

<p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;">ENVIRONMENT COMMITTEE</p>
<p style="text-align: center;"><u>DATE AND TIME</u></p> <p style="text-align: center;">WEDNESDAY 2ND JUNE, 2021</p> <p style="text-align: center;">AT 7.00 PM</p>
<p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4B</p>

TO: MEMBERS OF ENVIRONMENT COMMITTEE (Quorum 3)

Membership to be confirmed at Annual Council on 25 May 2021.

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted on 27 May 2021 by 10AM - Requests must be submitted to Paul.Frost@barnet.gov.uk

You are requested to attend the above meeting for which an agenda is attached.
Andrew Charlwood – Head of Governance

Governance Services contact: Paul Frost 020 8359 2205
Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the previous meeting	5 - 10
2.	Absence of Members	-
3.	Declarations of Members' Disclosable Pecuniary Interests and Non-Pecuniary Interests	-
4.	Report of the Monitoring Officer (if any)	-
5.	Public Questions and Comments (if any)	-
6.	Members' Items	11 - 14
7.	Review of Re Highways KPI Suite	15 - 20
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Decisions of the Environment Committee

11 March 2021

Members Present:-

AGENDA ITEM 1

Councillor Dean Cohen (Chairman)
Councillor Peter Zinkin (Vice-Chairman)

Councillor Alison Cornelius
Councillor Felix Byers
Councillor Elliot Simberg
Councillor Laithe Jajeh

Councillor Alan Schneiderman
Councillor Geof Cooke
Councillor Jo Cooper
Councillor Laurie Williams

1. MINUTES OF THE PREVIOUS MEETING

Resolved: That the minutes of the meeting that took place on 18 January 2021, be approved.

2. ABSENCE OF MEMBERS

None.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor Alan Schneiderman declared a non-Pecuniary interest in relation to his Members Item as listed in item 6. He stated that he was a Member of the Canal and River Trust. He therefore took part in the consideration of the item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

The Committee noted the receipt of Public Question and Public Comment in connection with item 6, Suspension of Enforcement in Controlled Parking Zones.

The Chairman noted that Ms Maria Byrne was not in attendance and therefore noted his submission and the Council's response in respect to the answer to his question.

6. MEMBERS' ITEMS

Councillor Alan Schneiderman – Protect the Welsh Harp

Councillor Alan Schneiderman was invited by the Chairman to introduce the item. Councillor Schneiderman gave a summary of the issue and requested that the Committee supported his item.

During the consideration of the item the Chairman stated that he had met with the London Borough of Brent in order to release a statement about the joint collaborate position.

During the consideration of the item Councillor Alan Schneiderman made a request to the committee that was later accepted (see below). The Chairman noted his support for the item and said that it should be recognised the efforts of volunteers in clearing up the welsh harp and therefore the Committees thanks should be noted.

Resolved:

- That the Committee recognised the efforts of volunteers in clearing up the welsh harp and provided thanks for all their work.
- That a report be submitted to the Environment Committee setting out options for a robust co-ordinated plan for a sustainable future for the Welsh Harp involving Barnet Council, Brent Council, the Environment Agency, the Canal and River Trust and volunteers with regular scheduled reports back on progress throughout the year. The Committee requested that the include a comprehensive approach to the whole water course system and flood management process within the borough. In addition the report should include options for the recruitment of a biodiversity officer to support not just the Welsh Harp but the whole borough.

Geof Cooke – Suspension of Enforcement in Controlled Parking Zones

Councillor Geof Cooke was invited by the Chairman to introduce the item. Councillor Cooke gave a summary of the issue and requested that the Committee supported his item. He requested that his item be considered and he moved that a compensatory extension of validity of resident parking permits would be fair to residents and should be considered by the Environment committee.

Members of the Committee had the opportunity to comment on this item and ask questions.

The Chairman moved this item to the vote as tabled.

Resolved:

- That the Members Items as listed not be approved

The vote recorded was:

For – 4

Against – 6

- The Environment Committee noted the report.

7. ENVIRONMENT COMMITTEE HIGHWAYS TREE ROOT POLICY

The report was introduced by the Executive Director for Environment. The Strategic Service Director was in attendance to respond to questions from Members.

Councillor Jajeh requested to Officers that Councillor John hart be consulted on this matter as he is the Council's Natural Environment Champion.

Having considered the report the Committee unanimously:

Resolved:

1. That the Committee approved the draft Highway Tree Root Policy as set out in this report, subject to consultation. This policy be delegated to the Executive Director for Environment for finalisation of any changes as a result of the consultation and implementation.

8. SOCIAL DISTANCING

The report was introduced by Interim Transport and Highways Lead.

The Chainman requested that breakdown of cost be sent to Councillor Byers. He also requested that comments from Members on the A1000 Phase 1 scheme be directly submitted to Interim Transport and Highways Lead.

Having considered the report the Committee unanimously:

Resolved:

1. That the Environment Committee noted progress with the development, implementation and monitoring of Social Distancing measures arising from the Coronavirus pandemic.
2. That the Environment Committee noted that subject to the agreement of recommendation 1, future reports will provide a review of the experimental schemes, with recommendations to retain, remove or, subject to additional funding, review longer term options incorporating design changes, to reflect community feedback and lessons learned.

9. SUSTAINABILITY STRATEGY UPDATE

The report was introduced by the Executive Director for Environment. He requested that Members provide him with comments in regards to this item in writing. He added that this item would be reported to the Policy and Recourse's Committee and therefore he noted that he wanted the views of Members. He provided an overview or the report and highlighted the details in 1.10 of the report.

Members welcomed the report and questioned officers on the timeline of the implantation. Mr Mee said that Members feedback was very important and he noted it was hoped that Policy and Recourses will receive a report during the summer.

Having considered the report the Committee unanimously:

Resolved:

The Committee noted this update on the progress of the Barnet Sustainability Strategy and that a draft strategy will be presented to Policy & Resources Committee for approval

10. CAR PARK CHARGING - PARKS

The report was introduced by the Executive Director for Environment. The Assistant Director Greenspaces & Leisure gave a full outline of the report. Members heard information on the statutory consultation, Public Consultation Report and customer feedback.

During the consideration of the item the Chairman lost connectivity and lost connection to the meeting. As a result the Committee adjourned briefly in order for the chairman to re-join the meeting which he duly did.

Members considered the proposed car parking charges in detail. The Chairman said that the proposals *should be worked on so that they are ready to be implemented by 01 May*. This was supported and seconded by Councillor Laithe Jajeh.

Councillor Alan Schneiderman moved *that all future plans to extend charges to other park car parks should be scrapped*. This was seconded by Councillor Geof Cooke.

The Committee were requested to vote on Councillor Alan Schneiderman motion.

Resolved:

- That the motion be lost
- The vote recorded was

- For 4
- Against - 6

The Committee were then requested to vote on the report's recommendations and Councillor Cohen's motion .

Resolved:

- That the motion was carried (9 below)
1. That the Environment Committee noted the consultation responses as set out in Appendix 2 and 3 of the report and agreed charging for the use of the car park in Mill Hill Park as proposed in this report.
 2. That the Environment Committee agreed to the implement new fees and charges for Mill Hill Park car park as set out in Appendix 1, which were included in the budget proposals submitted to the Policy and Resources Committee
 3. That the Environment Committee having noted the consultation responses set out in Appendix 2 and 3 of the report and agreed charging for the use of the car park in Old Courthouse Recreation Ground as proposed in this report.

4. That the Environment Committee agreed to the implement new fees and charges for Old Courthouse Recreation Ground car park as set out in Appendix 1, which were included in the budget proposals submitted to the Policy and Resources Committee
5. That the Environment Committee agreed having considered the consultation responses set out in Appendix 2 and 3 of the report charging for the use of the car park in Scratchwood Open Space as proposed in this report subject to a suitable alternative enforcement system or approach being implemented
6. That the Environment Committee agreed to the implement new fees and charges for Scratchwood Open Space car park as set out in Appendix 1, which were included in the budget proposals submitted to the Policy and Resources Committee
7. That the Environment Committee agreed having considered the consultation responses set out in Appendix 2 and 3 of the report charging for the use of the car park in West Hendon Playing Fields as proposed in this report.
8. That the Environment Committee agreed to the implement new fees and charges for West Hendon Playing Fields car park as set out in Appendix 1, which were included in the budget proposals submitted to the Policy and Resources Committee
- 9 . That the Environment Committee noted that the proposals should be worked on so that they are ready to be implemented by 01 May

The vote recorded was

- For 6
- Against - 4

11. COMMITTEE FORWARD WORK PROGRAMME

That the work programme be noted.

12. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 19:50

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Environment Committee

02 June 2021

Title

Member's Items

Councillor Alan Schneiderman – Protecting the Welsh Harp

Geoff Cooke – Barnet Citizen's Climate emergency Panel

Laurie Williams – Enhance Hedges to Encourage Wildlife

Claire Farrier – Restart Food Waste Collection
(subject to membership appointment at Annual Council, 25/05/21)

Report of

Head of Governance

Wards

All Wards

Status

Public

Urgent

No

Key

No

Enclosures

None

Officer Contact Details

Paul Frost, 020 8359 2205, paul.frost@barnet.gov.uk

Summary

Members Items have been received for the Environment Committee. The Committee are requested to consider the items and provide instructions.

Officers Recommendation

That the Environment Committee's instructions in relation to these Member's Items are requested.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members of the Committee have requested that the items tabled below are submitted to the Environment Committee for considering and determination. The Environment Committee are requested to provide instructions to Officers of the Council as recommended.

Alan Schneiderman	<p>PROTECTING THE WELSH HARP</p> <p>At the March Committee meeting it was agreed that a report would come back to a future meeting with options for a robust protection and maintenance plan for the Welsh Harp. In my member's item to that meeting, I asked the Committee to consider using the circa £200k s106 funds obtained and set aside for biodiversity on this Welsh Harp plan.</p> <p>Since the meeting, the Council has identified additional CiL monies to be used both centrally and via the Area Committees for local infrastructure works.</p> <p>The Welsh Harp is of strategic importance to the wider regional area, so I ask that the Committee consider use of some of this newly identified CiL funding to boost the developing plan for the Welsh Harp as part of Barnet's contribution.</p> <p>I also ask that the Committee is given an update on work on this plan.</p>
Geoff Cooke	<p>BARNET CITIZEN'S CLIMATE EMERGENCY PANEL</p> <p>It is widely recognised, although not yet by Barnet Council, that we facing a climate emergency. Alongside action at an international, national and community level, tackling the climate emergency should be at the heart of the council's work.</p> <p>Environment committee is asked to agree the following:</p> <ol style="list-style-type: none"> 1. To declare a climate emergency. 2. Ensure all council decision-making includes an assessment of the decision's environmental impact. 3. To set up a Barnet citizen's climate emergency panel to support the development of climate change and sustainability action plans and to monitor the council's progress in implementing the plans and mitigating climate change. 4. To start a recruitment process for the panel, inviting Barnet residents and representatives from businesses, community groups and local climate change and environmental groups to join.

Laurie Williams	<p>ENHANCE HEDGES TO ENCOURAGE WILDLIFE</p> <p>Hedges allow wildlife to move about between gardens and other spaces and provide feeding and breeding opportunities.</p> <p>Environment committee requests a report or future item on how, including through council maintenance, these opportunities can be enhanced.</p>
Claire Farrier (<i>subject to membership appointment at Annual Council, 25/05/21</i>)	<p>RESTART FOOD WASTE COLLECTIONS</p> <p>Separate food waste collections in Barnet were scrapped in 2018 and should be restarted as soon as possible.</p> <p>Environment Committee is asked to agree the following:</p> <ol style="list-style-type: none"> 1. That the council makes a firm commitment to restart separate food waste collections. 2. That the Environment Committee should receive a report at the next meeting on 6 October 2021 setting out details of how food waste collections will be restarted, including the timescale, cost and communications plan.

2. REASONS FOR RECOMMENDATIONS

- 2.1 No recommendations have been made. The Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 A Member (including Members appointed as substitutes by Council) will be permitted to

have one matter only (with no sub-items) on the agenda for a meeting of a committee or Sub-Committee on which s/he serves. The matter must be relevant to the terms of reference of the committee.

- 5.3.2 The referral of a motion from Full Council to a committee will not count as a Member's Item for the purposes of this rule.

5.4 Risk Management

- 5.4.1 None in the context of this report.

5.5 Equalities and Diversity


- 5.5.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

5.6 Consultation and Engagement

- 5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

- 6.1 None.

	<p style="text-align: right;">AGENDA ITEM 7</p> <p style="text-align: center;">Environment Committee</p> <p style="text-align: center;">2 June 2021</p>
Title	Review of Re Highways KPI Suite
Report of	Chairman of the Environment Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	None
Officer Contact Details	Geoff Mee, Executive Director, Environment geoff.mee@barnet.gov.uk Tim Campbell, Head of Commercial Management tim.campbell@barnet.gov.uk

Summary
<p>This report updates Members with the need to review the Highways Key Performance Indicators (KPIs) under the Development and Regulatory Services (DRS) contract with Regional Enterprise (Re) following the award of the Highways term maintenance contract (TMC) to TarmacKier Joint Venture (<u>TarmacKier</u>) which went live on 1 April 2021.</p>

Officers Recommendations	
1.	That the Environment Committee notes the suspension of 6 KPIs under the DRS contract with Re for Quarter 1 2021/22.
2.	That the Environment Committee notes the review being carried out by officers of the Re KPI suite to ensure that it better aligns with KPIs in the new Highways TMC, and reflects Re's Managing Agent role under the DRS contract.
3.	That the Executive Director, Environment is authorised to agree a revised KPI suite in consultation with the Chair of the Committee, to be reported from Quarter 2 2021/22.
4.	That the Environment Committee receives a further report at the September 2021 meeting on the revised KPI suite.

1. PURPOSE OF REPORT

- 1.1 The Highways Term Maintenance Contract from 1st April 2021 was awarded to TarmacKier as reported to Environment Committee on 18 January 2021.
- 1.2 Work is underway with TarmacKier to implement a new KPI suite under the terms of that contract, from Q2 2021/22.
- 1.3 The purpose of this report is to notify the Committee that the KPI suite under the DRS contract with Re is also being reviewed in light of the above and to ensure it aligns with the TMC and is reflective of Re Highway's responsibility as the Council's Managing Agent for the TMC.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The Highways TMC contains a range of KPIs, including a number such as defect rectification and gulley cleansing, which are now directly the responsibility of TarmacKier. The KPI suite with TarmacKier will be implemented from Q2 2021/22.
- 2.2 The review of the KPIs with Re is being undertaken in the light of this and to reflect Re's role as the Managing Agent under the DRS contract. The Managing Agent responsibilities under the DRS contract are to ensure that the ThirdParty Contractors are complying with the terms of their contracts. It includes monitoring managed contracts and related KPIs and PIs including quality of service delivery (employing technical experts where necessary), cost (including budget, efficiency and cost effectiveness) and performance.
- 2.3 The review is also mindful of the recent concerns raised by members around a number of the KPIs, as reported to Financial Performance and Contract Committee (FPCC) and referred to Environment Committee in the last year.
- 2.4 The review is being carried out jointly between the Council and Re. The intention is that the KPIs will cover Re's responsibilities for receiving defect reports, verifying and packaging them into work orders in a timely and efficient manner that enables TarmacKier to fulfil the repairs under its contract.

- 2.5 Officers have agreed to suspend 6 Highways KPIs under the DRS contract for the first quarter of 2021/22, as they are no longer directly applicable to Re. This will allow for the review to be carried out and to align the two KPI regimes. This is also being reported to the FPCC.
- 2.6 The suspended KPIs are:
- Annual programme of Gulley Cleansing
 - Emergency Defects Rectification Timescales completed on time
 - Category 1 Defects Rectification Timescales completed on time
 - Category 2 Defects Rectification Timescales completed on time
 - Timely construction of Vehicle Crossovers following receipt of payment
 - Response to complaints relating to a drainage malfunction and/or flooding event
- 2.7 The new Highways KPI suite will be reported at the Environment Committee and the FPCC September 2021 meetings.
- 2.8 Although the 6 KPIs are suspended, activity will continue and will still be monitored, but not reported against any target.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4 POST DECISION IMPLEMENTATION

- 4.1 Once the Committee approves the recommendation, officers will complete the review of Highways KPIs with Re and with approval of the Executive Director, Environment will implement the new KPI suite from July 2021.

5 IMPLICATIONS OF DECISION

5.1 Corporate Performance

5.1.1 Performance monitoring is essential to ensure that there are adequate and appropriately directed resources to support delivery and achievement of corporate priorities as set out in the Corporate Plan (Barnet 2024) and our strategic contracts.

5.1.2 Relevant council strategies and policies include the following:

- Medium Term Financial Strategy
- Corporate Plan (Barnet 2024)
- Performance and Risk Management Frameworks.

5.2 Resources (Finance and Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The suspended KPIs will be excluded from any performance report and will be removed from any potential financial penalty. While there is no budget forecast based on failed KPIs, any service credits received under the contract contribute to the financial position. Budgetary information is part of the Chief Finance Officer report to the FPCC.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. As set out in the council's Contract Procedure Rules, commissioners should use the Procurement Toolkit, which includes Social Value guidance. The Contract Management Toolkit should also be used to help ensure that contracts deliver the expected services to the expected quality for the agreed cost. Requirements for a contractor to deliver activities in line with Social Value will be monitored through the contract management process.

6. Legal and Constitutional References

- 6.1 Section 151 of the Local Government Act 1972 states that: "without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". Section 111 of the Local Government Act 1972 relates to the subsidiary powers of local authorities to take actions which are calculated to facilitate, or are conducive or incidental to, the discharge of any of their functions.
- 6.2 Section 28 of the Local Government Act 2003 (the Act) imposes a statutory duty on a billing or major precepting authority to monitor, during the financial year, its income and expenditure against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the authority must take such action as it considers necessary to deal with the situation. Definition as to whether there is deterioration in an authority's financial position is set out in sub-section 28(4) of the Act.
- 6.3 The Council's Constitution, under Article 7 (Committees, Forums, Working Groups and Partnerships), sets out the functions and responsibilities of the Environment Committee and these include: (1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health and (4) To receive reports on relevant performance information and risk on the services under the remit of the Committee.
- 6.4 Under the Council's Scheme of Delegation, the Executive Director for Environment has responsibility for the leadership, strategy and direction on the Council's social, environmental and economic objectives to make Barnet's local environment clean, attractive, and safe with well-maintained roads and pavements, flowing traffic, increased recycling and less waste. This is done through engaging in strategic and delivery partnerships in order to achieve the best outcomes for residents and businesses.

7. Risk Management

- 7.1 The council has an established approach to risk management, which is set out in the

Risk Management Framework. Risks are reviewed quarterly (as a minimum) and any high (15 to 25) level risks are reported to Policy and Resources Committee.

8. Equalities and Diversity

8.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups.

8.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation; marriage and civil partnership.

8.3 In order to assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

8.4 This is set out in the council's Equalities Policy, which can be found on the website at:<https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

9. Corporate Parenting

9.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

10. Consultation and Engagement

10.1 Obtaining customer feedback is part of the contract management process to inform service delivery, service development and service improvement.

11. Insight

11.1 The report identifies revised performance information in relation to the council's contracted services. The report covers delivery from Regional Enterprise (RE) (Capita).

12. BACKGROUND PAPERS

12.1 Procurement of Highways Term Maintenance Contractor Supplementary Report 20th

January 2021:

<https://barnet.moderngov.co.uk/documents/b36766/Item%2010%20-%20LoHAC%20replacement%20Supplemental%20Report%2018th-Jan-2021%2018.00%20Environment%20Committee.pdf?T=9>

Referral from the Financial Performance and Contracts Committee 20th January 2021:

<https://barnet.moderngov.co.uk/documents/s62791/Referral%20from%20FPC%20Committee%20to%20Environment%20Committee.pdf>

Environment Committee AGENDA ITEM 8

2 June 2021



Title **Utilities and Highways Charter**

Report of Chairman of the Environment Committee

Wards All

Status Public

Urgent No

Key No

Enclosures Appendix 1 - Utilities and Highways Charter Summary

Officer Contact Details Geoff Mee, Executive Director, Environment
Geoff.Mee@barnet.gov.uk

Summary

Local Authorities are responsible for the effective management and coordination of road works and street works across the highway network through a comprehensive legislative framework including the New Roads and Street Works Act 1991 (NRSWA), the Traffic Management Act 2004 and the Highways Act 1980.

In a typical year, the London Borough of Barnet permits on average 35,000 sets of road works and street works. To put this into context this figure equates to circa 1.75% of all annual road works conducted across the United Kingdom. It is, therefore, critical that road works and street works are managed and coordinated effectively across the Borough's Highway Network. When works are not coordinated in an effective and efficient way the highway network can quickly become overloaded and congested.

The London Borough of Barnet draft Utilities and Highways Charter aims to deliver and effectively manage the highway network through the formation of a voluntary alliance and

professional understanding between the Council and Contractors operating on the Highway Network, these Contractors include all the major Utility Companies operating on the Borough's Highway Network.

This report seeks the Committee's approval for a draft Utilities and Highways Charter to respond effectively to the management of the highway network. The Charter brings together in a voluntary mechanism an overarching arrangement to support the legislative framework covered in New Roads and Street Works Act 1991 (NRSWA), the Traffic Management Act (TMA) 2004 and the Highways Act 1980.

The draft Utilities and Highways Charter focuses on the promotion of effective planning, coordination, collaboration, communication, improved site management, training, recognition, and innovation leading to the delivery of a more efficient coordinated highway network.

The draft Utilities and Highways Charter will be subject to an informal consultation in line with the Council's procedures.

Officers' Recommendations

That the Committee:

- (a) approve the draft Utilities and Highways Charter as set out in this report for informal consultation; and**
- (b) delegate authority to the Executive Director for Environment to finalise the Utilities and Highways Charter, in consultation with the Chairman of the Environment Committee, following the outcome of the informal consultation.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is needed to enable the formation of an alliance and professional understanding between the Council and Contractors operating on the Highway Network, these Contractors include all the major Utility Companies operating on the Borough's Highway Network, enabling the promotion of effective planning, coordination, collaboration, communication, improved site management, training, recognition, and innovation leading to the delivery of a more efficient coordinated highway network.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Barnet's highway network is our largest, most valuable and most visible community asset and is probably the most used of all of our services, by nearly all residents on a daily basis. It is vital to the economic, social and environmental well-being of our community.
- 2.2 The Highways Act 1980 (HA 1980) sets out the main duties of highway authorities in England and Wales. Highway maintenance policy is set within a legal framework. Section 41 of the HA 1980 imposes a duty to maintain highways which are maintainable at public expense and Section 130 states that 'It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they

are the highway authority'. The HA 1980 sits within a much broader legislative framework specifying powers, duties, and standards for the creation of highways, highway maintenance, highway interference, and general provisions to the management of the highway.

- 2.3 The Council has a duty to ensure that the statutory functions and responsibilities in relation to those highways for which the local authority is responsible are discharged through the New Roads and Street Works Act 1991 (NRSWA,) in particular Section 59 (duty to coordinate) and Section 60 (duty to cooperate) and the Traffic Management Act 2004. The Authority also has a duty to ensure a safe passage for the highway user through the effective implementation of the legislation available to it, principally the HA 1980, and in particular Section 41 and Section 130 of that Act.
- 2.4 In a typical year, the London Borough of Barnet permits on average 35,000 sets of road works and street works support the Borough's economic, environmental and community centric infrastructure including well maintained highways, broadband and telecommunications, water and sanitary systems, electricity and heating to name but a few. To put this into context this figure equates to circa 1.75% of all annual road works conducted across the United Kingdom. It is, therefore, critical that road works and street works are managed and coordinated effectively across the Borough's Highway Network, when works are not coordinated in an effective and efficient way the highway network can quickly become overloaded and congested.
- 2.5 The London Borough of Barnet draft Utilities and Highways Charter aims to deliver and effectively managed highway network through the formation of an alliance and professional understanding between the Council and Contractors operating on the Highway Network, these Contractors include all the major Utility Companies operating on the Borough's Highway Network.
- 2.6 The draft Utilities and Highways Charter focuses on the promotion of effective planning, coordination, collaboration, communication, improved site management, training, recognition, and innovation leading to the delivery of a more efficient coordinated highway network.

3. RECOMMENDED OPTION

- 3.1 This proposed Utilities and Highways Charter focuses on the formation of an alliance and professional understanding between the Council and Contractors operating on the Highway Network, these Contractors include all the major Utility Companies operating on the Borough's Highway Network, enabling the promotion of effective planning, duration management, minimisation of overruns, coordination, collaboration, communication, improved site management, training, recognition, and innovation leading to the delivery of a more efficient coordinated highway network against the following criteria:
 - Collaborative Working
 - Permanent First Time Reinstatement
 - Temporary Traffic Signals
 - Footway Boards and Road Plates
 - Permit Schemes
 - Work Comments and Notification of Site Difficulties

- Working Times and Restrictions
- Coordination and Planning
- Communication
- Inspection and Compliance
- Barnet Council Own Highways Schemes
- Stakeholder Engagement
- Environmental Considerations
- Innovation
- Measurement and Performance
- Recognition and Awards

This criterion is expanded further in Appendix 1 of this report.

- 3.2 The concept and content of the draft Utilities and Highway Charter have been well received by the main utility companies operating on the London Borough of Barnet Highway Network.
- 3.3 The introduction of this Charter does not limit the Councils statutory powers as defined in the New Roads and Street Works Act 1991 (NRSWA), the Traffic Management Act 2004 and the Highways Act 1980.
- 3.4 The Charter does not in any way supersede or replace any existing legislation or codes of practice.

4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 4.1 The alternative option is to continue without a Utilities and Highways Charter, losing the opportunity to develop a voluntary alliance and professional understanding between the Council and Contractors operating on the Highway Network and thus deliver positive environmental outcomes without recourse post event protracted legal action.

5. POST DECISION IMPLEMENTATION

- 5.1 Once the Committee approves the recommendations, the Utilities and Highways Charter will be subject to an informal consultation with appropriate stakeholders from July 2021, in conjunction with the communication team. An informal consultation plan will be developed and implemented. This policy be delegated to the Executive Director for Environment for finalisation of any changes as a result of the consultation and implementation. This timetable is proposed so that the Utilities and Highways Charter can be in place from October 2021.

6. IMPLICATIONS OF DECISION

6.1 Corporate Priorities and Performance

- 6.1.1 The Council's Corporate Plan – Barnet 2024, states in its strategic objectives that it will work with partners to achieve a pleasant, well maintained borough that we protect and invest in.
- 6.1.2 In particular, the proposed Utilities and Highways Charter aiming to improve the efficiency of the highway network, which in turn will contribute to improving the

local environment and the quality of life for the residents and help create conditions for a vibrant economy.

6.1.3 The proposed Utilities and Highways Charter will contribute to the Council's Health and Wellbeing Strategy by making Barnet a great place to live and enable the residents to keep well and independent.

6.1.4 The Highway network is the Council's most valuable asset and is vital to the economic, social and environmental wellbeing of the Borough as well as the general image perception. The Highways provide access for business and communities, as well as contribute to the area's local character and the resident's quality of life. Highways really do matter to people and often public opinion surveys continually highlight dissatisfaction with the condition of local roads and the way they are managed. Public pressure can often result in short term fixes such as potholes for example, rather than properly planned and implemented longer term solutions. The proposed policy aims to improve the quality and safety of the network ensuring the Councils legal and statutory obligations are discharged.

6.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

6.2.1 Finance & Value for Money

6.2.1.1 Finance – None as a result of this report as the service is delivered through existing financial and budgetary arrangements through Re Highways Managing Agent responsibilities.

6.2.1.2 Value for Money - The proposed Utilities and Highways Charter will promote the effective planning, coordination, collaboration, communication, improved site management, training, recognition, and innovation leading to the delivery of a more efficient coordinated highway network and thus will support the Councils economic objectives.

6.2.2 Procurement – None as a result of this report

6.2.3 Staffing - None as a result of this report.

6.2.4 IT

6.2.4.1 The proposed Utilities and Highways Charter will maximise the benefits of the DfT Street Manager IT solution as well as the Councils own Confirm Street Manager solution which went live July 2020.

6.2.5 Property - None as a result of this report.

6.2.6 Sustainability

6.2.6.1 The proposed Utilities and Highways Charter promotes innovations in road works and street works including collaborative working, first time permanent reinstatement, use of fewer materials for reinstatement to reduce number of journeys and waste disposal as well as no dig techniques.

6.3 Social Value

6.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic, and environmental benefits. This report does not relate to procurement of services contracts.

6.4 Legal and Constitutional References

6.4.1 The Council's Constitution Article 7 – Committees, Forums, Working Groups and Partnerships (Responsibility for Functions, 7.5) gives the Environment Committee responsibility for all borough-wide or cross-constituency matters related to the street scene and road safety (among others).

6.4.2 Highway Maintenance is a statutory duty under the Highways Act 1980 and the Traffic Management Act 2004.

6.4.3 The Traffic Management Act 2004 places obligations on authorities to ensure the expeditious movement of traffic on their road network. Authorities are required to make arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty.

6.4.4 The action which the authority may take in performing that duty includes, in particular, any action which it considers will contribute to securing the more efficient use of its road network, or the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on its road network. The proposed Utilities and Highways Charter will assist the Council in discharging its Network Management duties and protecting the rights of the public to the use and enjoyment of its highways and road network.

6.5 Risk Management

6.5.1 Effective management of risk is an integral part of asset management and the Council's Risk Management Framework has established strategic and departmental risk registers.

6.5.2 The Code of Practice 'Well-managed highway infrastructure' (2016) advocates the adoption of a risk-based approach to the management of highway infrastructure assets, and the proposed Utilities and Highways Charter will align with this approach.

6.6 Equalities and Diversity

6.6.1 Good roads and pavements have benefits to all sectors of the community in removing barriers and assisting quick, efficient and safe movement to schools, work and leisure. This is particularly important for older people, people caring for children and pushing buggies, those with mobility difficulties and sight impairments. The state of roads and pavements are amongst the top resident concerns and the Council is listening and responding to those concerns by the proposed planned highways maintenance programme.

6.6.2 The physical appearance and the condition of the roads and pavements have a significant impact on people's quality of life. A poor-quality street environment will give a negative impression of an area, impact on people's perceptions and attitudes as well as increasing feelings of insecurity. The Council's policy is focused on improving the overall street scene across the borough to a higher level and is consistent with creating an outcome where all communities are thriving and harmonious places where people are happy to live.

6.6.3 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design policies and the delivery of services.

6.6.4 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

6.6.5 The proposed Utilities and Highways Charter aims to improve the quality, safety and efficiency of the highway network for all of the borough's residents and therefore advances equality of opportunity for all and is not considered to adversely impact on persons within the protected characteristics.

6.7 Corporate Parenting

6.7.1 This section of the report does not apply to this report.

6.8 Consultation and Engagement

6.8.1 As set out in Section 5 of this report an informal consultation plan will be developed and implemented. This timetable is proposed so that the Utilities and Highways Charter can be in place from October 2021.

6.9 Insight

6.9.1 This section does not apply to this report.

7. BACKGROUND PAPERS

None

Appendix 1 – Utilities and Highways Charter Summary

#	Topic	Description
1	Collaborative Working	Promotion of collaborative working with contractors including shared road work and street work schemes with London Borough of Barnet. The Borough will promote this as part of its coordination role.
2	Permanent First Time Reinstatement	London Borough of Barnet will expect contractors to adopt and aim for a first-time approach to road work and street work reinstatement to avoid multiple visits, this includes emergency works. London Borough of Barnet however will not tolerate sites that are left unattended with associated requests for extensions.
3	Temporary Traffic Signals	London Borough of Barnet promotes the use of temporary traffic signals as a safe solution to the management of traffic, however the use of traffic signals should be limited, and other methods investigated to minimise congestion on the highway network. The use of traffic signals must involve effective communication with stakeholders including the use of advance warning signs.
4	Footway Boards and Road Plates	The use of Footway Boards and Road Plates should be used to ensure safety to pedestrians through maintaining a safe route through the site. Road plates will also ensure carriageway disruption is minimised as sites can be removed outside of working hours.
5	Permit Schemes	London Borough of Barnet has been a member of the London Permit Scheme (LoPS) since 2009 ensuring that the Councils statutory duties are fulfilled in relation to the New Roads and Street Works Act 1991, Traffic Management Act 2004 and Highways Act 1980. The London Borough of Barnet uses the Department for Transport (DfT) Street Manager system and will expect all contractors to communicate via this system in relation to Road Works and Street Works.
6	Work Comments and Notification of Site Difficulties	Early engagement on Road Works and Street Works is encouraged including regular progress meetings to lessen the schemes impact on the community. All permit applications must include meaningful commentary including start dates and duration. Any changes to be notified to the London Borough of Barnet through the DfT Street Manager system.
7	Working Times and Restrictions	London Borough of Barnet encourages contractors to maximise the working day (Monday to Friday) in order to complete works and minimise impacts. In addition, ensuring that the Contractor is complying with the permitted duration time. Work at weekends will be subject to the London Borough of Barnet approvals dependent upon the permit conditions. The permit restrictions will be mindful of sensitive locations (schools, places of worship, hospitals etc) and sensitive dates (religious, sport and community events etc).

#	Topic	Description
8	Coordination and Planning	Monthly (minimum quarterly) coordination meetings will be scheduled to ensure effective planning and coordination. The coordination will enable contractors to table work programmes (up to five years for major works) to enable opportunities to collaborate. This approach will enable effective communication with stakeholders including Ward Members.
9	Communication	<p>Effective communication is paramount to ensure stakeholders are notified of planned works through an effective communication methodology. Major works must have their own developed and approved stakeholder communication and engagement plan to ensure that stakeholders are fully appraised of the road works or street works and associated impact. The plan to include:</p> <ul style="list-style-type: none"> • Nature and extent of works and reasons • Plans of the works with associated traffic management plans • Duration and planned end date • Points of contact • Support mechanisms for vulnerable groups • Frequently asked questions and answers
10	Inspection and Compliance	Compliance with the relevant codes of practice for inspection and reinstatement in relation to service objectives in particular compliance with the permitted duration time and avoidance of overruns. Inspection and Compliance regime will follow both London Borough of Barnet Street Work inspections and the Contractors own inspection and reinstatement regimes. Promotion of a collaborative approach to inspections and reinstatement regimes to ensure both parties are adhering to the set requirements and standards.
11	Barnet Council Own Highways Schemes	London Borough of Barnet ensuring that their own Highways and Development works are carried out in line with the Utilities and Highways Charter, including taking a collaborative approach to working on the Highways Network through planning and coordination.
12	Stakeholder Engagement	Development and implementation of a communication and engagement plan to advise and inform stakeholders. This approach will include provision of timely accurate information and notification prior, during and post the road work or street work activity. The Charter will look to dovetail in with road work and street work activities from Highways England and Transport for London on their networks both within and surrounding the Borough.
13	Environmental Considerations	High level of due care and consideration in relation to the environment of Barnet with particular focus on minimising congestion, use of materials, minimising of dust and noise, minimising the footprint and duration of the works. Paying due

#	Topic	Description
		consideration to sensitive locations, times and events.
14	Innovation	Promotion of innovations in road works and street works including collaborative working, first time permanent reinstatement, use of fewer materials for reinstatement to reduce number of journeys and waste disposal as well as no dig techniques.
15	Measurement and Performance	Development, implementation, and benchmarking of joint performance indicators relating to minimising congestion, ensure compliance with the permitted duration timeline, ensuring legislative compliance, minimising extension requests, avoidance of overruns, ensuring effective communication and engagement and maintaining health and safety at all times.
16	Recognition and Awards	Creation of an awards mechanism to recognise contractors and their operatives in the safe and effective delivery of road work and street work schemes on the network, linked to the joint performance indicators.

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London Borough of Barnet
Environment Committee Work Programme
June 2021 – May 2022

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
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6 October 2021

Highways Planned Maintenance Programme	Seeking the Committee's approval for the delivery of the 2022/23 Highway Network Recovery Plan (NRP) Work Programme to be funded from the agreed NRP Capital allocation for 2022/23.	Chairman of the Environment Committee	Key
Social Distancing Measures	Committee to consider the outcome of data collected and measures put in place over the past year and consider if the Social Distancing measures introduced under experimental traffic orders should continue in the longer term	Chairman of the Environment Committee	Non-Key
Fly Tipping	Committee to receive an update on the progress of the implementation of the action plan.	Chairman of the Environment Committee	Non-Key
Controlled Parking Zone policy	Committee to review recommendations for policy changes in relation to Controlled Parking Zones	Chairman of the Environment Committee	Non-Key
Air Quality Action Plan Annual Status Report	Committee to receive an update on the progress of the Air Quality Action Plan 2017-2022	Chairman of the Environment Committee	Air Quality Action Plan Annual Status Report (RP)
Time Banding Review	Committee to consider the review of Time Banding and recommendations for change.	Chairman of the Environment Committee	Non-Key

Title of Report	Overview of decision	Report Of	Issue Type (Non key/Key/Urgent)
15 November 2021			
Business Planning	Committee to approve the business planning report	Chairman of the Environment Committee	Non-key
Fees and Charges	Committee to approve the fees and charges	Chair of the Environment Committee	Non-key
13 January 2021			
Update on the Parking Programme	Committee to receive an update on progress with the Parking Programme	Chairman of the Environment Committee	Non-Key
Highways Planned Maintenance Programme	Seeking the Committee's approval for the finalised 2022/23 Highway Network Recovery Plan (NRP) Work Programme following consultation to be funded from the agreed NRP Capital allocation for 2022/23.	Chairman of the Environment Committee	Key
08 March – 2022 – items to be allocated			

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