

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
9th NOVEMBER 2006

NEW ROADS AND STREET WORKS ACT 1991
CORING PROGRAMME 2006

Purpose of Report

1. To:
 - (i) Provide Members with an update on action undertaken with regard to the inspection and rectification of Public Utilities work carried out in the highway.
 - (ii) Advise Members of future developments.

Background

2. Under the terms of the New Roads and Street Works Act 1991 (NRSWA) the County Council has various duties to monitor works undertaken by Statutory Undertakers within the public highway. One of these duties is to ensure that the integrity of the highway network is not undermined by the standard of reinstatements that are carried out following excavations in the highway. The contractors and sub-contractors used by these organisations are accredited in accordance with the NRSWA. Such accreditation should ensure that those undertaking these works are aware of the correct materials to be used and the depth of construction required to reinstate excavations within the public highway.
3. The County Council monitors the standard of workmanship achieved by the Statutory Undertakers and their contractors, to determine compliance with the appropriate specification and to ensure that the integrity of the highway network is being maintained. In 2005 there were 111 cores taken, and of these 63 demonstrated compliance with the specification and 48 failed, giving an overall failure rate of 43.5%. The public utilities concerned had to rectify the defects, but this high failure rate was a matter of concern.
4. On 13th January 2006 this Committee considered a report on the enforcement action being undertaken following the publication of Members Briefing Note No.57 in June 2005, which contained the latest information on the coring, and requested the coring programme should be reported on an annual basis.

Current Position

5. Regular meetings are held with the Public Utilities in order to co-ordinate their work, and the opportunity has been taken to stress the importance of correct reinstatement of their road openings. Remedial work was carried out at those sites where it was required and the action was monitored by the Council's Streetworks Co-ordinators and Inspectors. These remedial works will be routinely inspected as necessary. There are a number of factors which contribute to a satisfactory reinstatement, but the depth of material used is a key factor.

6. In the past the County Council has carried out its own coring programme using specialist contractors. Because of staff shortages, particularly the Streetworks Manager post which was vacant for part of the year, it has not been possible to make the necessary arrangements to undertake such a programme this year. Instead use has been made of the Public Utilities own coring programmes which they carry out to monitor the work of their own contractors. Their coring programmes are generally carried out by independent specialist testing companies, often the same firms which the County Council would invite to tender for similar work.
7. The sites to be cored were chosen by the Council's Streetworks Team with a representative generally being present when the cores were taken. The site and cores were usually photographed with the results being presented in an agreed and easily understood format. This arrangement means that the coring, any traffic management and the onerous task of obtaining all the necessary utilities information prior to the coring were undertaken by the Public Utilities themselves at their cost. The results of the coring are discussed at the regular co-ordination meetings held with the Public Utilities and any remedial work required is identified.
8. One of the sites that failed in 2005 was a reinstatement by the Council's own term maintenance contractor Ringway Parkman. Although this has been dealt with it did raise the issue of coring of works carried out on behalf of the highway authority. A programme of coring of patching works carried out this year by Ringway has been undertaken, and this is considered as part of this report.

Results of Public Utilities Coring for 2006

9. The Code of Practice which sets out the requirements for reinstatements by Public Utilities is the Specification for the Reinstatement of Openings in the Highway prepared by the Highway Authorities and Utilities Committee (HAUC) and the Department for Transport. The Code of Practice was originally issued in 1993 and was revised in 2002 to introduce a number of changes, including provision for new materials being used on the highway network. One of the changes introduced was that the tolerances for depths of material were revised so that a reinstatement would no longer fail if a greater than necessary depth of surfacing material had been used. Insufficient depth of material would still result in failure.
10. The results of the Public Utilities coring for 2006 are:-

Number of Sites	92
Cores Failed	14 (15%)
Cores Passed	78 (85%)

The results by Public Utility are:-

Utility	Cores	Failed	Passed
BT	41	7 (17%)	34 (83%)
Wessex Water	22	1 (4.5%)	21 (95.5%)
Scottish & Southern	14	3 (21%)	11 (79%)
Wales & West	14	3 (21%)	11 (79%)
Bournemouth and West Hants	1	0 (0%)	1 (100%)

11. The new Code of Practice is now being followed by the industry and consequently the results of the coring for 2006 are not directly comparable with the results for previous coring programmes, but they do help to put the results into context.

Utility	2003	2005	2006
Sites	75	111	92
Cores Failed	48 (64%)	48 (43%)	14 (15%)
Cores Passed	27 (36%)	63 (57%)	78 (85%)

12. The results are disappointing in that there are still some reinstatements being carried out by the Public Utilities that are not to the required standard, but the situation appears to have improved from that which may have been indicated by the results from previous years. With one or two notable exceptions, the failures identified in the current programme were not seriously out of specification and often related to reinstatements of footways rather than carriageways. However, there is clearly a need to ensure that the standards of reinstatement continue to improve.
13. It should be noted that all reinstatements are monitored for a period of two years and should any defects in the reinstatements be noted these are brought to the attention of the relevant Public Utility for the necessary remedial work to be carried out.

Results of Coring of Ringway Parkman Works

14. In advance of the surface dressing programme each year the County Council's contractor, currently Ringway Infrastructure Services, carries out an extensive programme of patching work, which involves the excavation of areas of carriageway and its replacement by new material. In many ways this is similar to the work carried out by the Public Utilities as it involves work at a large number of sites across the whole county and creates similar supervision challenges.
15. The core results from the 2006 pre-surface dressing patching are:-

Area	Total Cores	Pass	Fail
North Wiltshire	9	9	0
Kennet	7	7	0
Salisbury	12	12	0
West Wiltshire	10	10	0

There were variations in the depths of material, but none of the cores were out of the specification tolerances. This was a very satisfactory result and sets a high standard for next year's programme.

Main Considerations for the Council

16. The quality of reinstatements carried out by Public Utilities remains a concern which needs to be addressed. The liaison with the Utilities will continue and the concerns about reinstatements not meeting the required standard will continue to be raised at the co-ordination meetings, with remedial works being demanded as necessary.

17. It would be possible for the County Council to carry out its own coring programme rather than rely on that provided by the Public Utilities. However previous experience indicates that this is expensive and would require resources to administer and organise. There would be a need to carry out plant enquiry checks with all utilities for each site in order to ensure there was no apparatus near the surface which may be damaged, and traffic management would be required. A separate tender would need to be invited for this specialist service and a budget for it identified together with the staff resources necessary to administer and operate it.

18. Section 72(1) of NRSWA states that:

"The street authority may carry out such investigatory works as appear to them to be necessary to ascertain whether an undertaker has complied with his duties under this part with respect to reinstatement. If such a failure is disclosed, the undertaker shall bear the cost of the investigatory works; if not, the street authority shall bear the cost of the investigatory works and of any necessary reinstatement."

Due to many failures in the past the cost of the coring and the necessary administration work was predominantly met by the Public Utilities, but with the apparent improvement in results the majority of the costs would now have to be met by the County Council.

19. There would be advantages in continuing the existing arrangements with the Public Utilities so that they carry out the coring on the Council's behalf. However, this would need to continue to be closely monitored and audited in order to ensure that the cores are an accurate representation of the works carried out. Under current NRSWA regulations the Council is required to inspect 30% of openings, and it is intended to monitor at least a similar proportion of the coring being undertaken on the Council's behalf. It should be feasible to set up a rolling programme of coring with the Public Utilities throughout the year so that any defects identified could be dealt with more rapidly, and it would raise the profile of this issue with the Utilities at the co-ordination meetings held every three months.
20. It is important to ensure that the Public Utilities effectively monitor the performance of their contractors and having representatives of the Council present at times during their sampling, with the ability to nominate sites for investigation, would assist in this process. There would be benefits in being more closely involved in the Public Utilities operations in order to work with them to drive up standards and help to ensure the competency of their contractors so that they get it right first time and avoid repeated visits to put right faulty workmanship.
21. The monitoring of patching and other work carried out by Ringway Infrastructure Services under the new Highway Works contract will continue, and any quality or workmanship issues will be managed through the contract management process, which includes an annual report to this Committee.

Future Developments

22. The Traffic Management Act 2004 (TMA) is likely to bring a significant change to the relationship between highways authorities and Public Utilities. The Act came into force in 2004 but there has been some delay in the introduction of the associated Regulations. It is anticipated that the TMA will strengthen the position of the County Council with regard to the control of the Public Utilities. Under existing legislation the primary role of the County Council is one of co-ordination with very little influence over the work carried out by the Public Utilities other than monitoring compliance with the specification for reinstatements.

23. The details of the Regulations associated with the TMA are now emerging and it is likely that implementation will commence in spring 2007. The latest programme provided by the Department for Transport envisages the first regulations, including those regarding Fixed Penalty Notices and Overstaying Charges, being made early in 2007 for implementation in mid 2007. Regulations with regard to Permits are expected to be made in mid 2007 for implementation in late 2007, with other regulations following in later years. It would probably be premature to seek to make any major changes to the way the Streetworks are monitored and managed until more details of the TMA proposals are available.
24. One factor which may influence the management of utilities works in the future is the operation of Utility Infrastructure Providers (UIP). Owners and occupiers now have the right to arrange to provide and lay their own supplies, subject to meeting particular requirements, and obtaining a licence from the Highway Authority for any road opening. This will increase competition in the market but could lead to a further increase in the number of organisations operating on the highway network. This development and the operations of the UIPs will be monitored by the Streetworks Team through the South West HAUC and other relevant organisations.

Environmental Impact of the Proposal

25. The ongoing monitoring of the Public Utilities works will enable the County Council to protect the structural integrity of the highway network and minimise disruption by ensuring that reinstatements are constructed in accordance with the specification in the first instance.

Risk Assessment

26. There is a risk that if the County Council does not undertake monitoring of the Public Utilities works more sub-standard reinstatements could be constructed to the detriment of the structural integrity of the highway network.

Financial Implications

27. Ongoing coring programmes undertaken by the Public Utilities should remain cost neutral to the authority. Costs incurred for undertaking performance monitoring are recovered through charging inspection and defect fees to the Statutory Undertakers in accordance with HAUC recommendations.
28. The cost and resources necessary for implementing a separate County Council funded coring programme would not appear to be justified, especially in view of the possibility of making better use of the coring already being organised and paid for by the Public Utilities. The attendance of the Council's staff or representatives at the coring should not be a significant additional cost to the normal operation of the Streetworks team.

Options Considered

29. Although the position regarding the quality of Public Utilities reinstatements does appear to have improved from that which previous results suggested, there is clearly room for further improvement and to do nothing to improve the quality of reinstatements could lead to deterioration in the condition of the highway network over time.
30. To carry out an extensive coring and sampling programme would have benefits, but the cost and additional staffing requirements would probably be out of proportion to the potential benefits. In view of changes likely as a result of the TMA it would be prudent to avoid making any major changes to Streetworks monitoring at this stage, and to review the position when more information is available.

Reasons for Proposal

31. To update the Committee on progress made with identifying and rectifying defects found during the coring programme of Statutory Undertakers' reinstatement works, and to indicate future changes which could provide the opportunity for improvements in the management of Streetworks on the highway network.

Proposal

32. That the Overview and Scrutiny Management Committee notes:-
- (i) The work being undertaken by the County Council with the Statutory Undertakers to protect the structural integrity of the highway network.
 - (ii) The proposal for a rolling programme of coring of reinstatements undertaken in conjunction with the Public Utilities which would be monitored by the Council's officers.
 - (iii) The potential offered by future Traffic Management Act legislation to enable the Council to improve the management of Streetworks on the highway network.
 - (iv) The intention to present to this Committee an annual report on the performance of the Public Utilities, including the results of any coring programmes.

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The following unpublished documents have been relied on in the preparation of this Report:

None