

HAMPSHIRE COUNTY COUNCIL

Briefing

Committee:	Economy, Transport and Environment Select Committee
Date:	20 January 2015
Title:	Emergency and Urgent Street Works by Utility Companies
Report From:	Director of Economy, Transport and Environment

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1. Purpose of Report

- 1.1. On 18th September 2014, the County Council considered a Notice of Motion (Item 12) submitted in accordance with Standing Order 18.1 as proposed by Councillor David Simpson and seconded by Councillor Bruce Tennent, as follows:
- 1.2. *“This council notes the high proportion of road works which are classified as Emergency or Urgent works by particular Utility companies (see table below) and therefore not subject to the usual advanced warning and programme notification to the County Council. These are disruptive and cost residents and the country a lot of money in lost time and fuel wasted which damages our economy. Therefore: Hampshire County Council calls upon those Utility companies who have the highest proportion of road works listed as Urgent or Emergency to explain to the Council what steps they are taking to improve their regular maintenance and works planning to reduce the proportion of works classified as emergency or urgent. Furthermore the Council will review the relevant provisions of the New Roads and Streetworks Act and consider whether the Secretary of State should be asked to strengthen any of the Highway Authority powers in this regard.”*
- 1.3. It was resolved that the Motion, as set out above, be referred to the Economy, Transport and Environment Select (Overview and Scrutiny) Committee for investigation and report back to the Council as soon as practicable. To assist the Committee in determining its report back to Full Council officers have conducted a review of provisions with the New Roads & Street Works Act 1991 (NRSWA) and the impact on immediate works, details of which are set out in this report.

2. Contextual Information

- 2.1. The County Council is a “Notice Authority”. This means that utility companies and the County Council’s own contractors notify the Authority with details of works. If the Authority has concerns regarding works it has powers to apply challenges, restrictions or directions on the works, either in advance of the works commencing or as works are ongoing as different traffic situations arise.

2.2. When executing its duty to co-ordinate, the Authority necessarily focusses its resources on co-ordinating those works which have the potential to cause the most traffic disruption, usually major works or any works using temporary traffic lights. Co-ordination of planned works takes the form of rescheduling or restricting other works, challenging durations and negotiating appropriate traffic management to minimise traffic disruption. For highly disruptive works co-ordination may also take the form of requiring advance signs to pre-warn traffic several weeks ahead, press releases and community engagement. Specific powers arising from the Act used in connection with coordinating works are as follows;

- Section 56(1) Direction on timing. Used to direct the timing / dates of works that have not yet started, for example avoiding a clash with other works or a direction to avoid peak traffic times.
- Section 56(1A). As above, but used to direct the timing / dates of works that have started which can be used on immediate works.
- Section 56A. Used to prevent the installation of new utility apparatus in a high trafficked road where the utility has an option to use a different road. This is not applicable for immediate works as it only applies to brand new services.
- Section 60 General duty for an undertaker to co-operate with the Authority, and other undertakers, for the purposes of highway safety, protecting the highway asset and minimising traffic disruption. This also applies to immediate works.
- Section 66. Used to direct an undertaker to reduce the obstruction of their works or remove them altogether if the County Council considers the works are taking too long or occupying more of the street than is required. The works must be in progress to utilise this option. This can be used on immediate works.
- Section 74. Powers used to challenge the duration of an undertakers' works. This would not stop works but would limit the duration. This can be used on immediate works.

2.3. Planned works are alerted to the Authority between three days and three months ahead of start for planned works. The duration of advance warning depends on the nature of the works. The vast majority of planned works are described as "minor works". As such they are planned to last three working days or less and the Authority receives 3 working days advance notice.

2.4. The more disruptive works, which are planned to last more than ten days or require a road closure are designated as "major works" and are alerted to the Authority up to three months in advance.

2.5. Immediate works undertaken by utility companies fall into two categories:

- Emergency works: works required to end or prevent circumstances, either existing or imminent, that might cause damage to property or people.
- Urgent works: Works required to put an end to or prevent an unplanned loss of supply or to avoid a substantial loss to the utility in relation to an existing supply

- 2.6. By their definition, a utility company cannot plan to undertake immediate works. Instead a utility company is required to inform the Authority of the works as soon as possible, and no later than 2 working hours after works have started. Works are deemed to have started as soon as the first sign is placed on the road. The Authority has also declared specific roads as being high traffic sensitive and requires a utility company to alert the Authority as soon as the utility becomes aware of an emergency.
- 2.7. When undertaking immediate works utility companies must describe the nature of the works in order to prove that they fit the 'immediate' category. The Authority inspects a percentage of utility and County Council works sites to check safety and compliance with regulations as well as ensuring the description of works provided by the utility company is accurate.
- 2.8. In 2013 there were a total of 36,765 utility works (excluding the minor utility companies that undertake only a small number of works in Hampshire each year). Of these works 12,827 (35%) were classified as immediate. These immediate works comprised 1,597 emergency works and 11,230 urgent works. Only 635 immediate works necessitated the most disruptive forms of traffic management, ie road closures or temporary traffic lights.
- 2.9. SGN (formerly known as Scotia Gas Networks) undertake the majority of all emergency works reflecting the hazardous nature of their service. A leaking water pipe or broken telephone cable rarely constitutes a risk to people or property, but a gas leak could result in an explosion.
- 2.10. The water companies combined undertake the majority of urgent works. This reflects the need to repair an ageing water pipe network which is vulnerable to extreme weather episodes. There appear to be differing approaches to the use of immediate works powers amongst the various water companies. Between 60-70% of all works undertaken by Thames Water and South East Water are urgent works. In contrast only 16-23% of works undertaken by Southern, Sembcorp and Portsmouth Water are urgent works. Analysis of the works descriptions provided by each company suggests that Southern, Sembcorp and Portsmouth Water are under-utilising their powers to carry out urgent works and making use of the minor works category instead.

3. Impact of Immediate Works

- 3.1. The lack of advance notice for immediate works prevents the Authority from being able to proactively co-ordinate and instead action becomes reactive. While the co-ordination tasks for immediate works are similar to those for planned works, the tasks are compressed into a few hours or days at the start of the immediate works rather than well in advance.
- 3.2. The lack of advance notice for the more highly disruptive types of immediate works also means that the travelling public encounters traffic congestion that they were not previously alerted to. This can be frustrating and can lead to unexpected delays.
- 3.3. In general traffic is most likely to be disrupted as a result of works that require road closures or temporary traffic lights. Other works with minimal incursion on the carriageway may appear unsightly or create a nuisance but rarely cause

traffic congestion. The data reveals that the majority of immediate works (95%) are undertaken with minimal disruption to traffic.

- 3.4. The Authority protects newly laid road surfaces from subsequent utility works for up to five years. Immediate works are exempt from this protection. It is therefore possible for a new surface to be scarred as a result of a utility undertaking immediate works. However, it is also known that the engineering works required to resurface roads can damage old or poorly maintained utility apparatus, especially water pipes, thereby sometimes creating the need for a utility to undertake immediate works directly following resurfacing works.
- 3.5. The Authority is not aware of customer concerns specifically relating to immediate works. Customers regularly contact the County Council to enquire about works, but there is no data indicating that a significant proportion specifically relates to immediate works. Many of the concerns reported to the Authority relate to road closures publicised in advance of planned works.

4. Conclusions

- 4.1. Utility companies use the immediate works category where repairs need to be undertaken for reasons of safety, where a customer has lost connection, or is at risk of losing connection to a vital service.
- 4.2. While all works on the highway will have the potential to be disruptive, only 5% of the immediate works are likely to have a significant impact on traffic.
- 4.3. The category description for emergency works is quite specific, enabling the Authority to determine the validity of emergency works. However, the category description for urgent works, which form the majority of immediate works, is quite open. Therefore a wide variety of works can fit within this description.
- 4.4. Some utility companies, including Southern, Portsmouth and Sembcorp Water appear either to choose not to use their powers to conduct urgent works to the full, or are able to manage their network to reduce the need for urgent works.
- 4.5. Some utility companies, eg Thames and South East Water, classify a larger proportion of their works as urgent.
- 4.6. The County Council makes full use of the powers available to co-ordinate both planned and immediate works. Given the need to repair dangerous defects and the potential implications for customers of losing a connection, additional powers would not necessarily reduce the number of immediate and unplanned works on the highway.
- 4.7. Permit schemes operated by some highway authorities, whereby a utility company asks permission before commencing work, would not reduce the need for immediate works, and utility companies would need to alert the Authority to repairs after works have started in the same way. A permit scheme therefore has no advantage over a notice scheme for immediate works.
- 4.8. The County Council, as the Highway Authority, makes full use of its existing co-ordination powers. Whilst the category for urgent works is arguably quite wide, it is important to balance the impact on customers of delaying reconnection to a utility service with the potential benefits of improved co-ordination, especially given that only a small percentage of immediate works are highly disruptive.