

Utilities Task Group Update Report

Report of the County Solicitor

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation(s)

To note the update and proposed future task group activity.

Background

1. The Place Scrutiny Committee considered reports on [15 April](#) and [7 November](#) 2011 on the recent structured coring programmes of reinstatements placed by utility companies on the public highway network in Devon and it remained concerned about the identified levels of performance and of improvement. A dedicated task group (Cllrs Polly Colthorpe, Christine Marsh and Andrew Eastman) has since reviewed the progress against the original recommendations.
2. The Council carries out a system of random sample inspections of reinstatements placed in the highway by utility companies. Two methods of inspection are used: visual inspections and investigatory inspections. Reinstatements must comply with the prescribed national Specification for the Reinstatements of Openings in Highways (SROH) as required under Section 71 of the New Roads and Street Works Act (NRSWA) 1991. Not to comply with Section 71 of the New Roads and Street Works Act (NRSWA) 1991 is a level 5 offence.
3. Visual inspections are carried out on a random sample of reinstatements following street works. This sample is spread through out the year and comprises approximately 20% of eligible registered reinstatements. Based on a purely visual inspection of the surface characteristics of utility reinstatements, the level of compliance is very high with a performance rating of around 95%. These performance requirements focus on as laid profiles, surface regularity and skid resistance.
4. To comply with the specification prescribed within the SROH is to comply with all parts of it. To ensure full compliance, investigatory inspections are carried out through a programme of structured coring. All reinstatements sampled as part of this inspection process pass an initial visual pre-inspection. They also comply with the performance requirements as they relate to skid resistance so far as the human eye and the inspector's experience are able reasonably to assume.
5. Cores are extracted and analysed against the prescribed specification of materials to be used and the standard of workmanship to be observed. In particular, they are measured to see that the correct depth of materials has been placed and that those materials have been properly compacted. The material is also assessed to see that is the correct material to be used as part of that reinstatement.
6. Current investigatory inspection data suggests that the actual rate of compliance with the SROH is lower than that rate reported purely from visual inspection data.
7. Reinstatements that have not been done to the specification for materials to be used and the required standard of workmanship may still pass a visual inspection. However, these

reinstatements are not compliant and are likely to be less durable than reinstatements that do comply with the prescribed specification.

Findings

8. In a joint meeting with Council officers and representatives of utility companies on 5 January 2012, utility company representatives confirmed that they were fully committed to the process, including any remedial work which needed to be undertaken after the highway had been reinstated. Council officers questioned, however, which organisations covered the costs of mending non-compliant highway reinstatements and suggested that the potential cost for the remediation of non-compliant reinstatements in the carriageway and in the footway could be as much as £1.7million during a twelve-month period of testing.

9. Currently, there is no method by which to collect data regarding expenditure on either proactive or reactive highway maintenance which may be needed as a result of reinstatements following street works. Reactive works to maintain safety were responded to and repaired to ensure that the highway was safe for use. An identified pothole is repaired regardless of whether that pothole is in a reinstatement or not. Proactive maintenance could also involve intervention to utility reinstatements. In its simplest form this could be patching repairs to reinstatements in advance of surface dressing or surfacing.

10. The task group considered performance figures covering the quarter April-June 2011. These compliance rates were not based on a full year's data and the figures were not representative of any statutory undertaker's overall compliance for the year. The results showed, however, that the specification is achievable and that utility companies themselves are demonstrating this, Western Power Distribution having achieved 91% compliance.

Utility Company	% Compliance
Western Power Distribution	91
Wales & West Utilities	71
BT Openreach	71
South West Water	43

11. The utility company representatives suggested that the full benefits of the work of the Best Practice Group would become apparent in the short term, especially regarding the improvements associated with workforce training. Through the work of the Best Practice Group, the utility companies had initiated a training programme of operatives using the Best Practice DVD and toolbox talks. This was also tied into the South West HAUC "Guide to Reinstatement" which was designed as an on-site handbook summarising key points from the SROH to improve understanding about materials, material transportation and placement. The current version of the user-friendly guide is a second edition and this training material has been widely available for some time. As the training initiatives continue to be implemented, Council officers anticipate tangible improvements in performance during phases 3 (April-June) and 4 (July-September) of the 2012 coring programme.

12. Challenges in ensuring compliance with the SROH were associated with the training and supervision of the workforce and subcontractors as well as in using the most appropriate materials. Council officers had witnessed insufficient supervision and workmen who did not implement best practice. The utility representatives explained that there was an economic incentive for their contractors and sub-contractors to deliver work to a satisfactory standard and that they therefore relied on contractors' self-regulation and audit.

13. The Council representatives called for further improvements in compliance figures and explained that improvements among the following components had the potential to influence performance figures positively:

- a) Training the workforce and enhancing their understanding, knowledge and skills
- b) Supervision and audit processes to be implemented by the utility companies to ensure compliance with the prescribed specifications from contractors

- c) Development of more tolerant materials as the Council was planning to audit quarries more closely and usage of the appropriate methods of testing.

14. A Best Practice advice note on the implementation of structured coring programmes was reported to be nearing completion. This would provide national guidance and should deliver comparable data on a national basis so that compliance, performance and improvement could be measured and compared across highway authorities and utility companies.

15. The scope of this task group was to revisit the [recommendations](#) agreed by the former Environment, Economy & Culture Scrutiny Committee on 15 April 2011 and the group's findings can be summarised as follows:

Recommendation	Progress
a) To ask Cabinet to ensure that the Cabinet member for Highways and Transportation is involved in future decisions about prosecutions	Achieved , see the report considered by the Place Scrutiny Committee on 7 November 2011 (paragraph 3)
<p>b) To ask that the Best Practice Group undertake to investigate the following issues:</p> <ul style="list-style-type: none"> i. training of operatives and promotion of the training DVD ii. methods of improving supervision, including the training of supervisors iii. improved ways of testing for air void compliance, including use of relevant tools (density gauges) iv. availability of suitable materials and the impact on the quality of reinstatements v. the importance of comparable standards between both the Council and the utility companies, to achieve a better measure of performance and compliance, including the potential for a single point of contact for testing vi. consider widening the membership of the group to allow improvement and the sharing of best practice across the region 	<p>Achieved; benefits expected during phases 3 (April-June) and 4 (July-September) of the 2012 coring programme, see paragraphs 11 and 13 above</p> <p>Further improvements required, see paragraph 12 and 13 above</p> <p>Further improvements required, see paragraph 13 above</p> <p>Further improvements required, see paragraph 8 and 11 above</p> <p>Further improvements required, see paragraph 14 above</p> <p>Achieved, see the report considered by the Place Scrutiny Committee on 7 November 2011 (paragraph 4 vi)</p>
c) that the Best Practice Group be asked to report back (joint report) to the Committee in approximately six months time to update on progress against the issues raised at the meeting, to include the most recent coring data	Achieved
d) that Cabinet be requested to urge other authorities who are currently members of the Best Practice Group to ensure attendance and participation	Follow-up required , see new recommendation c) below
e) that the Committee welcomed the invitation	Achieved

by the utilities companies to visit work sites across the County	
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Future Review

The task group agreed to review the following recommendations in the autumn 2012:

- a) To commend the work of the Best Practice Group
- b) To welcome the renewed invitation by the utility companies to visit work sites
- c) To request Plymouth and Torbay Councils to share their views at the South West Best Practice Group meetings
- d) To convene a further meeting of the task group after phase 4 of the 2012 coring programme (July-September) in order to establish the progress against recommendations b) (i-v) above, i.e. improvements in compliance performance against:
 - i. training of operatives and promotion of the training DVD
 - ii. methods of improving supervision, including the training of supervisors
 - iii. improved ways of testing for air void compliance, including use of relevant tools (density gauges)
 - iv. the availability of suitable materials and the impact on the quality of reinstatements
 - v. establishing comparable standards between both the Council and the utility companies, to achieve a better measure of performance and compliance, including the potential for a single point of contact for testing

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Electoral Divisions: All

Cabinet Member: Cllr Stuart Hughes, Highways and Transportation

Local Government Act 1972: list of Background Papers: None.

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