and road works for the time their works occupy the highway network. This includes utility companies, Highway contractors and private developers.
- 2.2 A Lane Rental Scheme introduces a mechanism of charging any Works Promoter carrying out works on the busiest roads in the borough during peak times. It is anticipated that a Lane Rental Scheme, which will enable the Council to charge for occupation of the most traffic sensitive streets at traffic sensitive times, will encourage the planning of works outside of these times and lead to reduced delays for road users. The proposed lane rental scheme will therefore be an important tool helping the Council meet its network management duty.
- 2.3 The scheme must include arrangements for the management and disbursement of surplus funds. There is also a requirement to produce an annual evaluation report detailing the benefits, applications for funding and operational costs, which TfL are happy to support going forwards.
- 2.4 The Council will be able to recover all operational costs associated with the running of the scheme from funds generated from charges. Charges generated from the scheme will be available for bids from utility companies and the Council. Currently, funds may generally be used for the following purposes:
 - Highway works which reduce congestion.
 - To support innovative techniques and technologies for speeding up street and road works.
- 2.5 Although not yet formalised, an option to ring-fence 50% of funds for highway maintenance and pothole repairs has been consulted on. The decision on this will be taken by the Secretary of State for Transport although the DfT have already confirmed they intend to update regulations to introduce this provision. Regulations are expected to be laid in Autumn this year with an effective date of January 2026.
- 2.6 A map of the proposed Lane Rental network, which incorporates the main general traffic and bus routes, is attached as appendix A. The overall network coverage for Havering's road network is 11.9%. The regulations governing Lane Rental schemes are the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 ("the Regulations") made under Section 74A of NRSWA.
- 2.7 Several authorities, including Transport for London (TfL), Surrey County Council, Kent County Council, West Sussex County Council and East Sussex County Council are successfully operating a Lane Rental scheme on their networks. The Department for Transport (DfT) is keen to support authorities with the implementation of Lane Rental Schemes and have

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produced statutory guidance and a commitment to engage in dialogue with each authority which seeks to implement a scheme.

- 2.8 Council officers have assessed and evaluated the benefits of a Lane Rental Scheme and have participated in a London wide Lane Rental Strategy Group, consisting of Transport for London (TfL), the Royal Borough of Kensington and Chelsea, LB Camden, LB Lambeth, LB Merton and London Councils. The Strategy Group has developed scheme principles and rules, together with associated guidance documents, to promote a consistent approach for Boroughs to apply across London.
- 2.9 TfL has supported the strategy group and Havering over the last 12 months. TfL is providing analytical support and have prepared a Cost Benefit Analysis which will form part of the Council's application to the DfT. Following the set up and work undertaken by the Strategy Group, other London Boroughs have expressed a keen interest in applying for a Lane Rental Scheme on their networks. The implementation of Lane Rental is supported by the Mayor of London, who in his manifesto stated "*I'll also drastically reduce disruption on our roads by working with TfL and councils to extend the lane rental scheme to borough roads*".
- 2.10 TfL Directors have presented the pan-London Lane Rental approach to Lead Cabinet Members at the Transport and Environmental Committee (TEC) in March this year. A Lane Rental prospectus pack was also distributed to Lead Cabinet Members and Transport Directors in June.
- 2.11 Before developing a Lane Rental Scheme, the underlying assumption is that there is a Permit Scheme in operation and that it has achieved its objectives around co-ordination, traffic management and conditions, but road and street works durations are still too high and too many works are being done during Traffic Sensitive times. Havering has a well-run operational Permit Scheme that is recognised as delivering these objectives effectively. However, as there is no cost associated with the length of the works there is no financial incentive for Works Promoters to reduce the numbers of days taken to complete the works or to work outside the busiest periods. Currently the only option is to charge statutory fines should works overrun their agreed durations.
- 2.12 The current works overrun charging regime operates Monday-Friday, whereas the Lane Rental scheme will operate 7 days a week, to reduce disruption and assist residents and businesses over the weekend periods. Under a Lane Rental scheme Works Promoters are still required to apply for a permit to assist with the coordination of works but these are not chargeable.

Scheme Charges

- 3.1 Roads will be categorised as High, Medium and Low charge based upon their usage, traffic data and relative importance regarding the network hierarchy. The definition of which streets are in each charge band has been

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produced by TfL using traffic and bus flow data in accordance with the agreed DfT methodology. The proposed daily charge levels are as follows and are capped at a maximum of £2,500 per day.

- High charge - £2,500 per day
- Medium charge - £1,500 per day
- Low charge - £1,000 per day

3.2 A range of discounts and waived charges will be available to drive behavioural change. In accordance with the Transport for London Lane Rental Scheme, which has been in operation since 2012, to ensure a continued consistency across London and expedite Immediate Emergency works, charges will be waived for the first 24 hours of genuine Immediate Emergency works. This ensures work promoters have an opportunity to avoid charges wherever possible and that works can be encouraged to be carried out during the least disruptive times. The list of streets to which they will apply are attached as appendix A. The potential funds that could be generated have been based on the following:

- The average number of works on the proposed lane rental network over a 1-year period, 2022-2023.

3.3 There will be a reduction in works on the Lane Rental network at peak periods due to behaviour change (i.e. promoters amending their work schedules to avoid working during chargeable peak periods). The total number of work days eligible for charges is calculated and is then discounted to factor in behavioural change, which considers:

- Work days moved outside of chargeable hours to avoid lane rental charges,
- Work days undertaken in a way that triggers a waiver, such as the use of new technology,
- Work days undertaken in a way that triggers a discount, such as through collaborative working,
- Increase in Emergency and Urgent work days being completed before charge periods apply.

3.4 Lane Rental charges will **not** be payable in the following circumstances:

- if the activities take place outside of the lane rental specified times (7am-10am and 3pm-7pm)
- for the first 24 hours from the start of genuine emergency activities
- for activities which are confined to a verge with no impact on the carriageway, cycle track or footway.
- for activities on the footway of a specified location, at a specified time, so long as the works do not involve breaking up the street or tunnelling or boring under it
- for activities that are diversionary works; and
- for activities required for replacing poles, lamp columns or signs

3.5 Taking a prudent approach and based on the experiences of the existing schemes and the likely scale of the Council's proposal, the estimated total fees from charges may therefore be in the region of £1m to £1.4m per annum. It

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must be stressed that these forecasts are based on several assumptions and are not guaranteed.

3.6 Permit data for 2022/23 is used for the purposes of calculating charges, which is limited to the proposed Lane Rental network only. The data is then cleansed to omit any outliers, emergency work days taking place in the first 24-hours, works with no carriageway incursion and works taking place outside of Lane Rental chargeable hours. Standard behavioural changes are subsequently factored into the calculation to provide the following overall charges by sector:

Lane Rental Charges faced by Utility Companies	£977,500
Lane Rental Charges faced by Highway Authorities	£442,000
TOTAL	£1,399,500

3.7 Part of the scheme application to the DfT also requires the submission of a cost benefit matrix form, which, in addition to the estimated revenue, also quantifies the impacts on society, including:

- Economic Impact - Non-business journey time savings at peak times
- Economic Impact - Business journey time savings at peak times
- Environmental Impact - Change in carbon emissions at peak times
- Social Impact - Reduction in accidents at peak times
- Cost of moving from peak to off-peak works

3.8 TfL's Data Scientists are committed to completing this cost benefit information with support from the council, which ultimately generates an overall Benefit Cost Ratio for the scheme over a 25-year period.

Scheme Expenditure

4.1 The cost of operating the scheme will be recovered from the lane rental charges generated as allowed under the regulations. It is estimated that three additional permanent FTEs will be required to operate the scheme:

- 1 x Network Scheme Inspector post (Lane Rental Scheme) – Grade G7

This post will be focused on managing applications on the network, assessing waivers, making recommendations regarding discounts, calculating charges, validating and preparing accuracy of invoicing, liaising with promoters on application of scheme funds, giving technical advice, maintaining internal operational systems, advising and keeping track of scheme bids, ensuring that key funds are tracked accordingly, managing project progress reports, dealing with disputes and gathering data and producing draft annual evaluation reports.

- 2 x Network Permit Officer (Lane Rental Street Works) – Grade G5

General duties of an existing Network Permit Street Works Officer post but with a targeted approach on lane rental site inspections.

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4.2 Current salary costs for these posts are estimated to be in the region of £200,000. Additional management staff costs will also be required to administer and oversee the scheme. IT costs are also anticipated but cannot be fully quantified at this stage. These additional costs are expected to be in the region of £50,000 to £100,000. Therefore, total start-up costs are estimated to be in the region of £250,000 to £300,000. Costs for the additional posts and any new technology required to operate the scheme can be recovered from scheme charges. Existing job profiles will be used and the post creations and appointment to the posts will be in accordance with the Councils existing HR policies and procedures.

Surplus Funds

- 5.1 Under current regulations an approved Lane Rental authority is responsible for all financial aspects of the scheme and must publish annual accounts of the sums received and how they have applied the surplus funds.
- 5.2 Remaining surplus funds are ring-fenced for purposes intended to reduce the disruption and other adverse effects caused by street works. DfT's guidance states this could include, for example:
 - investment in innovation and developing new products or disruption-saving techniques
 - trials of new techniques and products
 - installing 'pipe subways' or ducting that enable apparatus to be accessed more easily and without disrupting traffic
 - measures to improve the quality or accessibility of records about the location of underground pipes, wires and other apparatus
 - measures to help abate noise, pollution or safety hazards arising because of works
 - repairing potholes caused by utility street works
 - implementing extraordinary measures to mitigate congestion caused by works, especially major works
- 5.3 Under the scheme, the allocation of funds would be determined through appropriate governance arrangements. This will involve a governance board chaired by a senior council officer, with membership including council officers and representatives from the different utility areas e.g. electricity, gas, water, telecommunications. The council would ultimately be responsible for distributing funding for approved bids. During the first 12-month period, the London Borough of Havering will utilise the current governance board as established by the Transport for London scheme. Under this arrangement, a Council officer will form part of the panel relating to the scheme. During the scheme application assessment period, the Council will participate in discussions with other London Boroughs and TfL to explore if the administration process for funding applications can be centralised to ensure a consistent approach or if the Council should develop separate governance arrangements. In either event the Council would still command ultimate control of the surplus funding generated by the scheme.

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5.4 The application for a Lane Rental scheme made to the Secretary of State must detail the governance arrangements that will be put in place for allocating surplus revenues. The DfT has confirmed that will update regulations to allow a minimum of 50% of the surplus from a Lane Rental Scheme to be set aside for the maintenance of highways and repair of potholes. This consultation concluded on the 11th March 2024 and regulations are expected to be laid in Autumn this year, which would become effective in January – before the proposed go-live date for the scheme.

5.5 Although there are financial implications to be considered relating to the impact of self-charging for the Council's own schemes it is anticipated that all works promoters will see an increase in opportunities to secure funding for future proofing the highway network while carrying out their projects. For example, major infrastructure projects would receive a minimum 50% discount on charges for extending the longevity of the asset.

5.6 Based on the data outputs from TfL the following table provides an indication of the financial prospect of operating a scheme:

Description	Amount
1. Lane Rental charges from third parties	£977,500
2. Lane Rental charges faced by council	£442,000
Total Revenue	£1,399,500
3. Operational Costs incurred	-£300,000
4. Total Lane Rental Surplus	£1,099,500
5. 50 per cent allocated towards roads maintenance budgets	-£549,750
6. Surplus available for improving roadworks	£549,750
Net benefit (Excluding Operational Costs)	£1,360,125

5.7 It should be noted through improved ways of working the council's exposure to Lane Rental charges could be reduced even further by repairing dangerous defects in the free 24-hour period charging period allowed for emergency works, or by ensuring the majority of short duration repairs are undertaken during non-Lane Rental chargeable hours.

Preferred Option and Reasons for Preferred Option

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- 6.1 Officers are proposing to take forward a Lane Rental Scheme. The council has been supported in the preparation of the Scheme by TfL who have provided road network analysis to inform the selection of streets and the charge banding.
- 6.2 The Lane Rental Scheme helps the Council meet its network management duty by encouraging works promoters to:
 - Reduce the length of time taken to carry out the works.
 - Improve planning, co-ordination and working methods.
 - Identify and take forward opportunities for collaborative working with other works promoters.
 - Carry out more works outside of peak times, making greater use of off- peak working where the local environmental impact is acceptable.
 - Complete works to the required standard first time reducing the need for the works promoter to return to the site to carry out remedial work.
- 6.3 The current Permit Scheme will continue to operate alongside the Lane Rental Scheme to ensure that all works are effectively coordinated and deliver its functional role in the co-ordination and permitting of works in all streets, including those covered by the Lane Rental Scheme. Section 74 overrun charges will still apply in accordance with the Section 74 Regulations following the end of the agreed reasonable period, in addition to the Lane Rental charges.
- 6.4 Reduced charges are likely to apply for major works that deliver significant highway infrastructure improvements, substantially extend/renew the longevity of an asset, or future proof a highway to protect it from being excavated again. It is anticipated that the scheme will prompt significant behaviour change, resulting in a reduction in the numbers of works taking place during the busiest times of day across the Lane Rental network.

OTHER OPTIONS CONSIDERED AND REJECTED

The current arrangements could remain in place. However, if charges for the busiest roads at the busiest times are not introduced, traffic disruption relative to the volume of works undertaken on the network will continue at current levels or increase as traffic volume increase. In addition, the opportunity to reduce disruption and / or generate compensatory revenue to reinvest in network improvement will be missed.

The Council fully utilises existing regulatory powers. However, they do not drive the required culture and behaviour changes expected from a Lane Rental Scheme. To not apply to operate a Lane Rental scheme and continue with existing arrangements. This was rejected as it would not enable the benefits to be accrued in terms of behaviour change and reduced disruption to highway users.

PRE-DECISION CONSULTATION

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In line with DfT guidance a stakeholder consultation was launched on 15th August and ran until 19th September 2025. A number of stakeholders were consulted including:

- every works promoter that, to the knowledge of the authority, carries out street works in its area
- every highway authority (other than the street authority) and every district or borough council in whose area any street on which the proposed scheme is intended to apply is situated
- TfL, where any street to which the proposed scheme applies is situated in Greater London
- any passenger transport executive in whose area the proposed scheme would operate
- any neighbouring highway authority or combined authority
- emergency services operating within the area of the proposed scheme
- relevant regulatory authorities, including Ofgem, Ofwat, Ofcom and the Health and Safety Executive
- any authority that has registered an interest in receiving copies of permit applications for any of the streets to which the proposed lane rental scheme applies (if applicable)
- representative bodies for road users, including representatives of disabled people
- representatives of transport operators and the wider business community
- Heat Network Zoning Authority (Central Authority) – the body being established by the Department for Energy Security and Net Zero (DESNZ) to oversee the roll-out of heat network zoning policy in the UK

As part of this consultation exercise details of the proposed scheme were outlined as well as a cost benefit summary for the scheme, a Lane Rental Network Map and a Schedule or Proposed Locations.

Additionally a public consultation exercise was launched on 29th August and ran to 30th September 2025. Similar documents were made available as part of this consultation exercise. As part of both consultation exercises both stakeholders and members of the public were invited to send general comments via email.

As part of the Stakeholder Consultation a total of 4 responses were received from utility companies and one response was received from the Greater London Authority. These responses contained a series of questions and comments relating to points of clarifications and the costs and benefits of the proposed scheme. There were several common responses raised by consultees in relation to:

- The charge free period for immediate works
- The categorisation of footways and cycle tracks

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- The use of Street Manager terminology
- The Cost Benefit Analysis
- Waivers and exemptions
- Waivers for collaborative works
- The application of revenues
- The categorisation of weekends and Bank Holidays
- The benefits of a consistent pan-London scheme

As part of the Public Consultation a total of 11 responses were received. Responses were largely supportive of the scheme. A small number of responses required clarifications to the respondent on the benefits of the Scheme and how the Scheme operated and it should be noted that no responses objected to the Scheme.

All comments and their related responses from the organisation in response to these are set out in the LBH Lane Rental Scheme Consultation Report included as Appendix B to this report.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: James O Regan

Designation: Highways and Traffic Manager

Signature: *James O Regan*

Date: 10/09/2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Under the Traffic Management Act 2004 ("TMA") the Council as local highway authority has a statutory network management duty to secure the expeditious movement of traffic on its road network.

Section 74 of The New Roads & Street Works Act 1991 and the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 makes provision for highway authorities to operate Lane Rental Schemes.

The power to implement and operate a lane rental scheme in England is subject to the approval of the Secretary of State. Any local highway authority making an application to the Secretary of State to run such a scheme will need to have carried out a full consultation amongst a wide variety of stakeholders such as utilities and road works promoters alongside making a robust application for approval on the Scheme itself. The Department for Transport ("DfT") has issued guidance for highway authorities seeking to operate Lane Rental schemes and sets out the process to be followed.

Once a Lane Rental scheme is submitted to the DfT, the Secretary of State can approve it, with or without modifications, or reject it. If the application is successful, the scheme will take effect by Order, which will be a Statutory Instrument.

Before the draft Lane Rental Scheme is made permanent a resolution of Cabinet will be required.

FINANCIAL IMPLICATIONS AND RISKS

The introduction of this scheme is to focus on improvements for Residents when faced with works on the major road networks. It is to encourage better planning of works, delivery of works outside of peak times and consequently less disruption and fewer delays. There are financial implications and risks related to this service improvement plan.

The introduction of the Lane Rental scheme introducing a new delivery model of highway maintenance management. It will impact both the costs and income received into the Council and the governance arrangements for how any surplus income can be spent.

In relation to income, income generated by the scheme is modelled based on a series of assumptions, which could be proved to be inaccurate when the scheme is up and running. Income will be generated from the both the Council's own contractor doing works to the relevant sections of the highway that fall under this scheme and from utility companies. It should be noted that some income previously received under the permit scheme for works will be lost. There is no estimated amount indicated above. But this should be kept in mind. Income generation is modelled on 11.5% of the road network falling under this scheme. The DfT have initiated that up to 10% will be accepted but

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there is scope for this to increase. It is a risk worth noting to the figures outlined above. In regards to the income application and use. Income will first be applied to meet the costs of the service. Any residual income is likely to be split, 50% will be allocated to potholes and the remaining 50% will be directed to highway improvements. This 50% will be subject to a board approval for spending. This board will include members from the utility companies, TfL and the Council. The way in which this money is to be spent will not be fully within the Council's control. Although there are very clear legal restrictions on how this money can be spent. Outlined in the above paper, it is worth noting the governance arrangement.

The expenditure outlined above again is based on several assumptions. The Council's own contractor will be subject to the Lane rental scheme, and this will drive up costs for the Council. In addition, there are additional staffing and administrative requirements. The latter is recoverable against any surplus and the former although netted off against income generated will be an increased cost to the Council that this income cannot be directly attributed to. Overall, the position of the Council would be to have additional funds at its disposal but with clear restrictions on use and without 100% control.

It should be noted that there could be further pressure on costs for staff signing off works that will be finished at unsociable hours. It is not clear if this is captured in the modelling above. It should be noted that the start-up costs will only be covered once income starts coming in there will therefore be an initial outlay to get the service up and running which will be met from the Network Management budget (A27036) budget. In the short term until income is generated there will be a pressure in the service, but this would not be envisaged to be ongoing.

The purpose of the scheme is to reduce disruption and therefore if it begins to work well the result should be diminishing returns. The scheme is evolving and there are, as noted in the paper, several assumptions and decisions outstanding. Overall, the service recommends this process to deliver the service and improvements for residents and road users.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The proposals contained in this report require the creation of two additional FTE posts within the Highways Service. It is proposed that existing job profiles for both additional posts are used as these are flexible enough to accommodate the activities required to implement and manage the Lane Rental Scheme. It is envisaged that these two additional posts will report into the Network Manager's post in the Network Management Team. The Network Managers job profile will be reviewed to ensure there is sufficient scope to accommodate the additional two FTE's and remains in line with the Council's spans of control. All changes necessary will be managed in accordance with the Council's existing HR policies and procedures.

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EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

An Equality and Health Impact Assessment (EHIA) has been considered for this proposal. The scheme is not expected to have a direct negative impact on individuals with protected characteristics. However, the Council recognises the potential for indirect impacts, such as changes to work scheduling affecting accessibility or safety. These will be mitigated through careful planning, communication with affected groups, and ongoing monitoring. The scheme is expected to have a positive impact on all residents by reducing congestion, improving air quality, and enabling reinvestment in the highway network.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Havering Council is committed to protecting and promoting the health and wellbeing of residents. There are no perceived health and wellbeing implications or risks associated with this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no perceived environmental or climate change implications or risks associated with this decision.

BACKGROUND PAPERS

APPENDICES

Appendix A: Lane Rental Roads and Map

Appendix B: LBH Lane Rental Scheme Consultation Report

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Barry Mugglestone

Name: Councillor Barry Mugglestone

Cabinet Portfolio held: Environment

CMT Member title:

Head of Service title

Other manager title:

Date: 28/12/2025

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____