

Transport Committee

Oral evidence: [Managing the impact of street works](#),
HC 522

Wednesday 19 March 2025

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[Watch the meeting](#)

Members present: Ruth Cadbury (Chair); Steff Aquarone; Catherine Atkinson; Olly Glover; Katie Lam; Alex Mayer; Baggy Shanker; Rebecca Smith.

Questions 63–105

Witnesses

I: Councillor Adam Hug, Chair, Local Infrastructure and Net Zero Board, Local Government Association; Neil Edwards, Traffic Manager, Kent County Council; Tony Hemingway, KRN Highway Asset Manager, Transport for Greater Manchester; and Jane James, Street Works and Performance Manager, Shropshire Council.

Written evidence from witnesses:

- [Local Government Association](#)
- [Kent County Council](#)
- [Transport for Greater Manchester](#)
- [Shropshire Council](#)



Examination of witnesses

Witnesses: Councillor Hug, Neil Edwards, Tony Hemingway and Jane James.

Q63 **Chair:** Welcome to this morning's session. It is the second session in our managing the impact of street works inquiry. Today, we will examine whether local authorities have the tools they need to manage street works and minimise travel disruption. We will look at the effects of street works on road and pavement quality and consider inspection regimes, how best to resolve disputes over reinstatements and the use of lane rental schemes. Also, we will look at potentially some best practice elsewhere.

In our first panel, we will hear from local government representatives. In our second panel, we will hear from highway representative groups and seeing what we can learn from the experience of the Scottish Road Works Commissioner. Could I start by asking our first panel of witnesses to introduce themselves?

Neil Edwards: Good morning. Neil Edwards, traffic manager from Kent County Council.

Tony Hemingway: Good morning. Tony Hemingway, Transport for Greater Manchester.

Councillor Hug: Councillor Adam Hug, transport spokesperson for the LGA and leader of Westminster Council.

Jane James: Good morning. Jane James. I am street works policy and performance manager for Shropshire Council.

Q64 **Chair:** Excellent. Welcome. I will kick off. How far do street works contribute to the poor state of roads and pavements in England?

Neil Edwards: It is a big challenge for us. We have ageing assets and promoters. Utility companies have ageing assets as well, which obviously, in turn, from a disruption perspective, is a challenge because we have greater demand on the network. There is greater demand from street works to repair and maintain their apparatus. We will probably talk about reinstatement later, around the quality of the works that are taken out and the impact that has on our highway, and maintaining that asset. It is quite a challenge for us to manage on a daily basis.

Q65 **Chair:** Tony.

Tony Hemingway: I echo what Neil says. As some context, in Greater Manchester, we granted over 140,000 permits last year for street works and roadworks, which is quite a lot. It seems that highways are constantly being dug up. Again, that is down to ageing assets. We will pick up later on the quality of reinstatements, which is a big thing; we have to note that. Highway budgets aren't what they used to be. Highways are always in a constant state of decline and poor reinstatements will obviously make the highway even worse.



Councillor Hug: In the context of the long period of under-investment in the highways, these works can have a massive impact on the quality of what is already there. According to the Institute of Highway Engineers, any opening of the carriageway can impact the lifecycle of the carriageway by up to five years and of a footway between two and three years. When that happens on a repeated basis at different points across the carriageway, it will undermine the quality of the system. If you have a series of patch repairs that are being done, as Tony said, poorly and not on time, that can further cause wear and tear to the wider system. As we know, local authorities have been struggling to keep up with their planned maintenance works and this just adds complexity.

Q66 **Chair:** Jane, do you have anything to add?

Jane James: I echo what everybody has already said. There was a TRL report from a few years ago, which I am sure will be mentioned later on. It cited a 17% carriageway and 10% footway lifespan reduction following street works.

Some context for Shropshire: over the last 10 years, the number of utility works has increased by about 30%. Over that same timeframe, highways maintenance budgets have decreased and are now roughly 50% less. A combination of those two factors obviously affects the quality of the road.

Q67 **Chair:** With the combination of local authority budgets declining and, as several of you mentioned, the decreasing condition of the roads because of the longer periods between serious maintenance, and the increase in demand from utilities, are local authorities able to cope with that additional strain of street works on the condition of our roads and pavements? Jane, how are you coping?

Jane James: As in the additional number of works?

Chair: Yes.

Jane James: The number of works has increased. I am not sure whether highways resources have increased to match that demand. It is probably increased strain on the highway authorities. I don't know if my colleagues have anything to add.

Q68 **Chair:** How are you dealing with it, or are you coping?

Councillor Hug: Ultimately, the public suffers as a result of that. In my borough, in just one borough of the 32 London boroughs, we are dealing with 10,000 excavations a year—600 footway, 3,500 carriageway. That is going up and up because every fibre company in the land wants to put their stuff in immediately after each other on slightly different trenches, stuff like that. We are having to do 100 duration challenges a month because of people overrunning on their permits.

We are a reasonably well-resourced highways authority by most standards, and we are absolutely struggling to cope with the pressures of



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that. We know, across local government, that they do not have the resources to keep track of it. The fines and fees structures have not been updated for 20 years. The Government are now looking to double the fines, but, as we will get into later, there is obviously scope to go much further to make sure there is a balance of arms between the utility companies and the local authority power to enforce what is supposed to be happening.

Q69 **Chair:** Is there anything to add from Kent or Manchester?

Tony Hemingway: Yes, as mentioned, there is an increasing demand on our authorities. Those authorities, at the end of the day, have to be careful with spending public money. They have to be careful with the resources they put in. Take inspections, for example. There is a number of inspections, 30%, which can be inspected, and that cost recovered from the utility companies. However, there are still quite a lot of works that are not inspected, where authorities should have that opportunity. Again, it is resources. For them to recover the costs, they have to find that the works are defective.

There need to be mechanisms for more inspections and the way they carry out the inspections. With inspections, when you look at them, you only look at the top surface of what has been done; you don't know what is underneath. There should be mechanisms where authorities can have the resource to be able to do further investigatory inspections.

Q70 **Chair:** Neil.

Neil Edwards: From a Kent perspective, each of us is unique as an authority but the fundamentals, the problems, are the same. Kent has run a permit scheme, a lane rental scheme, for many years; we are at the forefront of that, but we are struggling even with good running schemes. We know there is the opportunity to be able to do more and mitigate the impact of street works on our asset and our highway users at the end of the day.

Chair: Thank you.

Q71 **Baggy Shanker:** The next part is on quality of reinstatements. Simply, are utility companies doing a good enough job of reinstating roads and pavements?

Councillor Hug: Absolutely not. As I explained, where you are now, a reasonably well-resourced transport authority is trying to cope with this, but you will see, street by street, the impact of the temporary reinstatement that is put in. The ability for local councils to keep track of them and force them to reinstate to the standards they are supposed to be at, with budgets so stretched, is incredibly difficult.

We need to see more around requirements on reporting for utilities to make sure that they show their post-works implementation and then set out clear implementation plans. Six months to deliver a reinstatement



back to quality is routinely overrun and routinely not to the standard that is expected. Obviously, if you are dealing with substandard temporary replacement work, that is having a further impact on the quality of the overall carriageway over time before you reinstate it properly. There are massive knock-on effects for local government in struggling to respond to that and keep track of all the different companies doing it. We are looking for greater powers, and for greater resources for local authorities to hold the ring on this. We need greater powers to hold the companies to account to make sure they reinstate. There is a lot of work by Create Streets that, hopefully, you have seen on the impact of street scarring because of poor quality reinstatement. It has massive knock-on effects across the system.

Tony Hemingway: In the Manchester region, our authority is allowed to carry out 10% checks once reinstatements have been completed. Those are just visual inspections and the failure rate is over 15% in Greater Manchester. One authority, Salford City Council, carries out investigatory inspections—these are cores—which are taken out of the reinstatements. Over 50% are failing; one in two reinstatements are failing. It just shows what is going on underground, what authorities cannot inspect. That is a reason why more powers should be given to authorities to undertake those investigatory inspections.

You might ask why the other nine authorities in Greater Manchester are not doing this. It is cost; 50% of those cores have to be borne by the highway authority. They can only recover the cost on failures. There will be a point where authorities lose money if they core, because they can only claim back what is paid out. They can only claim back 50% of those costs.

Q72 **Baggy Shanker:** Anybody else?

Jane James: Similar to Manchester, in Shropshire over the last three years, approximately 15% reinstatement inspections failed. While obviously 85% passed a visual inspection, our coring programme, similar to Tony's, has indicated that reconstruction beneath the surface is falling below standard. The latest phase of our core results had a fail rate of 41%.

Councillor Hug: One thing that could help is, in extremis, the power for the local authorities to have a statutory duty to reinstate the affected area to the quality required, but with charge-back, plus a service charge, to the utility required, if they fail to do it themselves. Giving local authorities that responsibility and power, with a cost recovery mechanism, would really help.

Q73 **Baggy Shanker:** The overwhelmingly clear answer is no; they are not doing a good enough job. We have heard about lots of disagreements between utility companies and local authorities about responsibility in some of the written evidence. Does England need a new mediator, similar to the Road Works Commissioner in Scotland?



Tony Hemingway: It would be welcome, yes. At the moment, we have a highways and utility committee, but they do not have any legislative powers. They can refer matters back to the Department for Transport. It would be a good step forward if England could have a road works commissioner similar to Scotland, yes.

Neil Edwards: I support that as well. At the end of the day, whether it is a utility company or us, as a local authority, we are serving the same customers, and there is the impact we have on them, so certainly a commissioner could drive step changes in performance. We talked about failures a moment ago. As soon as we have those levels of failures, it means repeat visits on the highway to rectify those failures. A drive towards getting things right the first time and mitigating return visits will have a real, clear impact on the highway and free up road space, with the impact that has on people's daily goings.

Councillor Hug: It would be helpful as an extra step, but the key thing is ensuring that local authorities, who are the democratically elected people responsible for local place, have the powers in the first instance to do more to manage the process. We are seeing so many more different statutory undertakers, with various levels of experience and expertise in doing reinstatement and managing these things. In the first instance you have to have more power at a local level, but a mediation mechanism would be there as a back-up.

Chair: Thank you.

Q74 **Steff Aquarone:** Thinking specifically about the inspection regime that came in in 2023, which I know some of you have alluded to already, the first question is: has it made things easier to get fixed?

Neil Edwards: Effectively, the process is the same to get things fixed. What it has done is give an incentive to improve performance, and we have seen that. It is a little bit too early to say because it is a very short time period. It will be interesting to see that over a longer time and monitor the trends. Initially, in Kent in particular, we have seen some benefits of the new performance-based inspections.

I suppose it is the separate part and entity of it, for us, that is missing. There is a balance around the sanction element of getting things done right on time, but where is the incentive for improvement? We have talked about 80%, 85% this morning. Where are we setting out the objective to reach 95% or 99%? There is no united drive to want to improve the industry and say, "Actually, 85% is not satisfactory." It sounds good on paper, but that means 15% of hundreds of thousands or millions of excavations across this country are failing on an annual basis. That adds to the disruption to the public. It adds weakness to the quality of the existing road surface. As soon as you cut into the road surface, you put a weakness in it, so there is a compounded effect. A lot of work can be done. My belief is that from that 85%, if you could push it up towards



90%, a 5% increase would make a dramatic difference on our highway network.

Tony Hemingway: In Greater Manchester, we have not seen any real benefits yet. The failure rates are roughly about the same as prior to the new inspection regime coming in. What I would say is that authorities are having to deal with a lot more questioning from utility companies on whether those failures are genuine; there is a lot more resource being used on that. Of course, utilities do not want to pay out more because it is a mechanism where, if they improve, they pay for fewer inspections, but if their performance worsens, they pay for more. It is in their interests to try to argue with authorities and it has been noted that in the Greater Manchester region that is happening quite a lot now.

Councillor Hug: The short answer is not really. The LGA view is that it is not unhelpful, but it has not made a substantial difference. The issue is around the power of sanction; the sanctions element and the incentive structures to achieve compliance are what we need to make a real difference.

Jane James: Yes, I agree. In Shropshire, we are yet to see significant benefit from it. The issue we still have is the length of time it takes to get the defects rectified. We are now only allowed to do two payable inspection cycles. Once those have been completed, there is no further incentive to get them remediated. It would be good to have further incentives to encourage compliance and swift rectification. We find that increased officer time is being spent on the escalation process, which often feels like it does not achieve anything.

Q75 **Steff Aquarone:** As a supplementary, these are two sides of the same coin. This Committee has heard, in quite a few different contexts, some of the challenges of the way Government services and/or these penalties through legislation are price-fixed and, therefore, do not quite do the job they could; £50 is not a lot of money. Is part of the problem the actual price of the sanctions and the inspections? On the flip side of that same coin, is there any way to make this work from a resourcing point of view? It is great, Neil, that you talk about it improving things, but does it stack up even then?

Neil Edwards: Every time you want to go a step further and carry out increased level inspections means an increased level of resources to be able to go out and inspect the quality. To the point you made, we have the incentives in performance-based inspections, but what do we do with consistently poor performance? Where are the sanctions on almost a scaling level to say, "You've had the opportunity to improve"? What is the sanction? There is none because you just hit rock bottom and that is it. That is the end of it. There is a limitation on what we are able to do and a limitation on what we are able to influence with the processes we have.

Tony Hemingway: Going back to what Jane said about the two inspections, at one point we used to have what were called repeat



inspections where, if the work was not done in a good enough timescale, authorities were allowed to go back and inspect. They have a duty to make sure that the highway is safe. If a utility company drags its feet in carrying out remedial works, at present there is nothing; the escalation process does not work. It does not bring them back in a timely fashion.

When there were repeat defects, it would cost them. Every time they go out and inspect, which they have to do—as a duty under the Highways Act, they have to make sure that the highway is safe—if they notice a defect, they cannot just leave it and forget about it. With the repeat defect inspection, they used to go out every so often, inspect it again and recover the cost. The longer utility companies left the reinstatement defective, the more money it cost them. That was a very good incentive to get in there, get the job done as quickly as possible and get off the highway.

Councillor Hug: The local government view is that the escalation process is not working at the moment. There is a lot of time chasing up companies to try to do this. We are also seeing a significant increase in the number of emergency works, just trying to short-circuit the system.

Obviously, we are keen to see increased fines; there is already work to double some of the fines being brought through. We would be keen to see an exclusion process for repeated non-compliance, as an ultimate sanction. It is worth being mindful that the current section 74 powers are reasonably ineffective, because on lower category roads the fines are less at the moment. We need to look at that again.

Chair: We now move to the issue that affects our constituents more than anything, which is disruption to their journeys.

Q76 **Katie Lam:** I am interested in the panellists' thoughts on the permit system. Almost everybody mentioned incentives quite a lot in the context of reinstatements. What are the incentives in the permit system? Do they give local authorities the power they need? Does it incentivise the different players to behave in the way we want?

Neil Edwards: From the Kent perspective, we have been running a permit system for nearly 15 years. That tool gives us the ability to co-ordinate. Effectively, we are not stopping works, particularly when it comes to immediate works. It is around co-ordination. Can they do the work differently—between 10 am and 2 pm, for argument's sake—and not impact the school run?

The limitation, which we will probably talk more about, is around the volume of immediate works that we have. The notification for those is that a utility can let us know within two working hours after they have started. If they start on Saturday, we might not know about it until 10 o'clock Monday morning. We are missing out on the opportunity, as our duty, to co-ordinate to minimise the impact that has on the travelling public. It is about having that interaction for us, where we can take a



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positive, proactive approach to letting the public know, letting the bus companies know, whatever the impact might be. Ultimately, the works are not going away, but at least informed people can make an informed journey choice. At the moment, particularly with immediate works, it is very reactionary for us and very frustrating, given the volumes we have. We are up to around 30% of works that are immediate activity. That is a big challenge for us.

Q77 **Katie Lam:** I am keen to hear all the panellists' views on both questions, but picking up on the immediate works point, are those applications being misused? Can they be managed better so that there is less urgent work?

Neil Edwards: It gets very technical. Ultimately, there are some natural emergencies. If it is a water main leak and there is water gushing out of the ground or gas, it is there; it is happening, it is true. Where perhaps there might have been a minor water leak for a couple of weeks and suddenly it is an immediate works, even having one or two days' notice in advance gives us the ability to intervene and carry out our co-ordination duties. Ultimately, it will make a difference to our network and make a difference to the public using the highway.

Tony Hemingway: Similar to Neil, the permit scheme in Greater Manchester works for co-ordination. However, again, it is the immediate works. Last year, over 26% of works in Greater Manchester were immediate works.

Going back to the point on whether utility companies could be misusing these immediate works, in the legislation, urgent works can be defined as, "An unplanned interruption." Unplanned interruption could be anything at the end of the day. They could have known about an unplanned interruption weeks before, yet they still have the right to go into the highway and notify the authorities two hours after they started. Unplanned interruption is a very broad term.

Q78 **Katie Lam:** Specifically on that point, do you have any recourse? Can you say, "This is not an unplanned interruption"?

Tony Hemingway: It is very hard to argue against. What is an unplanned interruption? Is it a crackly phone line where a customer has rung up and said, "My phone line is crackly" and they have known about it for weeks and weeks? That could be deemed an unplanned interruption, and they would have the right to go in and dig up the highway. The highway authority would find it very hard to challenge that. For example, the water company could have known about a water leak weeks and weeks before, but it is still an unplanned interruption. There is no level of scale of an unplanned interruption. There is no severity to it. This is the problem we face. Legally, yes, they probably can go in there and use what the definition is, and it is then for the highway authorities to challenge it.



Councillor Hug: I agree; absolutely, the emergency powers are being misused. We also need to be clear that there needs to be better co-ordination with local authorities when those powers are being used. There is a role for Street Manager to continue to evolve around the alert system for emergency permits. There just needs to be greater respect between the utility companies and the relevant local authority.

Going back to your question about the normal use of permits, the reality is that permit length is being framed by cost reduction requirements for the utility company, rather than the wider public benefit in putting in for a seven-day permit. They are there on day one, digging the hole, waiting a bit and then reinstating it on day seven and you have had a week's worth of transport disruption with bus routes going off everywhere. A relatively small cost reduction for a company is having an enormous set of externalities for the cost for every other business in the area and people getting to work—having to spend an extra half hour on the bus—in terms of lost productivity and all that sort of stuff. The balance is completely out of whack.

The more powers local authorities have to trim the time to what is actually necessary, the more they can make sure that they are not just leaving it fallow for extended periods. It is also about enforcement capacity. It is about narrowing it down and having people from a local authority able to go out and say, "Why has this site been left empty for so long?" Improvements in reporting that active residents can do to feed that in is helpful, but it should not be the responsibility of the general public to have to point out, "Why is there no one digging up the hole in the thing that's been fenced off?"

Q79 **Katie Lam:** Briefly, on the question of the definition of unplanned interruption, do you feel the definition should be changed? If so, does anybody have a suggestion about what it might be changed to?

Chair: Between emergency and urgent, would it help?

Katie Lam: Or unplanned interruption, the definition of unplanned interruption.

Neil Edwards: We have to remember that, in a sense, despite all the problems we have talked about, the utility companies are working within the framework they have been given as well. They are playing by the rules that are set. We could have, for example, almost a—I hate these words—"planned urgent" because it has been known about in advance. If a utility company has some urgent work planned for Monday and we know about it today, at least we can go back to them and say, "Well, can you please start at half-past 9 to avoid the school run?" and we can get the information out to the buses. We can get the information out on our social media feeds and have the opportunity to make a difference. We are only talking small amounts, but that intervention, those percentage points of 5% of the network, could really make a big difference across the



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country. Yes, we would seek at least a new category in the system to be able to get that advanced and be able to proactively respond to it.

- Q80 **Steff Aquarone:** Thank you, Neil. Adam, you mentioned minor cost saving for the utility company but major disruption impact. As with all things, the task will expand to fill the time it is given. Can you explain a bit more about why the task expands to fill the time it is given? Whether it is five days or seven days or three days, it will surely only ever take that; it never gets done in one or two days like it was 20 years ago. Why is that?

Councillor Hug: Different utility companies have different levels of resource with their contractors. Some of them are better or worse than others at managing their contractors. Some of them just let them go off and do it by themselves, and they spread their resources over multiple different sites; they have people putting the asphalt down, or people digging a hole. It is all about how they can make cost savings. It is about the availability of the different people they are contracting as much as anything else.

- Q81 **Steff Aquarone:** Your guys carry stuff that does all those different tasks, don't they, on the back of a highways van? Even with a third-party private contractor, they are able to do excavation, traffic management, reinstatement and probably the repair when you go out.

Councillor Hug: These guys can talk about the operational side of it better than I can. The answer is yes, you can obviously put in lots of things. If the people who are then doing that are pulled off to another job just down the road, and then coming back, and then they are waiting for the asphalt or something to dry, or whatever, there are practical things they can do. Then they will go back because they are doing five other jobs in between, roughly.

Tony Hemingway: With the utility sector, it is very similar to a production line. You have one gang that digs the highway and does the repair. You then have another gang that will come in and fill up with stone. Then you have another gang to lay the asphalt they use. They try to run it like that, where it is more cost-effective for them. However, you have breakages in time, when the gang finishes a repair and then there could be a delay for the gang that goes in and fills the hole with stone. Then you have a delay for the gang to come with the asphalt. That is how it works in the utilities sector.

In the highway sector, as you mentioned, sometimes you get gangs that have everything. To be fair to the highway gangs, they are not digging down to infrastructure and repairing the infrastructure. Generally, they go out and repair the highway surface, which tends to not use as much plant, or as many materials. They can probably do it a lot better in that way; it is slightly different with the utility sector.



Councillor Hug: The key thing is contract management; the utilities need to take greater responsibility for managing those different gangs.

Tony Hemingway: Yes.

Chair: It is a useful comparison.

Q82 **Catherine Atkinson:** You have already talked about some potential solutions. What do you feel prevents authorities from managing and co-ordinating street works effectively?

Councillor Hug: Resource and powers, basically; as I said, it is the inequality of arms. Local authority highways budgets are incredibly stretched. A smaller and smaller number of people in those authorities are trying to deal with an ever-increasing number of works. The sanctions they can impose currently are too weak and too limited to deliver the desired outcome. It is basically about a step change in empowering and resourcing the teams on the ground to help manage their place better.

Q83 **Catherine Atkinson:** Can you talk a little bit more about individual powers that you think would make a real difference—there have been a couple of examples mentioned already—and would help with co-ordination?

Councillor Hug: There is obviously the role of Street Manager. We can open that up to third-party users and stuff like that as an assistance. Delivering on the doubling of fines and then looking to go further on that; exclusion powers for the worst-performing things, ensuring the section 74 powers are sorted out: there is a range of different things that have been set out in the evidence we have given and we can add a further set, if that would help.

Catherine Atkinson: Thank you.

Tony Hemingway: One of the other things is timely notification of works. A good example is what are called forward planning notices. These are notices prior to permit applications. Companies that bring forward planning notices well in time to authorities allow them to be co-ordinated. The problem is when works come very late. For example, telecom companies seem to be very late in bringing their works programmes to local authorities. It is trying to manage the works on time. We have already talked about the immediate works. When 26% of permit applications coming in are immediate works, it is impossible to co-ordinate.

Q84 **Catherine Atkinson:** You have talked about some of the sanctions and powers. Is there anything more that can be done on an incentivisation basis or other things that could help facilitate them to do it better, to let you know in advance?

Jane James: I have a couple of points to add. Under the “immediate” discussion, an incentive might be to make a higher permit fee for immediates to encourage better planning, to encourage them to plan



their works. In regard to co-ordinating powers, echoing the point Tony made about providing up-front programmes of works, we are required to hold quarterly co-ordination meetings to discuss works programmes. Some utilities are better at providing information, but we quite often find that we don't receive any submissions for those co-ordination meetings and sometimes no representation at the meetings either, and that might be combined with limited or very small use of the forward planning notices.

In addition, there recently was a change to the definition of "major works", which meant that if the works are not part of a works programme, they are no longer classed as major works. Those works now often get broken down into smaller chunks, into minor and standard permits, so we don't get a three-month major permit application for those either. In many cases, it means we are only getting three days' notice for works that could have a massive impact on our network.

- Q85 **Chair:** An issue that constituents often raise is when one road gets dug up by one utility and reinstated, and then a week or so later there is another one. This happened to one road, in Plymouth, I think, which for a whole year had one or other utility separately digging the road up and reinstating. We heard at our last panel in this inquiry that there is no real incentive for the utilities to work together; in fact, there is a disincentive. Is there any role that local authorities could play or have at the moment, or perhaps should have, to de-risk that, if that is the problem, and try to co-ordinate works, so that, on a particular road, they are all dug at the same time? Is the fact that they are not really taking seriously the meetings that Jane just mentioned a problem with that?

Jane James: It is really hard to encourage collaboration when we do not know, in advance, what works are coming up and what works are planned. We need that advance information to be able to say, "They've got that work that needs doing as well," to get the parties to work together. It is all about having the up-front information.

- Q86 **Catherine Atkinson:** Is there any penalty if they do not turn up to the quarterly meetings? What is the requirement on them to attend and participate?

Jane James: As far as I am aware, I don't think there—

Neil Edwards: The legislation is only a requirement on the local authority to hold the meetings.

- Q87 **Catherine Atkinson:** Not for anyone to turn up.

Neil Edwards: Not for anyone to actually attend.

Councillor Hug: We are seeing new entrants all the time, particularly in the fibre space. In London's roads you will have seen a series of different fibre companies chasing each other around London. Some of these things are new and they would not necessarily think it is a key part of what they



are doing, because they are relatively small organisations, compared to some of your BT Openreach-type outfits.

As much as possible you can actually push utility companies into a funnel that says they have to be operating within the local authority's planning process, except in a case of a clearly defined emergency. Then you can more narrowly define what "emergency" is. You can also create the "urgent" category you have just defined, but you clearly demarcate what an emergency is. Otherwise, you have to go through the planning process. There are section 58 restrictions on newly-laid surfaces that can help. When some of the more established players are doing a lot of works, you can build up relationships, but it is reliant on the local authority proactively managing those relationships at a time of stretched resources.

Q88 **Alex Mayer:** Are you aware of any particular problems around new-build estates? Clearly, there is a huge volume of different utilities needing to get into those places, both digging up existing roads and, obviously, non-adopted roads. I was wondering, first of all, if there were any different steps you took when there is a new-build area or any additional powers you would like. Also, is it a disincentive to you to adopt a road early on?

Neil Edwards: I will jump in a little bit, particularly on the first point. Ultimately, new connections to new developments are reliant on the developer placing the order with the respective utility companies. They might today place an order for water, but they might leave it six months before they need electricity because that is the point at which people are moving into their new homes. Then we are often under the challenge: "Oh, I'm moving in next week. I really need my electricity." The public then put pressure on us to deliver those services.

In an ideal world of getting all the services required for that estate all ordered up front, all paid for up front, we would have the ability to co-ordinate and get all the services in in one go, rather than that piecemeal approach, which could be over a very long period of time. It also provides the opportunity for trench-sharing, rather than having different trenches in the street. It doesn't work everywhere because it will be site-specific, but we at least have the opportunity to encourage that behaviour.

Tony Hemingway: It is quite hard to co-ordinate works with new developments, exactly as Neil says. Sometimes it is down to when the developer puts in the order with the utility companies. They can put the orders in at different times, so they can go to different utility companies for electric, gas, water and put those requests in at different times. It was something I looked at some years ago. The other big problem with developers is that once they get planning permission, they technically have five years before they have to go in and start development works. Again, sometimes it is quite hard to know from the developer when they are going to go in and start the works. Sometimes you have a rough idea that something will come up at some point. You do not always know exactly what that is, but if you do not know when the developer will be



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there within the five years and you do not know when they are going to put the orders in, it is very difficult for authorities to co-ordinate those types of work.

Chair: That is useful, thank you.

Q89 **Olly Glover:** A key frustration for many is communication and notification of street works. That applies to road users, pavement users and bus customers. How can such communication be improved?

Jane James: It is tough. Online platforms obviously help with informing the public. The open data from Street Manager is slowly being taken up. A large number of authorities use the one.network platform, which feeds directly information from Street Manager and is accessible to the public. That is already out there, but it is about publicising that a little bit more. Generally, the problem is letting the public know when things change. It is the speed of that being delivered.

Councillor Hug: Street Manager is slowly evolving. We want to see it opened up for third-party users to drive better co-ordination and collaboration. As I mentioned earlier, there is the point about the emergency permits submitted at the end of the day. They need to be evolved to make sure highways authorities are properly alerted when that happens. There is more that can be done on the communication that happens on street, with just a bit of standardisation. You might just have a hand-scrawled thing with a corporate phone number on it, and you get to some call centre somewhere miles away that has no idea what is going on. You must have people who have access to people with greater site responsibility and make sure that is clear to the local authority.

Tony Hemingway: For the public, it can need resource. As I mentioned, there were 140 permits granted last year for roadworks in Greater Manchester. However, each of those permits would have a different level of disruption. For example, a road closure would be more disruptive than somebody working in a footway. Sometimes, you have to think about what works you want to push out to the public. You want to push the more disruptive works out to them, but it is quite a lot of resource looking into it. With the permits, you get a permit for the whole duration of the works, but you might only have a small part of those works, which has a road closure, or a couple of days when they use traffic signals. Extracting that information from the works promoter and pushing it out to the public takes quite a lot of resource. It is a manual task as well. We have looked at trying to do it in a way where we can extract it from the permit information, but because sites are dynamic and traffic management can change on a daily basis, it is quite hard to extract that information to give out to the public and there is a time resource as well.

Q90 **Catherine Atkinson:** Obviously the sooner you know about things, the sooner you can push things out. You were talking before about the fact that, with immediate works, it can take two hours before they need to tell you. What does that look like? Do they usually wait for the end of the two



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hours or generally are you told sooner? Is two hours too long a window for them to be given?

Neil Edwards: It can vary by promoter, even the day of the week and down to the quality and skills of who is working on site. It is the important point of when things change. Generally, if a stipulated plan is very good, we all know about it and we can get the information out there. With the immediates, it is back to being reactive in that situation and using all the tools we can to get the information out there. To go back to the point made earlier about having planned immediate urgent, that links to having the opportunity to get information out to people in advance.

Q91 **Catherine Atkinson:** Do you think the two-hour period is fair in some circumstances or is that something that should be squeezed?

Councillor Hug: Going back to the point about having a more limited set of circumstances in which you are using emergency powers, it would fall into the same category.

Q92 **Rebecca Smith:** Building on what Catherine has just said, I appreciate that some of the examples are tricky, depending on what your local authority experience is in terms of area and who does what, and if you are the kind of community or you are the elected person who is hearing that it has all gone to pot, but how have you seen it work well in the communication between the highways team and bus companies? Often, when you are on the receiving end of it, it feels like it is all a bit last minute. Is there more that could be done to do that join-up to make sure that everybody is as in the know as possible? I appreciate the permit gets given, you tell them it will happen and then, suddenly, a bus gets stopped and no one can get in and out of the village. Does anyone have a really good example of best practice? I don't know whether Manchester does because it is probably more joined up than others. Does anybody not in Manchester have some examples of where it might work well? Sometimes it feels, particularly in the south-west where I am, that it is not joined up enough, or a bus just gets stopped and diverted and no one seems to really care much about it.

Chair: And the bus doesn't stop on the diverted route, which was my experience last night.

Jane James: It is difficult, isn't it? When we know about it, we do what we can to communicate it. Our comms teams do a lot of work on social media and on our own website to notify people. The problem is when we do not know about it enough in advance or we find out about it retrospectively because it is already in progress. That is when it is very difficult.

Councillor Hug: The honest answer is that no matter how much the local authority spends on comms—again, my local authority is reasonably well-resourced in that area—there are only so many people who will see that and will know to go to the local council's social media feeds, or whatever, to access that information. The key thing is having a



relationship with statutory partners. In London, it is TfL, so it is between the local highway authority and TfL. In Greater Manchester, obviously Tony can talk about the experience there. Those systems are reasonably well developed for getting information to the buses for diversion, but if it is two hours after it has already happened, that is a whole different kettle of fish.

Q93 **Rebecca Smith:** There are also examples based on TROs, where that has been done within the statutory timeframe to publish it and so forth. Is there more that could be done to ensure at the point TROs are advertised—maybe you already do this—that there is a way of looking at it, perhaps at that trigger point, making sure that public transport and other stakeholders are informed? Do you do that already?

Jane James: Yes.

Q94 **Rebecca Smith:** You would do it at the TRO point however many weeks in advance that is and give them that much notice.

Neil Edwards: We are well aware, for example, that if a bus service makes a change to their timetable, they have to submit that change to the traffic commissioner eight weeks in advance. Again, that is why, for major works, we try to inform bus companies 12 weeks out, so that they can make the decision, obtain the information and meet the requirements placed on them for operating those bus passenger transport services.

It comes back to the immediates. We do not have that opportunity with immediates to intervene, but we are, effectively, best endeavours. As soon as we know about it, we work with our local bus companies to try to limit the impact of those immediate works on their services.

Catherine Atkinson: Or even the minor and standard, if they are finding ways of avoiding declaring a major.

Chair: Rebecca, funds.

Q95 **Rebecca Smith:** Me again. I know this was touched on already, particularly in some of the answers you gave Katie around fines for street work offences. Apologies if it feels like you are repeating yourself, but it is useful to have this focus. If the Government's proposals to increase fines for street work offences are put in place, will it be enough to help incentivise good practice from street works companies?

Neil Edwards: We welcome it. A fixed penalty notice is proposed to double, which is higher than the rate of inflation so, effectively, there is a penalty there. It is the same with section 74 overrun charges being applied at weekends. Works taking place at weekends can be just as disruptive; in the case of town centres, for retail and people going about their business at the weekend, it can be more disruptive at the weekend than it would be in the week, so we really welcome those. From our perspective, we need to see the evidence of what impact the new fine



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increases will have. Then we can make a decision on whether or not they are sufficient.

Tony Hemingway: The higher fines are welcomed by the Greater Manchester authorities, but we will have to wait and see whether that betters the performance of the utility companies at the moment.

Something I want to pick on with works on the highways is the change in when a permit is required. When they use traffic management, there isn't always a requirement to submit a permit. These are works that are not being excavated and works that are outside what we call traffic-sensitive times. Busy highways have a designation of traffic sensitivity at the busiest times. Some utility companies can go on the highway with traffic management, such as traffic signals, without the need to send a permit. Previously, they had to have a permit but there were changes in the code of practice and that piece has been taken out. That is a challenge to authorities, particularly in Greater Manchester. A lot of streets in Greater Manchester are traffic-sensitive during the week. At weekends, for example, they are not traffic-sensitive. This means that utility companies, if they are not digging the highway but using traffic management, can go on the highway without a permit.

Bear in mind that there are two major football teams in Greater Manchester, which play at the weekends quite a lot, and there are a lot of other sporting events that go on in Manchester. There are a lot of concerts and music events. It is a scary thought that traffic management can be used without a permit, which could blindside an authority in knowing that those works will go ahead. Luckily, we have not had one yet, but it will come, and there will be works carried out causing major disruption when one of those events is ongoing.

Q96 **Rebecca Smith:** What would be your solution to that particular problem?

Tony Hemingway: It should come back into the code of practice pretty soon. Make it mandatory that traffic management requires a permit. That way the authority can see what is going on in their network.

Q97 **Rebecca Smith:** Does anyone want to add anything?

Jane James: I was going to make the point Tony has just made; it is a really good point. To add to the question around fines, FPNs and 74s, it remains to be seen whether those changes will improve performance. We are aware of instances when certain utilities add on costs and pass the charges on to their contractors, so it is not really an incentive to drive performance; they are actually benefiting from poor performance. That is something that probably needs to be stopped.

Councillor Hug: It is welcome that it is happening. What we really want to see is a more regular reassessment of it as it goes along, rather than it taking 20 years, or whatever it was, before we do that. Having a more dynamic approach between the DfT and local authorities to set the fining charge system will be helpful, but my inherent sense is that it will not be



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enough given the fact that the cost savings that some of the companies can achieve by behaving in the way that they are behaving will balance off against even the increased fines. You talked about traffic management. Having someone proactively to manage traffic lights and stuff like that is a significant cost to a company, but it is really important. If they are breaching the rules on what they are supposed to be doing, will the fines be big enough to weigh off against the cost of having someone to manage that?

Q98 Rebecca Smith: That is a really good point. Something that has come up in the evidence is that Devon County Council, for example, does not think that doubling the fines will be incentive enough. We have a good illustration—sort of transport-linked—with fines when parents take their children out of school. Often they can balance out the cheaper holiday on the fines; it does not become an incentive. What should the fines be levelled at to make them, from your experience, have an incentive to tackle all of the things you have raised?

Councillor Hug: Something I touched on earlier is that there needs to be some form of escalation about repeated poor performance. If they keep doing the same thing again and again, there has to be a further sanction for that utility company. That is why I talked earlier about some of the exclusion processes for repeated non-compliance. Obviously, you have to set the bar quite high for that, but there must be at least something. I would always like to see the appropriate repeated poor performance within a certain period of time lead to further fines.

Q99 Rebecca Smith: Anything further?

Neil Edwards: Briefly, as part of our evidence we asked for a study on the socioeconomic impact, to understand the impact of street works on people's lives, on businesses and everything else. If such an item was carried out in the future, it would help determine whether or not the levels of fines are adequate and sufficient versus the impact on everybody's lives.

Q100 Catherine Atkinson: If you went in and fixed what they had done and were able to charge them, would that be about the same as the fines? How much does it cost to put things right?

Councillor Hug: It depends on what it is. One of the challenges we have, particularly if you are making a big investment, whether it is a 106 project or a landmark scheme, is that you are putting a lot of money into the finest York stone, or whatever, and stuff like that, and the utility company fills it in with asphalt. Some of the costs differ wildly. We would want the power, in certain circumstances, to take control of the process, do it to the standards that we and the public expect and charge the cost back to the companies. That would be a helpful tool. Also, the fact that knowing that that is an option should drive better performance on their side.



Tony Hemingway: The legislation on reinstatements allows the authority to go in and do that. The problem is, first, the cost; and, secondly, the resource, which we have already mentioned. Authorities do not have an infinite amount of resources to go out and keep following utility companies.

There is also liability. If anything were to happen to those works, there is a possibility that the council would become liable. There is argument about the charges. As soon as you send charges to a utility company, they will challenge those charges. It is just taking an amount of time all the time. That is why authorities are very reluctant to go in. How far do you dig? If you take the top surface off and it continues to sink, the utility company will say, "Well, you were last in. It's down to you." Do you dig out back down to the work where they started? It is all of those problems. Local authorities are saying, "We don't want to get involved in this. You're 100% responsible, utility company, for your works. You need to get them done. You need to get them done correctly and, if they are incorrect, you need to get the remedial works done as quickly as possible."

Councillor Hug: It is giving local authorities greater power to decide. The key thing is about having a service charge element to make full-cost recovery when we do that, rather than the costs being borne by the local authority; a service charge element would enable authorities to choose to take a more proactive role. I know my authority would probably be at the more proactive end of that, but we recognise that different places are in different positions on that in terms of their resource. It is making sure you have that full-cost recovery element.

Chair: We come to the last group of questions in this panel.

Q101 **Katie Lam:** Earlier we discussed, Councillor Hug, your comment about permit length being framed by minimising costs for utility companies, despite the fact that it is the length of the work that is the key driver of disruption for the public. One thing that could change that is lane rental, as you mentioned earlier, Mr Edwards, which strongly incentivises getting the work done as fast as possible. In fact, you may be pleased to hear that in our last oral evidence session, the lane rental system you rightly say you pioneered in Kent was praised as an excellent programme. Thank you for the work you have done there. I also thank Councillor David Robey, who is here this morning, not just for all of his hard work on transport in Kent, but for everything he does to help me understand all of it.

Could you say a few words about the lane rental system you have created and why you feel it works? I would be interested to hear from the other panellists whether you have a lane rental system and, if not, whether you would be interested in one.

Neil Edwards: As I said, in Kent we have run lane rental systems on about 5% of our network for the last 10 years. There is a scaling level of



charges, which is reflective of the works being carried out, the traffic management and the disruption. A full road closure, for example, on a certain route would attract a higher fee compared to traffic signals placed out. It is proportionate.

It is not the case that, as soon as they step out in the road, they get those fines. The incentive is that, if they can do the works and maintain the traffic flow with no disruption, they do not pay a fee. In an ideal world, a blue sky world, we would have zero income from lane rental because everybody was carrying out works. There is an incentivisation, whether it be the traffic management or the way in which works are carried out from an innovation perspective, if they can maintain the flow and avoid the charges.

Q102 **Katie Lam:** Sorry to interrupt you. Can I pick up on that point? Some of the utility companies have expressed concern that it would be used as a revenue generator. The way you are talking about it sounds like the inverse.

Neil Edwards: We want them to avoid the charges or minimise them. If you take immediate works—not planned works—they do not get charged. Effectively, they get a two-day period in which to carry out their works in an immediate situation without incurring a lane rental charge, even if they are causing disruption.

What we have seen as a result of that is that it has focused the utilities' performance to deliver repairs and carry out reinstatements in those two days. That is through different working practices and innovation to focus on key priority streets and to get in, get out and get the reinstatement done the first time. We want them to do the reinstatement so that it is not defective and they do not come back. If they do, even if they avoided the charge the first time round, there is scope in our scheme to apply full lane rental charges for remedial works when they return. There is an incentive to get reinstatement done right first time so that they do not return.

Q103 **Katie Lam:** Thank you. That is really interesting. Do any of the other panellists have experience of a lane rental scheme?

Tony Hemingway: In Greater Manchester, we are looking at it now. We have a consultant on board looking at running a lane rental scheme for the 10 local authorities in Greater Manchester. We feel there has to be some mechanism, some incentive, to try to stop works being carried out on the busiest routes at the busiest times. The only way of doing that is probably through lane rental, where there is a charge and they have to do that, but there needs to be a mind shift from works promoters that try to look for ways of getting out of it. Exactly as Neil says, if it comes in and you are not making any money, the scheme is working; you have works that are being carried out outside peak times. We have the strong feeling in Greater Manchester that lane rental will work in our area, with it being quite an urbanised area as well.



Councillor Hug: We are very keen to see greater use of lane rentals as a tool to help manage this issue. Neil has delivered it in his area nearby. West Sussex have it in 7% of the network. Their data suggests they have saved an estimated 8.4 years of highway occupation and £53 million in societal costs by doing that, so it can be a really helpful tool. The only caveat that certain authorities have around using it is particularly in built-up areas. Understandably, if you are throwing everything at it, that includes going late into the night and doing all sorts of things that potentially could keep your residents up at night. It is a trade-off between them being able to sleep versus being able to get to work on the bus. That trade-off needs to be thought through when deploying it.

Jane James: We do not have a lane rental scheme currently in Shropshire. We are a very rural authority, so at the moment I am not sure there is much appetite for it. We are probably more in a situation of looking back and watching other authorities to see what benefits come of it and deciding further down the line.

Q104 **Katie Lam:** In December, the Government announced proposals for mayoral strategic authorities to be able to approve their own lane rental schemes, rather than waiting for the DFT. Do the panellists have any thoughts on whether that is a good idea? Does it go far enough?

Councillor Hug: Anything that can avoid the DFT having to sign off every single decision. Ideally, you want the DFT to be strategic, set out the principles and work at the right levels, whether that is mayoral strategic authorities or existing local highways authorities to make some decisions across the piece on these. I absolutely support that power being devolved to MCA level.

Tony Hemingway: We agree to it from Greater Manchester as well.

Neil Edwards: We already have the scheme, so we do not need those powers. The other part is the way lane rental is driving innovation and technology. There is ultimately potential for the utilities for cost savings in new technology. While we are focusing on lane rental, that technology might benefit the rest of the works they are carrying out on the other 95% of their network. The forefront of lane rental may actually be helping the wider highway network over time.

Q105 **Chair:** Can I finish this panel by asking a question on that issue of new technology? Are you seeing new ways of digging up and reinstating roads? Is there enough evidence of any of those new processes being of long-term benefit?

Neil Edwards: We have a number of new technologies, whether it be the actual repair or the reinstatement. There is a technology called "core and vac" where a core is taken out to repair a gas main—I can't remember the exact width. That has sped up and reduced the time of occupation very quickly. Generally, now, unless the gas leak is severe and needs to be traced along a length of network, if it is in one precise location, the



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gas board is able to utilise that technology. That really speeds up the time. Some of those are done in one evening; it is significantly faster.

There is innovation being driven. There is lots of technology being looked at around using robots to repair gas mains and so forth from the inside out. The industry is pushing the boundaries. In turn, that will help minimise the impact on the network.

Chair: That is useful. Thank you very much. This brings the first panel for today to an end. I thank you all very much for your very interesting evidence, in writing and today, and for the time you have taken to prepare for helping us with this inquiry. Thank you very much.