

Streetworks

Purpose of Report

For noting and discussion.

Summary

This paper details existing tools for councils to address and help manage streetworks, powers which could be made available to councils through LGA lobbying and other options for Board and LGA work in this area.

Recommendation

Members are asked to consider this paper and to provide a steer for officers to deliver the work.

Action

Officers to take forward members' comments.

Contact officer: Charles Loft
Position: Adviser
Phone no: 0207 664 3874
E-mail: charles.loft@local.gov.uk

Streetworks

Background

1. Streetworks pose many problems for local residents and businesses, including delays while work is underway and delays and costs as a consequence of roads being poorly reinstated.
2. Delays annoy the public and have an economic cost.
3. Digging up the carriageway – even when it is reinstated to agreed standards – damages its integrity and shortens its life, this problem is significantly exacerbated when the reinstatement is poor. Eventually potholes result causing damage to vehicles, vibration (which can damage property and cause misery for residents) and eventually have to be repaired at cost to councils, causing further delay.
4. Repairing the damage to roads by utility companies costs council taxpayers an estimated £70 million per year, as the LGA stated in 2011.
5. A key issue is that while councils can force companies to redo poor reinstatement, they do not have the resources to inspect more than about half the sites.

Tools for addressing delays

6. This section sets out the existing tools which are available to some or all councils to address and help manage streetworks:
 - 6.1. **Permit schemes:** The Traffic Management Act (TMA) 2004 Part 3 provides Local Transport Authorities (LTAs) with the means to introduce a 'permit scheme'. The Traffic Management Permit Scheme (England) Regulations 2007 currently set out the process for such applications to be submitted for assessment and approval to the Secretary of State. These allow authorities to issue permits to those wishing to carry out works on the highway to better manage activities on their road network, in order to minimise inconvenience and disruption to road users. Because highway authorities have more control over works in their area under a permit scheme, they can for example promote working outside peak hours, or better co-ordination of works between utilities. There are now several permit schemes in operation round the country, across London, Kent, Northamptonshire, and most recently St Helens. LTAs

Item 3

design and develop their scheme (and ultimately administer it), and then submit each scheme for the approval of the Secretary of State.

- 6.2. Our response to the recent DfT consultation on proposals to remove the current need for the Secretary for State to approve permit schemes was submitted last month and is attached – we are waiting to hear the outcome of this consultation. There is some concern among councils that approval by the Secretary of State helps prevent a challenge to schemes. We have raised this and suggested that, whilst greater local control is necessary, DfT could provide ongoing support through sharing best practice as successful schemes develop.
- 6.3. **Lane Rental:** Allows councils to charge utility companies up to £2,500 a day to dig up the busiest roads during peak times when road works cause the most disruption. This is intended to incentivise utility firms to carry out their works more quickly and at times when roads are quieter. Companies would be able to avoid the charges by carrying out works during off-peak periods or, if appropriate, at night.
- 6.4. In launching Lane Rental in January, DfT said there should initially be up to three trials but that the option would only be open to those who had already exhausted other options including Permitting. This limits significantly the number of authorities which can use Lane Rental.
- 6.5. A pilot scheme will commence in London in June, the scheme will cover around 330km (57 per cent) of TfL's red routes and apply to any utility or TfL works carried out on the road network. There have been no other applications to take part in pilots.
- 6.6. Members may wish to ascertain the level of demand for these powers if they were available to *all* councils and we could lobby for these powers to be given to all councils that wish to have them.
- 6.7. **Overstay fees:** Section 74 of the New Roads and Street Works Act 1991 makes provision to charge overstay fees for unauthorised occupation of the public highway. This refers to works which have exceeded the agreed completion date. These fees are charged on the category of the road and are already available and being used by councils.

Tools for addressing poor reinstatement

7. The tools below set out the powers that could be available to councils to address the poor re-instatement of roads after works. These would require legislation or parliamentary orders, but could be LGA lobbying asks.

Item 3

- 7.1. **Implement TMA Part 3 regulations:** under sections 55 and 56 of the Traffic Management Act (Part 3) the Secretary of State can make regulations that would allow councils to require those digging up the street to reinstate the whole road. This would require an order to be passed in Parliament. Thus it could be a key ask of Government and an issue upon which we lobby Parliament.
- 7.2. **Bonds:** the LGA has previously called for utility companies to pay a bond or deposit in advance of roadworks to make it easier for councils to recoup the cost of damage caused by inferior road repairs and encourage utilities to get it right first time. This would require new legislation and it could be a key ask of Government and a further issue upon which we lobby Parliament.

Encouraging Better Public Scrutiny

8. **Spotters' guide:** To encourage the public to act as councils' eyes and ears, developing something similar to the page on TfL's website for reporting road works to include reports of unacceptable restoration. TfL's site can be accessed here: <http://www.tfl.gov.uk/roadusers/reportastreetfault/20568.aspx>. The site provides examples of key indicators of good and bad sites and what to look for on signs:
 - 8.1. Indicators of good sites: signage in place; clean and tidy; only minimum space required taken; activity on site; safe.
 - 8.2. Signs should show: who is undertaking the work; why the work is taking place; working hours; contact details (phone number); and permit number.
 - 8.3. Bad sites: not safe; cluttered and untidy; no signage explaining works; no activity.
9. The LGA could support councils in providing similar local weblinks covering the quality of restoration and encourage members of the public to email photos to relevant officers, reducing the need for time consuming inspections. We are consulting with sector experts on this.

Current consultations

10. At present, all streetworks not carried out by highway authorities have to be supervised by someone with a specified set of qualifications, who is responsible for maintaining a safe operation and acceptable standards of reinstatement. There is a current DfT consultation to remove this requirement as it imposes a

Item 3

cost on business and because standards of reinstatement and safety are set by statute. The evidence from councils is that many roadworks are reinstated to less than acceptable standards, and councils do not have adequate resources to inspect them. Often the work has to be redone at public expense - which of course means closing the road again.

11. Whilst the issue of streetworks supervisors is a micro one, it does offer the opportunity to raise the wider issue of restoration of street-works and how councils can have greater control of an issue which is a great irritant to the public.

Moving forward: LGA growth campaign 2012-13

12. Our Town Hall debates have already identified greater local influence over transport schemes as a key to local economic growth and the Board is committed to addressing this issue with DfT over the coming months.
13. We have some research on how streetworks and badly restored roads affect local businesses and private investment. One option for members to consider is whether we undertake further work on the cost of poorly restored roads and streetworks to the local public purse and to local business growth.
14. It is recommended that lobbying on streetworks is undertaken in this wider context and the cost to local economic growth as a key aspect of our work.

Conclusion

15. There are a number of issues where we can lobby for greater control over streetworks for councils. It is recommended that this is brought within the remit of the Local Growth Campaign.
16. Members are asked to consider this paper and to provide a steer for officers to deliver the work.

Contact officer: Charles Loft
Position: Adviser
Phone no: 0207 664 3874
E-mail: charles.loft@local.gov.uk

Item 3

**LGA RESPONSE TO THE CONSULTATION ON AMENDING THE TRAFFIC
MANAGEMENT ACT 2004 - REVISING THE PERMIT SCHEME APPROVAL
PROCESS (FOR LOCAL HIGHWAY AUTHORITIES IN ENGLAND).**

1. The Local Government Association (LGA) is a voluntary membership body and our member authorities cover every part of England and Wales. Together they represent over 50 million people and spend around £113 billion a year on local services. They include county councils, metropolitan district councils, English unitary authorities, London boroughs and shire district councils, along with fire authorities, police authorities, national park authorities and passenger transport authorities.
2. The LGA welcomes the opportunity to respond to this consultation and supports the Department's proposal to remove the requirements in England for the Secretary of State to give effect to permit schemes by Order, thereby allowing local highway authorities to give effect to permit schemes and vary or revoke their schemes by their own orders, without the need to refer the scheme for prior approval to the Secretary of State.
3. This proposal is in line with the Government's commitment to localism. Permit schemes that are already in place have proved successful in reducing the congestion caused by unplanned or poorly planned streetworks and we are certain other councils will want to make use of this tool.
4. We are aware that the Department's role in approving schemes has served the useful function of helping to protect them against legal challenge by utilities companies. There is some concern within the sector that without this endorsement utilities will seek to deter councils from making permit schemes by subjecting them to such challenges which, while they are ultimately without merit, will create enough work to deter authorities from embarking on the process. Our sector's best defence against this practice will be the dissemination of best practice, with a view to ensuring councils learn from the schemes already in place. We would like to see DfT take on this role. We look forward to working with the Department on this.
5. While permitting is a valuable tool in reducing the congestion and delay caused by streetworks, we remain concerned that digging trenches – including microtrenching – damages the integrity of the road surface, shortening its life and adding to the burden of work on local highway authorities and that authorities are not properly reimbursed by utility companies for this. Moreover, it is very often the case that these works are not properly reinstated, causing greater damage and expense and increasing the misery to residents caused by traffic vibration. LGA is determined to see this issue addressed and will be taking it up separately with the department.