

London Borough of Merton

**Report and recommendations
arising from the scrutiny review of Highways
Maintenance**

**Sustainable Communities Overview and Scrutiny Panel
3 June 2009**

Task group membership drawn from the Sustainable Communities Overview and Scrutiny Panel:

Councillor Russell Makin (Chair)
Councillor Stephen Kerin
Councillor Corrina Edge

Scrutiny support: Rebecca Redman - Scrutiny Officer

For further information relating to the review, please contact:

Scrutiny Team
Chief Executive's Department
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

Tel: 020 8545 4035

E-mail: scrutiny@merton.gov.uk

Acknowledgements:

The Sustainable Communities Overview and Scrutiny Panel would like to express its thanks and appreciation to the following representatives who contributed to this review, through preparing information, submitting evidence, attending meetings to answer questions and to all the people who took time to submit their comments and views:

Merton Council

Alex Constantinides, Interim Highways and Traffic Services Manager
Lee Baldwin, Network Management and Inspection Manager
Andrew Edser, Network Maintenance and Asset Systems Manager
Mario Lecordier, Traffic and Highways Services Manager

Westminster City Council

Cllr Alan Bradley (Chair of Condition of Roads and Pavements Task Group)
Cllr Ruth Bush (Member of Condition of Roads and Pavements Task Group)
Shawna Fraser (Head of Road Management)
David Yeoll (Head of Engineering and Transportation Projects)
Vivienne Fitzroy (Scrutiny Officer)

Voluntary and Community Sector

Russell Humphries (Chief Executive – Wimbledon Guild)
Geoff Parsons (Merton Vision)
Slimm Flegg (Go Forum)

Utilities/Partners

Liz Sale – Local and Regional Government Liaison Officer (Thames Water)
Andy Fribbens – NRSWA Liaison Officer (Thames Water)
Mark Meloy – Construction Manager (Scotia Gas Network)
Pat Edwards – Service Delivery Manager (Conways)
Steve Leeks – Street Works Manager, London and South East (EDF Energy)
James Booth – Network Coordination Manager (Transport for London)
Kevin Bishop – Senior Route Manager (Transport for London)

Contents

Foreword by the Chair of the Task Group

Summary of Recommendations

	Page numbers
Introduction	1
Methods	2-3
Evidence –	
Roles and Responsibilities of the Local Authority in relation to Highways Maintenance	
<ul style="list-style-type: none"> ▪ Legislation <ul style="list-style-type: none"> - New Roads and Street Works Act 1992 - Traffic Management Act 2004 ▪ Service Objectives <ul style="list-style-type: none"> - Community Plan - Business Plan ▪ The highway network ▪ Scope of highways maintenance <ul style="list-style-type: none"> - Reactive maintenance - Routine maintenance - Scanner Surveys - Regulatory inspections - Winter service 	4-8
Financial and Staffing resources required to maintain highways in the Borough	8-9
<ul style="list-style-type: none"> ▪ Budget ▪ Staffing 	
Performance Management	
<ul style="list-style-type: none"> ▪ Performance Indicators ▪ Evaluation Surveys 	9-11
Managing Public Utilities	
<ul style="list-style-type: none"> ▪ Fixed Penalty Notices ▪ Public Utility Enforcement ▪ Resident Satisfaction Surveys ▪ Evaluation Surveys ▪ Proposed Permit Scheme ▪ Advantages and Disadvantages of the Permit Scheme <ul style="list-style-type: none"> - Ealing - Wandsworth 	11-17
Asset Management	17-19

Partnership Working

- Utilities
- Contractor – Conways
- Inspection and Performance
- Contracts
- Transport for London
- Code of Conduct – proposals

19-
24**Benchmarking – Westminster Council**

- Resources
- Asset Management
- Service Standards
- Inspection
- Performance Management
- Consultation with residents

24-
27**Equalities**

- Views from representatives from local Voluntary and Community Sector organisations
- Communication with disabled residents
- Considerate Contractor Scheme

27-
30

Conclusions 31

Financial, Resource and Property Implications 31

Legal and Statutory Implications 31

Human Rights, Equalities and Community Cohesion Implications 31

Risk Management and Health and Safety Implications 31

Acknowledgements 31-
32

Foreword by the review chair

The Sustainable Communities Overview and Scrutiny Panel considered the topic suggestions for their 2008/09 work programme put forward by officers and residents. Members identified highways maintenance as an area that required an in-depth review.

Members sought to determine if the Council was fulfilling its role as highways authority and fostering and maintaining effective working relationships with utilities and partners to mitigate disruption to, and impact on, residents and local businesses.

The Highways Maintenance Task Group met from December 2008 to May 2009 to consider a range of comparative evidence and information. The Group consulted representatives from voluntary and community sector organisations and held stakeholder meetings with a number of partners and utilities.

This evidence gathering and consultation has enabled the Task Group to produce recommendations for Cabinet and partner consideration. These recommendations will seek to address the issues and gaps that currently exist from the perspective of the representatives and stakeholders that were involved, and from the Task Groups experience and discussions with the communities we represent.

Councillor Russell Makin

Chair of the Highways Maintenance Task Group

Summary of recommendations

Recommendation	Decision making body/Responsible Member
That a feasibility study be undertaken to determine if a permit scheme should be introduced in Merton	Cabinet
That a Highways Asset Management Plan be produced to ensure all assets are recorded and managed and works are prioritised accordingly and best practice in other local authorities is considered in doing so	Cabinet
That financial investment in the service is increased and how this is to be achieved be explored	Cabinet
That the Council ensures its reactive budget is monitored robustly to ensure efficient use of resources	Cabinet
That the Council explores alternative funding streams for highways maintenance that may be sought independently or as part of a London wide joint authority bid	Cabinet
That officers receive equality and diversity training, that includes training on completion of equality impact assessments, to ensure there is consideration of the impact of works on residents with disabilities	Cabinet
That the Council insists utilities and Transport for London complete an Equality Impact Assessment of any works they apply/plan to undertake in the Borough and respond accordingly	Cabinet
That during the procurement process the Councils Equality in Procurement Guide and, where appropriate, Corporate Equalities Steering Group are consulted on issues relating to equalities and contractual requirements	Cabinet
That local voluntary and community sector organisations receive the Minutes from the quarterly Network Coordination meetings to ensure they are aware of works being undertaken and arrangements being made to minimise disruption to resident with disabilities	Cabinet
That the Council provide Members and local voluntary and community sector organisations with an update on the	Cabinet

Forward Plan for London as appropriate	
That Council and utilities develop their websites and provision of information to ensure they are more user friendly for, and accessible to, residents with disabilities	Cabinet/Utilities
That the Council and utilities provide notices of highways maintenance to residents with disabilities in alternative formats and seek feedback on satisfaction and accessibility issues through MVSC	Cabinet/Utilities

1 Introduction

- 1.1. Each year the Scrutiny function at the Council identifies key issues to be scrutinised through a review process. A review can be carried out for a number of different reasons and will normally make recommendations & observations to improve outcomes for the local community.
- 1.2. Having considered the improvement priorities of the Authority and the concerns and issues raised by residents, Members of the Sustainable Communities Overview and Scrutiny Panel agreed to scrutinise highways maintenance, at its meeting held on 4 June 2008.
- 1.3. The Sustainable Communities Overview and Scrutiny Panel appointed a Task Group to undertake this review and Councillors Edge, Kerin and Makin were nominated to sit on that Task Group.
- 1.4. The Highways Maintenance Task Group developed a scope and programme for their review. The Scoping Report was agreed by the Sustainable Communities Overview and Scrutiny Panel at their meeting held on 3 September 2008.

Purpose of the review

- 1.5. The purpose of the review was to improve highways maintenance in the Borough. It was envisaged that this could be achieved through better coordination and prioritisation of works between utilities, partners and the Council to ensure that the work undertaken was cost effective and sustainable, and that residents were communicated with in appropriate formats and at relevant intervals.

Terms of Reference for the review

- 1.6. The terms of reference for the review were agreed as:
 - a) To gain an understanding of the national, regional and local policy governing highways maintenance;
 - b) To determine the roles and responsibilities of the Local Authority in relation to highways maintenance;
 - c) To gain an understanding of the highways network;
 - d) To determine the financial and staffing resources required to maintain highways in the Borough;
 - e) To consider the balance between reactive and preventative methods and procedures and the priority rating system for highways maintenance;
 - f) To determine the performance management and inspection/audit arrangements in place regarding highways maintenance;
 - g) To determine the role and responsibilities of Utilities and partner organisations in the maintenance of highways;

- h) To consider the effectiveness of communication with Elected Members, partners, local businesses and members of the public regarding highways maintenance to avoid disruption; and
- i) To consider the impact of highways maintenance on traffic management

Methods

- 1.7. Members requested a range of evidence and comparative information throughout the course of their review and invited a variety of representatives to participate in the review to assist in the forming of evidenced based balanced recommendations.
- 1.8. The Task Group considered:
 - a) Detailed officer reports supplemented by verbal evidence;
 - b) Best practice from Westminster City Council and other local authorities;
 - c) Evidence from representatives from voluntary and community sector organisations;
 - d) Reports/presentations from Utilities companies and Transport for London; and
 - e) National, Regional and Local Government policy in relation to highways maintenance
- 1.10 The Task group carried out its review as follows:

<p>3 December 2008</p>	<p>Setting the Scene meeting – members received a presentation from the Councils Highways Maintenance and Traffic Management Team which covered the following:</p> <ul style="list-style-type: none"> ▪ Policy/Legislative Framework governing the work of the Council ▪ Roles and responsibilities of the Council as Highways Authority ▪ Resources required/dedicated to delivering a highways maintenance service ▪ Staffing within Highways Maintenance and Traffic Management Team ▪ How works are planned and prioritised ▪ Performance Management and Target setting ▪ Managing reactive and preventative highways maintenance ▪ Performance to date and outcomes from CPA inspection and internal audit of service ▪ Introduction to working relationship with partner authorities and utilities <p>Question and answer session with Officers</p>
<p>7 January 2009</p>	<p>Community engagement event to engage residents and representatives from voluntary sector organisations to consider how highways maintenance impacts upon residents who are disabled. The views were sought of</p>

	those in attendance and officers responded to issues raised.
20 January 2009	<p>Improving Partnership Working</p> <p>To engage partners/utilities in a discussion forum with Members to determine how to better coordinate and prioritise highways maintenance. Each utility company gave a presentation on their role and responsibilities which covered:</p> <ul style="list-style-type: none"> ▪ Statutory requirements of utilities; ▪ Types of maintenance carried out; ▪ Programme of work and means of prioritization; ▪ Relationship with the Council; ▪ Sustainable methods of maintenance; ▪ Resources in terms of staff and funding; ▪ Inspection or performance regimes; and ▪ Communication with residents. <p>The presentations were followed by a Q&A session with Members and input from residents from voluntary and community sector organisations that attended the community engagement event also contributed their views to the discussion with utilities.</p>
2 March 2009	<p>Benchmarking</p> <p>Members undertook a site visit to Westminster City Council to meet with their Condition of Roads and Pavements Task Group and officers to share information and findings from both reviews.</p> <p>Members heard a presentation from Westminster Council Traffic Management officers on the following:</p> <ul style="list-style-type: none"> ▪ The differences/similarities in service delivery ▪ Sustainable and/or other measures put in place to make the service more effective and to improve communication and coordination with partner organisations ▪ Communication with and satisfaction of residents ▪ Performance Management
21 April 2009	<p>Meeting with Transport for London</p> <p>Members undertook a site visit to Transport for London offices to meet with officers responsible for coordinating works in the Borough to discuss the role, responsibilities and requirements of Transport for London and how working relationships with the Council could be improved.</p>
30 March 2009	<p>Information Gathering</p> <p>Members invited officers to discuss finance, asset management and permit schemes in more detail</p>

2. Evidence

- 2.1 Members considered the following evidence in relation to the terms of reference for the review that helped them form evidence based recommendations.

3. Roles and responsibilities of the Local Authority in relation to Highways Maintenance

Legislation

- 3.1 Highways maintenance is governed primarily by the Highways Act (1980). However, other pieces of legislation govern other areas that relate to delivery of the service and the activities of the Council in its capacity as Highway Authority. The most important of those pieces being the New Roads and Street works Act (1992) and the Traffic Management Act (2004).

The New Roads and Street works Act 1992

- 3.2 The New Roads & Streetworks Act came into being in 1992 and introduced a new system of monitoring Public Utilities activities on the public highway. This included an electronic works notification system, together with a number of Codes of Practices for Inspections, Reinstatement of Openings and Co-ordination of Street works. This provided a legal framework for Highway Authorities to monitor and inspect activities on the highway to agreed national standards and establish an agreed method of payment to Highway Authorities for limited inspections and for the identification and rectification of defective works.

Traffic Management Act 2004

- 3.3 Under the Traffic Management Act (2004) Local Authorities are subject to a network management duty which requires them to:
- Appoint a Traffic Manager responsible for Council wide co-ordination duties;
 - Consider the needs of all road users;
 - Work with other Highway Authorities and Utilities;
 - Forward plan all works, events and incidents on the Network;
 - Ensure the safe and expeditious movement of traffic on the Authority's network;
 - Identify and treat congestion "hot spots"; and
 - Treat highway works on parity with Utility works

- 3.4 The council as highways authority has to be able to demonstrate that it meets the requirements outlined above and if it fails to do so the Secretary of State can appoint a Traffic Director to carry out the functions of the Highways Authority at the expense of the Local Authority.

Service Objectives

- 3.5 The objectives and targets within the Community Plan and the Business Plan are reflected in the Highways Maintenance Team Plan and supported by targets and performance indicators that the Council must work to deliver in partnership with others. These are as follows: -
- 3.6 *Community Plan* - Highway works and new schemes to manage traffic will be co-ordinated to minimise congestion and roads suffering congestion will be identified and action taken to ease bottlenecks.
- 3.7 *Business Plan* - Improve the quality of the public realm and residents' satisfaction with its key elements – improve the condition of the carriageways whilst maintaining the current condition of footways.

The Highways Network in Merton

- 3.8 The Council's highways network in Merton consists of:
- 34km of Principal Road (TfL roads);
 - 38km of Non Principal Road (Main Roads B and C);
 - 291km Unclassified Road (Local roads);
 - 740km of Footway;
 - 70km of Public Rights of Way;
 - 48 Bridges and Structures;
 - 18,000 Street Trees;
 - 183,00m² of Grassed Areas;
 - 14,000 Lighting Columns; and
 - 20,000 Gullies
- 3.9 Merton Council maintains the following assets:
- a) Carriageways;
 - b) Footways;

- c) Special surfaces;
- d) Road Markings;
- e) Street Furniture;
- f) Street Lighting;
- g) Drainage;
- h) Bridges and structures;
- i) Public rights of way; and
- j) Trees, Grass and Shrubs

Scope of Highways Maintenance

Reactive Maintenance – Responding to complaints, inspections or emergencies

- 3.10 Members were informed that the Council are not placed under any requirement in legislation to repair every defect identified in the highways network or to repair to a particular standard or within a specific timeframe.
- 3.11 However, it is Council policy to repair defects identified by the Council, utilities, Members or residents as allowed for within the funding and staffing constraints the Council is facing. Council policy on how and when it responds and intervenes to repair defects has been developed in line with the Code of Practice for Highway Maintenance Management, “Well –maintained Highways.
- 3.12 The Group heard that Merton Council undertakes regular inspections of town centres and major shopping areas which are driven daily as a safety inspection and eight weekly walked inspections are completed by district officers to undertake a more detailed review. The remaining areas of the Borough are inspected every 6 months.
- 3.13 Members were informed that during these inspections identified defects in excess of 15mm are prioritised and responded to in town centre areas and in all other areas the intervention level stands at 20mm.
- 3.14 The Highways Maintenance Team has an inspection regime in place, in particular, to respond to claims put forward by residents that have suffered an accident as a result of such a defect. Members heard that any claims made are responded to and coordinated by the Authority’s Risk and Insurance Team.
- 3.15 A regular team meeting to programme reactive works ensures that a great majority of those identified are responded to, however, the Council still has to exercise due diligence in prioritising these reactive works and financial constraints need to be considered.

3.16 The nature of these reactive works can include:

- Urgent or emergency works;
- Potholes;
- Rocking slabs and kerbs;
- Small areas of footway or carriageway demands;
- Replacement or provision of posts and bollards;
- Defective street furniture and signs;
- Loose or defective manholes, gullies and frames; and
- Poor road marking

Routine Maintenance - Providing works or services to a regular consistent schedule

3.17 Members heard that programmed maintenance usually involves resurfacing, reconditioning or reconstruction. Programmes of work are developed based on a variety of data sources and in accordance with the Code of Practice for Highway Maintenance Management.

3.18 Coordination of works is developed by an Integrated Project Team and at Network Coordination meetings with utilities, Transport for London and other interested or affected stakeholders.

3.19 Coordinating planned works with utilities and Transport for London ensures minimal disruption to the network. Consultation is also undertaken with residents to ensure minimum disruption.

Scanner Surveys

3.20 Scanner Survey is a Surface condition Assessment for the National Network of Roads. The Scanner survey determines the condition of roads according to a Red, Amber, Green classification. Any road that receives a 0-30% rating from the survey is green and does not require urgent attention, any result between 40 -70% is Amber and denotes roads that are sufficient. A 70% and above rating is deemed to require immediate attention.

3.21 The Scanner Survey system is a new technology that has significant cost implications to undertake. This system is an alternative to both the DVI (Detailed Visual Inspections) and CVI (Coarse Visual Inspections) Surveys.

3.22 Members heard that the reliability of scanner surveys is questionable as they do not provide comparative data and quality of results differs. The Group were informed that although the results provided are used with caution, and other sources are used to determine/prioritise highways maintenance, this is still an issue as Scanner Surveys have returned inconsistent results.

3.23 Equally Members heard that Transport for London have allocated funds based on an old mean of inspection and do not employ scanner surveys as they are felt to be an unreliable method for determining the quality of roads.

- 3.24 When Members visited Westminster Council they were informed by officers that a Chief Officers Forum is in operation, comprising of representatives from London Boroughs, which was currently lobbying for this method of determining funding to be reconsidered by Transport for London.

Regulatory Maintenance –Inspecting and regulating activities of others (utilities)

- 3.25 The Council undertakes a monitoring and inspection role to ensure utilities are notifying the council of their intention to carry out works, so that they can be effectively co-ordinated and that work is being carried out to nationally agreed standards.
- 3.26 Utilities are subject to completion of works within specific time scales and required to respond to issues with the roads they are responsible for. The Council will inspect the work undertaken in that area to ensure it is fit for purpose and can request that utilities undertake further work. The Council will also undertake random inspections when works are underway.

Winter Maintenance – Providing salting and clearance of snow and ice

- 3.27 The Council has a duty to respond to emergency situations caused by severe weather conditions to ensure the smooth and safe movement of traffic.

4. Financial and staffing resources required to maintain highways in the Borough

Budget

- 4.1 Members considered the financial and staff resources required to maintain the highway network in Merton. During 2008/09 the highways maintenance budget included the following:
- Transport for London Local Improvement Plan funding of £0.6m
 - Council Investment (Capital) £4.1m
 - Council Investment (Revenue) £2.2m
- 4.2 The Group were informed that the budget is divided into reactive and preventative repairs, reactive works being funded by revenue and preventative and structural work being funded by capital monies. The bulk of the highways maintenance budget is spent on structural and preventative works.
- 4.3 Members heard that there had been a significant lack of investment in the service over the past few years that had resulted in only 4.3% of the road network (unclassified roads) actually being repaired/maintained during 2008/09.
- 4.4 Members queried the prioritisation of preventative measures when allocating the budget to maintenance works. Members were informed that the

programme of works is prioritised and determined according to the outcomes of a scanner survey and from engineer and district officer inspections.

Staffing

- 4.5 The Highways Maintenance Team at Merton is overseen by the Head of Traffic and Highways and split according to reactive and preventative/planned maintenance and repairs.
- 4.6 The Network Inspections and Third Party Works Manager is responsible for all structural engineering work which is carried out by one Senior structural engineer and an assistant. A Senior Technical Officer and six District Officers undertake highway inspection activities. A Streetworks Manager with two Inspectors carries out public utilities monitoring. A Network Co-ordinator and assistant manage new developments and new access requirements and one engineer and an assistant carry out network co-ordination.
- 4.7 The Network Systems and Asset Systems Manager is responsible for reactive repairs, and structural and preventative works delivered by one Street Lighting Engineer, one Grounds Maintenance Officer, one Senior Highways Engineer, one Engineer, one Technician and one Asset Engineer.
- 4.8 Members heard that the highways maintenance team are understaffed and that resources are limited. However, Members were impressed with the excellent service being supplied at present in light of such pressures and constraints, both financially and in terms of staffing. Members acknowledged that maintaining the current level of service within such financial and staffing constraints would be difficult and that investment in the service needed to be properly considered.

Recommendation - That financial investment in the service is increased and how this is to be achieved be explored

5. Performance Management

- 5.1 The Council has a number of mechanisms it currently uses or could seek to employ in order to ensure that utilities and contractors are meeting set performance standards and targets. These mechanisms are outlined in more detail below.

Performance Indicators

- 5.2 The Council was previously responsible for meeting a number of Best Value Performance Indicators (BVPI's) relating to the condition of principal roads, non principal classified roads, unclassified roads and of footway surface and repairing street lighting, in partnership with others.
- 5.3 Performance against these indicators was as follows over the last three years:

YEAR	2005	2006	2007
BVPI (%)	Defective Length (%)	Defective Length (%)	Defective Length (%)
223 (Principal Roads)	13	17	9*
224A (Classified Roads)	12	13	5*
224B (Unclassified Roads)	23.79	28	20
187 (Footways)	8	11.8	8

* Note that part of the reduction in % Defective Length of principal and non principal classified roads is as a direct result of changes in the method of calculating BVPI 223 and BVPI 224a

5.4 Members heard that recently the following National and Local Indicators within Merton's Local Area Agreement have replaced these BVPI's:

- NI 168 Principal Road Maintenance;
- NI 169 Non Principal Road Maintenance;
- LER 19 Street Lighting Repair (LBM Control); and
- LER 20 Street Lighting Repair (DNO Control)

5.5 Members expressed concern at the changes to these indicators given that the outcomes of scanner surveys have been used to set a baseline when their results do not allow direct comparison year on year.

5.6 Members were informed that the Council intends to continue to produce and report against BVPI 224B (condition of unclassified roads) and BVPI 178 (condition of PRW's) to ensure accurate information is held on the condition of the unclassified road network and PRW's.

Evaluation surveys

5.7 As part of the requirement to achieve parity between public utilities and Council works, as required by the Traffic Management Act (2004), Merton has developed resident satisfaction surveys which are carried out after each significant sized highway maintenance project i.e. resurfacing or footway works.

5.8 Pre paid letters are delivered to residents and businesses asking six questions concerning the conduct of the works. Scores are recorded and an overall score established for each piece of work. The same process is carried out where public utilities have carried out significant work. Scores are again

calculated and the results circulated to interested parties at quarterly network co-ordination meetings.

- 5.9 It is proposed to extend the use of the survey results so that individual utilities can gain feedback on the performance of their workforce on specific pieces of work.
- 5.10 An annual residents survey is undertaken which has a section on highways maintenance. Members were pleased to hear that 42% were satisfied with the condition of roads and pavements and that there had been a 10% increase in satisfaction since 2005.
- 5.11 The Highways Maintenance Team monitor satisfaction with programmed works in the form of resident's survey. Following each planned maintenance scheme questionnaires are sent to local residents directly affected by the works. Residents are asked to comment on the planning, execution and the quality of the scheme.
- 5.12 Members were pleased with the results of the Residents Survey that have improved from good to excellent year on year. The results of these surveys are also linked to Performance Indicators in contracts to mitigate the impact upon residents and local businesses.

6. Managing Public Utilities

- 6.1 Members heard that most works are carried out by public utilities. Contractors generally carry out the work for the electricity; gas, cable, water and telephone companies and large numbers of different contractors are involved sometimes with the same contractor working for more than one utility.
- 6.2 The Council is legally required to co-ordinate all works on the highway and lead in timescales allow time for discussion with Utilities on what works will take place and what conflicts there might be with its own or other utilities works.
- 6.3 A quarterly meeting between utilities, the Council and Transport for London is held to discuss the planning and coordination of works. Site meetings take place with the Police, London Transport and the Utility company to discuss ways to minimise any difficulties for pedestrians or particular groups of users, to determine what arrangements may be necessary for vehicles and whether they need to be diverted or, with the agreement of the utility, to postpone works if conflicts are too great.
- 6.4 Over 9000 excavations are carried out in Merton each year by utilities that are required by the Council to notify in advance of the works, except in emergency situations. The notice period varies between 3 days to 3 months depending on the scale and location of their works.
- 6.5 Merton Council officers felt that utilities were poor in their ability to provide programmes of works well in advance that makes the council's co-ordination role more difficult.

Fixed Penalty Notices

- 6.6 The Council can issue Fixed Penalty Notices (FPN) to utilities when works are deemed not up to standard and can demand they address the issue within a specific timeframe.
- 6.7 Merton Policy states that FPN'S are an important tool to be used to improve notice quality. Fixed Penalty Notices form part of an escalating procedure, the aim of which is the provision of accurate and timely data facilitating the coordination of works and assisting in achieving the authority's network management duty.
- 6.8 The offences under various sections of the New Roads and Street Works Act (1992) that relate to works noticing infringements can, since April 2008, be dealt with by issuing a FPN. In line with the Councils Fixed Penalty Notice policy, warnings for administrative noticing errors are issued and where a utility is found to be on site without a valid notice an FPN can also be issued.
- 6.9 Merton seeks to work with a works promoter to identify problems and seek a resolution through dialogue in the first instance. Quarterly coordination meetings enable this dialogue and Merton has developed Key Performance Indicators to measure parity between the treatment of utilities and the treatment of the authority's own works promoter to agree a timescale for improvement. These meetings are minuted and feedback on performance is provided to the works promoter.
- 6.10 Following on from the initial dialogue, Merton may seek to issue a FPN where an offence limits the authority's ability to fulfill its network management duty and will derive benefit.
- 6.11 Merton has issued nine FPN's for working without a notice to utilities and has received one payment for working without a valid notice. The remaining eight FPN's are still within the payment period and are being investigated by the relevant Utility companies.

Public utility Enforcement

- 6.12 The council is paid to inspect 10% of the excavations that take place and Inspectors assess whether the works are being carried out in a safe manner and that the reinstatement of the street is carried out to the required standard.
- 6.13 If that is not the case the council can insist that this is rectified at the utilities expense. The excavation remains the responsibility of the utility until it is completed satisfactorily and then carries a guarantee period of between two or three years depending on the depth of excavation.
- 6.14 Members were pleased to hear that a council inspector aims to try to visit every reinstated trench before it ceases to be the utility's responsibility to ensure that it is in good condition and meets the industry standards of workmanship and materials. In that way it is hoped to reduce the future

maintenance burden for the council by having to repair areas of street that the utility should have repaired correctly.

- 6.15 When Members met with officers and Members from Westminster Council they heard that the Council had arranged a number of weekend inspections that had enabled the team to uncover many works being undertaken without permission or to sufficient standards. Members were informed that this type of inspection would have significant cost implications.

Resident Satisfaction Surveys

- 6.16 The Council are required, as are all public utilities, under the Traffic Management Act (2004) to consult residents on their satisfaction with the service provided.
- 6.17 In addition, to ensure effective communication with residents about highways maintenance in their area Members heard that utilities and contractors are required to have signs in the work area displaying whom the contractor is working for and giving a phone number so that the public can contact them directly.
- 6.18 The Council receives complaints from the public about the perceived lack of control over the activities of utilities undertaking works in the Borough. These are generally resolved at a low level with the particular utility; however, specific concerns that Merton might have regarding utility operations would initially be raised at the quarterly network co-ordination meeting or by meeting with an individual utility.
- 6.19 The opportunity to escalate technical matters or disputes about them is available by appeal to London Highways Authority and Utility Council for London boroughs and beyond that to National HAUC for all Highway Authorities. These organisations represent both highway authorities and public utilities and provide an arbitration service.
- 6.20 Surveys of residents satisfaction with public utility work is evaluated in a similar way to Merton's own planned maintenance activities. Resident's surveys are sent out after completion of any significant utility work in a street and the questionnaire asks the same questions as those for Merton's work. In that way a direct comparison between the two types of work can be determined and the results are reported to the Utilities who are also advised of the results for Merton promoted works.

Proposed Permit Scheme

- 6.21 The Department for Transport has the power to intervene in any network coordination issues and the Traffic Management Act (2004) has granted Councils the power to regulate the activities of utilities on the highway further by the introduction of a permit scheme.
- 6.22 Members considered the possibility of introducing a permit scheme in Merton. The Group was informed that a permit scheme aims to formalise the approval

process for utilities applying to carry out highways maintenance and would ensure more efficient coordination of works for the following reasons:

- Permit requests cannot be ignored or they are deemed to be granted;
- If IT system crashes income is lost as well as management control;
- Active resolution of permit requests will require robust IT system;
- Highways Authority (HA) is able to charge a fee for a permit;
- HA can determine level of charge below the maximum;
- Permit charges can only cover cost of administering the scheme;
- No profit can be made as any fee is ploughed back into reduced charges next year;
- There is no compulsion to have a permit scheme;
- All schemes have to be justified and applied for and approved by DfT;
- Permit schemes provide more proactive management;
- Can impose conditions and timing and give ability to book road space and time;
- Existing flexibility to negotiate with PU's will be lost;
- Extra staffing required to process permit applications and monitor works;
- More onerous auditing of works and performance will result;
- More rigorous debt recovery and prosecution required to chase poor payers;
- Lack of response to a permit application in time means acceptance;
- Permit schemes will reduce the likely income from FPN's; and
- More robust IT necessary

6.23 Members were informed that Merton Council would need to apply to the Department for Transport to introduce a permit scheme and that internal discussions have taken place about the possibility and benefit of having such a scheme in Merton.

6.24 Whilst the benefits of the scheme were acknowledged by Merton Council officers, it was felt that there is already effective negotiation and coordination with utilities of works and that, in general, timescales for works were met and the Forward Plan was utilised by utilities. As the permit scheme simply formalises such dialogue with utilities its benefits at this stage for Merton were felt by officers to be unclear.

6.25 Equally, Members heard that the permit scheme is not operational across all boroughs, instead a number of authorities have applied to introduce permit schemes in London, the outcome of which has not yet been determined.

6.26 The scheme has disadvantages, Merton Council officers felt, in that many view the scheme as a means of generating income although the legislation specifically states that permit costs can only cover the cost of administering the scheme. Any applications for the scheme and its implementation and enforcement mean that there would actually be significant resource implications if it were to be adopted, particularly if cases are pursued and utilities are prosecuted.

6.27 There would also be a need to develop software packages internally to ensure they were able to record and manage permit data, deal with applications and

monitor their use. In addition, justification for the scheme would be based on present figures for fixed penalty notices issued and this is not a representative figure upon which to base any decision on the scheme.

- 6.28 Any authority undertaking the permit scheme will set its own charges for categories of work and determining which roads it applies such fees to, prioritising accordingly. An estimate of the fees was provided and members learned that it would be likely that £150 would be charged for a permit or more important roads and £50 for smaller side roads.
- 6.29 There is currently work ongoing in the Department in readiness for a permit scheme which would be taken through the usual channels, DMT, Cabinet etc for approval before any application could be made to Department for Transport. Merton plan to learn from the 12 pilot authorities currently applying for the scheme and consider the scheme based upon their findings and experiences.

Advantages and Disadvantages of the Permit Scheme

- 6.30 Members sought views on progress with the scheme, and the benefits and problems associated with implementation and operation of the scheme, from two of the authorities in London piloting the scheme, Ealing and Wandsworth.

Ealing

- 6.31 Ealing decided to become a permit authority at a very early stage and the scheme gained approval after its passage through the political and corporate process in February 2007.
- 6.32 The decision to become a Permit authority was based on Part 2 of the Traffic Management Act 2004 the Network Management Duty. Part 2 is the lynch pin of the Act in which all other Parts are structured to provide support for the objectives of the Network Management Duty. Ealing believed that by adopting Part 3 The Permit Scheme will prove to be a more powerful tool in controlling and managing road and street works than the existing New Roads and Street Works Act 1991.
- 6.33 By the imposition of conditions attached to a permit, local authorities have more input in how road and street works are delivered both in their timing and the methods of working. No permit will be issued unless the local authority has been satisfied that it has put in place everything it can to minimise disruption. The Permit Scheme therefore can be seen as a proactive method of managing utilities and highways own work whereas the New Roads and Street Works Act 1991 based on a noticing system is for the most part a reactive method of managing works and where for the greater part the local authorities has a modest influence on the notice content.
- 6.34 Ealing in line with other London boroughs on the first wave of making an application to Secretary of State have signed up to London Permit Scheme (LoPs). This is a common scheme and all boroughs must agree and abide by its rules. The advantage of joining a common scheme is that there will be

collaborative support for each other and sharing of knowledge and procedures. Also only one consultation is carried out. The disadvantage it may be argued that should you wish to deviate from the LoPs scheme i.e. not to permit all roads you will need to set up your own scheme. Notwithstanding, the LoPs scheme gives guidance on what is required in making an application. The other disadvantage is, a borough may, in some cases have to commit to financial outlay ahead of an income stream being realised.

Wandsworth

- 6.35 Wandsworth believe that permitting of activities on the highway provides better control of activities on the highway - in order to satisfy the highway authority's required Network Management Duty under the terms of the Traffic Management Act 2004 (TMA).
- 6.36 Permitting should be able to control other activities apart from street works on a highway, which may inhibit the free passage of highway users (e.g. gully cleansing, skip and scaffold placement, tree cutting etc etc). Although these activities are not yet subject to notifications etc such as street works, they all have a potential to disrupt highway use - which the TMA expressly requires is 'reduced'. This obviously provides a framework for future works (not just street works).
- 6.37 It is a proactive rather than reactive way of managing activities on the highway - effectively road space is 'booked' in advance, through permitting at a cost. Coordination should therefore be easier to arrange. Permit fees are paid in advance by works promoters (except for the highway authority themselves). The level of fees is determined by the DfT for each permit authority. The DfT also require that fee income is used to adequately run the scheme itself. This results in recommendations by the DfT of increased staffing levels to permit authorities to deal with the level of permit applications.
- 6.38 The TMA requires that all works promoters of highway activities are treated equally by permit authorities. Currently the promoters are largely public utilities and the Highway authorities themselves. Utilities will have to pay for permits, but highway authorities are exempt from charges. The utilities have demanded that highway authorities must provide regular reports that demonstrate that no 'favouritism' takes place in dealings with a permit authority.
- 6.39 Permits can establish conditions for individual works in advance - which will close certain loopholes in previous legislation. This should result in more prompt completion of works, and better traffic management at sites. The DfT has also sanctioned an additional set of street works inspections (complete with fees payable) to check compliance with the permit conditions established.
- 6.40 Wandsworth felt that it was too early to note any disadvantages with the system as these are not yet known in practice.

- 6.41 Members were keen to determine the advantages and disadvantages of the permit scheme in Merton and were advised by officers that this work is underway.

Recommendation – That a feasibility study be undertaken to determine if a permit scheme should be introduced in Merton

7. Asset Management

- 7.1 Members heard that the highway is one of the most valuable assets managed by the Council. Members were informed that the development of a Highways Asset Management Plan is not a legal requirement but is considered best practice.
- 7.2 The Code of Good Practice for Highway Maintenance states: “The development of a Highway Asset Management Plan (HAMP) is fundamental to demonstrating the value of highway maintenance in delivering the wider objectives of corporate strategy, transport policies and value for money”
- 7.3 The Highways Asset Management Plan is designed to be a management tool to:
- a) Support the corporate provision of detailed information on the assets held by the whole authority;
 - b) Provide the means for authorities to understand the value and liability of their asset and make the right strategic decisions; and
 - c) Enable the value for money of road maintenance to be considered
- 7.4 Members learned that at present the highway asset worth is as follows:

Asset	Value
Roads	£236,823,783
Footways	£126,482,984
Street Lighting	£30,810,012
Street Furniture	£5,487,175
Illuminated Signs	£1,921,521
Non-Illuminated Signs	£7,350,544
Other Illuminated Furniture	£783,586
Cable Equipment	£1,004,775
Structures	£ 82,826,413
Total gross replacement cost	£ 493,490,793

- 7.5 The Group considered the following benefits of having a highways asset management plan in place:
- a) Reduced life cycles costs;

- b) Defined and agreed levels of Service;
 - c) The ability to monitor performance;
 - d) Improved transparency in decision making;
 - e) Improved financial, operational and risk management;
 - f) Allow identification of future funding requirements; and
 - g) Provide improved management of reactive and planned works based on agreed intervention criteria, processes and appropriate level of resources.
- 7.6 Equally the Group considered the challenges of producing and maintaining an asset management plan, which were as follows:
- a) Member endorsement of the HAMP;
 - b) Secure major investment for continued development of the HAMP;
 - c) Establish HAMP Team to oversee and manage the Councils Highway Asset;
 - d) Look at the Council's CONFIRM Asset System to ensure it is fit for purpose;
 - e) Agree Levels of Service;
 - f) Undertake full detailed survey for all elements of the Highway Asset;
 - g) Update Asset Inventory Data;
 - h) Calculate Depreciated Replacement Cost;
 - i) Ensure Merton's HAMP delivers key components;
 - j) Maximise investment on the Highway Asset;
 - k) Suitable IT system to record, collect data and monitor whilst linking with other systems (the Council currently has CONFIRM as its IT system); and
 - l) Officer time required to develop the HAMP
- 7.7 Members were informed that there is national guidance in place for classifying and coding data and other examples in local authorities that could be drawn upon in producing a highways asset management plan for Merton.
- 7.8 At present the development of the Highways Asset Management Plan is being considered by a South London Consortium which London Borough of Merton forms part of. The Consortium was set up to develop and implement an

agreed HAMP framework to apply a consistent and jointly agreed approach to developing the key elements of the Highways Asset Management Plan.

- 7.9 Members sought good practice from Transport for London regarding asset management. Members heard that Transport for London has a system and plan in place that is updated every time maintenance works are carried out. Information is then stored against that asset. At present they have both a paper management system and database that notes and records the quality of roads and their lifespan to enable forward planning for roads to be replaced.

Recommendation – That a Highways Asset Management Plan be produced to ensure all assets are recorded and managed and works are prioritised accordingly

8. Partnership Working

- 8.1 The Council works with the following partners to ensure the road network is managed and maintained:

- Transport for London;
- London Buses;
- Neighbouring Highway Authorities;
- Public Utility Companies;
- The Metropolitan Police;
- FM Conway (Contractor);
- EDF Energy;
- Jacobs UK Ltd (Consultants);
- Veolia Environment Services (Grounds Maintenance); and
- Emergency Services

Utilities

- 8.2 Members held a stakeholder meeting with the following utilities and contractors to determine their roles and responsibilities in relation to highways maintenance and network coordination. Members were particularly keen to hear the views of representatives from utilities and contractors on sustainable approaches to highways maintenance and how to ensure effective communication and coordination of works:

- EDF Energy

- Thames Water
- Scotia Gas Network
- Conway's (Contractors)

8.3 Members were informed of the vision and values of each organisation, their network roles and responsibilities and statutory obligations they are subject to. Members learned that the Code of Practice for Inspections meant that utilities had responsibility to ensure their sites were maintained, that any damage to barriers was addressed and that reinstatement was completed within specific timescales.

8.4 In addition, utilities participated in quarterly coordination meetings and contributed to updating and maintaining the Forward Plan of works. Information was also made available to the public on each utilities website.

Contractor - Conways

8.5 Members also heard from the contractor Conways that undertakes planned and reactive works on behalf of the Council.

8.6 Conways is responsible for:

- Production of a coordinated programme of works;
- Monitoring health and safety and CDM requirements;
- Ensuring all work is carried out in accordance with the Code of Good Practice;
- Inspections, complaints or emergencies in relation to reactive works;
- Undertaking routine maintenance and structural work;
- Reconstructing footways and carriageways; and
- Responding to weather and other Emergencies

8.7 Conways have a joint management team with staff based in the Civic Centre and 47 operatives in the Borough. Conways has a dedicated plant and vehicle fleet with an average value of works carried out by the team per annum at £5 million.

Inspection and performance

8.8 Conways adhere to the Code of Good Practice, undertake site inspections and canvass residents for their views on quality of works and monitor their performance against delivery of the planned works programme.

- 8.9 Conways ensure that they have made personal contact and provide advance warning by letter to residents of works being undertaken in their area. A communications vehicle is also taken out in to the community to enable residents to approach staff to ask any questions, report issues etc.
- 8.10 Members questioned the performance measures that Conways were subject to in their contract. When Members visited Westminster Council their officers outlined the measures built in to a number of their service delivery contracts to ensure performance monitoring and management of contracts.

Contracts

- 8.11 The Highway Maintenance and Network Improvement Contract has four Key Performance Indicators (KPI's):
- Operating In A Considerate Manner;
 - Minimising Disruption on the Highway Network;
 - Increasing Sustainability; and
 - Effective and Efficient Operational Management
- 8.12 Each KPI has a number of sub-sections, which cover the vast majority of the work undertaken as part of the contract. These KPI's are monitored by the Network Maintenance Team and are reported monthly as part of the Contract Management Team meeting. As a result issues surrounding performance can be easily identified and quickly resolved at the appropriate level.
- 8.13 Health and Safety is paramount to both the Council and the Contractor and forms a major part of KPI 1 (Operating In A Considerate Manner). The Health and Safety on every planned maintenance scheme is assessed by the project engineer, both before and during the works, and scored as part of the KPI scoring process. Any breach of Health and Safety policy will result in the Contractor receiving a poor KPI score and will be escalated at the monthly Contract Management meetings.
- 8.14 During reactive/emergency works, the Contractors working methods are monitored and inspected by the Council's Street work's Team and any breaches in Health and Safety policy will be passed to the Network Maintenance Manager to escalate with the Contractor. In addition, the Contractor is randomly inspected by their own Health and Safety Team and these reports are available for inspection by the Council.
- 8.15 The Council has a generic Health and Safety policy as well as scheme specific Health and Safety files, which are developed as part of the Pre Construction Information, and Construction Phase plans.

Transport for London (TfL)

- 8.16 Members met with the Network Coordination Manager and Senior Route Manager at Transport for London dealing predominantly with utilities highways works and ensuring coordination and minimising disruption, particularly on more large-scale works.

- 8.17 Transport for London are subject to the same requirements as utilities in coordinating and informing of works and have a number of standards of safety and workmanship that they have to meet. Coordination is undertaken through a central register of works, a forward planning tool for London and Fixed Penalty Notices.
- 8.18 In addition, effective liaison and good working relationships are nurtured through two-way information sharing and quarterly coordination meetings. Day to day TfL ensure that works that would conflict in terms of time and space organised. Utilities are required to assist by providing information that is sufficiently detailed and enables the impact of works to be considered and mitigated.
- 8.19 Members heard that the Government, which gave authorities the power to issue Fixed Penalty Notices, acknowledges the importance of the quality of information on notices. This is also reliant on the authority being willing to take the utility to court/prosecute. TfL inspect works on a regular basis and ensure compliance with the reinstatement code.
- 8.20 In terms of managing the performance of utilities there are regular performance meetings, in the first instance overstay charges (as outlined in Section 74 of the New Road and Street Work Act) are applied and later stages involve issuing Fixed Penalty Notices and prosecution. It is felt that, in some circumstances, prosecution is the only option and this also sends the correct message to other utilities that certain things will not be tolerated.
- 8.21 Members questioned Transport for London regarding their view on the Permit Scheme and if it was beneficial. TfL were keen to have a permit scheme to ensure they have greater control over conditions of works, stipulating conditions that must be adhered to, for example, utilities must write to all local businesses about planned works. Members queried if there was any fee or payment for local businesses that are inconvenienced by Transport for London. Officers stated that this is not the case but there is discussion with businesses about works in their area.
- 8.22 The Group heard that Transport for London have a central register that is used and updated by all authorities and utilities as a database to share information and coordinate works. Transport for London found that most organisations had been receptive to updating the register and to liaising to ensure works are carried out at the best time in line with the work programme of Transport for London and other utilities. Transport for London acknowledged that communication and established working relationships are central to this register working.
- 8.23 The Central Register of works will also be made available online to the public in due course to ensure more visibility to residents. There is also a forward planning tool that invites London Boroughs and utilities to record its planned works up to a five-year period, which the public can access.

- 8.24 Transport for London are encouraging utilities to put out signs to inform residents of works underway, timescales etc. Members heard that TfL have an inspection regime in place which is carried out on a sample basis and includes red route traffic wardens reporting any issues.
- 8.25 Members were informed of a customer contact centre in operation to enable residents to make complaints and raise issues and a website to log issues. A number of inspections are carried out in response and this information is used when prioritising works. Residents always receive a response from TfL even if to inform the resident when works are planned or will be completed.
- 8.26 Members questioned other means by which TfL were aiming to minimise disruption to residents and local businesses and were informed that they are currently trialing new technologies, for example interlocking trench plates in carriageways to re open roads safely. This has been trailed successfully and a number of utilities have looked at signing up to using such methods/equipment.
- 8.27 Members also questioned if there was any recompense for businesses when road works are underway and access is restricted which could result in a loss of profit. TfL informed Members that this does not happen. However, the Code of Practice, by which all utilities and the Council are bound, covers access requirements and should be consulted when undertaking works to mitigate any such impact.
- 8.28 Members asked if there was anything that could be done by Merton Council to improve working relationships with TfL. Members were pleased to hear that there was a good working relationship in place and that information sharing and coordinating works was done successfully. Merton Council officers were seen to be very helpful and proactive in sharing information about works in the Borough.
- 8.29 Member's attention was drawn to the code of conduct developed by the Mayor of London, which could strengthen this good working relationship further.

Code of Conduct - Proposals

- 8.30 The Mayor of London, Boris Johnson, has persuaded utility companies to sign up to a code of conduct to cut the delays and congestion caused by roadworks. Utility firms working in London will have to provide information boards where they dig up the roads and work outside peak hours where possible.
- 8.31 The Group were informed that the Code of Conduct would encourage joint working between London Boroughs and utility companies to reduce the inconvenience caused by road and street works to London's road users, businesses and residents. They undertake to joint working and collaborative practices, in particular the following:

Permitting - The permit scheme is being rolled out across London before the DfT approves formal applications from local authorities to run them. During

this rollout software systems will be updated and the necessary process changes will be put in place prior to going live.

Sharing Long Term Plans - Local authorities and utility companies will continue to share their long term plans for upgrade, maintenance and new connections across London, especially on the routes likely to be required for the 2012 Olympic Games.

Plating - All opportunities for plating over or applying bridging techniques to our excavations will be taken, where this is safe and practical to do so. This will ensure a rapid return of carriageways and footways to road users and pedestrians.

Working Outside Peak Hours - Working at all times of the day will be allowed to minimise disruption to keep London moving and reduce excessive traffic delays. 24 hour working, 7 days a week at locations where environmental concerns can be overcome and disturbance to residents kept to a minimum.

Standard Information Signage - Recognising the importance of adequate signage of diversion routes and the value of courtesy notices, which provide details of works and their likely completion date, work site courtesy boards containing contact details together with an update on the progress of works will be supplied. This is particularly important for sites that are to be unattended for any length of time.

Inspections - Inspection of works on footways and carriageways on a regular basis will be undertaken and all aspects of the site that do not meet appropriate standards will promptly be rectified.

First time Re-Instatements - at all sites as another way of reducing delays and disruption.

Good Practice Guide - Spreading good practice is acknowledged as key to raising awareness and driving performance improvement. Examples of good practice will be shared and regular review of progress in meeting this code of conduct will take place.

- 8.32 Members felt that this would contribute to more effective partnership working between the Council, TfL and utilities and should be monitored to determine its outcomes in due course.

9. Benchmarking – Westminster Council

- 9.1 Members held a joint inter borough scrutiny exchange meeting with Westminster Council, during the course of their review, sharing their programme and findings to date.
- 9.2 Members acknowledged that whilst Westminster Council was quite different to Merton in terms of the additional staff and resources they had, it would still be worthwhile seeking good practice and contributing to the respective Task Group review of roads and pavements being undertaken.

- 9.3 Members heard a presentation from the Head of Road Management who is responsible for footways, carriageways, street works coordination and contracts and the Head of Traffic responsible for improvement works, asset management and traffic management.

Resources

- 9.4 Westminster Council has one hundred staff and two key service providers, Westminster TranServ and West One. Members heard that Westminster Council has significant resources dedicated to highways maintenance given its size and the number of assets it is currently responsible for.
- 9.5 Westminster has a Capital Programme of £28 million (including developer funded schemes and excluding carry forwards and accruals); and revenue of £10 million. Westminster Council spend £7 million on footways, £7 million on light ways with capital and £8 million on routine and reactive repairs.
- 9.6 Members were informed by Westminster Council when they undertook a site visit and held a joint meeting with their Roads and Pavements Task Group that there were a number of additional funding streams being pursued jointly with other London Boroughs from Department for Transport and Transport for London.

Recommendation – That the Council explores alternative funding streams for highways maintenance that may be sought independently or as part of a London wide joint authority bid.

Asset Management

- 9.7 Westminster Council has a significant number of assets it manages at a total value of £812m. This includes carriageway, footway, structures, and public lighting, bridges and road underpasses.
- 9.8 The government requires that Local Authorities determine value, state and any depreciation. In line with CIPFA audits how maintenance is undertaken is considered in light of depreciated value figure. This is then fed back into the base budget/life cycle planning.

Service Standards

- 9.9 Members heard about the process of setting objectives and levels of service. Westminster Council work to the following aims/areas:
- Accessibility and inclusion;
 - Customer Service;
 - Environment;

- Journey Time Reliability;
- Safety;
- Streetscape;
- Sustainability;
- Sustainable Transport;
- Value for Money;
- Workspace Management

9.10 Work against these objectives is classified into levels of service and performance measured and managed against a poor, fair, good and excellent rating system. Fair is the statutory minimum that must be met to ensure the network is in a safe condition, with comparison year on year.

Inspection

9.11 In terms of inspection Westminster Council carry out the following regime:

- One and three month maintenance inspection cycle;
- Targeted Street works;
- Targeted Highways Licensing;
- Newly cross-trained staff in the inspections team (22 staff working full time on inspections at any one time);
- Wireless handheld technology;
- Additional inspections by Business Improvement Districts and Civil Enforcement Officer;
- City Guardians Group (range of different officers not necessarily from the Highways Maintenance Team) that picks up low skilled issues on streets as part of an integrated street management approach adopted by Westminster Council; and
- Westminster Council also place different inspectors on different patches to determine extent of issues.

9.12 Westminster Council undertakes an Annual Condition Survey, which is a visual survey of the condition of the network using nationally recognised techniques, however, the technical assessment does not meet the public view of condition.

Performance Management

- 9.13 Members heard that Westminster Council adopts a KPI matrix, which focuses on core service delivery, customer and innovation. This enables the provider to 'think as we do' and align with corporate aims. There is also a weekly dashboard, which provides a single view across the service and enables early pick up of issues, and Performance Point, a system which provides data daily and is used by both client and provider.
- 9.14 Westminster Council also issues fixed penalty notices and are currently drafting an application to the Department for Transport to implement a permit scheme.

Consultation with residents

- 9.15 Westminster Council prioritises works according to the outcomes of the Residents Survey. This is given a RAG status and the red /amber issues are addressed first to avoid further deterioration.
- 9.16 The consultation process for engaging residents further in prioritising works was discussed. Members were informed that the Council does not consult residents further on the planned programme of works. However, a draft programme for particular wards is distributed and comments sought.
- 9.17 In addition, if there are particular concerns raised through Community Forums or Residents Associations then members of the team will make every effort to go to the site concerned and prioritise accordingly.

10. Equalities

Views from representatives from local Voluntary and Community organisations

- 10.1 Members considered the equalities implications of highways maintenance. The Group met with representatives from local Voluntary and Community organizations about the issues they face in relation to access and being informed about works.
- 10.2 Members discussed in depth the following issues raised by voluntary and community sector organisation representatives:
- a) Access to public transport;
 - b) Dropped kerbs;
 - c) Overhanging trees;
 - d) Poor or lack of signage, particularly for residents who are blind or partially sighted or with learning disabilities;

- e) Lack of notification in appropriate formats for disabled residents to access when works are planned, underway, delayed or completed;
 - f) Mobility issues and how disabled residents access areas that have works underway, for example, adequate pathways for wheelchair users to pass without having to go out onto the road;
 - g) Resident satisfaction surveys to be circulated in alternative formats;
 - h) Mechanisms by which to inform the Council of any faults or issues in a residents area;
 - i) Better coordination of works to ensure that where works are being undertaken notification is given and signage is clear regarding where bus stops, paths are etc for disabled residents; and
 - j) Where highways maintenance works are being undertaken regular inspections need to be carried out to ensure the area is tidy and rails etc in upright position to allow access
- 10.3 Officers informed members that the basis upon which they inspect a site to ensure it is safe and compliant with access for disabled residents is outlined in the Traffic Management Act (2004). Equally all authorities and utilities are bound by the Safety at Street Works and Road works criteria.
- 10.4 Officers acknowledged the issues regarding notification of works to disabled residents and felt that it was difficult to notify through such organisations, particularly for reactive works. However, Officers were happy to inform the relevant voluntary and community sector organisations regarding planned maintenance.
- 10.5 Members also questioned Council officers and utilities on the training they provide for their officers to ensure equalities and health and safety are considered. Members heard that some organisations require officers to refresh training on a regular basis but other simply undertake corporate equalities and diversity courses when they join the organisation.
- 10.6 Members were pleased to hear that the induction process at Merton ensures such training and that officers in the Council and utilities must undertake a certain amount of training over a 5-year period to continue in the profession.

Recommendation – That officers receive equality and diversity training, that includes training on completion of equality impact assessments, to ensure there is consideration of the impact of works on residents with disabilities

- 10.7 Members discussed the need for consideration of equalities and health and safety when undertaking maintenance works in the Borough. Members felt that that diversity and equalities should be a key part of the procurement process.

- 10.8 Members suggested that utilities, the Council and its contractors should ensure equalities implications have been considered before works are permitted and that all contracts should stipulate equalities terms and performance standards.
- 10.9 Members heard that the Council does carry out health and safety checks at present of its own works and for the work of utilities. Representatives in attendance highlighted the role of the Corporate Equalities Steering Group in implementing the equalities framework and adhering to equalities standards in contracts/procurement. Members were keen for officers to liaise with and consult the Steering Group as appropriate on new contracts.

Recommendation - That the Council insists utilities and Transport for London complete an Equality Impact Assessment of any works they apply/plan to undertake in the Borough and respond accordingly

Recommendation – That during the procurement process the Councils Equality in Procurement Guide and, where appropriate, Corporate Equalities Steering Group are consulted on issues relating to equalities and contractual requirements

Communication with disabled residents

- 10.10 Members were pleased to hear that Transport for London contact local organisations that represent disabled people and that these links are used to raise awareness through quarterly network coordination meetings.
- 10.11 Representatives from the voluntary and community sector organisations proposed a number of mechanisms that the Council may utilise to communicate with disabled residents about planned highways works and to seek feedback through satisfaction surveys. These included:
- I. Notifying Merton Vision of works planned, extended, completed to enable them to update their talking newspaper for visually impaired residents;
 - II. Ensure council contacts are outlined on works notices and in alternative formats to enable residents to report issues;
 - III. Forward the Minutes of the quarterly Network Coordination meetings to the relevant voluntary and community sector organisations;
 - IV. Ensure the relevant organisations receive a copy of the utilities, Transport for London and the Councils newsletters; and
 - V. Share the London Forward Plan for works with voluntary and community sector organisations

Recommendation - That local voluntary and community sector organisations receive the Minutes from the quarterly Network Coordination meetings to ensure they are aware of works being undertaken and arrangements being made to minimise disruption to resident with disabilities

Recommendation - That the Council provide Members and local voluntary and community sector organisations with an update on the Forward Plan for London, as appropriate

Recommendation - That Council and utilities develop their websites and provision of information to ensure they are more user friendly for, and accessible to, residents with disabilities

Recommendation - That the Council and utilities provide notices of highways maintenance to residents with disabilities in alternative formats and seek feedback on satisfaction and accessibility issues through MVSC

Considerate Contractor Scheme

- 10.12 Members also considered the Considerate Contractor Scheme as a means by which to ensure contractors meet equalities duties. The Considerate Contractor Scheme aims to encourage building and civil engineering contractors to carry out their operations in a safe and considerate manner, with due regard to passing pedestrians and road users.
- 10.13 Building sites and street works are annually judged on the basis of their overall performance during that year and on a site visit by a specially appointed judging panel.
- 10.14 The scheme comprises a code of good practice, regular inspections by City of London officers, annual judging and a telephone hotline enabling the public to comment on the scheme, on sites and on participating contractors.
- 10.15 The Considerate Contractor Scheme is a co-operative initiative open to all contractors undertaking building and civil engineering in the City of London. There is no membership fee, but on joining the scheme, members agree to abide by the code of good practice and to display the CCS signs and stickers on the site adjacent to the public highway. It is by following this voluntary code that the general standards of works are raised and the condition and safety of City streets and pavements improved for the benefit of everyone living, working or just travelling through the Square Mile.
- 10.16 Officers at Merton acknowledged the benefits of this Scheme but that it would require a significant amount of effort to ensure contractors undertake the necessary training and maintain standards.

11. Conclusions

- 11.1 The Highways Maintenance Task Group found that the service operates effectively within the financial and staffing constraints it faces. However, Members expressed concern at the decline in investment in the service over the past few years and the impact this was having at present and would continue to have in the coming years.
- 11.2 Members were keen to show their support for new initiatives and schemes, such as the Permit Scheme, that would inevitably increase the effectiveness of the service in the long term and enable works to be prioritised and coordinated appropriately.
- 11.3 Members were reassured by the good working relationship between the Council, Transport for London and utilities and acknowledged the efforts of officers to facilitate productive working relationships.
- 11.4 Finally, Members felt that understanding and embedding equalities in the practices of the Council and utilities was a key finding from this review that should be addressed.

12. Financial, Resource and Property Implications

- 12.1 Scrutiny work involves consideration of the financial, resource and property implications of the issue being scrutinised and the recommendations being put forward for Cabinet and partner consideration. There are financial implications should the recommendation regarding an increase in financial investment be approved. Any Action Plan to take forward agreed recommendations should outline the financial, resource and property implications in more detail.

13. Legal and Statutory Implications

- 13.1 Scrutiny work involves consideration of legal and statutory implications of the issue being scrutinised and the recommendations being put forward for Cabinet and partner consideration. No legal and/or statutory implications have been identified. Any Action Plan to take forward agreed recommendations should outline the financial, resource and property implications in more detail.

14. Human Rights, Equalities and Community Cohesion Implications

- 14.1 The Highways Maintenance Task Group undertook an Equalities Impact Assessment of the recommendations being made to Cabinet and partner organisations.
- 14.2 A copy of the full Equality Impact Assessment undertaken can be obtained from the Scrutiny Team.

15. Risk Management and Health and Safety Implications

- 15.1 Scrutiny work involves consideration of legal and statutory implications of the issue being scrutinised and the recommendations being put forward for

Cabinet and partner consideration. None identified. Any Action Plan to take forward agreed recommendations should outline the risk management and health and safety implications in more detail.

16. Acknowledgements

- 15.1 On behalf of the Highways Maintenance Task Group and the Sustainable Communities Overview and Scrutiny Panel, the Chair Cllr Makin, would like to thank officers, partners, utility companies and representatives for their contribution to this review.

Councillor Russell Makin (Chair of the Highways Maintenance Task Group)
Sustainable Communities Overview and Scrutiny Panel

3 June 2009

Request for document translation
Scrutiny review of Highways Maintenance

If you need any part of this document explained in your language, please tick box and contact us either by writing or by phone using our details below.

- Albanian** Nëse ju nevojitet ndonjë pjesë e këtij dokumenti e shpjeguar në gjuhën amtare ju lutemi shenojeni kutinë dhe na kontaktoni duke na shkruar ose telefononi duke përdorur detajet e mëposhtme.
- Bengali** এই ডকুমেন্ট কোনে কোনে আপনার নিজ ভাষায় বুঝতে চাইলে, দয়া করে ব্যক্তিগত (করে) টিক টিক বিন এক টিকি শিখে বা কোন করে আপনার সাথে যোগাযোগ করুন। নিচে যোগাযোগের বিবরণ দেওয়া হয়েছে।
- French** Si vous avez besoin que l'on vous explique une partie de ce document dans votre langue, cochez la case et contactez-nous par courrier ou par téléphone à nos coordonnées figurant ci-dessous.
- Korean** 만일 본 서류의 어떤 부분이라도 귀하의 모국어로 설명된 것이 필요하다면, 상자속에 표시불하고 우리에게 전화나 서신으로 연락하십시오.
- Polish** Aby otrzymać część tego dokumentu w polskiej wersji językowej proszę zaznaczyć kwadrat i skontaktować się z nami drogą pisemną lub telefoniczną pod poniżej podanym adresem lub numerem telefonu.
- Portuguese** Caso você necessite qualquer parte deste documento explicada em seu idioma, favor assinalar a quadricula respectiva e contatar-nos por escrito ou por telefone usando as informações para contato aqui fornecidas.
- Somali** Haddii aad u baahan tahay in qayb dukumeentigan ka mid ah laguugu sharxo luqaddaada, fadlan sax ku calaamadee sanduuqa oo nagula soo xiriir warqad ama telefoon adigoo laficanalaya macluumaadka halkan hoose ku yaala.
- Spanish** Si desea que alguna parte de este documento se traduzca en su idioma, le rogamos marque la casilla correspondiente y que nos contacte bien por escrito o telefónicamente utilizando nuestra información de contacto que encontrará más abajo.
- Tamil** இதுபோன்ற ஆங்கில ஆவணங்களை உங்கள் மொழியில் மாற்றுவதற்கு உங்களுக்கு வேண்டுகோள். கீழ்க்கண்ட இடங்களில் தேவையான பகுதிகளை குறிப்பிட்டு எழுதிக்கொடுக்க வேண்டுகோள். அல்லது கீழ்க்கண்ட முகவரி மூலம் தொடர்பு கொள்ளுங்கள்.
- Urdu** اگر آپ اس دستاویز کے کسی حصے کا ترجمہ اپنی زبان میں حاصل کرنا چاہتے ہیں تو درجے ہوئے جگہ پر کسی شے کی نشان لگائیے اور ہمارے عدویں کو ای میل یا فون پر رابطہ کرنا چاہیں۔
 تحریری طور پر رابطہ کریں۔

- Large print Braille Audiotape

<p>Your contact:</p> <p>Name.....</p> <p>Address.....</p> <p>.....</p> <p>.....</p> <p>Telephone.....</p>	<p>Our Address:</p> <p>Scrutiny Team</p> <p>London Borough of Merton</p> <p>Merton Civic Centre</p> <p>SM4 5DX</p> <p>Telephone: 020 8545 4685</p>
--	---