



Environment Committee

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
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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.