

Report to: **Scrutiny Committee for Economy, Transport and Environment**

Date: **17 March 2014**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Scrutiny Review of Street Works in East Sussex**

Purpose of Report: **To report on the progress of the recommendations agreed by the Cabinet on 11 June 2013 following the Scrutiny Committee Review.**

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**RECOMMENDATION:** The Scrutiny Committee is recommended to note the progress made in delivering the recommendations of the Scrutiny Review of street works in East Sussex.

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## **1. Financial Appraisal**

1.1 The introduction of a Permit Scheme required an investment in new software (Symology) and an increase in staffing levels. The Permit Scheme is anticipated to realise an income of £400k each year that will pay for the running costs.

1.2 In addition, inspections of a random 10% of all utility works while they are on site, just reinstated the excavation or 2 months before the guarantee on a reinstatement expires can be recharged at £50 per inspection. Any defects found with utility reinstatements will generate a defect fee. Fines for prolonged occupation of the highway will also generate income and finally the new Permit Scheme can issue Fixed Penalty Notices (FPNs) for non-compliance with conditions. It is anticipated that these penalties and inspection fees will provide an income of £523k in the coming year.

## **2. Supporting Information**

2.1 Progress on the action plan is attached at Appendix 1 and is in response to the recommendations made by the Scrutiny Committee.

2.2 The most significant progress is the successful implementation of a Permit Scheme in East Sussex. The Permit Scheme enables us to better control utility companies as well as implement financial incentives to make them plan their works, discourage temporary reinstatements, better communicate roadworks to the travelling public and apply penalties for non-compliance and poor reinstatement.

2.3 The Permit Scheme has helped us to reduce disruption on the road network by combining different utility works wherever possible. During the period of November 2013 to January 2014, we achieved 29 days of collaborative working (contractors shared trenches and road closures). This reduced the disruption on the highway by a total of eleven days.

2.4 Similarly, the Permit scheme helps us to challenge the duration of utility works minimising disruption to the network by requesting work on consecutive days, or extended working hours, or additional operatives/resource where appropriate.

### 3. Conclusion and Reason for Recommendation

3.1 It is recommended that the Scrutiny Committee notes the progress made on the recommendations contained in the review, which has already led to an improvement in the conduct of utility companies when working in the highway.

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#### BACKGROUND DOCUMENTS:

Traffic Management Act 2004

The Traffic Management (East Sussex County Council) Scheme Order 2013

ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN			
SCRUTINY RECOMMENDATION		DIRECTOR'S RESPONSE AND ACTION PLAN	PROGRESS
R1	As part of their requirement to cooperate, utility companies should share their annual operating plans with the Council as soon as they have been agreed.	We have written to all Utilities requesting this information and have a meeting planned to review the proposals	We have their annual operating plans and drafted them into our annual plan. In addition, Highway Authority and Utility Company (HAUC) Coordination Meetings are held every 4 months to discuss deviations from annual plan. <b>Completed.</b>
R2	The Highways team should share its resurfacing programme with the Highways Development Control team to get as early warning as possible of new developments likely to require works to the highways to provide utility connections.	The programme for the next two years is virtually complete and will be shared. We are also developing a searchable webpage with all our resurfacing work so customers and developers can access this directly	Construction Planned Maintenance Team email Development Control every week. An example of coordination is the postponement of Rye Road Resurfacing outside Hillcrest School until after the college redevelopment and Dittons Road, Polegate where our resurfacing was combined with development works. <b>Completed.</b>

**ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN**

<b>SCRUTINY RECOMMENDATION</b>	<b>DIRECTOR'S RESPONSE AND ACTION PLAN</b>	<b>PROGRESS</b>
<p>R3</p> <p>The County Council should attend meetings of stakeholders organised by relevant utility companies to gain early notice of draft operating plans.</p>	<p>We have attended a number of meetings in the last few months and a number are in the diary</p>	<p>In the last year we have encouraged utilities to hold the following stakeholder events for larger schemes:</p> <ul style="list-style-type: none"> <li>• Monford &amp; Sons, Lewes, March 2013</li> <li>• Water mains, Herstmonceux, Sept 2013</li> <li>• Network Rail, Hampden Level Crossing, Eastbourne, October 2013</li> <li>• Hastings Sculpture, Oct 2013</li> <li>• Eastbourne airbourne, Nov 2013</li> <li>• SWS Three Oaks sewage replacement, Bexhill Town Hall, Nov 2013</li> <li>• SGN, Rye Town Council, Dec 2013</li> <li>• Lewes Bonfire, Multi-agency, Dec 2013</li> <li>• Network Rail, SE signalling, Feb 2014</li> <li>• SWs Fouliride sewer, Polegate, Mar 2014</li> <li>• HAUC Coordination Meetings</li> </ul> <p><b>Completed.</b></p>

**ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN**

SCRUTINY RECOMMENDATION	DIRECTOR'S RESPONSE AND ACTION PLAN	PROGRESS
<p>R4</p> <p>The Review Board supports the introduction of a shared permit scheme for East Sussex and Surrey; the extent to which the expected benefits of the scheme in reducing disruption are realised should be monitored carefully, and reported to scrutiny in due course.</p>	<p>We have submitted our permit scheme to DFT for approval and should gain approval in July, with an anticipated start date in Autumn</p>	<ul style="list-style-type: none"> <li>• DfT formally approved scheme 19/6/13</li> <li>• Permit scheme started 11/11/13</li> <li>• Start charging utility companies for permits 11/12/13</li> <li>• Start charging utility companies fixed Penalty Notices (FPNs) 6/1/14                             <ul style="list-style-type: none"> <li>○ 148 FPNs issued: £11,840</li> </ul> </li> <li>• In November we processed 1988 permits                             <ul style="list-style-type: none"> <li>○ No Permit fees for first month</li> </ul> </li> <li>• In December we processed 2540 permits                             <ul style="list-style-type: none"> <li>○ Permit Income for Dec 2013: £18k</li> </ul> </li> <li>• In January we processed 3891 permits                             <ul style="list-style-type: none"> <li>○ Permit income for Jan 2014: £60k</li> </ul> </li> </ul> <p><b>Completed.</b></p>
<p>R5</p> <p>The Council should encourage utility companies to adopt the kinds of positive publicity and communication practices followed by Southern Water and Southern Gas Networks regarding: branding, information on signs, and problem reporting.</p>	<p>We have developed a code of conduct to ensure consistent information about works, this is being launched to utilities in the next few months</p>	<p>Draft Code of Practice presented to Utility companies at HAUC meeting on 5/12/13. Comments from Utility companies all aspire to the draft code of practice, with discussion over the appropriate level of publicity for the size of the works. Proposed dates for Utilities to sign up to the Code of Practice In March 2014.</p> <p><b>Completion anticipated in March 2014.</b></p>

**ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN**

<b>SCRUTINY RECOMMENDATION</b>		<b>DIRECTOR'S RESPONSE AND ACTION PLAN</b>	<b>PROGRESS</b>
R6	<p>The Council should collect and publish utility companies' communication performance, the objective being to encourage the poor performers to improve, or risk a negative response amongst their wider stakeholder group.</p>	<p>This will be part of the code of conduct and we propose an annual meeting to discuss performance and will be publishing a league table of results.</p>	<p>Code of Practice still out for comment. However, poor performance already discussed at HAUC meetings in front of other utility companies (peer group) to promote best practice. In addition, FPNs are being issued to Utility companies in the Permit Scheme for failure to erect information boards and communication. We shall report on these FPNs and publish them on our website at the end of April 2014 (after 6 months of Permit Scheme operation).  <b>Completion anticipated in April 2014.</b></p>
R7	<p>Utility companies should be urged to inform local councillors of projected street works in their area, and consider sharing their internal newsletters and communications with staff about expected standards when carrying out street works.</p>	<p>This again is part of the code of conduct and will be undertaken as part of the consistent approach.</p>	<p>Following the county council elections in May 2013, utility companies have been informed of their new councillors. The issue shall be raised again at the HAUC coordination meeting on 5 March 2014.  <b>Completion anticipated in March 2014.</b></p>

**ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN**

<b>SCRUTINY RECOMMENDATION</b>		<b>DIRECTOR'S RESPONSE AND ACTION PLAN</b>	<b>PROGRESS</b>
R8	<p>The Council should undertake coring tests on a higher percentage of highway reinstatements, but targeted more towards utility companies that have a historically high failure rate.</p>	<p>We are reviewing the performance at present and will be introducing higher coring numbers for poor performers</p>	<p>We have met with BT, SGN and Southern Water to discuss increased core samples. These utility companies have all agreed to undertake 30 additional core samples, at their expense, from recent reinstatements to demonstrate the improvements since meeting our Scrutiny committee. <b>Completed.</b></p>
R9	<p>The Council should collect and publish utility companies' reinstatement performance information based on the coring programme results.</p>	<p>We will undertake to do this each quarter</p>	<p>The introduction and implementation of the Permit Scheme for East Sussex has been prioritised ahead of the publication of core samples. However, it is our intention to publish this information on our website every quarter in the coming financial year. <b>Completion anticipated in April 2014.</b></p>

**ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX – ACTION PLAN**

	SCRUTINY RECOMMENDATION	DIRECTOR'S RESPONSE AND ACTION PLAN	PROGRESS
R10	<p>The Council should compare highway reinstatement coring test results work with those of neighbouring authorities to help determine and tackle the underlying reasons for poor reinstatement performance.</p>	<p>We have spoken to the DFT and national bodies about this industry wide issue and will be contributing to a solution with industry</p>	<p>This item shall be put forward for discussion at the next South East Traffic Managers' Group meeting on the 9 May 2014. It is also discussed at the South East Joint Authorities Group meetings.                      Preliminary reports are encouraging; our core results for SEW in 2012 indicated a 53% failure. Cores taken by SEW in October 2013 on recent reinstatements (since meeting with Scrutiny committee) indicate a 6% failure rate. Recent quality controls imposed on operatives are successful.  <b>Completion anticipated in May 2014.</b></p>
R11	<p>Where reinstatements persistently fail to meet DFT specifications and alternative or 'soft' approaches fail to result in improvements, the Council should not hesitate to prosecute the companies responsible for every failed reinstatement; and, publicise the outcome of such action.</p>	<p>We need to alter our processes to undertake a prosecution of failed reinstatements, which is underway</p>	<p>Since the 6 January 2014, our Permit scheme has empowered us to issue 148 Fixed Penalty Notices (FPNs), whereby utilities can pay a fine to avoid prosecution for non-compliance. The income from these fines is approximately £11.8K. However, where financial penalties fail to drive improvement, or where the FPN is not paid, this authority shall prosecute.  <b>Completed.</b></p>



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<b>SCRUTINY RECOMMENDATION</b>		<b>DIRECTOR'S RESPONSE AND ACTION PLAN</b>	<b>PROGRESS</b>
R12	The use of temporary reinstatements of highway works should be actively discouraged. Where they are essential, those responsible should ensure their works identify the relevant utility company and the anticipated date of the full reinstatement.	This is a process we already undertake.	We have included a model condition in our permit scheme for first time reinstatement. We are also in discussion with the DfT about the legality of insisting of first time reinstatement. We shall use a financial incentive to discourage temporary reinstatements, especially in traffic sensitive streets where the utility company will be charged another permit fee for a second occupation of the highway. <b>Completed.</b>
R13	The Council should develop and introduce a code of conduct between the Council and utility companies with an appropriately high level of political endorsement and involvement.	This has been developed and will be rolled out to utility companies shortly.	Draft Code of conduct presented to Utility companies at HAUC meeting on 5/12/13. Comments from Utility companies all aspire to the draft code of practice, with discussion over the appropriate level of publicity for the size of the works. Proposed dates for Utilities to sign up to the Code of Practice In March 2014. <b>Completion anticipated in March 2014.</b>

