

Rapid Review Scope

Title	Street Works in Buckinghamshire
Select Committee Chairman	Cllr Bill Chapple OBE Transport, Environment & Climate Change Select Committee
Scope reviewed and signed-off by	Kelly Sutherland, Scrutiny Manager
Author	Chris Ward, Senior Scrutiny Officer
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Rapid Review Group Membership	TBC
Lead Cabinet Member	Cllr Steven Broadbent, Cabinet Member for Transport
Lead Service Officer	Kevin Goad, Service Director for Highways & Technical Services Other representatives: Buckinghamshire Highways
What is the problem that is trying to be solved?	<p><i>National context</i></p> <p>A Highway Authority has a formal Network Management Duty to ensure the expeditious movement of traffic throughout the network and co-ordinate works in a fair manner, balancing Statutory Undertakers' rights and the needs of all highway users. A Highway Authority cannot prevent works from occurring but can use legislation, Codes of Practice and negotiation to mitigate its impacts.</p> <p>Statutory Undertakers (e.g. Network Rail, utility and broadband providers) have a legal right to carry out work on the highway subject to a permit being granted as they have an obligation to provide and maintain a supply or service to customers. They also have a statutory duty to co-operate with the Highway Authority. In emergencies, works may commence prior to applying for a permit – genuine emergencies cannot be refused by Highway Authorities however conditions can be imposed. Statutory Undertakers must reinstate the highway to a safe and clean position, as outlined in the Code of Practice for reinstatement, with a guarantee of 2 or 3 years (subject to depth of excavation).</p> <p>Highway Authorities' Streetworks teams work under two main Acts of Parliament:</p> <ul style="list-style-type: none"> • New Roads and Street Works Act (NRSWA) 1991 • Traffic Management Act (TMA) 2004 <p><i>Local context</i></p> <p>Buckinghamshire Council is the Highway Authority and the Streetworks team administers and enforces the Buckinghamshire Streetworks Permit Scheme (BuPS) which covers around 2,000 miles of highway (including carriageway, adjacent footways and verges).</p> <p>Last year the Council received around 65,000 permit requests which has increased significantly from 22,000 requests in the financial year 2019/20. Duration lengths vary from 2 days to over six months for major projects (e.g. HS2 & EWR). 43 Statutory Undertakers are currently being co-ordinated, of</p>

	<p>which 15 are broadband fibre companies, along with the Council's own works and private licenses.</p> <p>The service is on track to deliver £5m of income in 2022/23, an increase from £2m in 2019/20. Permit fees must only be spent on the Permit Scheme and related activities.</p>
<p>What might the Rapid Review achieve?</p>	<p>The overarching aim of the rapid review is to understand the extent of the current issue in Buckinghamshire and explore possibilities for improvement. It is proposed to hold evidence gathering sessions from April 2023 onwards which would conclude with recommendations being developed and reported to Cabinet and other key partners.</p> <p>The in-depth review would look to address the following areas:</p> <ul style="list-style-type: none"> • Consider how the Council carries out major road and street works in Buckinghamshire. • How the Council plans and publicises its work on the network to residents and businesses. • Co-ordination of scheduled street works with Statutory Undertakers and private developers. • Communication/clarity of organisation carrying out works and its planned duration. • How disruption is mitigated to residents and businesses. • Consider incorporation of best practice from other Local Authorities.
<p>Is the issue of significance to Buckinghamshire as a whole and is the topic within the remit of the Select Committee?</p>	<p>As the Highway Authority, the Council has a statutory duty to maintain the safety and usability of the roads which needs to be balanced against Statutory Undertakers' rights to carry out streetworks to maintain their services.</p> <p>This is within the remit of the TECC Select Committee and Members have expressed an interest in the topic. The service has also delivered two briefing sessions to all Members on 24 and 26 January 2023. Buckinghamshire residents and businesses are also impacted by works carried out on the highway which may cause travel disruption, and the county hosts two major infrastructure projects: HS2 and EWR.</p> <p>The service is also subject of an independent review as part of its transfer from the currently outsourced arrangements to the Council which will take effect from 1st April 2023, the results of which will be shared with the Committee.</p>
<p>What work is underway already on this issue?</p>	<p>The Streetworks team mitigate impacts of works through a number of measures including:</p> <ul style="list-style-type: none"> • Co-ordinating works to reduce conflicts of traffic management; • Facilitating collaboration of works to reduce disruption of multiple works; • Inspections to ensure adherence to legislation, Codes of Practice and health & safety regulations; • Informing emergency services and stakeholders or road closures and/or other major works; • Manging the BuPS to ensure conditions are applied correctly and enforced; • Inspecting sites and responding to complaints to ensure safety

	<p>compliance throughout the duration of works.</p> <p>The team assess permit requests which are submitted electronically via Street Manager. The software also flags conflicts on the network which the team manage. One.network publicises planned closures and diversions and is also used to assess the impact nearby. The team have quarterly co-ordination and performance meetings with all Statutory Undertakers and have monthly co-ordination meetings with individual Statutory Undertakers.</p> <p>Fines and penalties are in place to encourage those who work on the Highway to minimise their impact on road users and work safely. Measures include:</p> <ul style="list-style-type: none"> • Fixed Penalty Notices (FPNs) for incorrect traffic management and permitting – up to £120 per offence; • Section 74 overstay on the highway without permission – up to £10,000 per day; • Working without a Permit – up to £500; • Power to prosecute Statutory Undertakers which carries an unlimited fine by the courts. <p>The team uses the Code of Practice for Reinstatements to quality control works by Statutory Undertakers which have a guarantee period of 2-3 years. Reinstatement failure within the guarantee period requires the utility company to fix the fault. The team also do trench coring to ensure quality and material compliance as these have a lifetime guarantee. The service is on track to complete 65,000 inspections this year (24,000 Sample & 41,000 Routine) which is up from 23,000 in 2019/20.</p>
<p>Are there any key changes that might impact on this issue?</p>	<p>From the 1 April 2023, the way the service inspect works on the highway is changing to a performance-based system. This means good performing Statutory Undertakers will have 20% of their works inspected and the worst performing Statutory Undertakers will have 100% of their works inspected. Performance ratings will be evaluated each quarter.</p> <p>Consideration is being given to applying for a lane rental scheme which would allow the Council to charge works promoters for the time that street and road works occupy the highway. To implement and operate a lane rental scheme is subject to formal consultation and approval by the Secretary of State for Transport.</p>
<p>What are the key timing considerations?</p>	<p>The review would take place as the new Buckinghamshire Highways contract comes into effect.</p>
<p>Who are the key stakeholders & decision-makers?</p>	<ul style="list-style-type: none"> • Buckinghamshire Council / Buckinghamshire Highways • Statutory Undertakers <ul style="list-style-type: none"> ○ e.g. Network Rail, SSE, utility & broadband providers.
<p>What are the resource implications in doing this piece of work?</p>	<p>Attendance at evidence gathering meetings – TECC Inquiry Group and Senior Scrutiny Officer, service officer(s) and expert witnesses.</p> <p>Meeting preparation, research and report writing – TECC Inquiry Group and Senior Scrutiny Officer.</p>
<p>What is out of scope?</p>	<ul style="list-style-type: none"> • Planning and development.

Outline Project Plan

Stage	Key Activity	Dates
Scoping	Agreed by Select Committee	30 March 2023
Evidence-gathering	Anticipated over 3-4 meetings (estimate)	To commence from May.
Reporting	Final Group report/letter with recommendations (signed off by the Select Committee Chairman)	TBC
	Select Committee agree report is submitted to decision-maker(s)	
	Cabinet/Partner considers recommendations. Response reported back to Select Committee.	