

# Transport and Environment Committee

10.00am, Thursday, 11 November 2021

## Public Utility Company Performance and Road Work Co-ordination April 2020 - March 2021

Executive/routine	Routine
Wards	All
Council Commitments	<a href="#">19</a>

### 1. Recommendations

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- 1.1 It is recommended that the Transport and Environment Committee notes the details within the report and the arrangements for securing an improved level of performance from all Public Utility Companies (PUs).

**Paul Lawrence**

Executive Director of Place

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## Public Utility Company Performance and Road Work Co-ordination April 2020 to March 2021

### 2. Executive Summary

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- 2.1 This report summarises the performance of Public Utility Companies (PUs) during 2020/21. It also reviews the major issues encountered during the period and the actions taken to address road works co-ordination issues.

### 3. Background

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- 3.1 Much of Edinburgh's underground utility infrastructure is old and in need of renewal. The majority of the PUs work programme in the Edinburgh area involves replacing mains that are over 100 years old.
- 3.2 There are currently 5,656 streets equating to 1,511km length of carriageways and 2,121km of footways in Edinburgh. On average, there are over 14,000 notifications to work from PUs received by the Council in a normal year.
- 3.3 As a result of the COVID-19 pandemic most Utility operations were suspended during the year. Only emergency repairs and telecommunications work was allowed to be undertaken. This followed guidance from Scottish Government.
- 3.4 The Telecommunications sector was deemed to be of major importance last year, due to the need for citizens to work from home and the need for increased broadband bandwidth to facilitate this.
- 3.5 The Council balanced the needs of the PUs, supporting them to complete the works in the shortest practical time, against the overall needs of those who live, work, visit and travel in the city, including physical distancing.
- 3.6 Requests were placed with each of PU that had works in progress, to backfill and remove temporary traffic management wherever possible.
- 3.7 The return to normal working began to take place in July of 2020 with PUs and contractors returning to work in a structured way.
- 3.8 Inspections of PUs work consider three key stages of work:

- 3.8.1 While it is being carried out (live sites);
  - 3.8.2 Once a reinstatement is complete; and
  - 3.8.3 Up to the end of their guarantee period. The guarantee period currently lasts for a period of two years.
- 3.9 During the year the number of inspections carried out reduced significantly due to lockdown, reduced locations of work and officer shielding measures.
- 3.10 This report provides an update on the performance of PUs work that has occurred during 2020/21.

## **4. Main report**

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### **Inspections**

- 4.1 Typically, inspections of PUs work will consider, but are not limited to, the following:
- Safe and proper traffic management used;
  - Ramps and correct information signs used;
  - Correct materials used;
  - Surface profile;
  - Line and level of the work;
  - Compaction of materials;
  - Sealing of joints, joints that have begun opening up;
  - Edges of the patch proximity to others in the road or pavement;
  - Settlement;
  - Condition of any specialist surface treatments;
  - All markings been replaced; and
  - Cracking.
- 4.2 During 2020/21, the total number of inspections carried out was 3,375, as shown in Graph 4.2
- 4.3 The average pass rate for inspection of all reinstatements for all PUs was 97%, against a minimum target of 90%, as shown in Table 4.3.
- 4.4 The breakdown between each different inspection type carried out is shown in Table 4.4.

### **Sample Inspections (Statutory)**

- 4.5 Statutory Inspections are a method by which a Roads Authority can regularly establish the performance of PUs. It involves inspection of a structured random sample of works at various stages during the works and reinstatement guarantee period. These equate to 10% of live sites (Category A), 10% of completed reinstatements within six months of the works being completed (Category B) and 10% of the completed reinstatements within three months prior to the end of their guarantee period (Category C). The numbers in the sample to be used are averaged over a three year period. In 2020/21, the total number of Sample Inspections carried out was 1,708.
- 4.6 The average percentage pass rate for all PUs for statutory inspections was 79% as shown in Table 4.6 and Graph 4.6. There were no Pus that achieved the target pass rate of 90%.

### **Target Inspections (other than Statutory)**

- 4.7 Target Inspections are those inspections other than statutory, including inspections undertaken by the Council as part of our checks that a PU has complied with their duty in respect to reinstatements. In 2020/21, the number of non-statutory inspections carried out was 1,667.
- 4.8 The average percentage pass rate for target inspections for all PUs reinstatements was 97%. The target pass rate for all PUs is 90%.

### **PUs Defective Apparatus**

- 4.9 The total number of outstanding defective apparatus by the end of March was 773. A breakdown for each PU is shown in Table 4.9 and Graph 4.9.
- 4.10 The three PUs with the largest number of defective apparatus that had not been repaired by the end of March were Virgin Media, Scottish Water and SPEN, with 318, 239 and 112 outstanding defects respectively.
- 4.11 The total numbers outstanding at the end of the last four years are shown in Table 4.9 for comparison.

### **PUs Defective Reinstatements**

- 4.12 The total number of outstanding defective reinstatements by the end of March was 374. A breakdown for each PU is shown in Table 4.12 and Graph 4.12.
- 4.13 The PU with the largest number of outstanding defective reinstatements, that had not been repaired by the end of 2020/21, was Scottish Water with 150 defects outstanding.

### **Fixed Penalty Notices (FPNs)**

- 4.14 The total number of FPNs accepted by PUs was 450 as shown in Graph 4.14A. For comparison, the total number of FPNs for each PU at the end of the last four years are shown in Graph 4.14B.

- 4.15 In 2020/21, the PUs issued with the most FPNs were CityFibre and Virgin Media with 29.8% and 25.1% of the total number respectively.

### **General - Improvement Plans**

- 4.16 Prior to April 2020 Scottish Water, Openreach, Virgin Media and SPEN had been served a Performance Improvement Notice and all were working towards fulfilling their commitment under an Improvement Plan.
- 4.17 During April 2020, the performance targets had been reached for Sample A Inspections by SPEN and had been reached for Sample B and C Inspections by Openreach.
- 4.18 Due to the circumstances surrounding lockdown and the significantly reduced volume of work during the year resulting in there being no measurable data, each of the PUs were released from the Improvement Notice. This was as a direct result of not being able to undertake inspections and no work being undertaken.

### **Traffic Management Review Panel (TMRP)**

- 4.19 A TMRP is responsible for the review, comment and outline approval for Temporary Traffic Management (TTM) proposals and programmes associated with major developments and significant road works in the city. Ultimate approval for TTM proposals remains with the City Wide Traffic Management Group.
- 4.20 TMRPs currently take place for the Tram extension and road works associated with the Edinburgh St James development which is drawing to a close.

### **Temporary Traffic Management (TTM)**

- 4.21 There had been an increase in the number of complaints regarding the positioning of Diversion and other road work signs on pavements in the city. The signs do not leave the statutory 1.5m available footway width.
- 4.22 A workshop and presentation was held with all available Traffic Management companies, PUs, Traffic Management contractors and Council service areas to highlight the issues being experienced in Edinburgh during early March 2020.
- 4.23 An agreement was reached that the standard in Edinburgh needed to improve and all PUs and their contractors would work towards that goal.
- 4.24 There is still significant improvement required in this area which will form a major part of an on-going improvement programme.

## **5. Next Steps**

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- 5.1 It is the intention to:
- 5.1.1 Return to an inspection regime of 100% of PUs reinstatements that are on the public road network;

- 5.1.2 Report all defects found during the guarantee period and ensure proper responsibility for defects is identified and that the repair of any defect will not fall to the Council;
- 5.1.3 Recommence the use the formal Improvement Notice process included in poor performance, as specified in Code of Practice for Inspections;
- 5.1.4 Continue to co-ordinate all works requested by PUs; and
- 5.1.5 Reconvene a meeting with all PUs, TTM contractors to discuss the acceptable practices on the road network, including the current issues being experienced on the network.

## **6. Financial impact**

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- 6.1 The revenue associated with sample and repeat inspections of failed PUs reinstatements and FPNs during 2020/21 was £200,943. The expected revenue of £355,936 was therefore not achieved; however, this was due to the reduction in work being carried out and the effect of lockdowns.

## **7. Background reading/external references**

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- 7.1 [Code of Practice for Inspections, 3rd edition, approved by the Roads Authority and Utility Committee Scotland, November 2012.](#)
- 7.2 [Code of Practice for the Co-ordination of Works in Roads, version 1.0, April 2013.](#)

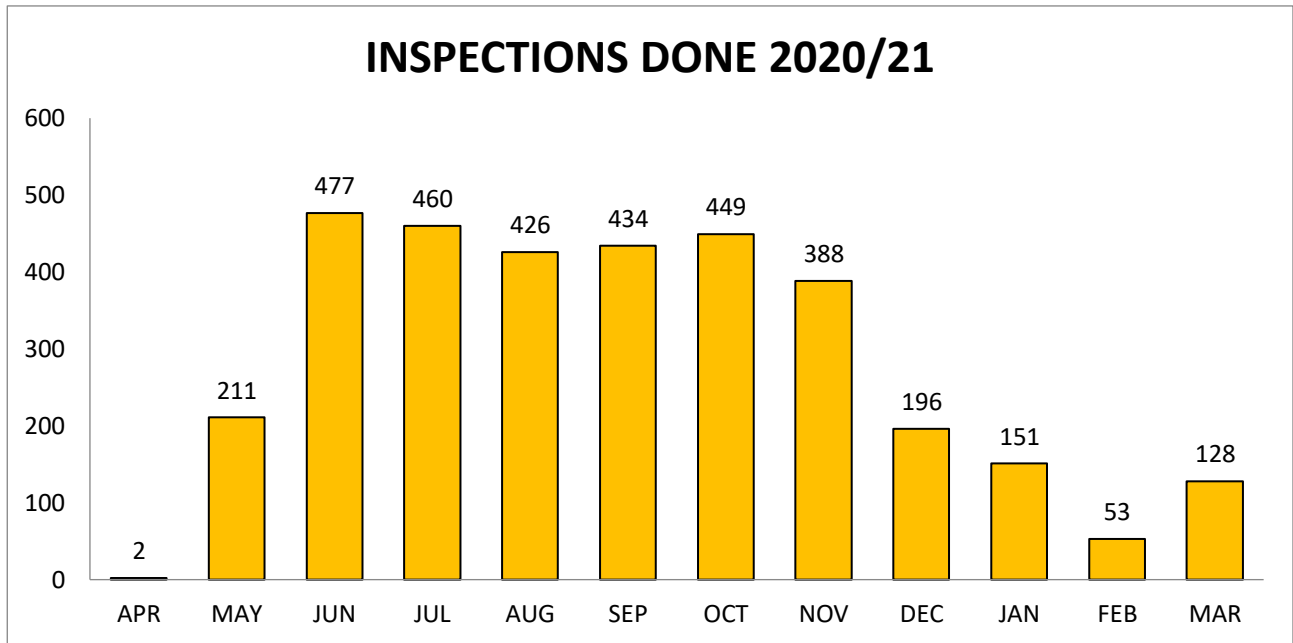
## **8. Appendices**

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- 8.1 Appendix 1 – Supporting Evidence Tables and Graphs

## APPENDIX 1 – Supporting Evidence Tables and Graphs

Graph 4.2



In 2020/21 there were 3,375 inspections carried out.

Table 4.3

Average pass rate for ALL PUs

	No of Failures	% Pass Rate
INSPECTIONS	306 / 1708	82%
Category A (during work)	298 / 1455	80%
Category B (within 6 months of Completion)	0 / 1	100%
Category C (within 3 months of end of guarantee)	8 / 252	97%
DEFECTIVE REINSTATEMENTS	8 / 253	97%

The target minimum pass rate for all PUs is 90%.

Table 4.4

Number of inspections for ALL PUs

TYPE	CATEGORY A	CATEGORY B	CATEGORY C	OTHER INSPECTIONS	TOTAL
	Inspections during the progress of the works.	Inspection within six months of the work being completed.	Inspection within three months of end of guarantee period.		
SAMPLE INSPECTIONS	1455	1	252		1708
DEFECTIVE APPARATUS				661	661
DEFECTIVE REINSTATEMENT				196	196
INSPECTIONS RELATED TO CORING				0	0
OTHERS				810	810
TOTAL	1455	1	252	1667	3375

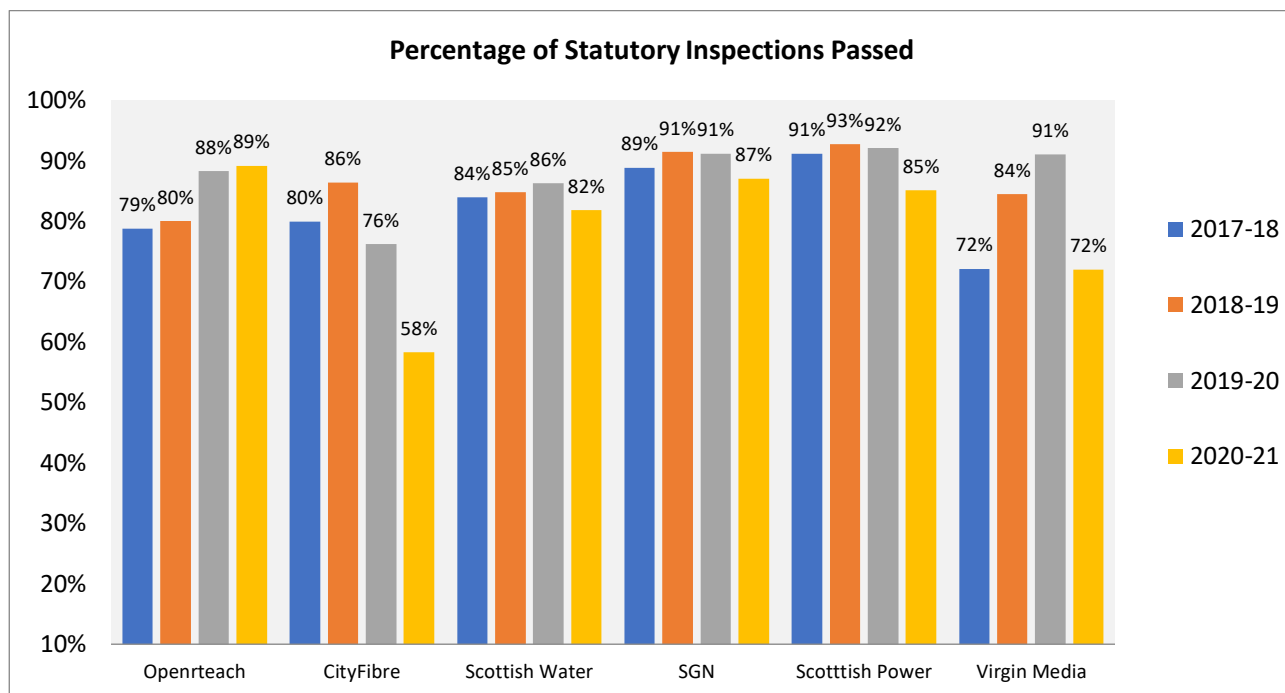
Table 4.6

The table below shows the average percentage pass rate for Sample Inspections for each PU during 2020/21. The target minimum pass rate for all PUs is 90%.

	Openreach	SPEN	Virgin Media	SGN	Scottish Water	CityFibre	Average
Pass Rate	89%	85%	72%	87%	82%	58%	79%



Graph 4.6



SPEN, Scottish Water, Openreach and SGN managed to achieve the minimum pass rate. CityFibre and Virgin Media did not achieve the target pass rate of 90%.

Table 4.9

The table below shows the comparison of the numbers of outstanding defective apparatus for each PU over the past four years.

PU	End of 2017/18	End of 2018/19	End of 2019/20	End of 2020/21
Openreach	109	80	66	76
SGN	47	69	55	28
SPEN	54	78	79	112
Scottish Water	677	297	352	239
Virgin Media	199	291	257	318

Graph 4.9

The graph below shows the comparison of the numbers of outstanding defective apparatus for each PU during 2017 to 2021

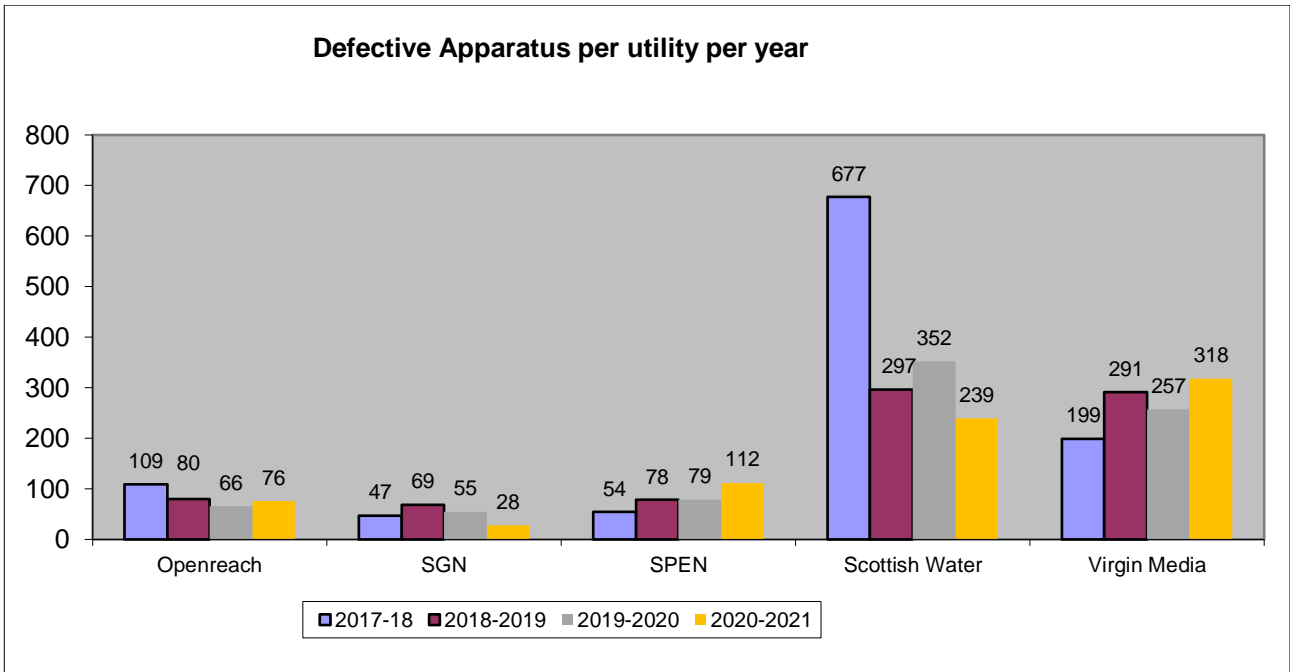


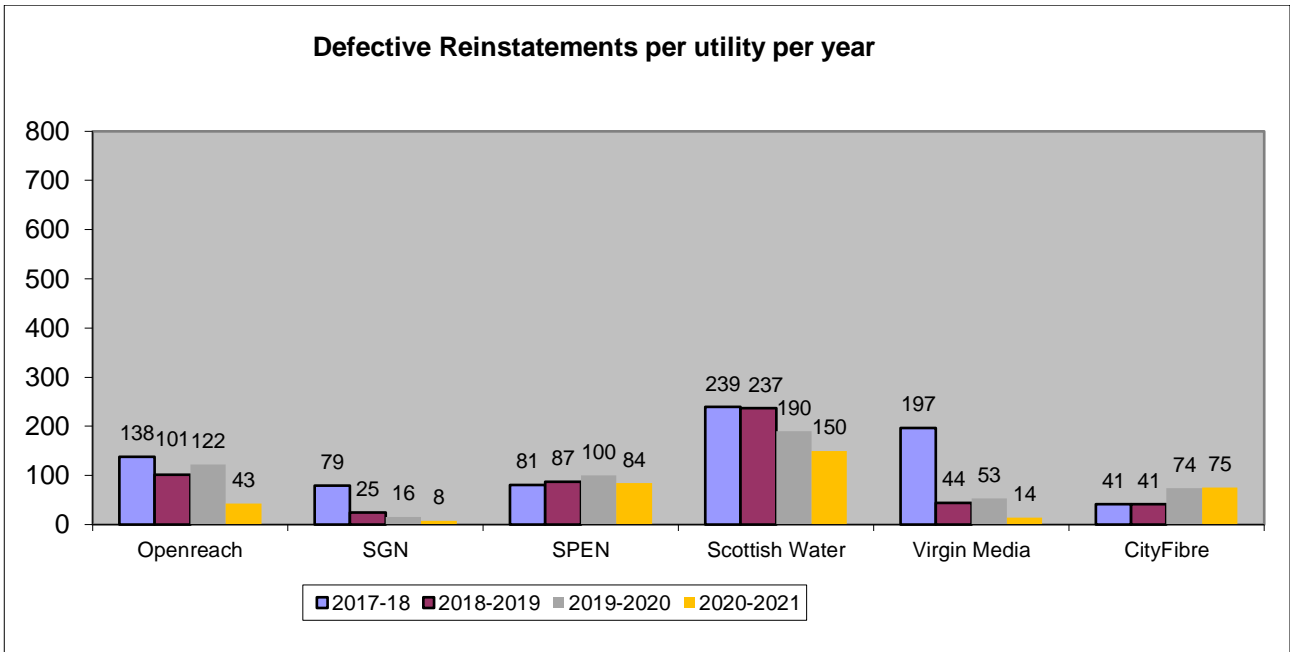
Table 4.12

The table below shows the comparison of the numbers of outstanding defective reinstatements for each PU over the past four years.

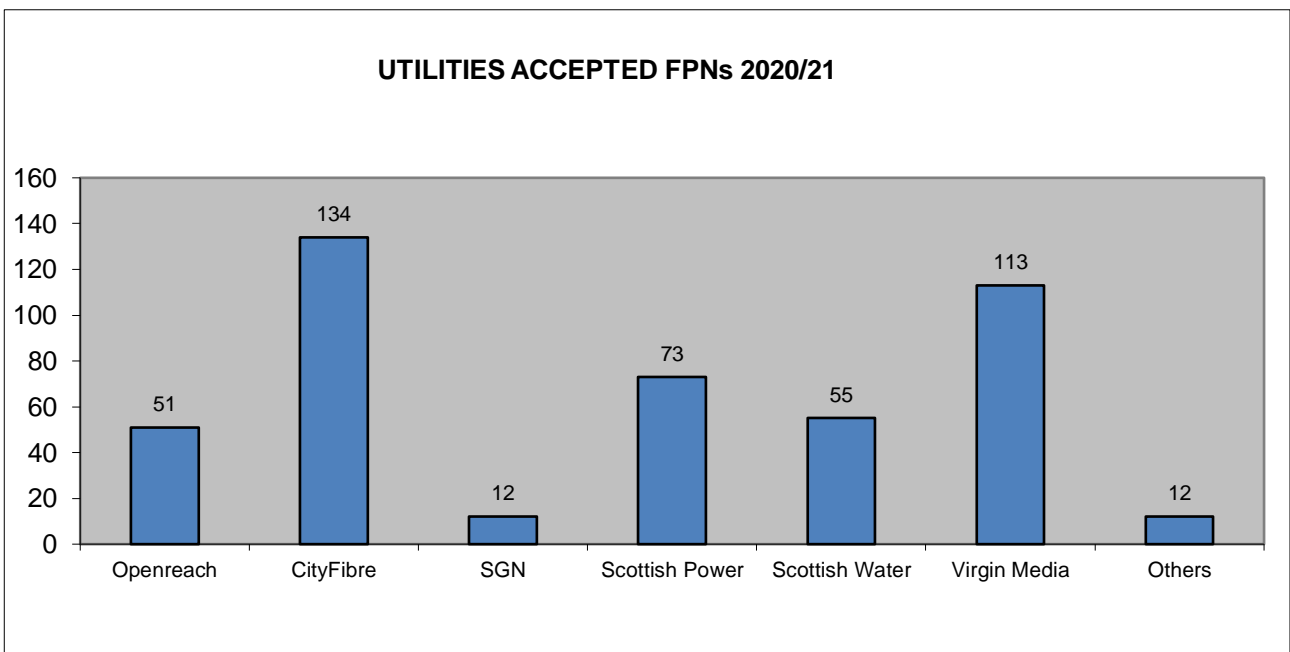
PU	End of 2017/18	End of 2018/19	End of 2019/20	End of 2020/21
Openreach	138	101	122	43
SGN	79	25	16	8
SPEN	81	87	100	84
Scottish Water	239	237	190	150
Virgin Media	197	44	53	14
CityFibre	41	41	74	75

Graph 4.12

The graph below shows the comparison of the numbers of outstanding defective reinstatements for each PU during 2017 to 2021.

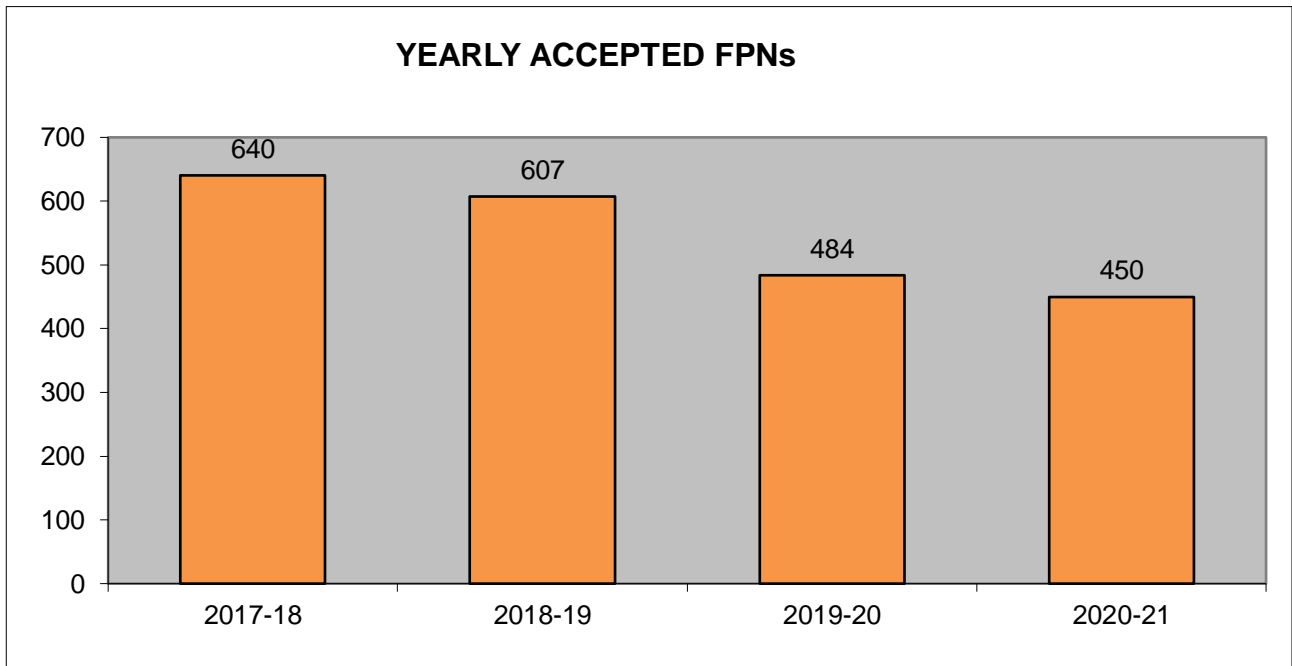


Graph 4.14A



CityFibre, Virgin Media and SPEN were issued with the highest number of Fixed Penalty Notices by the end of 2020/21. This was due to their notices not being closed on time, Notices being closed when the work was still in progress and/or no notice being received for their work.

Graph 4.14B



The number of FPN's issued has been decreasing each year since 2017.