



**Transport, Environment &
Climate Change Select Committee –
Streetworks and Statutory
Undertakers Rapid Review**

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Introduction

Through my work as Chairman of the Transport, Environment & Climate Change Select Committee, I have been acutely aware of the increase in Streetwork permit applications that the Council has received, increasing from 22,000 requests in the financial year 2019/20 to around 65,000 permit requests in 2022/23. A significant contributor towards these numbers are the two large-scale infrastructure projects taking place in Buckinghamshire, HS2 and East-West Rail, as well as the numerous fibre broadband providers that have increased operations in Buckinghamshire in the past couple of years. These permits and subsequent streetworks of Statutory Undertakers on the Council's Highways network has an impact on all residents, businesses, communities, and parishes across the county.

I would like to take the opportunity to thank the utility companies that attended our meeting in-person as part of our evidence gathering process as well as the two neighbouring Local Authorities we spoke with on Teams. I would also like to thank my fellow members of the review group (pictured below), Councillor Steven Broadbent (Cabinet Member for Transport), Derek Carpenter (Network Management Streetworks Manager) and Chris Ward (Senior Scrutiny Officer).

Cllr Bill Chapple OBE, September 2023



Cllr Bill Chapple OBE
Aston Clinton & Bierton



Cllr Peter Brazier
Ivinghoe



Cllr Mick Caffrey
Stone & Waddesdon



Cllr Robert Carington
Ridgeway West



Cllr Caroline Cornell
Buckingham West



Cllr Andrew Wood
Gerrards Cross

Aim of the Rapid Review

Buckinghamshire Council, Highways England, private developers, and utility companies all carry out road works and streetworks on highways in the county. The Transport, Environment and Climate Change Select Committee understand the impact that works on Highways can have on residents and businesses in Buckinghamshire and wanted to focus on streetworks which is essentially any works carried out to build or repair utilities (gas, electricity, water and broadband) that run alongside or underneath the road.

The Select Committee was concerned that the amount of streetworks had been increasing in Buckinghamshire which was negatively impacting residents travelling on or living alongside the Highways network. With this in mind the overarching aim of the rapid review was to understand the extent of the current situation in Buckinghamshire and explore possibilities for improvement.

Methodology

The review group gathered evidence as follows:

9 May 2023 – Opening discussion with Members to hear experience in their wards and examples from casework.

22 May - 13 August 2023 – A series of questions on Streetworks and Statutory Undertakers were included as part of a Town & Parish Council survey on Buckinghamshire Council services.

30 June 2023 – Discussion with Council officers from the Streetworks Team.

4 July 2023 - In person meeting with a sample of Statutory Undertakers that carry out work on the network:

- Cadent Gas
- Fibre & Wireless
- Gigaclear
- Openreach
- Swish Fibre
- Thames Water
- Affinity Water (could not attend but submitted a written statement)

11 July 2023 – MS Teams meeting with representatives from other Local Authorities (Milton Keynes City Council and Cambridge County Council) to consider best practice elsewhere.

25 July 2023 – Review Group meeting to discuss and consider all evidence gathered to date and to identify areas of recommendation.



Context

A Highway Authority has a formal Network Management Duty to ensure the expeditious movement of traffic throughout the network and to 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.

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. Emergency works require a retrospective application to be submitted to the Highways Authority. 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).

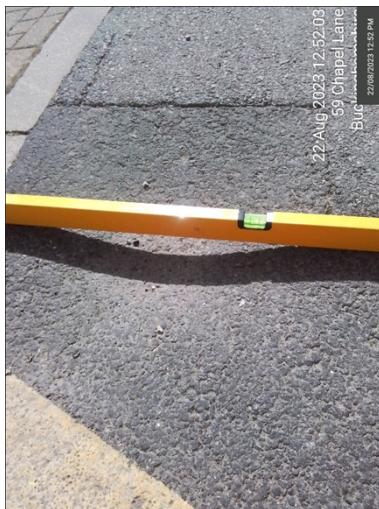
Highway Authorities' Streetworks teams work under two main Acts of Parliament:

- New Roads and Street Works Act (NRSWA) 1991¹
- Traffic Management Act (TMA) 2004²

Buckinghamshire Council is the Highway Authority in the county and the Streetworks team administers and enforces the Buckinghamshire Streetworks Permit Scheme (BuPS)³ which covers around 2,000 miles of highway (including carriageway, adjacent footways and verges). 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.

The Council received around 65,000 permit requests in 2022/23 which has increased significantly from 22,000 requests in the financial year 2019/20. Duration lengths vary from two days to over six months for major projects (e.g. HS2 & EWR). 43 Statutory Undertakers are currently being co-ordinated, of which 15 are broadband fibre companies, along with the Council's own works and private licenses.

The service is on track to deliver £5m of income to the Council in 2022/23, of which £1.5m is ringfenced to the Permit Scheme, an overall increase from £2m in 2019/20. Permit fees must only be spent on the Permit Scheme and related activities.



¹ <https://www.legislation.gov.uk/ukpga/1991/22/contents>

² <https://www.legislation.gov.uk/ukpga/2004/18/contents>

³ <https://www.buckinghamshire.gov.uk/parking-roads-and-transport/highway-licences-and-permits/permit-scheme-for-road-works-and-street-works/>

Summary of Recommendations

The Transport, Environment and Climate Change Select Committee Rapid Review group recommend that:

Streetworks Team

- 1) The dedicated funds available within the Department be directed towards measures that increase service proactivity and efficiency, for instance by maximizing recruitment 'at ground level' and offering staff training opportunities and accreditation.
- 2) Plans for core testing reinstatements are piloted as soon as practicable.
- 3) Consideration be given to extending working hours to provide cover for sites to be inspected during evening and weekends.

Statutory Undertakers

- 4) The Cabinet Member for Transport seriously considers pursuing court action against Statutory Undertakers that breach road traffic conditions rather than issuing a fixed penalty notice due to it being more cost effective for companies to pay the fine rather than comply with conditions (See Recommendation 10).
- 5) The use of smart temporary or intelligent traffic lights be incentivized across the network for traffic management where possible.
- 6) A target be set for all temporary traffic lights and other traffic management be removed within four hours following completion of works and explore penalization measures for non-compliance.
- 7) The Council promotes itself as a neutral third party when requesting work programmes from the fibre companies.

Communication

- 8) The use and benefits of one.network be actively promoted to the public, Parishes and Councillors.
- 9) The Streetworks team work with the Statutory Undertakers to engage with local Community Boards regarding planned upcoming works, particularly those that may be disruptive.

Lobbying

- 10) The Cabinet Member for Transport urgently lobby the Department for Transport to:
 - a. Significantly increase Fixed Term Penalty Notice fines for conditions being breached and/or operating without permit to ensure that fines are a true deterrent;
 - b. Increase Section 74 fines to Statutory Undertakers and for them to be applicable on non-working days.

Please read on to understand more fully the reasoning and evidence behind the recommendations.

Key Findings & Recommendations

After carefully considering the evidence we collected across a number of meetings, four key themes emerged, and the review group wish to report on our observations and key findings as follows:

Streetworks Team

- The service had previously been delivered by Ringway Jacobs, however staff have been transferred inhouse to the Council in April 2023 following the new Highways contract with Balfour Beatty. Following TUPE, all job roles had been re-evaluated to better reflect their duties and responsibilities and this was reflected in their salaries, which should aid in future recruitment and retention in a competitive market.
- The service structure allows for 10 inspectors however we heard that there are currently only 6 due to 4 vacancies which were to be advertised shortly. The inquiry group understand that the service has found it challenging to be fully staffed and this was attributed to the lack of resources made available by Ringway Jacobs. The imminent move of staff across to Buckinghamshire Council also likely contributed towards the lack of resource allocation.
- Of particular note is that permit applications have increased from 22,000 in 2019/20 to 65,000 in 2022/23 therefore the workload has trebled for an already stretched service. By comparison, the group heard that Hertfordshire County Council has 17 staff (a mix of inhouse and Ringway) that receive 75,000 permit applications per year and has capacity to temporarily increase staff during peak periods.

The group fully acknowledge and appreciate the work that the team carries out however increased demand and officers covering responsibilities for vacant posts can lead to increased pressures, reduced team morale, burnout, and a reactive stance.

- The group heard that the service is self-funded due to two forms of income:
 - The permit fees scheme. The permit fees vary in amount due to the works required:
 - Emergency water repairs: £45.
 - 10+ days or has temporary traffic regulation order: £245.
 - The Council is exempt from paying these fees when working on the network but is required to apply for a permit.
 - Administering Fixed Term Penalty Notices (FPN).
 - Sites are inspected for compliance and their quarterly performance impacts the percentage of sites that are visited (i.e. poor compliance = more inspections).
 - The FPN amount varies depending on the situation but is set by Government:
 - Working without permit: £300 (rising to £500 if not paid within 29 days).
 - A site not displaying company information (e.g. permit number & contact details) or not having temporary traffic lights in place: £80 (rising to £120 if not paid within 29 days).
 - The Council issued around 2,500 FPNs last year.
- The service brings in approximately £1.5m annually for the Permit Scheme and currently have surplus funds of around £1m available. Crucially, these funds are ringfenced within the Streetworks service by legislation and cannot be re-allocated elsewhere within Highways (e.g. pothole repairs). It was noted that these funds are reported to the Department for Transport and that continual surplus could lead to the Council being instructed to reduce permit fees or reimburse funds to Statutory Undertakers.
- The group heard from other Local Authorities on their approach to surplus funds and, although there were some differences, officer training, accreditation and equipment appear to be common areas where income is spent. The service may also want to consider methods to increase capacity in busy periods.
- Ringway Jacobs had not prioritised the training and accreditation of officers so the Council now offering this may improve the service's recruitment and retention package. Moreover, the offer of training and accreditation may assist officers to develop their skills and knowledge when managing Statutory

Undertakers and considering complex legislation, regulations, and Codes of Practice.

- The group believe that these dedicated funds offer an opportunity for the service to become more proactive, enhance the Council’s reputation and better meet Buckinghamshire residents’ expectations.

Recommendation 1 – The dedicated funds available within the Department be directed towards measures that increase service proactivity and efficiency, for instance by maximizing recruitment ‘at ground level’ and offering staff training opportunities and accreditation.

- Whilst Statutory Undertakers can work on the Highways to install and maintain their supplies, they have a duty imposed on them to reinstate pavements and roads upon completion of their works to a required industry standard. Reinstatements are guaranteed for two or three years depending on their depth as set out in the Specification for the Reinstatement of Openings in Highways⁴.
- This responsibility lies with the Statutory Undertaker despite the work likely being carried out by their approved subcontractors. The group heard that, generally speaking, the established utility providers (gas, electricity and water) are more compliant due to their experience whereas the newer broadband fibre providers are less so. In particular, City Fibre have been required to repeat reinstatement works on over 150 roads in Buckinghamshire and had been given a RED warning in Milton Keynes in 2019⁵.
- In addition to checks carried out by the Council, each of the six companies the group spoke with carry out their own sample checks on reinstatement works with accompanying processes:
 - Openreach and Thames Water outsource their testing to PJ Keary. Additionally, Thames Water require each reinstatement to be certified by the contractor with pictures and measurements.
 - Cadent Gas carry out sample checks with contractors required to return to fix non-compliance.
 - Swish and Fibre & Wireless monitor sites, particularly those that have experienced issues. At the meeting, Swish Fibre acknowledged that they had initially expanded operations too quickly and had positively engaged with the Streetworks team to rectify their performance.
 - Gigaclear require photos of layers and depth during reinstatement and check around 50% of sites after 15-18 months. Gigaclear aim to improve contractor performance rather than remove them from the network initially so that they are not re-hired by another Statutory Undertaker.

The group acknowledge the collaborative efforts of the Streetworks team and Swish Fibre in being a ‘success story’ by improving Swish Fibre’s performance over the past year and would encourage other companies to engage with Buckinghamshire Streetworks to achieve the same.

- The Council can test reinstatement works by taking a core sample of trenches – if they fail then the Statutory Undertaker is required to return and re-do the reinstatement at their cost.⁶ The Council is also able to charge for core testing on failed reinstatements, but the amount must be cost-neutral and not generate revenue.⁷



An example of poor & unfinished reinstatement work along a duct trench near Mentmore in 2015.

⁴ [Department for Transport - Specification for the Reinstatement of Openings in Highways \(May 2020\)](#)

⁵ <https://www.ispreview.co.uk/index.php/2019/12/red-warning-given-to-cityfibres-ftth-build-in-milton-keynes.html>

⁶ [Department for Transport - Code of practice for street works \(March 2023\)](#)

⁷ [The Street Works \(Recovery of Costs\) \(England\) Regulations 2002](#)

- Despite requests by the Streetworks Manager, core testing did not always take place under Ringway Jacobs due to resources. However, following the restructure, the group heard that plans for a three-month trial period of core sampling is being considered, the results of which will determine any potential long-term plans.
- The group considered the experience of core testing by neighbouring Local Authorities:
 - Milton Keynes City Council felt that its viability was subject to expected failure rates.
 - Hertfordshire County Council have a 2019 – 2024 coring programme and test around 1,200 cores annually. The programme had been a useful deterrent for failed reinstatement works when it was introduced and allowed for targeted testing at poor performing Statutory Undertaker sites. However, it was noted that proving failure liability can be challenging and it was unclear how the programme would look beyond 2024.
- The group feel that, on balance, carrying out core testing is important so that:
 - a) It demonstrates that the Council takes the quality and longevity of reinstatement works seriously in Buckinghamshire.
 - b) Organisations that recurrently fail core test sampling can be targeted for further investigatory works on reinstatements at other sites, held to account and engaged by the service for improvement.
- For persistent issues, the service may even want to consider using Balfour Beatty to achieve a high-quality reinstatement and re-charging the Statutory Undertaker.
- This will not require any additional revenue budget as the dedicated funds are already available (See Recommendation 1).

Recommendation 2 – Plans for core testing reinstatements are piloted as soon as practicable.

- The group felt that key issues to be considered were:
 - Traffic management remaining in place on site over the weekend with no apparent work taking place and removed on a Monday despite works and reinstatement being completed on a Friday.
 - Emergency works appearing over evenings and/or weekends.
- Both instances impact residents and may cause reputational harm to the Council due to the perception of not being aware of activities taking place on its own network outside working hours.
- The group heard that the service’s original Ringway Jacobs contracts were for standard working day hours but understand that following the role re-evaluations, there is scope to expand this to evenings and weekends.
- Having heard that Milton Keynes Council conduct out-of-hours inspections and have, in fact, cleared unnecessary temporary traffic management and recharged to the relevant Statutory Undertaker, the group feel this is an opportunity for Buckinghamshire Council’s Streetworks team to explore.

Recommendation 3 – Consideration be given to extending working hours to provide cover for sites to be inspected during evening and weekends.



Statutory Undertakers

- Issuing Fixed Penalty Notices (FPNs) to Statutory Undertakers that do not comply with permit conditions is one of the enforcement actions that the Streetworks team can carry out. As previously mentioned, the amounts vary depending on the breach and are set by national Government.
- The Council can also issue charges to Statutory Undertakers for works that overstay on its network – these are referred to as Section 74 as outlined in the New Roads and Street Works Act 1991.⁸
- The group heard that a Statutory Undertaker not complying with a condition to have manually controlled traffic lights can lead to a FPN of £90 being issued. To comply with the condition, the Statutory Undertaker would have to hire a traffic light operator which has a day rate of around £300. Various testimonies from members of the inquiry group and Local Authorities indicate that some Statutory Undertakers chose to risk not complying with permit conditions in some instances because paying the FPN was simply more commercially viable.
- Highway Authorities do have the power to take legal action against Statutory Undertakers rather than issue a FPN and these can carry an unlimited fine. To date, Buckinghamshire Council has not attempted prosecution however best practice is being sought from other Councils such as Barnet who regularly issue court summons.
- The group heard that this legal process is complex, and that other Local Authorities are increasingly considering this option given the lack of deterrent the FPNs provide (see Recommendation 10). Hertfordshire County Council has taken an organisation to court within the last ten years and caution that pursuing this option is not without risk.
- Members feel that whilst a balance does need to be struck to work collaboratively and reasonably with Statutory Undertakers, the Council must consider the disruptive impact of condition non-compliance on residents and the Highways network. Issuing a court summons in the right circumstances would be a significant step forward for the Council and benchmark how seriously the Council views its own permit conditions. This is particularly important given the increased activity by fibre companies in the past couple of years that will continue in Buckinghamshire for the foreseeable future.
- Members appreciate that any court action would require liaison with the Resources portfolio regarding the allocation of appropriate Legal resource and note that monies from the existing dedicated Streetworks fund may be allocated towards court costs.

Recommendation 4 – The Cabinet Member for Transport seriously considers pursuing court action against Statutory Undertakers that breach road traffic conditions rather than issuing a fixed penalty notice due to it being more cost effective for companies to pay the fine rather than comply with conditions.

- When meeting with the Statutory Undertakers, the group heard of ‘smart’ temporary traffic lights that are designed to increase traffic flow and reduce pollution by adjusting the signals based on the volume of traffic. These had initially been trialled by Kent County Council in 2019 as part of its lane rental scheme.⁹
- A number of the Statutory Undertakers had used these and noted the following benefits:
 - Removed the need for a manual operator and thereby reduce this cost and health and safety concern.
 - A longer battery life.
 - Remote monitoring.
- The group also heard testimony of instances of traffic being caused at sites due to a failure of the manual traffic light operator, for example through a lack of care, attention, network understanding or training.
- Hertfordshire County Council have noted the success of ‘smart’ temporary traffic lights by Affinity Water and Cadent Gas and is liaising with UK Power Networks regarding their utilisation. Milton Keynes is also pushing for their increased usage.
- Despite the technology being currently limited to only two-way traffic management, the group believe

⁸ <https://www.legislation.gov.uk/ukpga/1991/22/section/74>

⁹ <https://www.kentonline.co.uk/kent-business/county-news/smart-traffic-lights-trialled-on-countys-roads-204117/>

that the Streetworks team should incentivize their usage where appropriate to alleviate traffic flow.

Recommendation 5 – The use of smart temporary or intelligent traffic lights be incentivized across the network for traffic management where possible.

- After robust questioning of the Statutory Undertakers at the meeting, members were advised that traffic management may remain in place over the weekend with no apparent working taking place for various reasons including reinstatements curing, contract service level agreements with traffic management suppliers and further or different works commencing on Monday. The group note that whilst there may be legitimate reasons for traffic management remaining in place, this does frustrate the public and must be clearly explained on site through signage to residents and the passing public.
- The group note that a number of organisations, such as Cadent Gas, Thames Water and Affinity Water, have 4-hour service level agreements with traffic management companies to remove temporary traffic lights upon reported completion of reinstatement works. In Cadent's case, they check this by requiring their traffic management company to submit timestamped pictures of the site being clear within the 4-hour agreement timeframe.
- Cadent Gas's traffic management removal agreement is seven days a week however this is not the case for all Statutory Undertakers.
- Although the Council cannot control the service level agreements of Statutory Undertakers, it can seek to impose permit conditions that target the removal of temporary traffic lights within four hours so that disruption on the network is kept at a minimum.
- The group note that the implementation of this recommendation is subject to enforcement by the Streetworks team and may require out-of-hours inspections for compliance (see Recommendation 3).

Recommendation 6 – A target be set for all temporary traffic lights and other traffic management be removed within four hours following completion of works and explore penalization measures for non-compliance.

- The Council meets quarterly with all 43 Statutory Undertakers that operate in Buckinghamshire to encourage the co-ordination of works through the sharing of their work programmes (i.e. their upcoming projects and timescales that will impact the Highways network). Monthly coordination and performance meetings also take place with individual Statutory Undertakers.
- Of these 43 organisations, 15 are broadband fibre companies. The service has found that the fibre companies are less inclined to share their work programmes with the Council due to commercial sensitivities, as the companies are in competition with each other. The group heard that this has led to frustrating instances of 5 or 6 fibre companies working on the same street within short succession with limited coordination. The Parish survey revealed a recurring theme of improving coordination of Statutory Undertaker works with one example being multiple fibre companies recently operating in Great Missenden.
- The groundworks of the fibre companies vary; if they are able to operate within the existing Openreach ducting network this is light whereas the installation of new ductwork is more invasive.
- Fibre & Wireless and Swish Fibre informed the group that it is challenging to collaborate with other fibre companies in Buckinghamshire however there has been positive joint working between Swish Fibre and Gigaclear in Oxfordshire and Berkshire. The group hope this can be replicated in the county.
- The Local Authorities the group met with aim to have an initial meeting with new fibre companies operating within the area to discuss forward plans and understand their planned footprint but do find that communication does curtail thereafter. Members note that there are powers available to put restrictions in place to improve poor performance of fibre companies and that the Council can 'contain' areas of operation to ensure the Highways network is protected from rapid expansion and poor coordination.
- By contrast, the traditional Statutory Undertakers are more forthcoming to the Council with their work programmes. This may be due to a combination of a lack of competition and being more established. In

particular, Cadent Gas advised the group that they have been improving on coordination with increased Council liaison and have commenced collaboration with other utility companies.

- Members acknowledge the need for commercial sensitivity, but a balance needs to be struck between the interests of fibre companies and residents.

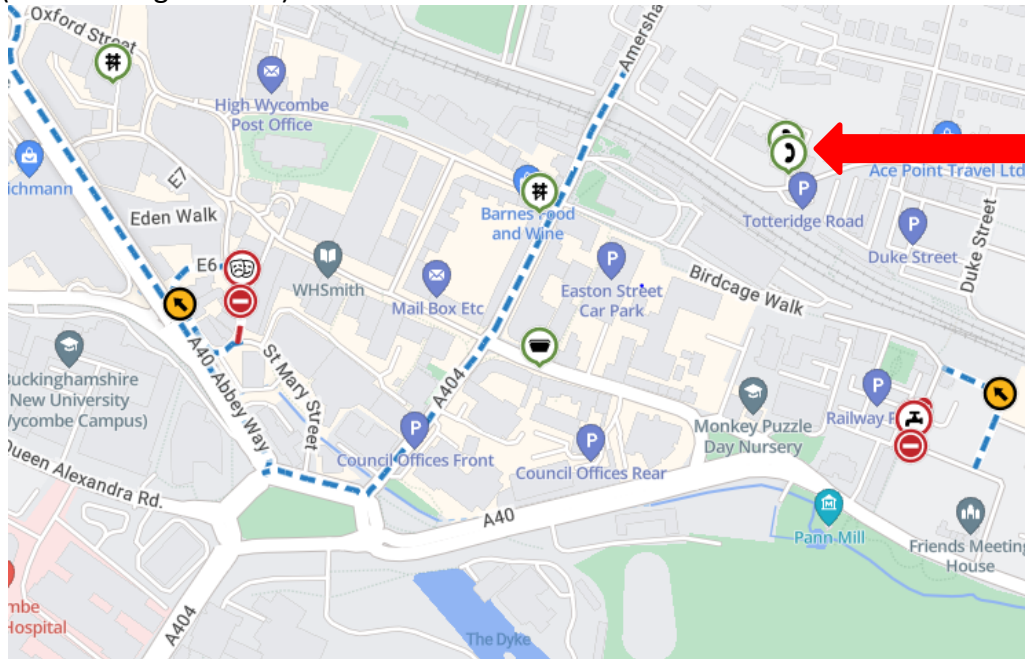
The inquiry group suggest that the fibre companies cause their industry reputational harm by not being more forthcoming with their work programmes to the Council, as the Council is best placed to coordinate Streetworks and minimise disruption to residents and businesses on the Highways network.

Recommendation 7 – The Council promotes itself as a neutral third party when requesting work programmes from the fibre companies.



Communication


- Buckinghamshire Council uses [one.network](#) to clearly show works being carried out on the Highways by Statutory Undertakers and the Council. This tool enables members of the public to self-serve via the website and look up all ongoing and future planned roadworks, streetworks, road closures, diversion routes, events, skips and scaffolding etc. Users are able to see the permit reference number, event duration, and the responsible organisation.
- In the example below, a user can see an overview of a number of works scheduled to take place in High Wycombe (as of 21 August 2023):



- Clicking on one of the telephone icons brings up more information about the works:

Work zones, delays unlikely ✕

📅 Aug 21, 8:00 AM - Aug 23, 11:59 PM

Virgin Media 

Information for Road Users

Location
Totteridge Road

Traffic management
No carriageway incursion

Date
Aug 21, 8:00 AM - Aug 23, 11:59 PM

Information for Operational Teams

Road: [Buckinghamshire Council](#)

Agency:

Permit ID: N7152J907-297045-PGN_AC

Permit ref: N7152J907-297045-PGN_AC-01

Current status: Work in progress

Activity type: Utility Asset Works

Footway closure: Provide Alternative Route

Early start: Yes

Event info: 9:09 AM

last updated:

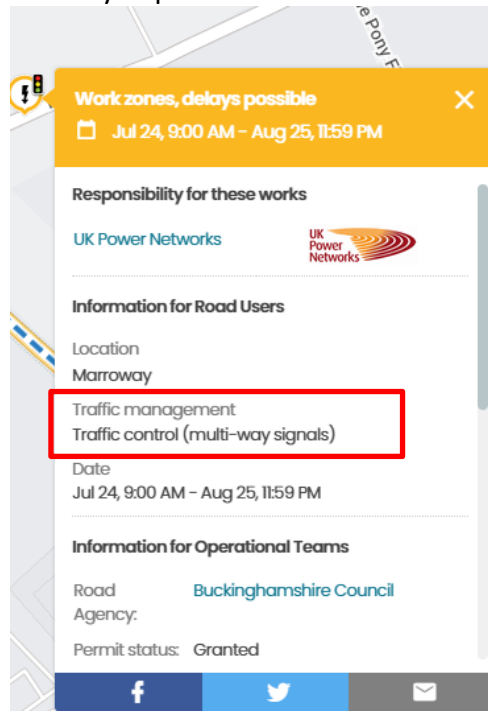
Last updated on one.network: 9:09 AM

[f](#) [t](#) [e](#)

- The above example indicates the permit has no incursion onto the carriageway. This is important for

users to know as they would be able to report any incursions to the Streetworks team for investigation.

- The example below is on the A413 between Weston Turville and Stoke Mandeville indicating likely disruption to the network, particularly in peak hours:



- The group heard that Milton Keynes has had success in promoting one.network to its councillors and has significantly reduced the overall number of incoming queries thereby allowing resource to be focused elsewhere. Hertfordshire County Council reported similar and also publicises one.network on its streetwork communications and social media.
- The use of one.network amongst members may be sporadic however some members utilise it fully by setting up alerts within their wards and relaying these to impacted businesses and Parishes. Members also report using one.network to check for streetworks that may overrun in their ward and notice that some sites remain in place until the end of their permit date despite the works seemingly being completed.
- Additionally, Parishes themselves would benefit from signing up to one.network streetworks alerts within their areas as receiving advanced communication was revealed to be their overall #1 priority in the Parish Survey. This notice is, of course, subject to how far in advance the permit is applied for by Statutory Undertakers.
- The review group believe that the resources used to promote one.network to parishes and councillors would likely be offset by a significant reduction in enquiries received by the call centre and the Streetworks team regarding works being carried out on the Highways network.

Recommendation 8 - The use and benefits of one.network be actively promoted to the public, Parishes and Councillors.

- Members heard examples of different communication efforts that Statutory Undertakers carry out:
 - Cadent ranks likely disruption by Gold/Silver/Bronze. A recent Gold incident in Stanley Hill, Amersham, involved letters to over 3,000 residents, drop-in sessions and signage, as well as discussion with the Council's communications team and local press.¹⁰
 - Fibre & Wireless tend not to engage with local residents, however if significant streetworks are required then letters would be sent.
 - Gigaclear have attended parish meetings and do letter drops.
 - Social media is often used although some communities engage more effectively with different

¹⁰ <https://cadentgas.com/news-media/news/june-2023/fbd987e3-e63d-41eb-bbbf-0e304b849e80>

mediums e.g. Facebook or Nextdoor.

- Members suggested that engagement with Community Boards would be an additional way to effectively communicate on local works and distribute information via the dedicated Board Managers. This would have the benefit of reaching a wider audience rather than a single parish meeting. Companies could also attend the meetings to answer questions on ongoing projects involving streetworks.
- Engagement with Community Boards could also address the high priority parishes place on being given advanced notice of works, as well as direct feedback from the community on recent streetworks e.g. condition of reinstatements and/or appropriateness of road diversions.

Recommendation 9 - The Streetworks team work with the Statutory Undertakers to engage with local Community Boards regarding planned upcoming works, particularly those that may be disruptive.



Lobbying

- The Council has the power to issue FPNs to Statutory Undertakers when permit conditions are breached on site. The Council can also issue a Section 74 FPN, which is when streetworks have overrun their permit, however these charges can only apply to working days despite overrun works causing disruption on non-working days too.
- As referenced in Recommendation 1, FPN amounts vary depending on the breach but are set by national Government and have remained static for 20 years.
- As referenced in Recommendation 4, the group heard that it can be commercially viable for Statutory Undertakers to risk non-compliance and pay FPNs rather than comply with permit conditions. One example the group heard was a £90 FPN charge vs a traffic light operator day rate of around £300.
- The Statutory Undertaker is liable to pay the FPN charge to the Council however in practice these charges are then passed on to the subcontractor that falls foul of the site's permit conditions.
- Buckinghamshire is not alone in this as the group heard of similar experiences from Milton Keynes and Hertfordshire. The group also understand that the Local Government Association is gathering representations from all Local Authorities with the intention of presenting to the Department for Transport on this specific topic.
- As FPNs are not acting as a strong deterrent, Councils may need to consider other action such as legal proceedings (see Recommendation 4) to protect their interests.

The group strongly believe that the values assigned to FPNs are outdated and not fit for purpose to act as a true deterrent. They must be increased to change the behaviour and improve the standards and compliance of Statutory Undertakers and their subcontractors. With this in mind, the group would ask the Cabinet Member for Transport to add his voice to the calls for an increase in fines as set out in our final recommendation below.

Recommendation 10 - The Cabinet Member for Transport urgently lobby the Department for Transport to:

- a. Significantly increase Fixed Term Penalty Notice fines for conditions being breached and/or operating without permit to ensure that fines are a true deterrent;**
- b. Increase Section 74 fines to Statutory Undertakers and for them to be applicable on non-working days.**