

Transport and Environment Committee

10.00am, Tuesday, 15 January 2013

Utility Company Performance

Item number	7.10
Report number	
Wards	All Wards

Links

Coalition pledges	P28 and P33
Council outcomes	CO19 and CO26
Single Outcome Agreement	SO4

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Utility Company Performance

Summary

The management and co-ordination of road works has a very high public profile across Edinburgh.

Edinburgh has a number of high profile road closures in the centre and west of the city resulting from Tram Construction works. What is perhaps less well known is that much of Edinburgh's underground infrastructure is old and in need of renewal. Scotland Gas Networks (SGN) have a major gas main renewal programme driven by safety imperatives. Much of it focused on the Edinburgh area where some mains are over 100 years old. Scottish Power and Scottish Water have smaller but no less geographically extensive programmes of repair and renewal. The continuing growth of telecommunications also adds to the demand. The Council has to try to balance the needs of the utility companies, supporting them to complete the works in the shortest practical time, against the overall needs of those who live, work and travel in the city.

Utility Companies have a statutory right to maintain their pipes and apparatus but they also have a legal duty to work with the Council as the Roads Authority to minimise disruption and delays.

The Council has a duty to manage and co-ordinate all road works across the city. Roads staff in Neighbourhood Teams and in the core Road Services are responsible for a variety of tasks not only ensuring effective co-ordination but also monitoring the performance and quality of the work done by Utility Companies. Over the last two years, a comprehensive performance framework has been introduced. It is proposed to report performance to this Committee every quarter. The performance for the first two quarters of 2012/13 is appended as part of this report.

Recommendations

It is recommended that the Transport and Environment Committee:

- instructs the Head of Transport to maintain and, where possible, enhance the scrutiny and monitoring of all road works, including the Council's own works, ensuring that accurate information about the reason for, 'ownership' and duration of the works is displayed in respect of each site.
- agrees that the Head of Transport takes the lead in developing a revived Edinburgh Road Works Ahead Agreement, involving the wider community of Edinburgh for a potential launch in the summer of 2013. Proposals for which must be brought back to this Committee for final agreement.
- notes the performance information shown in Appendix A.
- notes the trend information shown in Appendix B
- agrees that quarterly performance reports will be submitted to future meetings of the Committee.
- agrees to invite the new Scottish Road Works Commissioner, Elspeth King, to meet with the Transport and Environment Committee at the earliest opportunity.

Measures of success

Greater public satisfaction with:

- The planning, co-ordination and delivery of road works across the city.
- The quality of information supplied to people who live in, work in or visit Edinburgh.
- The quality and longevity of utility company road works reinstatements.

Financial impact

Road Services has a number of income streams in 2012/13 relating to the monitoring of Public Utility works. These include:-

- Sample Inspection Fees - £68,200.
- Defective Apparatus Inspections resulting from Third Party reports - £2000.
- Coring and Inspection Follow ups - £97,650.
- Coring Failures - £22,500.

At the end of Quarter 2, all income streams are on target to be achieved.

Equalities impact

There are no equalities impacts arising directly from this report.

Sustainability impact

There are no sustainability impacts arising directly from this report.

Consultation and engagement

Representatives of Utility Companies meet quarterly with the Council's neighbourhood and core road managers to consider all aspect of liaison, co-ordination and performance. Additionally, individual regular liaison meetings are held with representatives of all of the major utility companies.

Background reading/external references

Quality of Utility Company Reinstatements – Item 5.16, Transport, Infrastructure and Environment Committee, 18 June 2012.

“Code of Practice for Inspections” produced by the Office of the Scottish Road Works Commissioner.

Utility Company Performance

1. Background

- 1.1 The New Roads and Street Works Act 1991 as amended by the Transport (Scotland) Act 2005 gives statutory undertakers (utility companies and others given permission to work on roads) responsibility for signing, lighting and guarding works that are being undertaken. The legislation also requires them to reinstate the road to prescribed requirements upon completion of their works.
- 1.2 The same legislation gives Road Authorities the power to inspect, investigate and report on undertaker's works and re-instatements and has powers to take such steps as appear necessary to remove any dangers the works may cause to users or the roads.¹
- 1.3 The Act makes undertakers wholly responsible for the management of the road works. Councils, as Roads Authorities, are responsible for monitoring the performance of the statutory undertakers and are empowered to charge undertakers for a number of sample inspections carried out to monitor the undertakers' performance. Put simply, the sample size is currently 30% of the total annual number of re-instatements. Other inspections carried out routinely by the Roads Authority or in response to reports from the police or members of the public may also be carried out but at the cost to the Council unless a defect is found.

2. Main report

Registration

- 2.1 All road works on public roads must be registered the Scottish Road Works Register (SRWR). The SRWR information is held on the 'Symology' system administered on behalf of the Scottish Road works Commissioner and is available on a public web site – www.roadworksscotland.org.

¹ Taken from the "Code of Practice for Inspections" produced by the Office of the Scottish Road Works Commissioner.

- 2.2 Utility Companies are required to record all information relating to the works they wish to undertake and/or are underway. Roads Authorities are also required to record all information on works they wish to carry out. Developers and others wishing to occupy or carry out works on public roads must first obtain consents (Occupation Permits) from Roads Authorities who are then responsible for the registration of these works.
- 2.3 Those wishing to carry out works are required to provide up to three months Advance Notice of the works starting depending upon the scale, traffic impact and urgency of the works. They also have to provide Actual Start Notices and Works Finished/Works Closed Notices in respect of every job.

Registration Failures and FPNS

- 2.4 Failure to comply with these requirements is an offence. Utility Companies and those working under Occupation Permits that commit such an offence can discharge their liability through the payment of a Fixed Penalty Notice (FPN). Currently the Penalty is £120 which is reduced to £80 if paid within 29 days.
- 2.5 Roads Authorities cannot levy legal penalties against themselves but they are subject to monitoring by the Scottish Road Works Commissioner who has the power to apply penalties of up to £50,000 against persistent offenders (both Utility Companies and Roads Authorities). The Commissioner has issued fines of between £2,000 and £38,500 against four Utility Companies.
- 2.6 Edinburgh's Registration Failure rate is reported to the Committee as part of the bi-monthly performance report. For the first two quarters of this year, Edinburgh's Noticing Failure Rate was 18.7% and 5.9% respectively.
- 2.7 Members of the Committee recently met with John Gooday, the Scottish Road Works Commissioner who is due to retire at the end of 2012. A new Commissioner, Elspeth King, has been appointed by the Scottish Government and is due to start in January of 2013. The Committee may wish to invite Elspeth King to meet with them at an early date.

Co-ordination

- 2.8 Advance notification provides an opportunity for the Roads Authorities to consider the implications of all proposals for road works which are likely to have a major impact upon traffic and pedestrians.
- 2.9 Within Edinburgh, the responsibility for co-ordination initially falls to the Roads Officers based in the Neighbourhood Teams. Once made aware of the proposed works through the Symology system, these roads staff will decide whether a Site or Table Top meeting is required to consider the detailed proposals for traffic management including the timing and duration of works and any proposed diversion routes. The Police and Bus Operators are represented at these meetings.

2.10 Where works are proposed on major arterial routes or in the city centre, the proposals are also referred to the City Wide Traffic Management Group which meets monthly to consider all proposed road works and special events that potentially have an impact beyond a single neighbourhood boundary.

Quality of Utility Reinstatement Work

2.11 The Act makes statutory undertakers wholly responsible for the management of the road works. Councils, as Roads Authorities, are responsible for monitoring the performance of the undertakers and are empowered to charge undertakers for a number of sample inspections carried out to monitor the undertakers' performance. The sample size that is currently chargeable is 30% of the total annual number of re-instatements. Other inspections carried out routinely by the Roads Authority or in response to reports from the police or members of the public may also be carried out but at a cost to the Council.

2.12 The sample is divided equally as follows:

- Sample A inspections – live works being undertaken to check signing, guarding and, if in progress, the reinstatements being undertaken to assess compaction, layer depth etc.
- Sample B inspections – undertaken within six months of the interim or permanent reinstatement being completed.
- Sample C inspections – undertaken within three months of the end of the guarantee period.

Sample A inspections are generated by the Symology system (Scottish Road Works Registration system) via the 'Daily Whereabouts' reports. Sample B and C inspections are generated randomly by Symology.

2.13 Where reinstatements are found to be defective, Defect Inspections may be carried out prior to, during and after the remedial work and fees can be charged to the undertaker concerned. The fees for both sample and defect inspections are currently set at £33 per inspection.

2.14 As part of the investigatory works, the Council can commission core samples to be taken. A specialist contractor undertakes the work by drilling out a 100mm circular core that identifies the materials and degree of compaction used in the completed reinstatement. The contractor charges £32 per core taken. This charge is met by the Roads Authority unless the core demonstrates a failure. If a core is found to be defective then a charge of £96 can be levied against the Utility Company. The Coring Programme for 2012/13 sets a target of 1000 cores to be taken and analysed.

- 2.15 As was reported to this Committee in June², since the start of the Council year Roadworks Support Team Inspectors are carrying out a 100% post inspection of all utility reinstatements within 21 months from their completion. Inspection resources have been switched to prioritise reinstatements at the expense of defective apparatus follow-up inspections. Routine Inspections, which are outwith the 30% Sample Inspection Programme, will be carried out at full cost to the Council. The cost will be contained within Road Services budgets.
- 2.16 The Edinburgh Road Works Ahead Agreement (ERWAA) was signed in April 2007 by the major Utility Companies and the Council. The Agreement was designed to go beyond the minimum statutory requirements then about to be introduced in Regulations as part of the Transport (Scotland) Act 2005. The stated ERWAA's objectives were to:
- Minimise the Impact of Road Works to the Public.
 - Improve the Quality of Reinstatements.
 - Measure and Report on the Service Performance.
 - Ensure Safety at Road Works.
 - Provide better Co-ordination of works throughout the City.
 - Create a mechanism for continuing improvements from the creation of a Council/Utility Company review team meeting monthly.
- 2.17 Some of these objectives have been achieved. Measures such as the creation of the City Wide Traffic Management Group have significantly improved the co-ordination of road works and reduced their impact on the travelling public. Some objectives such as those to improve guarding and information provision to members of the public must still be considered as work-in-progress.
- 2.18 Since June 2012, the Roadworks Support Team has included the Council's road works sites within the inspection regime for ERWAA inspections. The Scottish Road Works Commissioner has praised Edinburgh for introducing this initiative believing that it is important for Roads Authorities to lead by example.

² Item 5.16 Quality of Utility Company Reinstatements, Transport, Infrastructure and Environment Committee, 18th June 2012.

Defective Apparatus

2.19 Roads Authorities also have responsibility for inspecting Utility Companies apparatus such as Toby Covers, Manhole Covers etc. Defective Apparatus Inspections at £33/inspection can only be charged to the Utility Company where they result from a third party report ie from the Police or a member of the public. No charge can be made against a Utility Company where defective apparatus is found from any other source. The Council is required to carry out a defective apparatus follow-up inspection every 17 days until the defect is remedied but these follow-up inspections are not chargeable and have to be carried out at the Council's expense by routine inspections carried out by the Roads Authority. Where an item of defective apparatus has been found, the Council can carry out a Defective Apparatus Inspection every 17 days until the defect is remedied but these are not chargeable and have to be carried out at the Council's expense.

Customer Perceptions

2.20 The effective management and co-ordination of road works continues to be a very high priority for residents, businesses and other road users in Edinburgh. Delays and disruptions caused by road excavations are the subject of numerous letters and complaints to the Council. There is a perception that many road excavations appear, without warning or pre-knowledge, and the first that travellers know about them is when they experience the disruption to their journey. These works are often emergency or urgent works and as such have to be dealt with immediately. However there are also other related complaints that such works are often left closed off with barriers but without anyone working on them.

2.21 There is also a perception that signing to inform members of the public of the reason and likely duration of road works could be significantly improved. This was one of the key objectives set out in the Edinburgh Road Works Ahead Agreement.

Encouraging Greater Customer Involvement

2.22 Undoubtedly, many members of the public would like to be better informed about road works in their area and be more actively involved in the monitoring of such works. The Edinburgh Road Works Ahead Agreement was originally a bi-partite agreement between the Council and Utility Companies. Both of those groups feel that there is potential for a re-launch of the ERWAA to renew the emphasis and the focus on this important area of work.

- 2.23 A re-launch could provide the opportunity to make 'ERWAA 2013 ' a Tri-partite Agreement between the City Council, the Utility Companies and the public. Members of the public either individually or through Community Councils could become more involved in monitoring road works within there area (including those being undertaken by the City Council) to identify and promote good practice and to highlight where improvements are required poor practice.
- 2.24 The Roads and Transport Service Review, currently underway, is undertaking extensive stakeholder engagement including with Utility Companies, customers and Neighbourhood Partnerships. It is therefore proposed that the Review Team should take the lead in developing a revived Edinburgh Road Works Ahead Agreement, involving the wider community of Edinburgh for a potential launch in the summer of 2013.

Performance Monitoring

- 2.25 Performance is the subject of regular measurement and monitoring by management. A comprehensive report showing the performance for the first two Quarters of 2012/13 is attached at Appendix A. Performance charts are shown for:
- Roadworks Registration – Notification Failures for CEC and the major Utility Companies.
 - Fixed Penalty Notices per Utility Company etc.
 - Number of Inspections undertaken.
 - Statutory Inspections Pass/Fail performance for each of the major Utility Companies.
 - Core Sample Pass/Fail performance.
 - Defective Apparatus Inspections – Overall numbers and Pass/Fail rates for each of the major utility companies.
 - Inspection Recoverable Income.
- 2.26 Figures showing trend information over the last three years are also shown in Appendix B.
- 2.27 It is proposed to provide further quarterly performance reports to future meetings of the Committee.

3. Recommendations

3.1 It is recommended that the Transport and Environment Committee:

- instructs the Head of Transport to maintain and, where possible, enhance the scrutiny and monitoring of all road works, including the Council's own works, ensuring that accurate information about the reason for, 'ownership' and duration of the works is displayed in respect of each site.
- agrees that the Head of Transport takes the lead in developing a revived Edinburgh Road Works Ahead Agreement, involving the wider community of Edinburgh for a potential launch in the summer of 2013. Proposals for which must be brought back to this Committee for final agreement.
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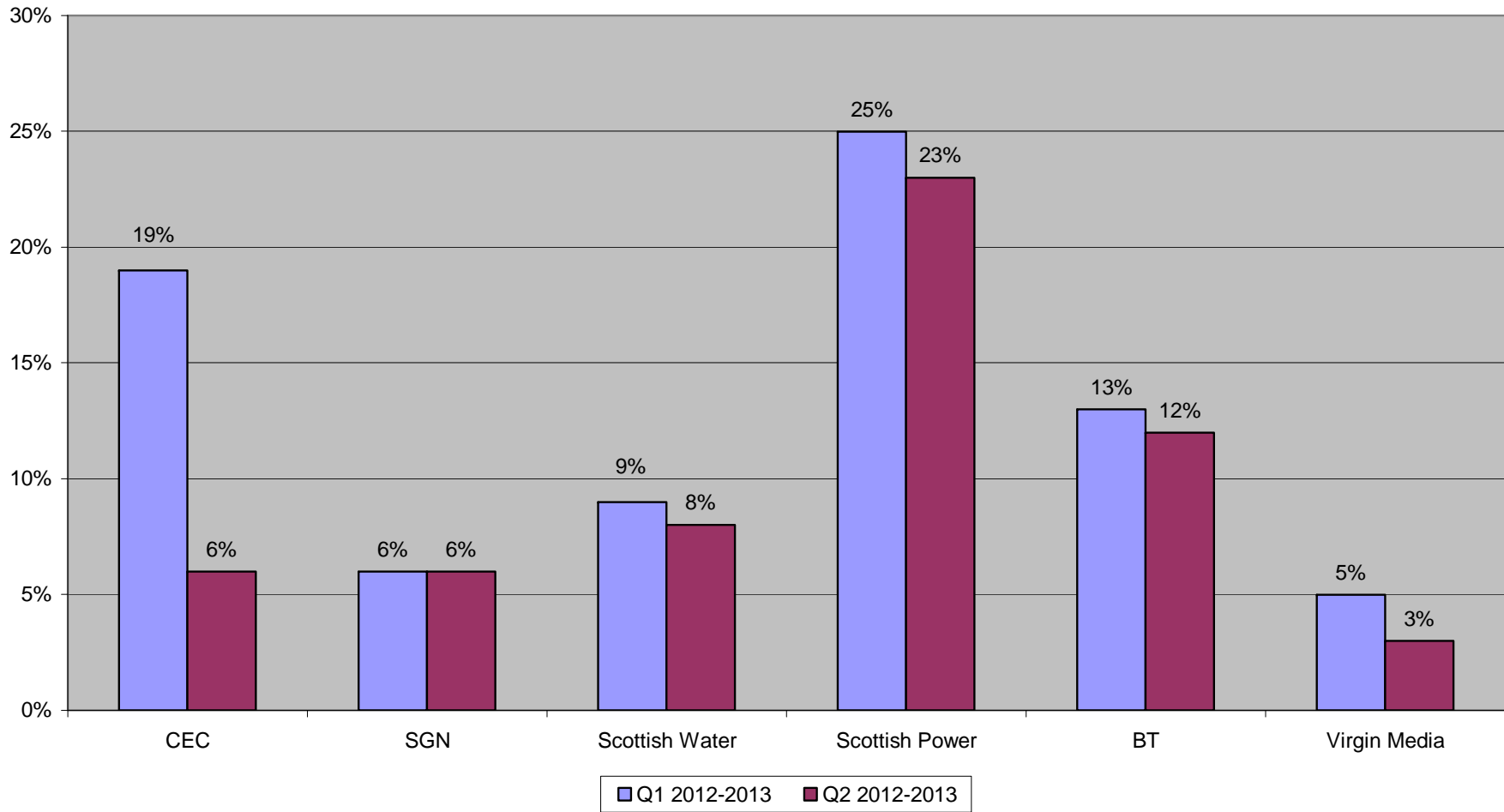
Mark Turley

Director of Services for Communities

4. Links

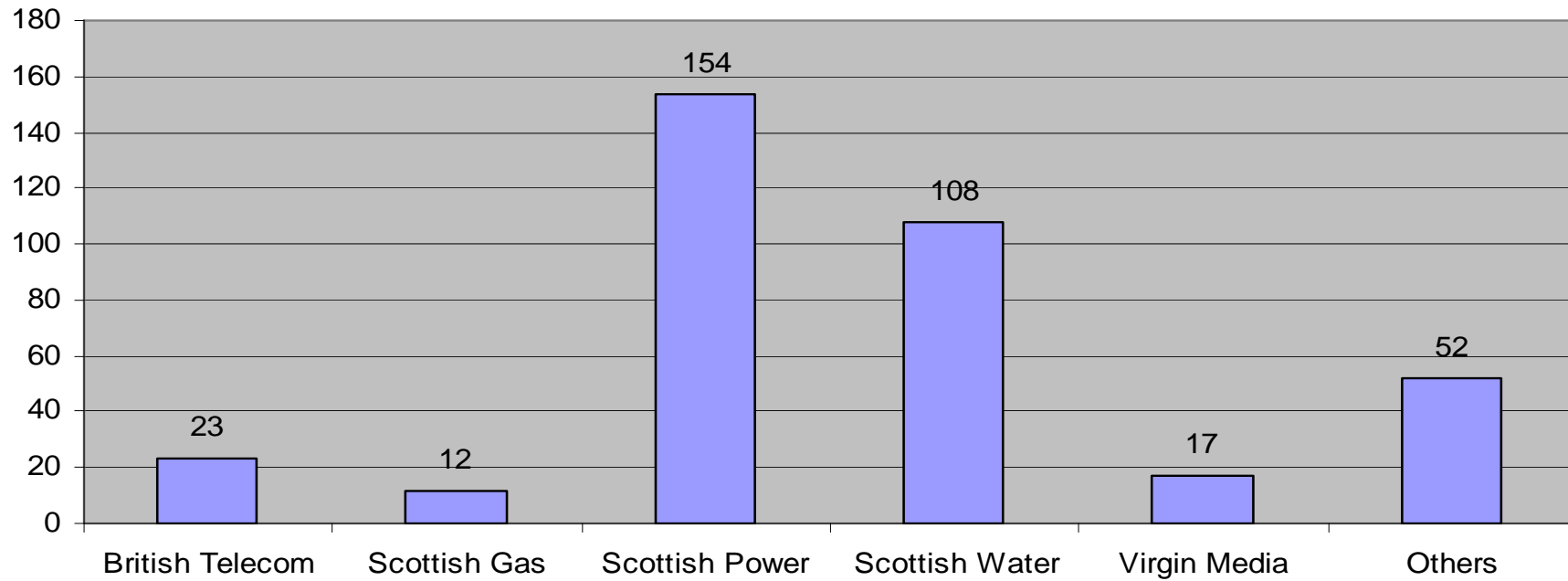
Coalition pledges	<p>P28 Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.</p> <p>P33 Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.</p>
Council outcomes	<p>CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p> <p>CO26 The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives.</p>
Single Outcome Agreement	<p>SO4 Edinburgh’s communities are safer and have improved physical and social fabric</p>
Appendices	<p>A – Utility Company Performance 1st and 2nd Quarters 2012/13</p> <p>B - Utility Company Performance - 3 Year Trends</p>

Roadworks Registration - Notification Failures

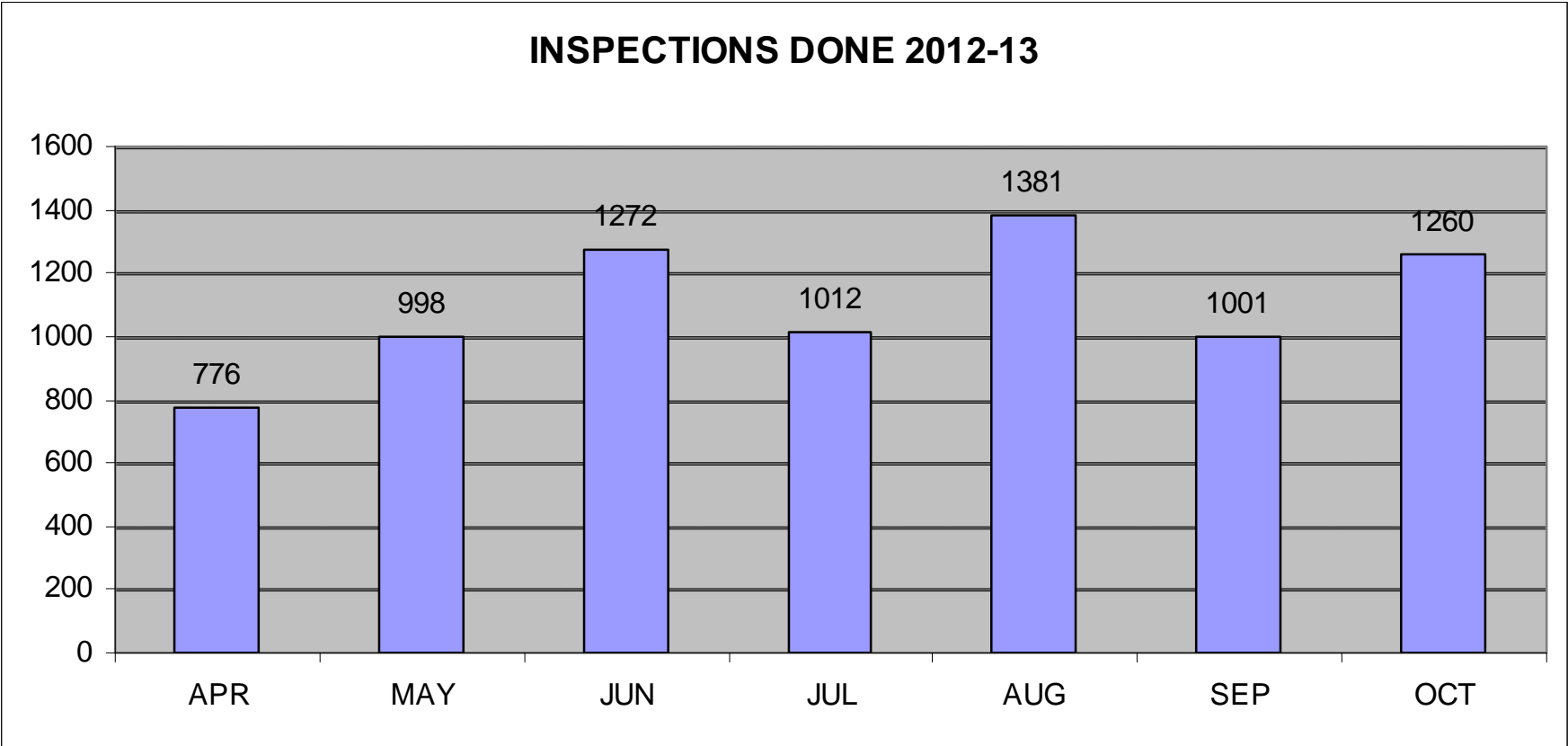


Fixed Penalty Notices per Utility Company, etc.

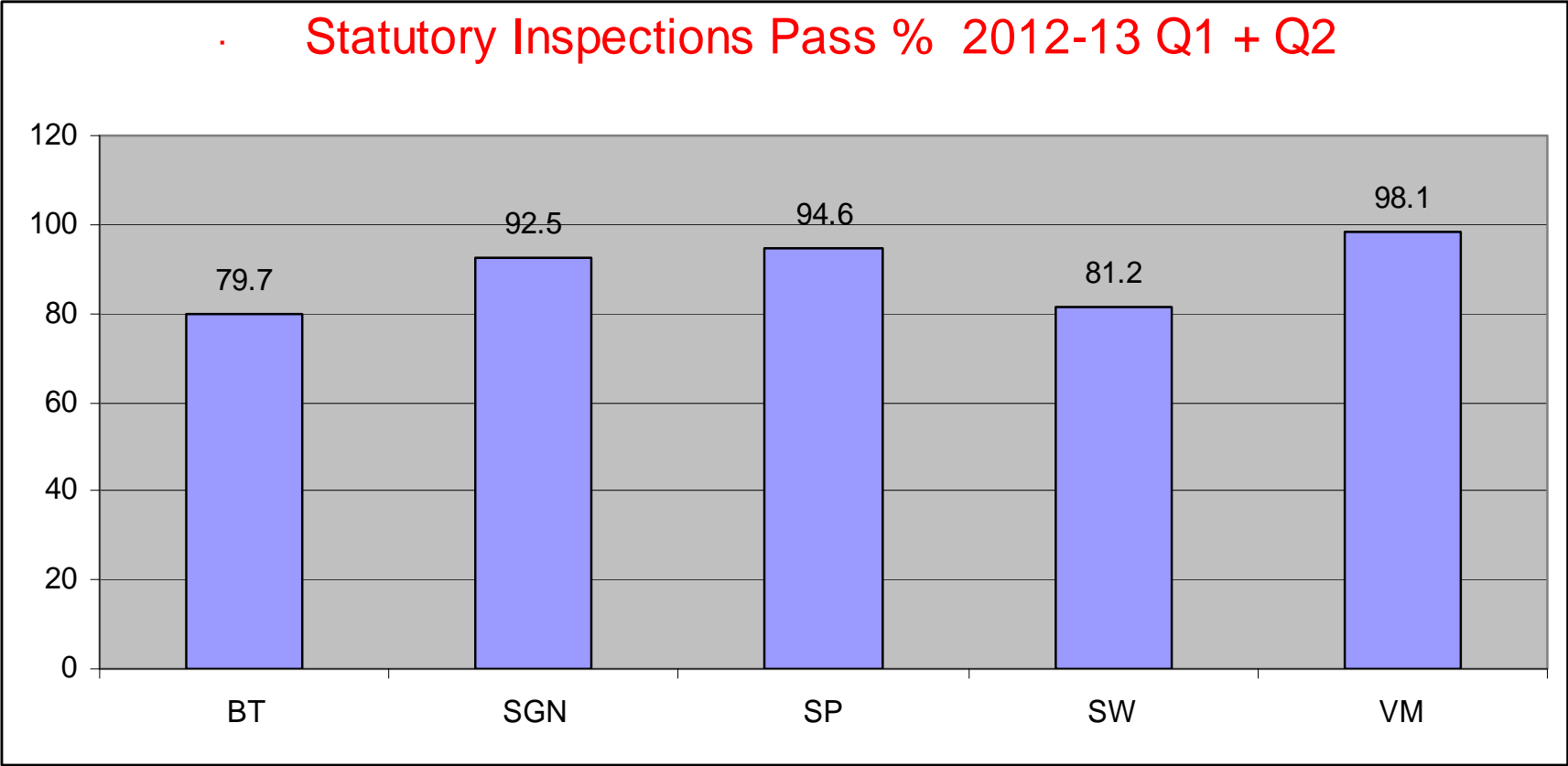
UTILITIES ACCEPTED FPNs APR-OCT 2012



Number of Inspections undertaken

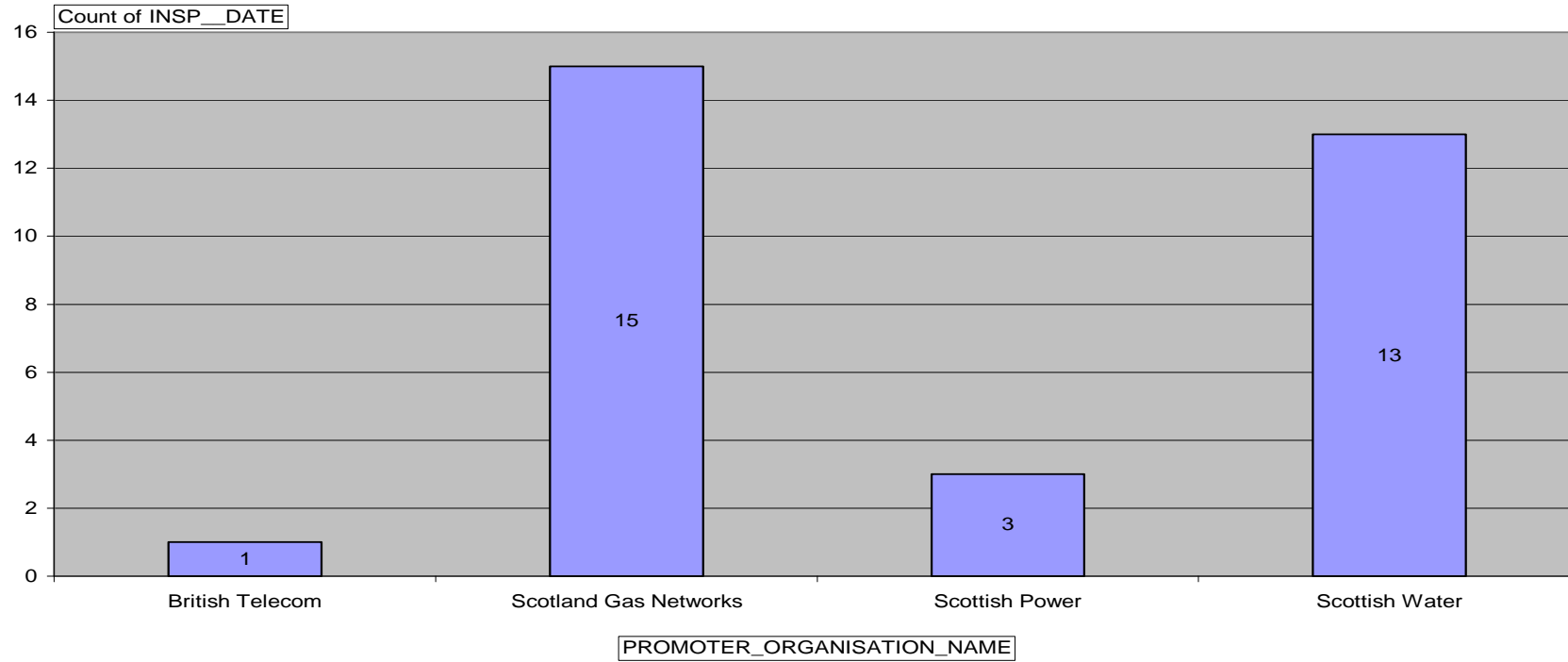


Statutory Inspections Pass / Fail performance for each of the major Utility Companies

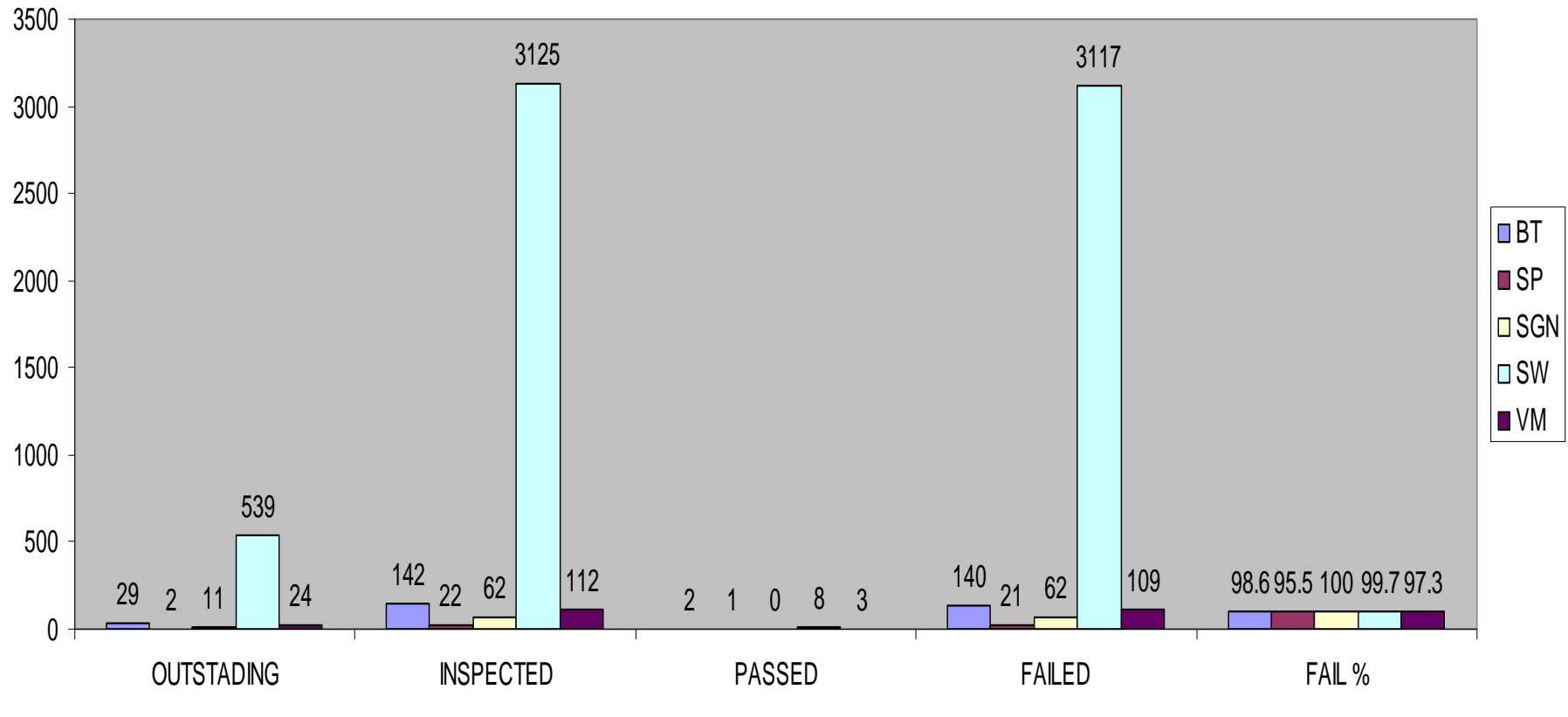


Core Sample Pass / Fail performance

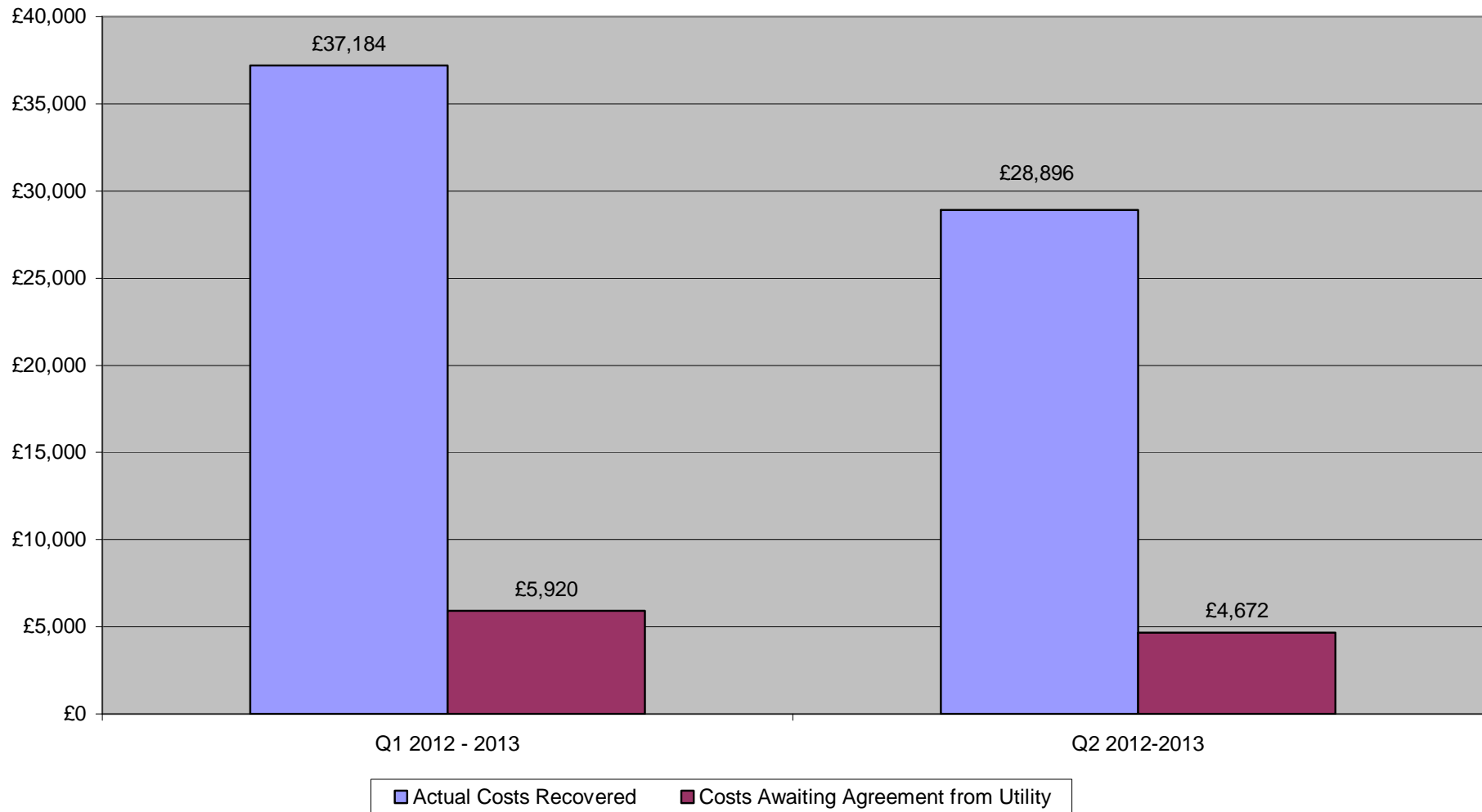
LOCAL CORE FAIL 2012-13



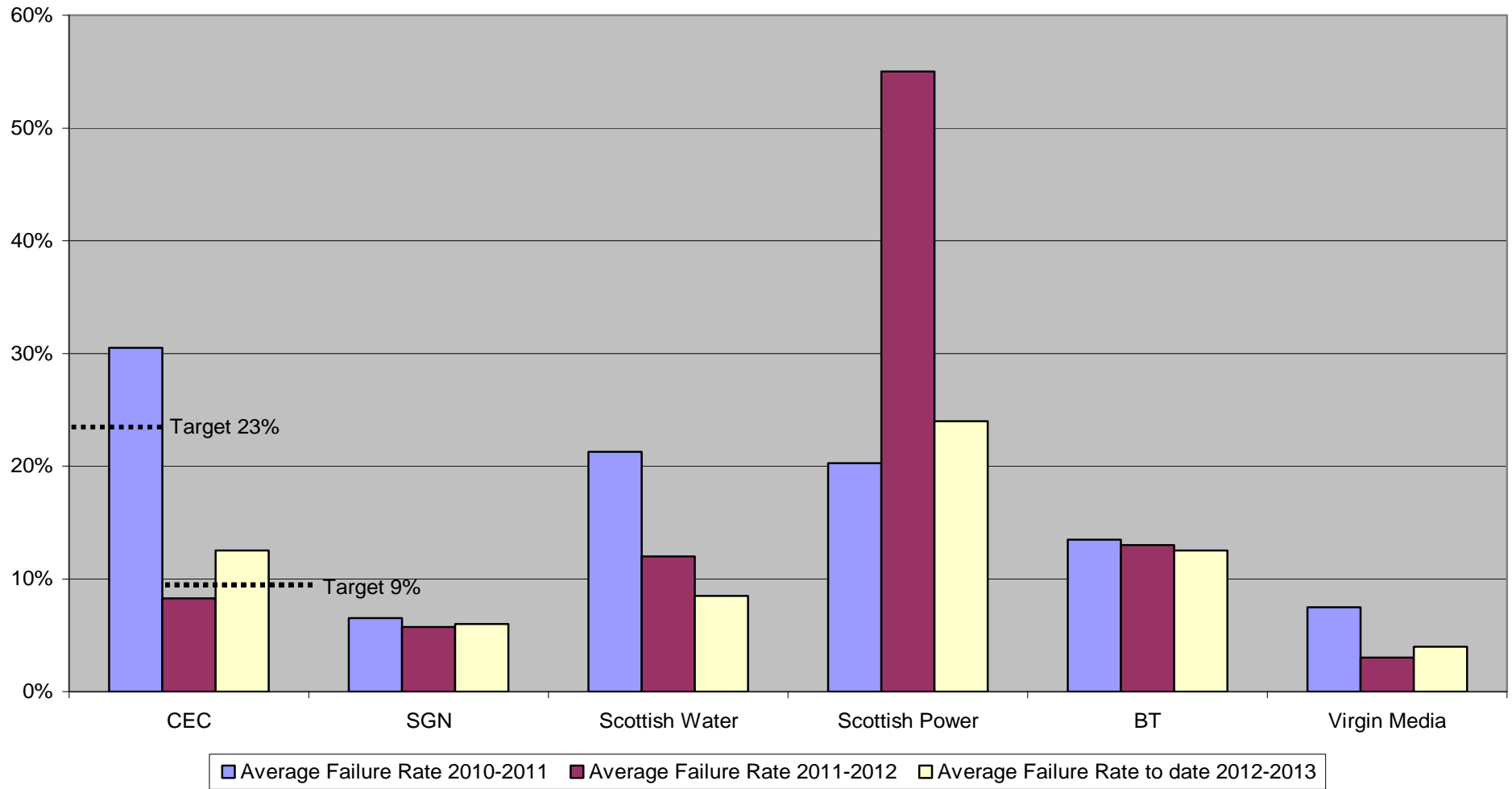
2012-13 DEFECTIVE APPARATUS AS ON 15 NOVEMBER 2012



Costs Recovered for NRSWA Inspections

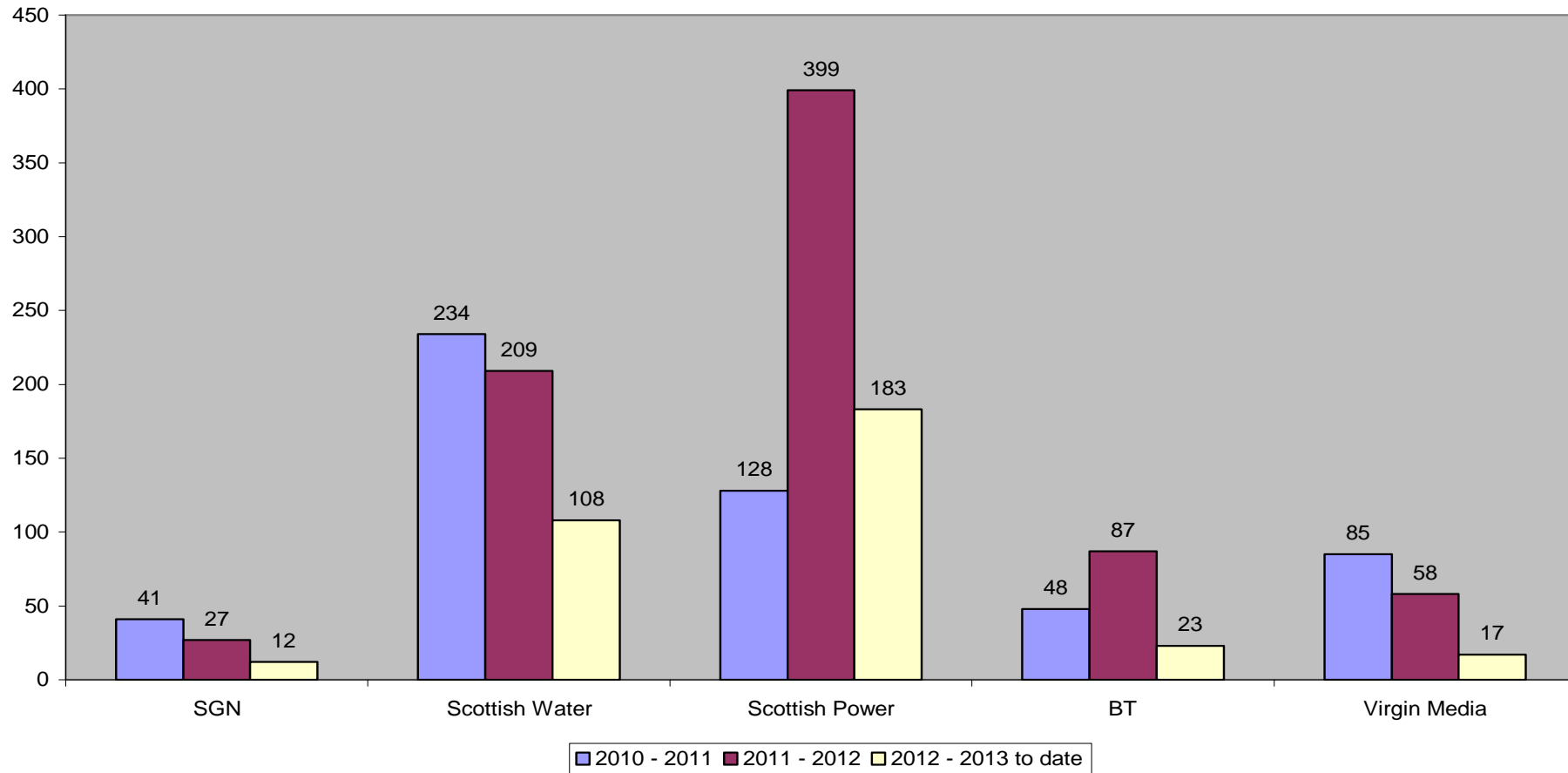


Roadworks Registration Failures



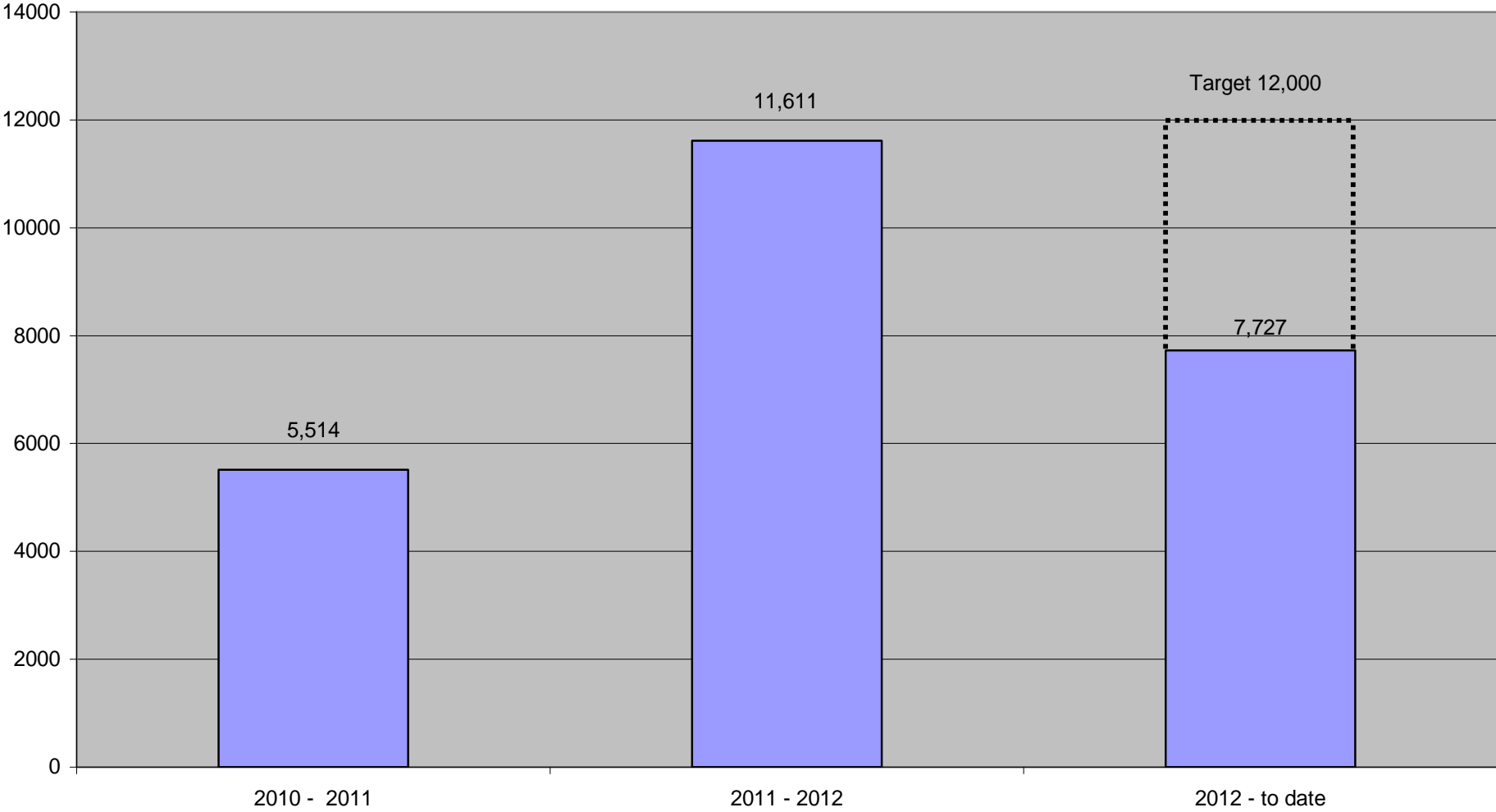
Fixed Penalty Notices per Utility Company, etc.

Number of Accepted FPNs per Utility



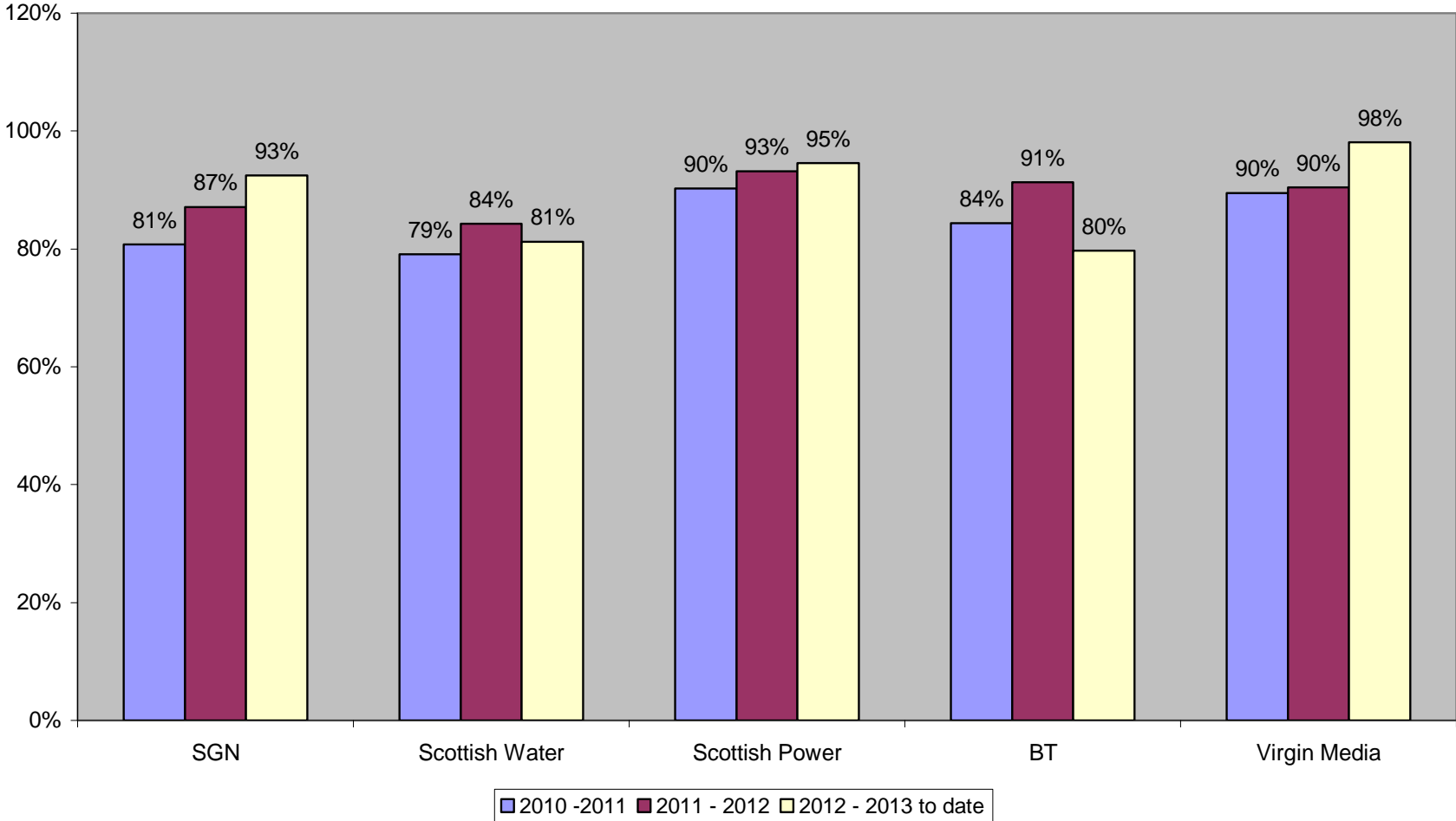
Number of Inspections undertaken

Number of Inspections Done



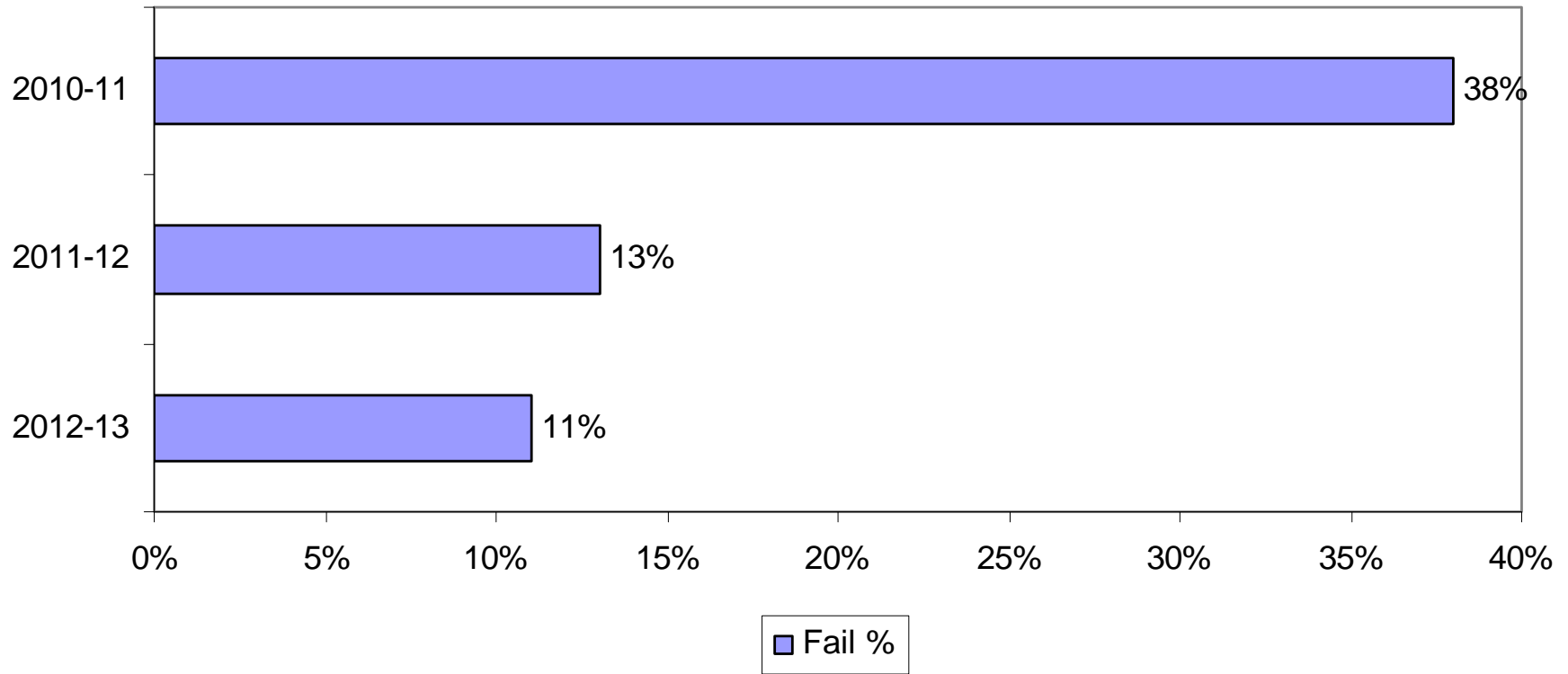
Statutory Inspections Pass / Fail performance for each of the major Utility Companies

Statutory Inspections Pass Rate



Core Sample Pass / Fail Performance for all Utilities

Core Fail %



Defective Apparatus each year for each Utility

Defective Apparatus

