

BRISTOL CITY COUNCIL

Cabinet

7th April 2015

Report author: Duncan Venison, Network Operations Manager

Title: Bristol Code of Conduct for Streetworks 12 month report

Ward: City wide

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RECOMMENDATION

Note the success of the first 12 months of the Bristol Code of Conduct for Streetworks and Roadworks

Summary

This report shows the successes of the first year of the Bristol Code of Conduct for Streetworks and Roadworks and demonstrates its success through the results of the performance indicators within the document and also the national recognition it has gained.

The significant issues in the report are:

There are no significant issues within this report.

Policy

1. Not applicable

Consultation

2. **Internal**

Not applicable

3. **External**

Not applicable

Context

4.

The Bristol Code of Conduct for Streetworks and Roadworks (the Code) was introduced following a motion carried by Full Council in March 2013 to improve coordination of road and streetworks in Bristol. This motion was prompted following a succession of roadwork events across the city that had particularly negative impacts on major traffic routes. It was also suggested that newly available powers be considered in a bid to exert greater control over roadworks. The new legislation referred to the ability for Traffic Authorities to introduce a Permit Scheme to control works undertaken by Utility Companies rather than using the long standing Notice scheme that has been used since 1991.

4.1

Government guidance requires that Permit Schemes may only be introduced once all other options have been exhausted. The timescale to introduce such a scheme can typically be around 2 years and requires considerable investment in time and resource throughout that period. The scheme itself, when introduced, also requires significant ongoing resource input from both the Local Authority and the Utility Companies. The council's costs incurred in doing this can be passed to the Utility companies in the costs of the permit they are applying for but legislation prevents any profit being made.

4.2

In considering whether to commence progressing towards a Permit Scheme serious examination of other alternative options was carried out. Given the timescales and resource required to introduce a Permit Scheme and the fact that there is as yet, no clear evidence from Authorities using Permit Schemes that they have had a significantly positive effect a decision was taken to look at what other options could be employed to improve the management of streetworks and roadworks.

4.3

Discussions between Bristol's Network Operations Manager and the main four Utilities working in Bristol resulted in a proposal to write and introduce a Code of Conduct that not only reinforces current legislation but also goes further than what is already required. The document would also specify expectations on such items as timescales for notifications and improved communication.

4.4

On the 1st January 2014 the Code went live and very quickly started to have a positive impact on the coordination of all works. The Utilities signing up to the Code all undertook awareness training and presentations with their staff so they knew of the Code's requirements

and what was expected. They were also made aware that if the Code failed a Permit Scheme may be introduced which is something the Utilities want to avoid owing to the costs and resources required.

4.5

Joint safety audits took place between Officers and Utility representatives and these showed that improvements needed to be made in signing, lighting and guarding of work sites. The target set with the Code was for 90% compliance of all sites. After the first audit average compliance was 73% with one Utility recording a score of less than 20%. This then led to a detailed joint presentation to the site supervisors of the Utility concerned on the importance of following guidance but also the importance of following the Code and working to improve streetworks across the city. This presentation was well received and average compliance of sites at December 2014 was 89%. Safety Audits will continue to be carried out quarterly and compliance is expected to rise further.

4.6

The Traffic Authority is required to inspect 30% of all Utility works per year and any defects found are referred back to the Utility to be rectified. No targets are set in law for the level of compliance but it was felt that the Code should set a level. Defects mean repeat visits to sites and ultimately more streetworks so reducing the number of defects through better reinstatement was felt to be important. Compliance was set at 90% and as of December 2014 recorded compliance stood at 92% meaning only 8% of works carried any defects. Alongside this a requirement was also put in the Code to increase the number of sites being reinstated permanently first time, again to reduce the number of repeat visits, wasted material and traffic delay. The target was set at 85% first time reinstatement and the average across the Utilities is now over 90% first time reinstatement.

4.7

Improved works planning both before and during works was also felt to be an important area that could contribute positively to improving all works around the city. A target was set to reduce the number of Early Starts and Extensions given by 5% year on year. The actual reduction recorded at December 2014 was 12% and 24% respectively. The reduction in the extensions especially shows that better planning is taking place and both more realistic timescales are being presented at the start of works or one realistic extension is being applied. The reduction in extensions doesn't necessarily mean that works are taking a shorter duration but it means works coordination can be carried out more effectively and in turn enable more accurate information to be provided to the public.

4.8

In order to show Bristol City Council (BCC) were fully committed to this new initiative targets were set to reduce the number of financial penalties issued. Fixed Penalty Notices (FPNs) can be issued for errors in Notices provided and Charges can also be applied to works that are overrunning their Notice period. Through better coordination, works planning and working with Utilities to improve their Noticing a target of 5% year on year reduction in FPNs and Overrun charges was introduced. The actual reductions recorded were 57% and 50% respectively. These massive reductions show a vast improvement in the standard of notices being received resulting in more accurate information as to works locations and durations. The reduction in overrun charges again shows better works planning and coordination as mentioned in 4.7 above.

4.9

One of the most important messages in the Code is that of collaboration. The Code actively encourages collaborative working and site sharing: making the most of highway occupation. Rather than promote consecutive works, collaborative working is now encouraged and consecutive works only carried out as a last resort. Collaborative working can reduce highway occupation and the costs to those carrying out the works. A target of 50 days collaborative working was set and 52 days were recorded at the end of 2014. The actual number of days will be much higher as Utilities now promote collaborative working amongst themselves and don't necessarily inform BCC when they have worked jointly. 52 days of highway occupation roughly equates to a saving of 156 days of highway occupation had a separate minor works notice been served for each of the collaborative works.

4.10

The introduction of the Code has led to improved communication between BCC and the Utility Companies and in turn much more accurate information being provided to the public and stakeholders. A fifth Utility also signed the Code in July 2014 with other Utilities currently in discussion about also signing. Although the Code can't stop works taking place (other legislation exists to issue directions to Utilities) it does ensure that works planning, programming and communication are considered fully before and during works taking place. The amount of collaborative working and site sharing is continuing to increase which means less highway occupation and less resulting congestion.

4.11

The Code has been nationally recognised and was endorsed by the National Joint Utilities Group (NJUG) which represents Utilities and their Contractors. The Code also received a national award from NJUG in November 2014 and they wish to see the initiative spread more widely across the country and be adopted by other Authorities and Utilities.

4.12

A second edition of the Code is currently being written that builds on what was achieved in 2014 and looks to further improve the way works are managed in Bristol. Some of the requirements within the Code have also spread further afield than Bristol with regional Utilities adopting some of the requirements across their whole region.

Proposal

5. To continue to develop the Bristol Code of Conduct for Streetworks and Roadworks and work with Utilities to continue to improve all works within Bristol for the benefit of all highway users.

Other Options Considered

6. Permit Scheme as mentioned in 4.1 and 4.2 above

Risk Assessment

7. The Code has so far delivered results that rival, if not exceed, those that could be achieved by a Permit Scheme. Should the Code fail to be effective then a Permit Scheme could then be considered once the reasons for the Code's failure have been clearly identified.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This

involves having due regard, in particular, to the need to --

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –

- tackle prejudice; and
- promote understanding.

8b) The Code of Conduct has been developed to benefit all residents / visitors to Bristol and goes above the current legislation relating to street works and roadworks. The overall outcome of the Code of Conduct has been designed to increase collaboration between Bristol City Council and the Utilities companies so as to help improve and reduce the overall impact that these types of works can cause on all road users which include vehicles, pedestrians and cyclists.

By information being shared at the earliest point possible it means that communication with reference to proposed works can be shared with all parties who may live, work or are passing through works so that they will know the likely impact at the earliest opportunity possible.

The timing of scheduled work has been improved so that it takes in to consideration the environment and those who will be impacted on, so for example any works around schools would need to be completed if possible outside of school times. Positive use of footway boards is also encouraged so that walkways can be maintained where possible to help avoid the need for pedestrians to walk in the carriageway or cross the carriageway to the opposite side. This should have a positive effect on people with a visual impairment and wheelchair / mobility scooter users as they will not need to negotiate kerbs, changes in level and crossing carriageways.

Other environmental aspects were also included in the Code of Conduct to encourage works promoters to be aware of centres that specifically cater for disabled people and to ensure that these centres are engaged in the planning process at an early stage.

An additional item that will be included in the 2nd edition of the Code of Conduct will be to encourage Utility Companies to have a robust policy to deal with harassment of the public by their staff. This follows two reported incidents of harassment by private contractors in the last 6 months. These incidents weren't attributable to Utility works.

Legal and Resource Implications

Legal

The Code of Practice is a voluntary agreement between the Council and the utilities companies working in the City.

The Traffic Management Act 2004 (as amended) requires local traffic authorities to secure the expeditious movement of traffic on their road network and to facilitate expeditious movement on other authorities' networks. Councils are also required to make arrangements they consider appropriate for planning and carrying out the actions to be taken in performing and enforcing this duty.

The voluntary Code assists the Council in meeting these statutory duties.

Legal advice provided by Shahzia Daya, Service Manager: Legal

Financial

(a) Revenue

The costs associated with the first year pilot scheme for the Code of Conduct have been managed within existing budgets. The expectation is that in continuing with the Code of Conduct, no additional costs will be incurred.

Financial advice provided by: Mike Allen – Finance Business Partner
Date: 26 February 2015

(b) Capital

There are no capital impacts arising from the Code of Conduct.

Financial advice provided by: Mike Allen – Finance Business Partner
Date: 26 February 2015

Land

Not applicable

Personnel

Not applicable

Appendices:

None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background Papers:**

None