

**HAMPSHIRE COUNTY COUNCIL**

**Report**

<b>Committee:</b>	Environment and Transportation Select Committee
<b>Date of meeting:</b>	3 April 2012
<b>Report Title:</b>	Scrutiny Review of the Coordination and Regulation of all Works on Hampshire County Council's Highways Update
<b>Reference:</b>	3818
<b>Report From:</b>	Director of Economy, Transport and Environment

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**1. Purpose of Report**

1.1. The purpose of this report is to provide an update on the progress of the recommendations made as a result of the Environment & Transportation Select Committee scrutiny review of the coordination and regulation of all works on Hampshire County Council's highways.

**2. Scrutiny Review Outcome and Conclusions**

2.1. In May 2011 the Environment & Transportation Select Committee undertook a scrutiny review of the coordination and regulation of all works on Hampshire County Council's highways. The scrutiny review assessed existing and new legislation available to Hampshire County Council in order to determine whether existing processes used were effective and whether any improvements could be made.

2.2. The scrutiny review concluded that Hampshire County Council's current method of coordination has produced examples of good working, which has built on best practice and strong relationships with utility and internal contractors. However, the written evidence submitted to the review has highlighted areas where improvements can be made, particularly in ensuring that communication takes place between relevant stakeholders, and that there is parity of coordination and regulation applied to all of those undertaking works on the road.

2.3. The review report and its findings were ratified at a meeting of the Select Committee on 20 July 2011.

### **3. Scrutiny Review Recommendations**

3.1. The scrutiny review made the following recommendations;

- (a) That a study is undertaken on road closure orders, to ensure that a uniform approach is taken in delivering them across the County, and to assess the cost and effectiveness of bringing them in house.
- (b) That all District and Borough Councils are encouraged to liaise closely with the local County Council coordinator to provide details of all events that will affect the highway, and that such event information is added by the Hampshire County Council to the ELGIN website and email bulletin alongside the works details.
- (c) That a Hampshire County 'Code of Conduct' for Works is drawn up, building on best practice, which includes the need for further traffic and communication strategies to be put in place by statutory undertakers for significant schemes, where appropriate.
- (d) That an increased use of first time, permanent, like-for-like reinstatements by all statutory undertakers and those contractors undertaking internally ordered works is promoted through the Code of Conduct. Repairs undertaken on behalf of the County Council should comply with the same 6 month permanent, like-for-like timescale that is currently a legal requirement for statutory undertaker works.
- (e) That Hampshire County Council ensures that agreements with its works contractors are tightened up, ensuring parity with statutory undertakers.
- (f) That the application of non-compliances to all Hampshire County Council work contractors is enforced, and future contracts with those undertaking County works take into account the same performance measures and penalties that are imposed on utility companies.
- (g) That the weekly road closure bulletin distributed by Hampshire County Council, and the monthly directory of works from the local highways office, is sent to a named contact(s) at each Borough and District Council in Hampshire. That the named contact(s) would then have the responsibility to disseminate this on to:
  - i. district and parish councillors;
  - ii. waste and recycling companies;
  - iii. private/taxi firms; and
  - iv. etc.
- (h) That a communication channel to facilitate reinstatement defect reporting is put in place between District, Borough and Parish Councils and Hampshire County Council, in order to ensure that such instances are highlighted by those in the local community.

- (i) That the streetworks manager publishes a yearly report of works undertaken on the Hampshire County Council website, which includes details such as:
  - i. The number of works completed annually;
  - ii. The number of non-compliances recorded;
  - iii. The number of days saved through coordination, etc.
- (j) That a closer working relationship is forged with the corporate communications department, in order for successful co-ordination stories of road works to be communicated to the local media.

#### **4. Executive Member for Environment and Transport Response, July 2011**

- 4.1. On 5 July 2011 the Executive Member for Environment and Transport responded to the Scrutiny Review's finding and conclusions and supported the recommendations provided with the May 2011 report.

#### **5. Individual Update for Each Recommendation**

##### **5.1. Recommendation A – Road Closures;**

The Report recommended that: a study is undertaken on road closure orders, to ensure that a uniform approach is taken in delivering them across the County, and to assess the cost and effectiveness of bringing them in house.

**Update** - A review has been undertaken to identify whether the processing of temporary road closures should be brought back in house from the district councils that currently operate Traffic Management agency agreements. The full assessment is contained in Appendix 1. The review reports that there would be a modest increase in annual costs to the County Council by bringing these back in house and an additional member of staff would be required. Whilst there would be greater consistency across the county in terms of the level of fees charged to utility companies and a single point of contact for dealing with applications, there is a high risk of some district councils terminating their agency agreements due to the withdrawal of this function, which would have significant implications for the County Council.

##### **5.2. Recommendation B – Events;**

The Report recommended that: all District and Borough Councils are encouraged to liaise closely with the local County Council coordinator to provide details of all events that will affect the highway, and that such event information is added by the Hampshire County Council to the ELGIN website and email bulletin alongside the works details.

**Update** - Department officers attend 'Safety Advisory Groups' (SAG's) where a District Council(DC) convenes such a group, in order to facilitate the coordination of events. Where a DC does not convene SAG's, gathering of event details is patchy. Some DC's have facilities to alert stakeholders, including the County Council, of events via an automated alert. Event details are also obtained from other sources, such as the police, and the Highways Agency. Using the data gathered, the Streetworks team produces an event database which assists coordination. Currently various IT options are being

explored to display such data on a map, including the ELGIN website as part of the procurement for a new IT system contract for the Department. The final solution to this is dependent on which IT system supplier is successful. An event management plan is also currently being developed to document the procedure that the Department will adopt in order to proactively and reactively manage traffic arising from events

#### 5.3. Recommendation C – Works Code of Conduct;

The Report recommended that: a Hampshire County 'Code of Conduct' for Works is drawn up, building on best practice, which includes the need for further traffic and communication strategies to be put in place by statutory undertakers for significant schemes, where appropriate.

**Update** – Hampshire County Council has signed up to the Highway Authority Utility Committee UK (HAUC UK) code of conduct. See <http://www.hauc-uk.org.uk/>. Furthermore, a Hampshire specific 'Code of Conduct / Good Working Practice' document has been drafted and has broad support from most major utility companies and contractors. Both Southampton and Portsmouth City Councils have also expressed an interest in being part of the code. The document is currently being finalised by the County Councils Corporate Communications team and it is envisaged that it will become live in mid 2012.

#### 5.4. Recommendation D – First Time Reinstatements;

The Report recommended that: an increased use of first time, permanent, like-for-like reinstatements by all statutory undertakers and those contractors undertaking internally ordered works is promoted through the Code of Conduct. Repairs undertaken on behalf of the County Council should comply with the same 6 month permanent, like-for-like timescale that is currently a legal requirement for statutory undertaker works.

**Update** – Multi phase reinstatements are sometimes appropriate, for example, where it is necessary to rapidly reopen a heavily trafficked road, or where specialist materials need to be sourced. To assist works promoters in identifying and pre-ordering specialist materials before the works are required, the Department is continually improving its database of sites where specialist materials have been used. All scheme design engineers within the Department are encouraged to provide the details of specialist materials used in their scheme once it is complete. This is then added to the database and distributed to all works promoters. The County Councils 'Code of Conduct/Good Working Practice' document includes specific encouragement of first time reinstatements wherever possible, and it is the intention for the County's own Term Highway Contractor to sign up to this document. Staff in the local area offices are also reviewing the processes for undertaking repairs to slab / block surfaces with a view to ensure that any temporary repairs are followed up with a permanent repairs where appropriate. The County Council is working closely with the Term Highway Contractor to reduce unnecessary repeat visits in blacktop surfaces by moving away from using 'deferred set' temporary reinstatement materials to hot asphalt or bituminous materials

which provide a permanent reinstatement. Furthermore, the Department will look to configure the new IT system (currently in the tender process) to enable identification of essential temporary repairs via the works ordering software. This will allow engineers to monitor such reinstatements and programme permanent repairs at the appropriate time. A process for measuring the percentage of first time reinstatements for utility company works is being developed as part of the annual performance report. See recommendation I, below.

#### 5.5. Recommendation E – Parity in County Council Contracts;

The Report recommended that: Hampshire County Council ensures that agreements with its works contractors are tightened up, ensuring parity with statutory undertakers.

**Update** – The County’s Term Highway Contract and Street Lighting PFI now contain provisions for managing non compliances similar to those imposed on utility companies. Section 38 and Section 278 agreements also now contain provisions to replicate the key aspects of legislation that apply to utility companies. Further contracts will include similar conditions and requirements. The County Council also measures its own contractors in a similar way to utility companies. A series of Key Performance Indicators have been developed by HAUC(UK) to measure utility and the Authority’s own performances so they can be compared on a like for like basis. From April 2012 the County Council will be reporting these KPIs to the Department for Transport on a quarterly basis. General performance, including data relating to County Council Contractors is currently reported to the Traffic Manager. The contract managers responsible for the County Councils works also receives details of any specific performance problems where these would have attracted a penalty if the works had been undertaken by a utility company. The individual contract managers are then responsible for applying any contract penalties.

#### 5.6. Recommendation F - Applying Non Compliances to County Council Works;

The Report recommended that: the application of non-compliances to all Hampshire County Council work contractors is enforced, and future contracts with those undertaking County works take into account the same performance measures and penalties that are imposed on utility companies.

**Update** – Financial ‘penalties’ are now being applied to non compliances generated under the Term Highway Contract and the Street Lighting PFI where appropriate

#### 5.7. Recommendation G - Directory of Road Closures and Road Works;

The Report recommended that: the weekly road closure bulletin distributed by Hampshire County Council, and the monthly directory of works from the local highways office, is sent to a named contact(s) at each Borough and District Council in Hampshire. That the named contact(s) would then have the responsibility to disseminate this on to:

- i. district and parish councillors;
- ii. waste and recycling companies;
- iii. private/taxi firms;
- iv. etc.

**Update** – The road closure and works bulletins are documents of a technical nature and are intended to assist officers in undertaking their tasks to minimise disruption. The distribution lists for these documents has and is continuously being refined in order to effectively target the appropriate audience. District Councils have been made aware of the technical nature of the alerts and are encouraged to pass on the information as they see appropriate. The ELGIN website (accessible from the County Councils web pages relating to road works) is promoted as the most up to date and accurate source of information for all planned road works. A separate database of planned major utility works has now been added to the County Councils 'Members Portal' website.

#### 5.8. Recommendation H – Reporting of Defects;

The Report recommended that: a communication channel to facilitate reinstatement defect reporting is put in place between District, Borough and Parish Councils and Hampshire County Council, in order to ensure that such instances are highlighted by those in the local community.

**Update** –The County Council has developed a website which can be used by District Councils, Parish Councils and residents to report defects and other highway problems. <http://www3.hants.gov.uk/roads.htm>.

#### 5.9. Recommendation I – Annual Performance Reports;

The Report recommended that: the streetworks manager publishes a yearly report of works undertaken on the Hampshire County Council website, which includes details such as:

- i. The number of works completed annually;
- ii. The number of non-compliances recorded;
- iii. The number of days saved through coordination, etc.

**Update** – The County's streetworks manager has written annual reports for both the 2009/2010 and the 2010/2011 year. These reports are taken to the appropriate traffic manager meetings for ratification. Discussions are currently underway as regards the suitability and format of providing such data on the County Councils website.

#### 5.10. Recommendation J - Closer Ties with Corporate Communications;

The Report recommended that: a closer working relationship is forged with the corporate communications department, in order for successful co-ordination stories of road works to be communicated to the local media.

**Update** – The streetworks manager is liaising closely with the corporate communications team to alert them not only to good news stories, but also to other issues that may be of interest to the wider public. The County Councils

website also now provides general details of the works and event coordination process. See; <http://www3.hants.gov.uk/roads/hampshire-roadworks/reducing-disruption.htm>. In addition a lot of work has been done to publicise the County Council reduction of 'red tape' for organising street parties for the Diamond Jubilee and the Olympics, See; <http://www3.hants.gov.uk/trafficmanagement/public-events/street-party-advice.htm>. Regular press releases are now being made for most works projects and include examples of good working practice that minimise disruption to the public. Data from the annual National Highways & Transport public satisfaction surveys, published in October 2011, has shown an improvement in the areas of providing advance warning of road works, minimising disruption to residents and traffic, providing helplines for road works information, and the time taken to undertake road works. The same survey placed Hampshire County Council as the second best County Council for providing advance warning about road works and in providing helplines for information on road works.

## **6. Conclusions**

- 6.1. The Economy, Transport & Environment Department has made significant progress on the majority of the recommendations made by the Scrutiny Review. However, the finalisation of some actions are tied up in the Department's current procurement process relating to IT systems and are unlikely to be fully resolved until the procurement process is completed late in 2012/2013. In addition, new developments from the Department for Transport (DfT) regarding the reporting of performance data will affect the outcome of some of the recommendations.

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

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

**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. Equalities Impact Assessment:**

1.1. Road & street works have a significant impact on all highway users. This report describes a range of actions being undertaken to further minimise disruption any road user and to protect the highway asset for the enjoyment of all. Some of the actions may have specific impact on equalities, for example, the languages and format of press release information regarding road works. Such issues are being considered in the delivery of each action.

**2. Impact on Crime and Disorder:**

2.1. Road & street works do not directly impact on crime and disorder, though poorly managed work sites may provide missiles for assault or criminal damage. Frustration experienced by motorists waiting in queues at works sites may give rise to incidents of 'road rage'. The actions described in this

report are aimed at reducing traffic disruption and improving the management of road & street works which may contribute to reducing crime & disorder.

### **3. Climate Change:**

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

Road works undertaken by the County Council require the expenditure of energy and materials. Improved management of road works, especially the reduction in the use of temporary reinstatement materials, are likely to have a positive impact on reducing the County's carbon footprint and 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?**

Vehicles queuing at road and street works consume additional fuel and contribute to pollution. Reducing disruption and traffic congestion from road and street works may reduce the impact on the environment.

## **Assessment of undertaking Temporary Road Closures In-house**

Last year the Scrutiny Review on the Regulation of Works on the Highway recommended that a study should be undertaken to assess the cost effectiveness of bringing back road closures in house in order to provide greater consistency in the process across the county.

At present, nine of the eleven district councils have a Traffic Management agency agreement with the County Council. Under this arrangement, the districts are responsible for many local traffic management functions, such as dealing with routine traffic queries from the public, implementing small scale traffic schemes, processing permanent Traffic Regulation Orders such as parking restrictions, and producing Temporary Traffic Regulations Orders (TTROs) for road closures, both for utility companies and the County Council's own highway works.

### Option 1 – current situation

The County Council will pay in the region of £700,000 in 2012/13 in total to the district councils for staff costs associated with carrying out the Traffic Management agency function. It should be noted, however, that many of the districts 'top up' this resource from their own budgets resulting in more staff undertaking traffic management work than the sum provided by the County Council covers. In view of this, the Traffic Management agencies were recently assessed and considered to give be good value for money (report to E&T Scrutiny Committee, 5 April 2011).

The sum paid to each district is not split into specific functions. Therefore, if the County Council brought back the processing of TTROs in house there would be no automatic reduction in the sum paid to districts for staff costs under the current agency agreements.

As noted in the previous report to the Scrutiny Review, there is a wide variation in the cost the district councils charge utility companies for organising a TTRO road closure. The cost ranges from £235 plus advertisement in Hart to £600 plus advertisement in Test Valley. The County Council's charge to utility companies for processing TTROs in districts without a TM agency (Gosport and East Hampshire) is £246. The cost of advertising TTROs, which is a legal requirement, varies according to the local newspaper where it is published.

The district councils have advised that their charges are based on their actual costs of carrying out the service. In some districts administration staff carry out the work, but in others this work is undertaken by traffic engineers or legal staff on higher salary grades. The County Council cannot insist that the work is carried out by staff on a particular pay grade.

It understood that the districts have good working relationships with their local County Highways offices. The County Council is not charged a fee for TTRO road closures for its own works by districts with a TM agency. It does pay the advertisement costs, but this is beyond the control of the district council and the cost would be the same if the County Council processed the closures in house.

The TM agency agreements do not specify what the district councils should charge for the services they undertake under the agreement. The County Council is therefore unable to direct the district councils to charge a set fee in order to bring consistency across the county. It would be necessary to amend the agency agreements in order to do so. The possibility of achieving greater consistency in the charges across districts was last examined in 2006, but due to variations in the costs of each district for processing TTROs a single county-wide charge could not be achieved.

Whilst the County Council has an established process that the district councils should follow for providing TTROs, there is a limit to the level of detail that can be specified, which means issues such as the application form, the period of notice required and who should be approached to request a closure differs from district to district.

Recommendations from a previous report to be followed up include investigating bringing in a standard TTRO application form across the county, for the County Council procedure to be updated and for all the districts to provide TTRO application information on their web sites.

Advantages of retaining the current situation:

- Lower cost than operating in house due to staff costs for TTROs requested by HCC being covered as part of the TM Agency Agreements
- Staff resource already in place
- District councils have good local knowledge of the road network (this assists with recommending suitable diversion routes)
- District councils deal with a substantial volume of enquiries associated with utility company TTROs.

Disadvantages:

- Inconsistency in charges to utility companies across the county
- Some inconsistency in service.

### Option 2 – bring back all temporary road closures in house

If the County Council were to undertake all TTROs across the county it would be possible to have a single point of contact for utility companies and highways staff, and there would also be a single county-wide TTRO charge.

The estimated cost of doing this is £10,000 to £15,000 per year. A more detailed calculation would need to be undertaken if this option is to be explored further. Whilst staff costs of dealing with TTROs for utility companies should be covered by the fees charged, an additional cost is incurred through processing TTROs for the County Council's own works if the districts no longer do this. An additional member of the County Council's TM team would need to be employed to carry out the substantial increase in TTRO work. Cover would need to be arranged for this additional member of staff when they are absent in order to provide continuous service, since most TTROs are required to fit in with dates for pre-planned works. This would have an impact on the workloads of those existing members of staff who provide the cover.

Producing TTROs is currently a function under the agency agreements that allows the districts to undertake them without further reference to the County Council. The agency agreement would need to be amended if this function were to be brought back in house.

As mentioned above, bringing back TTROs in house will not result in a reduction in the staff allocation paid to the districts for carrying out the Traffic Management agency unless the total sum paid to each district is reduced. As part of cost savings across ETE, the sum paid to the districts for staff costs will already be reduced in 2012/13 by 8%.

Most of the districts already supplement the staff and works costs from their own budgets. A reduction in the scope of the agency (bringing back TTROs in house) and any further reduction in the sum paid for their staff cost could result in any of the districts giving notice to terminate the agency agreement.

The Traffic Management agencies are strongly linked with the Civil Parking Enforcement (CPE) agreements and it is highly likely that the districts would give notice on these agreements if they also end the Traffic Management agency. This would present a number of difficulties for the County Council in that, unlike the districts who already operate off-street parking, we do not have the specialist parking infrastructure to be able to deliver this service. It is therefore likely that if the operation of CPE became the responsibility of the County Council it would need to be outsourced. It is also important to highlight that the majority of districts with CPE are showing a loss on their on-street parking accounts.

Further issues associated with the districts terminating the Traffic Management agency agreements include TUPE arrangements for district staff involved with this work transferring to the County Council. The cost implications of this would be significant. The total sum paid to the districts for carrying out the Traffic Management agency is equivalent to 15.2 FTEs. The termination of just one agency agreement would be likely to result in at least two FTEs being transferred back to the County Council under TUPE arrangements.

Advantages of bringing back TTROs in house:

- Consistency in service and fees
- Single point of contact for all temporary road closures across the county.

Disadvantages:

- More expensive than the district councils providing the service
- Lack of detailed local knowledge
- Current Traffic Management staffing levels could not support the additional workload
- It would be necessary to amend the TM agency agreements
- Some district councils may look to terminate their Traffic Management and/or Parking Enforcement agencies if such a change is made, which would have significant cost implications.

### Recommendation

The main benefit of bringing back TTROs in house would be for utility companies rather than the County Council, although the benefit is assessed as being relatively small in comparison with the implications of making such a change. It is therefore recommended that processing of temporary TRO's remains with the district councils that operate TM agencies. Although the estimated cost of bringing the function in house is relatively small at £10,000 to £15,000 per annum, there is a high risk of losing some of the TM agencies through doing so, which would have much more significant cost implications.

Whilst it is unlikely that a more uniform approach to the districts' charges can be found, greater consistency in the service should be achieved if it is possible to introduce a single county-wide application form for utility companies and greater clarity on some districts' web sites as to how applications for road closures should be made.