

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 31

Brighton & Hove City Council

Subject: Management of Roadworks in the City
Date of Meeting: 9th November 2009
Report of: Jenny Rowlands – Director of Environment
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Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out a response to Councillor Paul Steedman's letter dated 17th February 2009 requesting a report to the Environment and Community Safety Overview and Scrutiny Committee on the policies and processes in place for managing roadworks in the City. Councillor Steedman's letter appears as Appendix 1 to this report.

2. RECOMMENDATIONS:

- 2.1 The committee note the overview given by officers in this report on the policies and processes in place for managing roadworks in the City

3. BACKGROUND INFORMATION

- 3.1 Throughout every year it is necessary for a considerable number of roadwork's to be carried out within the City for a variety of reasons. The Council has a statutory duty to maintain the public highway and statutory powers to carry out improvements. The utilities have a right to access and maintain their existing apparatus and to lay new mains and services in the public highway. Buildings and other structures in the city require maintenance work from time to time and in certain cases these can necessitate an encroachment onto the highway.

- 3.2 In an average year the council carries out nearly 9000 repairs to the public highway and delivers between 30 & 35 integrated transport and maintenance projects from the Local Transport Plan. In addition, the public utilities carry out approximately 8500 repairs (see below) to their mains and services per year. Developers also have an impact on the highway when, for example, new accesses are constructed for shopping or housing developments.
- 3.3 In addition to the 8500 repairs to mains and services carried out by the utility companies, both Southern Water and Southern Gas Networks are currently carrying out large-scale mains replacement programmes in the City. In the case of Southern Water their 'Brighton & Hove Victorian Mains Replacement' project has involved some 53km of water main together with an associated 120km of services in the City Centre area being re-laid since June 2006. The water main replacement programme is however currently drawing to a close with the final sections scheduled for completion by 30th November 2009. However Southern Water have advised that they will have to undertake further mains replacements over the next few years but not on the scale of the previous programme.
- 3.4 These gas and water main replacement programmes are to a large extent driven by the industry regulators. In the case of the gas mains Southern Gas Networks are required to ensure every gas main within 30m of a property is replaced in plastic pipework.
- 3.5 In addition to these water and gas main replacements EDF Energy are undertaking a programme of upgrades to their high voltage cable networks throughout the city. This is to ensure that the network can meet the power requirements of the city and surrounding area in the years to come.
- 3.6 The challenge for the City Council is to co-ordinate all this essential activity and the competing needs for road space between major utility works and highway improvements works whilst minimising traffic disruption, particularly in the City Centre. In addition all this has to be co-ordinated around the many events occurring in the City, such as the May Festival, summer tourist season, autumn conference schedule, Christmas shopping period etc. The list of events being run in the city is ever growing, in 2010 the first ever Brighton Marathon is to be held. This is a major event affecting a considerable part of the City's road network around which works and other activities on the highway will have to be co-ordinated. This will not only affect the route of the race itself, for as where roads are closed to facilitate the event it must be ensured that any diversion routes provided are also clear from obstruction.
- 3.7 The responsibility for co-ordination of highway related activities on a day to day basis resides with the Network Co-Ordination Team and

ultimately the Traffic Manager, one of whose duties is to oversee and expand this co-ordination role.

- 3.8 The Traffic Management Act 2004, places a Network Management duty upon the council, the broad principles of which require it to do all that is reasonably practicable to manage the traffic network and improve conditions for all forms of traffic, including pedestrians, cyclists, public transport, freight transport as well as private cars. In addition a dedicated 'Traffic Manager' has to be appointed.
- 3.9 The Act is split into seven sections, with parts 3 and 4 being specifically relevant to giving local authorities greater control over works upon their network. Following considerable consultation both these sections of the Act came into force on 1st April 2008.
- 3.10 Part 4 of the Act tightens the regulatory framework defined by the New Roads and Street Works Act 1991. The principal changes were:
- Revised Notice Periods to be given for works, including in the case of major works the requirement to give 3 months notice. This is greatly assisting with the co-ordination of works.
 - The amount of time a street can be protected following works can be increased to five years. However this is subject to the criteria for issuing a Section 58 certificate being followed, which involves advance noticing to all affected parties. Any protection placed on a street does not include excavation carried out to carry out an emergency repair or to provide a customer with a service.
 - Increased powers to issue Section 74 Notices and fines where works on the highway overrun or are not cleared away without an extension to the notice being granted.
 - A series of fixed penalty notices were introduced in May 2008 under which a highway authority can penalise a utility company for such issues as submitting an incorrect notice.
- 3.11 Since Section 74 over-runs started to be issued the number of instances where these could have occurred within the City have dramatically decreased, the utility companies are using their systems to control their works better.
- 3.12 The utility companies must advise of their intention to carry out works on the highway by issuing a 'Notice' stating where and when they intend to work and giving details of what they intend doing. There are various notice periods depending upon the duration of the works which have to be given, for example for major works with a duration of 11 days or more 3 months notice has to be given.

- 3.13 It is not a requirement of the Act for the highway authority to Notice its own works (although they must be registered) but it is good practice to do so, partially as the Act clearly requires Parity to be demonstrated.
- 3.14 In addition to demonstrating parity, by requiring the authorities own works to be noticed on the same system as the utility companies and other works, a complete picture of what is happening or planned on the networks is achieved. Such information is essential for the effective co-ordination and management of works across the network. As such the City Council treats its own works in exactly the same way as those carried out by a utility company and requires them to be noticed. At the present time, major works are noticed on a paper system, but when the electronic noticing system is developed further (see below) this will be carried out electronically and will be extended to all works.
- 3.15 The Noticing of works is done electronically through a system known as 'Electronic Transfer of Notices' (EToN). The specification for these systems is produced by DfT from which the individual system providers develop their own system. A revised version of EToN was brought in to coincide with the introduction of Part 4 of the Act. Although nationally there were many problems with the introduction of this revised system, Brighton and Hove had in place a system which could receive notices from the utility companies but not from internally nor could notices be returned electronically with comments. This was due to issues relating to the 'firewalls' on the IT system. To overcome this, the system has been hosted on an external server outside of the councils IT system, which is generating a lot of interest as we are one of the first authorities to externalise in this way. The system is now working very successfully and we are hoping to develop it further to allow internal Noticing, the issue of Fixed Penalty Notices and provide electronic mapping of works.
- 3.16 Part 3 of the Act covers Permit Schemes but the City Council has no immediate plans to follow this approach. However the first Permit schemes in the country are scheduled to go live next years and will be monitored closely.
- 3.17 The Highway Authority has a duty to co-ordinate works on the highway, and to facilitate this, information on works to be undertaken by both the council and the utility companies is requested on a quarterly basis. Information is requested on works, which are planned for the next three months and also in the future. From this, a programme is produced, which is then discussed at a quarterly co-ordination meeting attended by the utility companies and other interested parties. This allows road space to be allocated for planned Council and Utility works so as to minimise delay and disruption and also prevent abortive work. However it must be remembered that the vast majority of utility works are new services, repairs or emergencies that cannot be predicted.

- 3.18 Information on known roadwork's which are either major or likely to cause disruption are placed on a weekly roadwork's bulletin. (Details of minor works such as relaying broken paving slabs, installation of water metres etc. are omitted otherwise the bulletin would become too big) This bulletin which gives details of works scheduled for the following week, and also advance notice of works as well, and is distributed to a wide range of external agencies and partners as well as internally and to all members. This bulletin is being developed further to give more detailed information on major projects. The information is also disseminated through the Council's Transport Web-site. www.journeyon.org.uk . It is also the intention in the future to develop a map based system upon which all roadworks and events will be displayed in more details than is currently available on journeyon, which will be available to the public.
- 3.19 The large scale water main and gas main replacement programmes mentioned above have placed considerable pressure on the City's road network, and have made co-ordinating works more of a challenge. However despite this there have been some notable success stories, in the way these works are being carried out. It was realised early on with the water and gas main works that publicity and keeping people informed would be a key element. As such a partnership approach has been adopted with the City Council working with the utility companies so that any issues can be resolved amicably and quickly. In addition a Liaison Group has been in place for the duration of the works, comprising of representatives from the utility companies, City Council (including their respective press offices), Police, traders and business representatives, resident associations, bus companies and many other stake holder. Through the liaison group it has been possible to both feed back information but also discuss the project with the very people who will be affected, allowing them to have a real involvement in the planning of the project. In addition Southern Water/Southern Gas Networks have provided regular information packs to residents and businesses affected. This approach has helped the project run far smoother than could have been the case and the number of complaints received has been a fraction of what would be normally expected on a project of this size in this location. The approach has been recognised, with Southern Water receiving a national industry award for customer services. A similar approach has been adopted for the EDF works and the Southern Water Waste Water Tunnel project is to use the same liaison group.
- 3.20 In addition in the city centre, we have worked closely with both gas and water companies to encourage them wherever possible to work together when they have works in the same street or area. Such joint working has helped to reduce congestion and disruption around roadwork's in the City, as it results in only one period of disruption as opposed to two or more. For example it is estimated in North Road, that with Southern Water and Southern Gas Networks working together the duration of the works being undertaken and hence disruption has

been halved from approximately 520 days had both companies gone in separately to around 260 days with them working together. This is despite them finding some difficult ground conditions. The opportunity was also taken in North Street for the City Council to supply a duct which was laid by the utility companies as they went. This duct is intended to be used in the future to control traffic signals. A previous example of joint working in Trafalgar Road Portslade saw the gas and water mains being replaced, a new telecoms duct being laid all as part of a full depth re-construction of the carriageway.

- 3.21 Joint working such has been seen in the City is not a common occurrence within the industry, but has proved it is possible resulting in the companies themselves being more receptive to the idea. This joint working has generated a lot of interest from other authorities and is being put forward by the South East Highway and Utility Committee (SEHAUC) as an example of good practice. The practice of joint working will continue to be pursued wherever possible in the future.
- 3.22 The City's Transport Control Centre has been developed over the last few years and now provides a valuable tool in the monitoring of incidents on the road network. The centre has access to around 70 CCTV cameras which are shared with Sussex Police and used for monitoring traffic as well as the enforcement of the bus lanes as well as the polices many uses. The system has recently been replaced, and it is now possible to view several cameras at the same time. This has greatly improved our ability to monitor traffic throughout the city. The control centre has also been expanded to cover the control of the city centre car parks and it is envisaged that the staff employed to do this will be able to monitor traffic flows as well. The setting up of pre-written plans for traffic signals which could be implemented to react to specific traffic conditions is also being investigated.
- 3.23 The control centre will continue to be developed, for example a joint project with the Highways agency is currently underway which should see Variable Message Signs installed on the A23 approach to the City in early 2010. These which will be able to be controlled by both the Highways Agency and the City Council will be used to inform drivers of incidents in the City as well as the A23/A27 Trunk Roads.

4. CONSULTATION

- 4.1 There is not usually necessary to carry out consultation when roadworks are carried out, as any consultation required (for example on new schemes) will have been done previously. However giving information on the works is essential. The utility companies are required to give information regarding their works to frontages outside of which they are planning to work.. Much of the success of the City Centre mains replacement programmes has been down to the liaison carried out prior to and during the works. In addition communication is

undertaken on a regular basis with stakeholders such as the bus company along with the emergency services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications associated with the production of this report for the Overview and Scrutiny Committee. Highway maintenance work undertaken by the Council is covered by the revenue budgets for routine repairs and preventative maintenance totalling £2.8 million for 2009-10. In addition, an element of the Local Transport Plan capital budget is set aside for maintenance of principle roads, £1.4 million for 2009-10.

Finance Officer Consulted: Karen Brookshaw Date: 21/10/2009

Legal Implications:

- 5.2 Brighton & Hove City Council is both a traffic authority pursuant to the Road Traffic Regulation Act 1984 and a highway authority pursuant to the Highways Act 1980. It therefore has statutory duties and powers to manage and regulate the highways within its control for the benefit of all traffic which duties and powers are enhanced by the legislation referred to in the report.

This report does not identify any human rights issues but if any are subsequently identified they will form the basis of a further report

Legal Officer Consulted: Hilary Woodward Date: 19/10/2009

Equalities Implications:

- 5.3 The Council, as highway authority, is bound by the duty under section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of the highway. This duty will include a duty to prevent, as far as possible, the obstruction of highways. However where such obstruction is unavoidable, it must be ensured that all sites are correctly protected with signs and guarding in accordance with Chapter 8 of the Traffic Signs Regulations and General Directions.

The Council's Code of Practice on Equalities and Workforce Matters is enforced in all procurement.

Sustainability Implications:

- 5.4 Highway Management promotes sustainable practices in all contract procurement. Long term planning and co-ordination of roadworks activity contributes positively to the environment by reduction of congestion and harmful vehicle emissions.

Crime & Disorder Implications:

- 5.5 None specific

Risk and Opportunity Management Implications:

- 5.6 There are risks associated with failure to co-ordinate roadworks activity that include intervention by central government, equally failure to improve or maintain the highway adversely affect Best Value Performance Indicators, and hence funding.

Corporate / Citywide Implications:

- 5.7 The current economic situation has led to difficult trading conditions for many retailers in the City. In a bid to improve this situation in the run up to Christmas the council were able to negotiate the suspension of all major roadworks in the City Centre from early December 2008 through until mid January 2009. This suspension was much appreciated by the traders who reported favourable trading levels in the period. A similar suspension is being planned for the Christmas period this year, and efforts are made to remove as many roadworks as possible on major routes during bank holidays.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None