

Transport and Environment Committee

10.00am, Thursday, 16 November 2023

Public Utility Company Performance and Road Work Co-ordination April 2022 to March 2023

Executive/routine
Wards

Routine
All

1. Recommendations

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

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Executive Director of Place

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Public Utility Company Performance and Road Work Co-ordination April 2022 to March 2023

2. Executive Summary

- 2.1 This report summarises the performance of Public Utilities (PUs) on the road network during 2022/23 and reviews the major issues and actions taken to address road works co-ordination issues.

3. Background

- 3.1 Much of Edinburgh's underground utility infrastructure is old and in need of renewal. The majority of the PUs works programme in the Edinburgh area involves replacing mains infrastructure that is beyond its intended life expectancy. Some infrastructure more than 100 years old.
- 3.2 Edinburgh currently has 1,511km of carriageways, 2,120km of footways and 308km of segregated cycle routes. On average, Edinburgh receives approximately 14,000 notifications to work at specific locations from PUs in a normal year. This compares with other Scottish cities as follows:
- Glasgow – 14,000;
 - Aberdeen – 5,000; and
 - Dundee – 3,500.

The Council's role in PU works

- 3.3 The Council balances 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.
- 3.4 There are three key stages of work for inspections of PUs:
- 3.4.1 While it is being carried out (live sites);
 - 3.4.2 Once a reinstatement is complete; and
 - 3.4.3 Up to the end of their guarantee period.

- 3.5 The guarantee period for permanent reinstatements completed prior to 1 October 2023 shall begin on completion of the permanent reinstatement and shall run for two years, or three years in the case of deep excavation.
- 3.6 The guarantee period for permanent reinstatements completed from 1 October 2023 shall begin on the date of completion of the permanent reinstatement and shall run for six years, regardless of depth of reinstatement.
- 3.7 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.
- 3.8 This report provides an update on the performance of PUs work that has occurred during 2022/23.

4. Main report

Inspections

- 4.1 During 2022/23, a total of 8,995 inspections were carried out, as shown in Graph 4.2 (Appendix 1).
- 4.2 The average pass rate for inspection of all reinstatements by PUs was 82%, against a minimum target of 90%, as shown in Table 4.3 (Appendix 1). Council officers continue to offer advice and discuss routes to performance improvement with those PUs who have failed to reach the 90% target.
- 4.3 The breakdown between each different inspection type carried out is shown in Table 4.4 (Appendix 1).

Sample Inspections (Statutory)

- 4.4 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 2022/23, the total number of Sample Inspections carried out was 2,710.

- 4.5 The average percentage pass rate for all PUs for statutory inspections was 83% as shown in Table 4.6 and Graph 4.6. Scottish Water, Virgin Media and CityFibre failed to achieve the target pass rate of 90% - with average pass rates of 87%, 80% and 58% respectively. All other PUs met the nationally agreed target pass rate.

Target Inspections (other than Statutory)

- 4.6 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 2022/23, the number of non-statutory inspections carried out was 265*. (*This figure is lower than in previous years due to vacant posts within the New Roads and Street Works (NRSWA) team. These vacancies have now been filled.)
- 4.7 The average percentage pass rate for target inspections for all PUs reinstatements was 75%. The target pass rate for all PUs is 90%.

PUs Defective Apparatus

- 4.8 The total number of outstanding defective apparatus reports by the end of March 2023 was 609. This is a 46% reduction on the number of outstanding defects reported at the end of 2021/22. A breakdown for each PU is shown in Table 4.9 and Graph 4.9.
- 4.9 The total numbers outstanding at the end of the last four years are shown in Table 4.9 for comparison.

PUs Defective Reinstatements

- 4.10 The total number of outstanding defective reinstatements by the end of March 2023 was 396.
- 4.11 A breakdown for each PU is shown in Table 4.12 and Graph 4.12.

Fixed Penalty Notices (FPNs)

- 4.12 FPNs can be issued for a number of reasons, which can include but are not limited to: notices not being closed on time, site not cleared, notices being closed when work is still in progress and/or no notice being received for work.
- 4.13 The total number of FPNs accepted by PUs was 435 (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.

General

Improvement Plans

- 4.14 Where undertakers fail to respond to inadequacies in signing, lighting or guarding or within the prescribed timescales, or fail to achieve pass rates of 90%, road works authorities may issue a notice of failure to achieve performance. This requires undertakers to establish appropriate improvement objectives and respond with an Improvement Plan.
- 4.15 There is currently one Improvement Plan in place with CityFibre. This was agreed as the performance of CityFibre had fallen significantly below the targets set by the Scottish Road Works Commissioner during the previous three years. Despite regular interventions by Council officers, the performance of the company had continued to lag behind that of other PUs operating in the Council area. The Improvement Plan includes the requirement for minuted monthly meetings to discuss progress, the provision of appropriate monitoring information prior to meetings, provision to change or vary the plan, details of the agreed arrangements to recover any costs or expenses incurred by the Council, details of items to be monitored and reported in the Improvement Plan and details of the percentage of works to be inspected and reported which promotes better control of CityFibre sites.
- 4.16 City Fibre performance has improved since implementation of the plan and officers will continue to work with them to ensure that performance continues to improve.

Traffic Management Review Panel (TMRP)

- 4.17 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.
- 4.18 TMRPs are currently taking place for the City Centre West East Cycle Link (CCWEL) and Roseburn to Union Canal active travel link installations. There is also a TMRP in place for the SPEN Gorgie to Telford project.

Temporary Traffic Management

- 4.19 Officers continue to work closely with all PUs to minimise the disruption caused by works on the roads and footways. PUs are aware that their works can have a significant impact on residents, businesses and visitors and that it is the undertakers responsibility to ensure the public can continue to move about safely.
- 4.20 Officers also continue to work with PUs to ensure that a minimum footway width of 1.5m is maintained.
- 4.21 There are still significant improvements to be made and the Council will continue to press for improved working practices.

National Coring Programme

- 4.22 The National Coring Programmes are carried out periodically throughout Scotland and involve taking cores of completed reinstatements in the public road. These

cores are then scrutinised to ensure compliance with standards with a view to achieving continual improvement in reinstatement quality.

- 4.23 In 2022/23, 1,764 cores were taken at PU reinstatements across Scotland. The overall pass rate for these sites was 90%, with 214 cores taken in the Edinburgh area. The overall pass rate for these sites was 88%.
- 4.24 The 88% pass rate makes it clear that there is a requirement by some undertakers to review their processes and responsibilities when reinstating, such as quality control and supervision of the works to ensure improvement.
- 4.25 Improved quality control during reinstatement by PUs will continue to be monitored by the Council.

5. Next Steps

- 5.1 The next steps for the Council include continuing to:
 - 5.1.1 Offer advice and discuss routes to performance improvement with those PUs who have failed to reach the 90% target;
 - 5.1.2 Use the formal Improvement Notice process, as specified in Code of Practice for Inspections for those PUs not achieving an acceptable performance;
 - 5.1.3 Take part in the National Coring Programme to ensure compliance with standards with a view to achieving continual improvement in reinstatement quality;
 - 5.1.4 Work in partnership with all relevant stakeholders (including Public Transport operators) and utilising all available innovation and technology to better coordinate road works and minimise disruption on the network; and
 - 5.1.5 Co-ordinate all works requested by PUs.
- 5.2 A number of staff have recently been recruited to the Citywide Road Coordination teams, but a small number of posts remain vacant. It is intended to continue to recruit to the teams responsible for the coordination of road works and the monitoring of performance of PUs working in the Council area. To ensure the monitoring of road works and PU performance is managed, it is vital to have the teams responsible resourced adequately. This will assist the coordination and management of the road network therefore minimising delay and disruption particularly in relation to public transport.

6. Financial impact

- 6.1 The revenue stream associated with sample and repeat inspections of failed PUs reinstatements and FPNs during 2022/23 was £201,721

7. Equality and Poverty Impact

- 7.1 There are no negative equality or poverty impacts related to the contents of this report. By ensuring that PUs undertake their works in a well-managed manner and that sites are inspected regularly, the Council ensures that the quality of the network is maintained at its current standard or that the network is returned to the Council in a better condition than it was previously. Effective management of the sites during work periods also ensures that PUs are meeting their duties in relation to accessibility.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 There are no environmental impacts arising from the information presented in this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 Officers will continue to work closely with our communities and stakeholders to take account of stakeholder and community impact of work when dealing with applications from PUs.

10. Background reading/external references

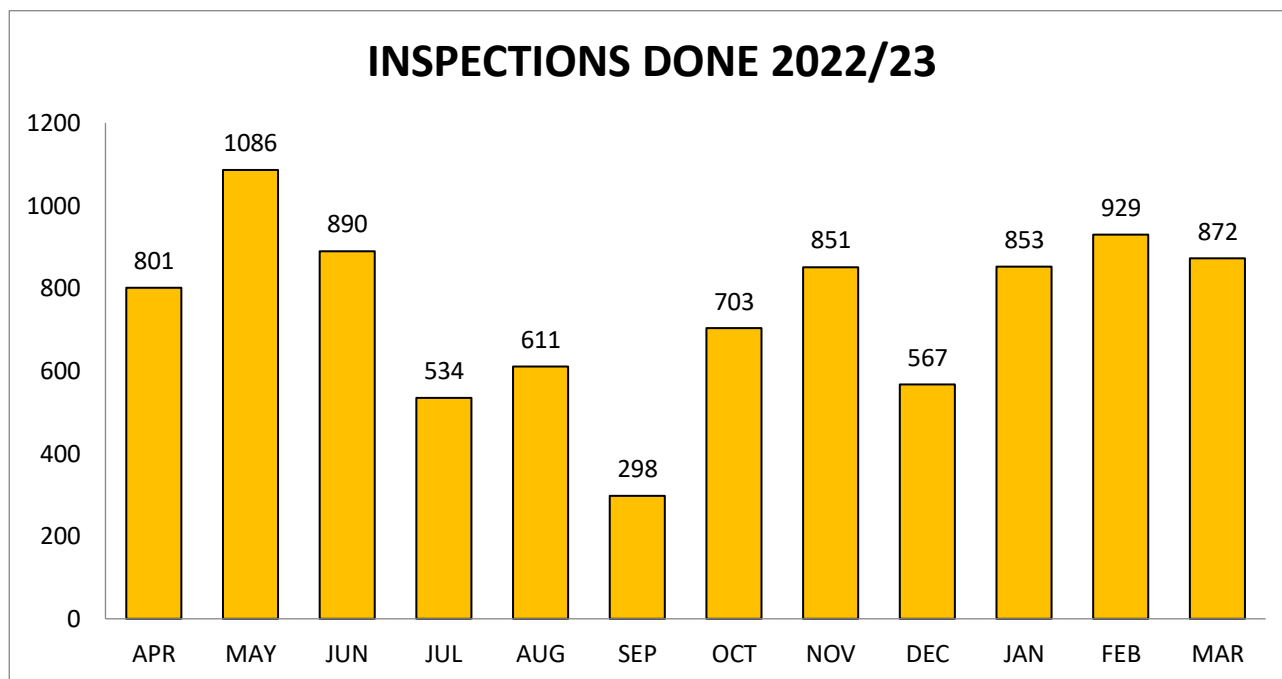
- 10.1 [Code of Practice for Inspections](#), 5th edition, approved by the Roads Authority and Utility Committee Scotland, May 2023.
- 10.2 [Code of Practice for the Co-ordination of Works in Roads](#), version 1.0, April 2013.

11. Appendices

Appendix 1 – Supporting Evidence Tables and Graphs

APPENDIX 1 – Supporting Evidence Tables and Graphs

Graph 4.2



In 2022/23 there were 8,995 inspections carried out by NRSWA inspectors

Table 4.3

Average pass rate for ALL PUs

	No of Failures	% Pass Rate
INSPECTIONS	480 / 2,710	82%
Category A (during work)	143 / 765	81%
Category B (within 6 months of Completion)	189 / 973	80%
Category C (within 3 months of end of guarantee)	148 / 972	84%
DEFECTIVE REINSTATEMENTS	337 / 1945	82%

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

Table 4.4

Number of inspections for ALL PUs by NRSWA inspectors

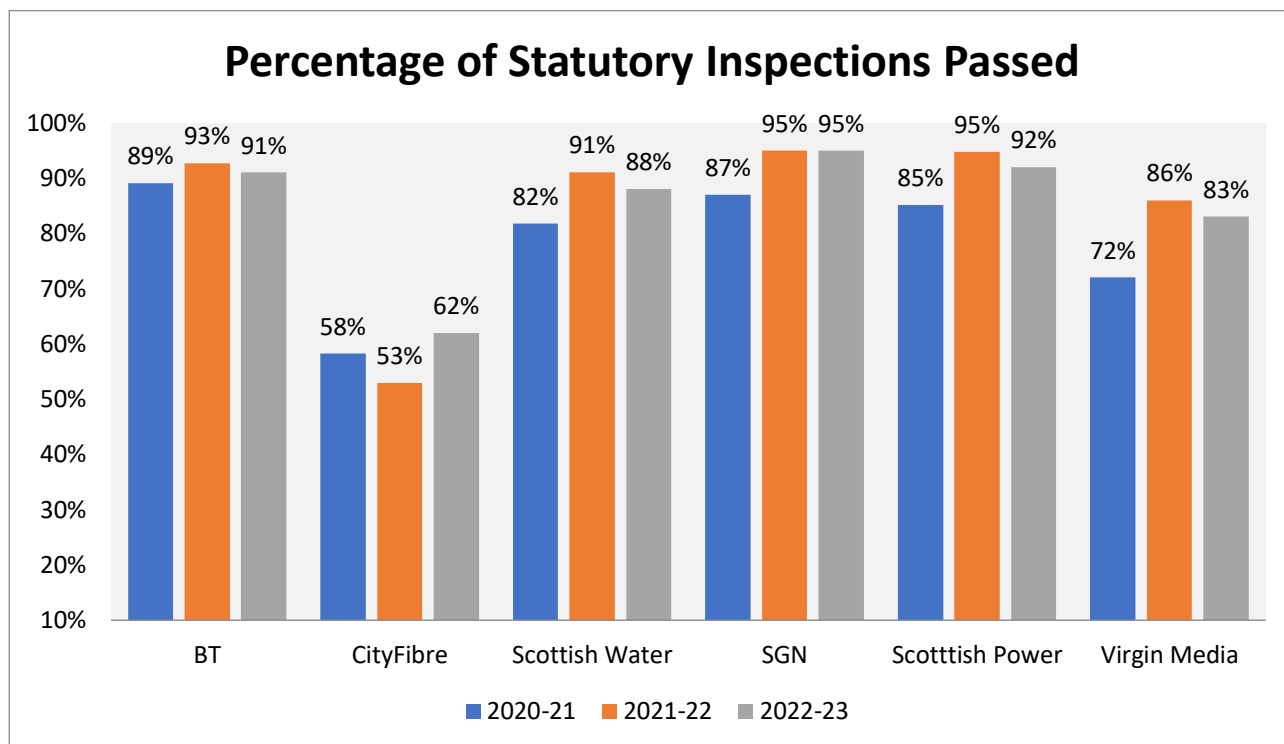
TYPE	CATEGORY A	CATEGORY B	CATEGORY C	OTHER INSPECTIONS	TOTAL
	Inspections during the progress of the works.	Inspection within six months of the work being completed.	Inspection within three months of end of guarantee period.		
SAMPLE INSPECTIONS	765	973	972		2710
DEFECTIVE APPARATUS				666	666
DEFECTIVE REINSTATEMENT				4939	4939
INSPECTIONS RELATED TO CORING				429	429
OTHERS				251	251
TOTAL	765	973	972	6,285	8,995

Table 4.6

The table below shows the average percentage pass rate for Sample Inspections for each PU during 2022/23. The target minimum pass rate for all PUs is 90%.

	BT	SPEN	Virgin Media	SGN	Scottish Water	CityFibre	Average
Pass Rate	91%	92%	83%	95%	88%	62%	85%

Graph 4.6



BT, SGN and Scottish Power managed to achieve the minimum pass rate. CityFibre, Scottish Water 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 2019/20	End of 2020/21	End of 2021/22	End of 2022/23
BT	66	76	67	71
SGN	55	28	43	45
SPEN	79	112	172	40
Scottish Water	352	239	464	325
Virgin Media	257	318	379	128

Graph 4.9

The graph below shows the comparison of the numbers of outstanding defective apparatus for each PU during 2019 to 2023.

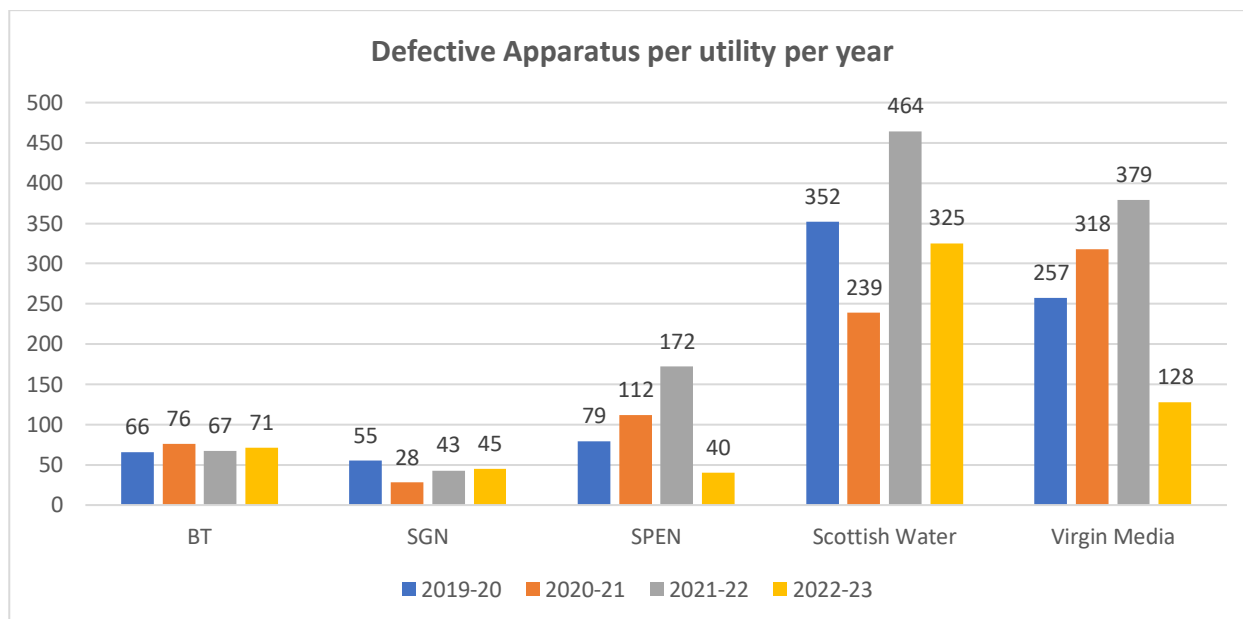


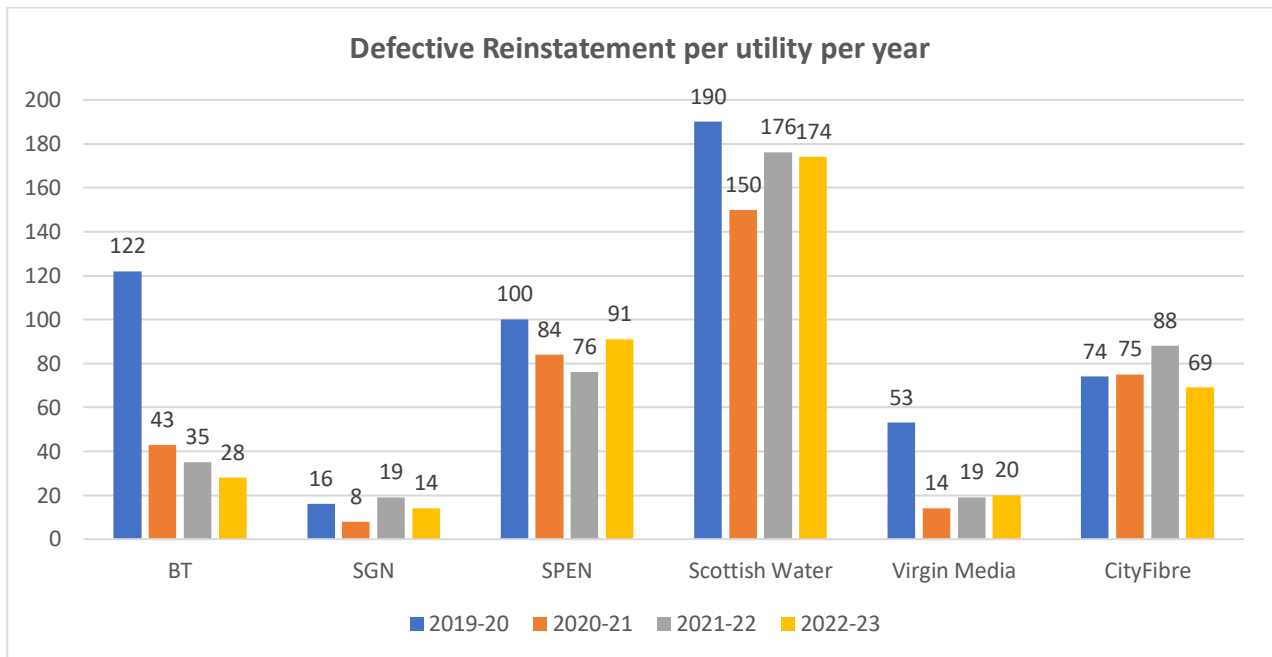
Table 4.12

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

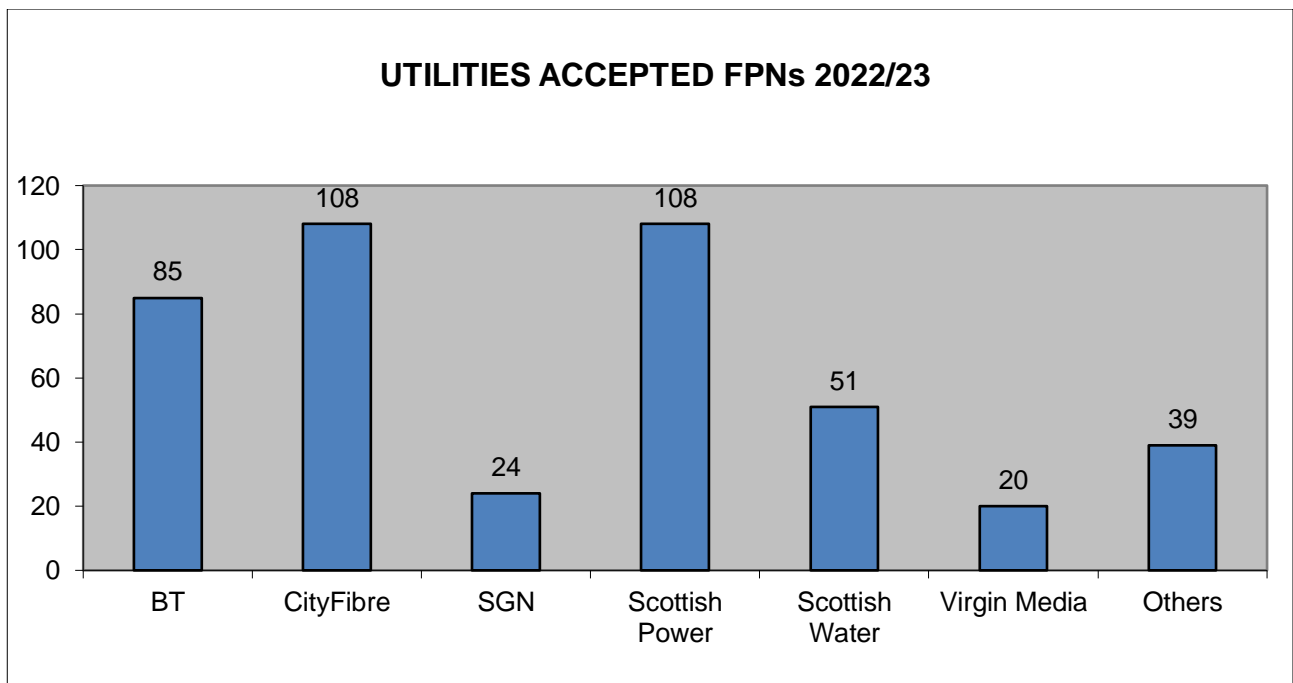
PU	End of 2019/20	End of 2020/21	End of 2021/22	End of 2022/23
BT	122	43	35	28
SGN	16	8	19	14
SPEN	100	84	76	91
Scottish Water	190	150	176	174
Virgin Media	53	14	19	20
CityFibre	74	75	88	69

Graph 4.12

The graph below shows the comparison of the numbers of outstanding defective reinstatements for each PU during 2019 to 2023.

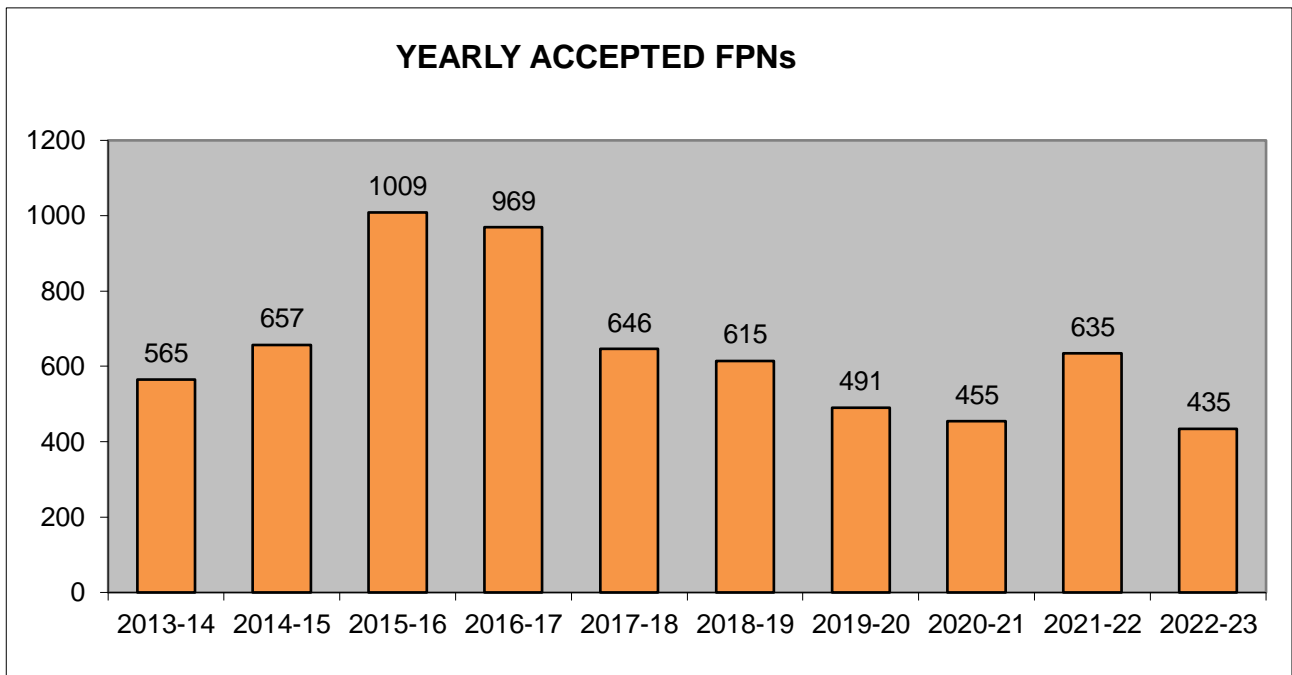


Graph 4.14A



CityFibre and Scottish Power was issued with the highest number of Fixed Penalty Notices by the end of 2022/23. This was due to their notices not being closed on time, site not cleared, 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 2016 except rising in 2021.