

HAMPSHIRE COUNTY COUNCIL**Report**

Committee:	Economy, Transport and Environment Select Committee
Date:	17 March 2016
Title:	Review of emergency and urgent street works undertaken by utility companies
Reference:	7402
Report From:	Director of Economy, Transport and Environment

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1. Purpose of Report

1.1. The purpose of this report is to provide the Select Committee with an update, following the meeting on 20 January 2015 where it considered immediate works undertaken by utility companies on the highway.

2. Contextual Information

- 2.1. This issue was brought to the attention of the Select Committee after a motion by Councillor Simpson to Full Council was referred to it. The motion noted that when utility companies undertake works on the highway classed as 'urgent' or 'emergency' the County Council does not get prior notice and that some companies were undertaking a large amount of urgent works. This raised concern as to whether those companies were undertaking appropriate regular maintenance and the disruption caused by a relatively high number of urgent works.
- 2.2. In considering the matter on 20 January 2015, the Committee requested that the Director of Economy Transport & Environment arrange for the Chairman of the Select Committee, together with the proposer of the Motion, to meet with those utility companies undertaking the highest proportion of 'immediate' works, in order to encourage them to consider industry best practice to increase the proportion of works undertaken as regular maintenance. The Committee also agreed to review the situation in January 2016 to consider whether there had been any improvement and if any further action was required.
- 2.3. Since then a meeting was arranged with the Chairman of the Select Committee, together with Cllr Simpson and representatives from South East Water and Thames Water. This took place on 16 March 2015. From those discussions it was noted that the percentage of immediate works undertaken by both South East Water and Thames Water was significantly higher than other water companies operating in the county. Both organisations explained that they had

powers and a duty to respond immediately to all water leaks. Conserving water was a high priority for those organisations. It was also recognised that leaks could damage the public highway and could pose a safety hazard, especially in freezing weather. However, both organisations agreed to investigate the possibility of prioritising leaks and to try to plan repairs to minor leaks where the risk of highway damage or surface water freezing was minimal.

- 2.4. During the last twelve months Hampshire County Council has continued to work with the utility companies to identify the reasons for the need for immediate works with the aim of ensuring that immediate works powers are used appropriately. Specifically, the County Council has continued to work with South East Water and Thames Water to try to reduce the percentage of immediate works and adopt practices employed by the other water companies operating in Hampshire, namely prioritising immediate works where possible.

3. Findings of the Investigation into Immediate Works

- 3.1. Having reviewed the data in detail and undertaken numerous site inspections the County Council is satisfied that the utility companies make lawful use of their powers to ensure that customers retain reliable supplies of vital services. Immediate works restrict the ability to proactively coordinate activities. However, the percentage of immediate works that are likely to cause serious traffic disruption is relatively low; less than 3% of all works and 7% of all immediate works.
- 3.2. In 2013 and 2014 both South East Water and Thames Water undertook a significantly higher percentage of immediate works when compared to other water companies. Investigations with the utility companies suggested that both South East Water and Thames Water were making full and correct use of their powers to undertake immediate works. Rather than a planned approach, whenever a leak was detected they would undertake immediate works to stop the leak. This type of approach is in contrast to Portsmouth Water, Southern Water and Bournemouth Water who prioritise leaks so that minor leaks are more likely to be undertaken as planned works. This approach gives the County Council some advance warning and reduces the percentage of immediate works undertaken by these companies.
- 3.3. Prioritising repairs to leaks has the benefit of enabling the County Council to better coordinate activities and therefore potentially reduce traffic disruption. However, if repairs to water leaks are delayed in order to fit in with planned works, more water is wasted and there is a risk that the structure of the highway can be damaged over time. In icy conditions even a small leak could cause a hazard. However, as long as only minor leaks are undertaken as planned works, officers consider that the benefits of proactive coordination probably outweigh any risk to the structure of the highway.
- 3.4. South East Water have cooperated well with the County Council and revisited their policy on attending to water leaks using their immediate works. They have introduced a system of prioritising repairs for minor leaks which has reduced their overall percentage of immediate works from approximately 70% in the 2013 and 2014 to 50% in 2015 (see Appendix 1). As this policy was introduced

during 2015 it is anticipated that the percentage of immediate works for South East Water may drop further in the 2016 year as the new policy is rolled out.

- 3.5. Thames Water has been more reluctant to positively engage with the County Council and adopt similar policies to prioritise water leaks. As Appendix 1 shows its percentage of immediate works has not reduced over the last 12 months. It may be that it is subject to stricter company policies, including the pressure to reduce the amount of wasted water or perhaps conflicting priorities from other local authorities where Thames Water operate. The fact Thames Water operates across such a large geographical area makes it less willing to implement locally developed procedures. However, given it only undertakes a small amount of works in Hampshire (less than 400/year) the impact of its works is generally minimal as compared to the other water companies.

4. Summary

- 4.1. Some water companies elect not to use their powers to execute immediate works for minor leaks. This has the benefit of allowing works to be planned, but at the expense of the loss of water and potential damage to the highway.
- 4.2. South East Water has introduced a policy of undertaking planned works on some minor leaks. This has reduced its use of its immediate works powers by 20%.
- 4.3. Thames Water is reluctant to change its policies regarding the execution of immediate works, most likely because of the pressure to save water. Thames Water undertakes only a small proportion of works in Hampshire as compared to the other water companies.
- 4.4. The Department for Economy, Transport and Environment is satisfied that utility companies make appropriate use of their powers to execute immediate works as defined in the current legislation.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> Motion referred from County Council: Urgent and Emergency Utility Works on the Highway	<u>Reference</u> 6420	<u>Date</u> 20 January 2015
Direct links to specific legislation or Government Directives		
<u>Title</u> New Roads & Street Works Act		<u>Date</u> 1991

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

This report provides information on current procedures for the select committee to consider. No changes are proposed in this report, therefore an impact assessment has not been undertaken. If any changes are recommended by the Select Committee as a result of this item, their impact will be considered when the recommendations go to the decision maker.

2. Impact on Crime and Disorder:

2.1. This report provides information on current procedures for the select committee to consider. No changes are proposed in this report, therefore an impact assessment has not been undertaken. If any changes are recommended by the Select Committee as a result of this item, their impact will be considered when the recommendations go to the decision maker.

3. Climate Change:

3.1. How does what is being proposed impact on our carbon footprint / energy consumption?

3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

This report provides information on current procedures for the select committee to consider. No changes are proposed in this report, therefore an impact assessment has not been undertaken. If any changes are recommended by the Select Committee as a result of this item, their impact will be considered when the recommendations go to the decision maker.