

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Environment and Transport
Date:	19 January 2017
Title:	Recovering costs from Statutory Undertakers, incurred as a consequence of inaccurate information or poor performance
Reference:	7998
Report From:	Director of Economy, Transport and Environment

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1. The decision:

- 1.1. That the Executive Member for Environment and Transport endorses the approach set out in this report to tighten up the management of highway improvement schemes to ensure full conformity with the Highways Authorities and Utilities Committee (HAUC) Code of Practice: Measures Necessary Where Apparatus is Affected by Major Works (Diversionary works) (1992), and to keep the management process under review to adjust to changes in National guidance and best practice.
- 1.2. That the Executive Member for Environment and Transport delegates authority to the Director of Economy, Transport and Environment, in consultation with the Head of Legal Services, to pursue arbitration where avoidable costs are incurred in future as a consequence of inaccurate information provided by a statutory undertaker or due to diversionary work not being undertaken in accordance with an agreed programme, and to approve terms of any negotiation.

2. Reason for the decision:

- 2.1. Avoidable works are being incurred as a consequence of Statutory Undertakers providing inaccurate location information relating to their apparatus or failing to complete associated diversionary work in accordance with agreed timescales. By adopting a rigid application of a National process, the Council has a better chance of proper recompense for avoidable costs incurred on highway improvement schemes.

3. Other options considered and rejected:

- 3.1. It would be possible to continue with the current procedure for managing highway improvement schemes with regard to statutory undertakers' apparatus, but this is rejected as this process reduces the likelihood of recovering costs incurred in the future as a consequence of inaccurate information provided by a Statutory Undertaker or if diversionary work is not undertaken in accordance with an agreed programme.

4. Conflicts of interest:

- 4.1. Conflicts of interest declared by the decision-maker:
4.2. Conflicts of interest declared by other Executive Members consulted:

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

Approved by:

Date:

19 January 2017

**Executive Member for Environment and Transport
Councillor Rob Humby**