

Transport Committee

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

Wednesday 19 March 2025

Ordered by the House of Commons to be published on 19 March 2025.

[Watch the meeting](#)

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

Questions 106–132

Witnesses

[II](#): Kevin Hamilton, Scottish Road Works Commissioner; Kate Carpenter, Representative, Learned Society and Technical Strategy Board, Chartered Institution of Highways and Transportation; and Sarah Widdows, Chair, Joint Authorities Group (JAG(UK)).

Written evidence from witnesses:

- [Scottish Road Works Commissioner](#)
- [Chartered Institution of Highways and Transportation](#)
- [Joint Authorities Group \(JAG\(UK\)\)](#)



Examination of witnesses

Witnesses: Kevin Hamilton, Kate Carpenter and Sarah Widdows.

Q106 **Chair:** Welcome to our second panel. Could I first ask each of you to introduce yourself?

Sarah Widdows: Good morning, Committee. I am Sarah Widdows. I am the Joint Authorities Group UK chair. We provide support and represent highway authorities across the UK in street works matters and the associated legislation that is coming forward.

Kevin Hamilton: Good morning. I am Kevin Hamilton. I am the Scottish Road Works Commissioner. The Scottish Road Works Commissioner is an independent public appointment first established under the Transport (Scotland) Act 2005 with three main functions: to monitor roadworks activity in Scotland; to promote good practice in the sector; and to promote compliance with the New Roads and Street Works Act. I am also the designated keeper of the Scottish roadworks register, which is a central database of roadworks activity in Scotland.

Kate Carpenter: I am Kate Carpenter. I represent the Chartered Institution of Highways and Transportation. We are a partner with local and central Government supporting individuals and organisations in the industry in highways and transportation around policy, good practice and infrastructure.

Q107 **Chair:** Welcome. I will start with a question on the quality of reinstatement. Research shows that, if performed correctly, reinstatements can last for 10 to 12 years. Do you think England should increase the guarantee period from the current period of just two years?

Kate Carpenter: Commonly, we see in reinstatement that if the defect is in the lower layers of construction, for example the gravel and sub-base at the lowest level of a trench, and compaction is not good in that area, the defect may not be evident until sometime later. They often fail after the two-year period, so it is often a problem. On lighter-traffic roads it may be less evident for a longer period. The impact on those lesser roads can be greater for local people. For heavy-traffic roads it may be more obvious more quickly, but for local roads it is about accessibility to the public.

Sarah Widdows: JAG(UK) would welcome an extension to the current guarantee period, not necessarily to the extent of Scotland where it is six years. I will let Kevin talk about that. It would give us further opportunity with our limited resources to carry out coring in an extended period of time. We have heard quite a bit about coring this morning, which shows that more reinstatements fail over visual inspection, so it would provide further opportunity to make sure that the construction is correct.

Q108 **Chair:** Kevin, how does the system work in Scotland?



Kevin Hamilton: I have seen lots of support for this in the written evidence. In my opinion, there is good reason to support it. The main issue with reinstatement durability is lack of compliance with the specification. As you quoted, the evidence we have shows that if the reinstatement is built to the specification, it will certainly last for six years and could last 10 or 12 years without requiring intervention. The six-year guarantee is a simple way to incentivise utilities to ensure that the reinstatements are constructed to the specification. It is too easy to build a substandard reinstatement that passes a visual inspection at two years and fails at some point later down the line. It is too difficult, time-consuming and risky for an authority to take a utility to court for a reinstatement that has failed due to non-compliance with the specification. In my opinion, utilities know this, so they are averse to investing the time and resources in ensuring compliance with the specification.

In Scotland, we introduced the six-year guarantee in October 2023, so it is very recent, but that followed a long period of notice to the industry and extensive consultation with the industry, so there was plenty of time for changes to be made structurally in the contractual arrangements that utilities have before it was introduced. Obviously, time will tell whether it leads to the step change in reinstatement quality that we hope it will.

Q109 **Chair:** In a previous session Street Works UK told us, funnily enough, that they did not think it would be practical to use a similar guarantee in England as used in Scotland because of difference in requirements for reinstatements. Kate and Sarah, do you agree?

Kate Carpenter: With any evidence there is a flip side. In a previous session I heard a report that of 260,000 reinstatements over a two-year period 92% were found to be compliant. The flip side is that 20,800 were not compliant and for those there is an impact on the public: trip and skid hazards, uneven roads, cyclists and motorcyclists at risk and disruption from the reinstatement. The industry works on very small margins, and I understand there are high pressures. One of the key issues that has not come across much at the moment is that not only are the financial incentives not great, but the contractual incentives are not great.

We could learn from what has happened in the civil engineering construction industry, where the form of contract has changed over recent decades from a very adversarial system that incentivised withholding information until the last minute and putting in claims after the event. We saw construction claims submitted years after works were complete. Now, the form of contract requires contractors to be collaborative. If you do not notify an issue very early you cannot make a claim later. If we had the same kind of culture, and the legislation incentivised collaboration, we would see a different culture and that would reduce the adversarial system. There is a bit of carrot and stick. Incentivising the right behaviours financially is more important.



HOUSE OF COMMONS

Compliance with specification is critical, but communication and co-ordination are as much an issue as the quality of reinstatements.

Sarah Widdows: My understanding is that the Scottish reinstatement specification is not hugely different from the English one. The specification is the specification. If it is done correctly, we have already demonstrated that it will last a lifetime, so it is about getting the specification correct.

Q110 **Baggy Shanker:** What is the best way to resolve disputes on reinstatements following street works?

Kate Carpenter: At the moment, we have inconsistent conflicting requirements between authorities and between utilities. There is no requirement for them to co-ordinate their own works in the way we would want to see, so the solution seems to be a requirement to co-ordinate their own works—there are layers of this—and individual activity. To take an electric vehicle charging point, you have the excavation and reinstatement, which is probably one gang for one utility; you have the installation of the power, which might be different individuals for that same utility; you have the installation of the electrical charging apparatus itself; and then you have the traffic management. You might have four gangs working on the same element. There is no incentive for them to co-ordinate. There is an incentive for them to book a 10-day period for what might be a day of works. The solution, as we see it, is incentivisation and a requirement to plan, co-ordinate and communicate—a lot of this comes back to technology—for public information, not just for highway authorities. That creates a transparent system, which is not what we have at the moment.

Kevin Hamilton: Is your question specifically about disputes over reinstatement quality where the highway authority considers it is a fail, but the utility considers it is okay?

Baggy Shanker: Yes.

Kevin Hamilton: We do not have a huge number of those types of disputes in Scotland. Generally, we have quite a collaborative approach, but we have a well-established framework for dealing with disputes. First, they are taken to a local co-ordination meeting. If it cannot be resolved there, it is escalated to an area meeting where a disputes panel will be appointed of people who are not directly involved in the dispute. They then take evidence from the two parties and give an opinion. Normally, that is the end of it. There are some occasions when it has to be escalated to a further higher-level disputes panel. On very rare occasions, if the parties cannot agree, it will come to me for an opinion. In most cases it is not a legally binding opinion, but that normally settles it. Of course, at the end of the day they can go to court. I cannot remember the last time a utility and a roads authority went to court in Scotland.

Q111 **Catherine Atkinson:** Would a national coring scheme be effective in



England in improving the quality of reinstatement? We have had evidence that many highways authorities do not have enough time or resource to do it themselves.

Kevin Hamilton: I can give you the Scottish experience. We have what is called a national coring programme, but it is probably worth emphasising that that is a nationally co-ordinated programme. The cores themselves are taken by local highway authorities—roads authorities in Scotland. My office helps to co-ordinate that activity. We carry it out every two years. When it was first done in about 2001, the pass rate was 44%; so 44% of cores met the specification. In the latest results in 2023, I think, the pass rate was up to 90%. As Kate said, that means that 10% still fail. That is still quite a large number of reinstatements, but we have taken other measures, like the six-year guarantee and a number of other things, to try to get above that 90% reinstatement quality.

I believe that the key reason for that improvement over 20 years or so is having the programme in the first place. That scrutiny, and the fact that the results are published and organisations are named and shamed, in itself produced a step change in the early years. You can see it in the data; it went up quite quickly. Secondly, I and every commissioner prior to me has issued penalties to the utilities that did not achieve a 90% pass rate. That has led to a mind shift within the utilities themselves. Now all the major utilities core their own works on a routine basis so that when it comes to the national coring programme they do not have a surprise; they know what their performance is going to be. That has been the main change.

Q112 **Catherine Atkinson:** The short answer is that you think yes, it would be.

Kate Carpenter: Yes. We know that what gets measured gets done; we know perception of detection in crime is the biggest deterrent to inappropriate activity. It is the same in any industry. If people know there will be oversight, it changes behaviour. Authorities are cash-strapped; there is a limit to what they can do. They are trying to accommodate an enormous number of duties, and their ability to do work over and above that is limited. If there were higher oversight, I think we would see a much better compliance rate. That is not just reinstatements; just as important is compliance with planning, communication and the correct level of notification.

I have circulated an image from my dashcam on Monday this week which I thought was very pertinent. It is of works by an organisation that gave evidence at a previous hearing here. The top left is the first image, which shows two workers at the edge of the road and no traffic management in a roadworks site. In the second image you can see the worker is starting to excavate with a hydraulic breaker in a live carriageway with no traffic management at all. There is guarding of the pedestrian roadworks on the footway, but authorities do not know this is happening. I notified the highway authority. They had not been notified of any works taking place



HOUSE OF COMMONS

there, let alone in a live carriageway at a junction of two A roads. This is not a local or minor residential road. It is invisible to the highway authority. As for compliance with the method of traffic management and safe and appropriate works, it is unsafe for the workers and unsafe for cyclists and motorcyclists crossing the hydraulic line in the carriageway there. It is completely inappropriate, but that is what we see routinely.

Chair: That is a good illustration. Thank you for the description for those listening.

Q113 **Baggy Shanker:** On coring, it sounds as if having a programme drives the right behaviours, but do we have an issue with reinstating the core?

Kevin Hamilton: Not really. Cores have a relatively small diameter and there is a specification for reinstating that, which should last the lifetime of the reinstatement. It is not a major problem.

Q114 **Chair:** As long as it is not in a critical area, particularly for cyclists or pedestrians on the edge of a pavement, gutter or something like that.

Kevin Hamilton: If it is done to the specification, it should not be a problem.

Sarah Widdows: I think English authorities would welcome a national, structured coring programme and, similar to Scotland, a reinstatement quality plan to undertake a coring programme, because a lot feel that they cannot resource it and do not have the time to do so. That would be an impetus. It has to be a benefit to all in terms of cost, risk, congestion and disruption. If you get it right first time, you do not have to come back. That contributes to net zero objectives and sustainable transport usage, and it supports utilities in managing the performance of their contractors. They do not want to pay for poor performance, so it would benefit all.

Kevin Hamilton: To be clear, the coring programme is undertaken by roads authorities in Scotland. They give a lot of the same reasons we have heard this morning about lack of resources and funds. Part of my role is to encourage them to do what needs to be done to make sure that the integrity of the road is protected. I have a role to regulate utilities and roads authorities.

Chair: Thank you. We are going to move on to EV charge points.

Q115 **Alex Mayer:** Clearly, we are in the midst of a climate emergency and there is, rightly, a push for more EV charge points. We have heard from highways authorities that have raised a number of issues about the Government's consultation on EV charge point installation which would see the installation of charge points brought under the street works permit scheme. Do you have any particular concerns about how that would be managed?



Sarah Widdows: There were concerns, rightly so, when the consultation first came out. The DFT has clarified that EV charge point operators will be given permitted development rights under the Town and Country Planning Act to serve permits through the Street Manager system only if they are working on behalf of local authorities. If it is a commercial roll-out, they will not have that access. That offers some comfort to highway authorities and will help them deliver their own local EV charge point roll-out, as well as their LEVI funding initiatives. While there were major concerns over that access, with those bits in place it offers comfort to us.

Kate Carpenter: I mentioned earlier the multiple elements that are involved in reinstatement. Another aspect, which is quite serious, is apparatus installed without due consideration of the people affected by it. We see charge installation points placed where they create an obstruction and narrowing of the footway, where they could be put on a kerb build-out in a parking bay rather than in the footway, it is easier to put them in the footway, so they are put in the footway because the incentive is to put them in the footway. There is no incentive for a designer or contractor to work in a way that reduces impact on users.

At your previous hearing, Emma Vogelmann of Access for All made fantastic points about the transport impact, which disproportionately falls on disabled users and women, who walk and use public transport more, and the impact of EV charging points and bus stops and so on. The detail of these things is critical. They are often done in different layers by different people, so co-ordination can be poor.

Chair: Let's turn to travel disruption.

Q116 **Alex Mayer:** A fairly wide question. How can street works be co-ordinated more effectively? Do you think the answer lies in more powers for local authorities or greater incentives for utility companies, or probably somewhere in the middle?

Kevin Hamilton: We have a different system in Scotland. We do not have permit schemes; we do not have lane rental. We still have notices. Essentially, we have come from the same place back in the early '90s. Our two systems are slowly diverging. One of the key things for co-ordination, as has been mentioned this morning already, is the highway authority getting good advance notice of the intention to carry out works. There is an interesting statistic. There was a lot of talk this morning about emergency and immediate unplanned works. In Scotland, the overall rate of emergency unplanned works is 18%, which is significantly lower than in any region of England. I think the average for England is around 35%. You can see in the evidence that in some areas it is much higher. I am not entirely sure why that is the case. It may be to do with elements of the system. The permit system and lane rental, as we heard this morning, might incentivise more use of the immediate works, which might raise the proportion. It may be that we have a more collaborative approach in Scotland; it may be that the presence of a



HOUSE OF COMMONS

commissioner to monitor that as a metric, which I do, drives down the use of those types of works.

I think it is a combination of things, but for me the emergency and unplanned works are those that nobody can co-ordinate. When I speak to representatives of bus operators they say, "The pre-planned works are fine; we know about them; we can deal with it, but then you drive along the road and somebody has set up a set of traffic lights that nobody knew about." It is emergency or unplanned works that cause chaos. Getting the level of emergency and unplanned works down is one of the key objectives, and at the moment I am focusing on that so that it is even lower than the 18% we have.

Sarah Widdows: The DFT noted in its written evidence that the use of immediate permits continues to increase. Whether or not that is misuse needs further investigation. Before permits came in, we had two hours before and two hours after notification. For immediate emergency works they could notify, get on with the immediate work to stop danger to life or property and serve us a notice within two hours. For immediate urgent works, which is the supply interruption that we heard about this morning, they used to notify us two hours before they actually started digging in the ground. Two hours is not very long, but it gives us the opportunity to get some messages out there. We have lost that along the way, with Street Manager.¹ It is whether we could reintroduce that, as well as considering what was mentioned this morning, a different type of planned immediate permit, so that we have the opportunity to get some communication out to our residents and businesses.

Q117 **Chair:** Are we clear about why the rate of actual urgent and immediate works is so much lower in Scotland? What happened in Scotland that is different? We are talking about the same utilities, and often the same contractors.

Kevin Hamilton: It is what happened in England that is different. The introduction of permit schemes about 15 years ago has been the big change. We did not do that in Scotland. We still have a noticing system. I do not know whether that is the reason, or part of it, or whether it is because there is someone like me to scrutinise the performance of utilities and highway authorities. I measure emergency and unplanned works as one of my metrics. I publish that. I have regular high-level discussions with utility companies and roads authorities about their levels of emergency and unplanned works. I do not know what combination of factors leads to the difference, but there is clearly a difference.

Q118 **Chair:** Sarah, you covered that just now in talking about permits. Is there anything that either of you wants to add about the distinction?

¹ Correction by witness: [MIS0081 JAG\(UK\) supplementary written evidence](#), paragraph one.



HOUSE OF COMMONS

Sarah Widdows: It could well be ageing assets and lack of investment. We have seen massive gas main replacement programmes in recent years. It could be a combination of that and recurrent leakage of water mains. Have you had the explosion of fibre as well?

Kevin Hamilton: I think we have the same sorts of issues with deteriorating assets. There has been a slight upward trend in the number of emergency and urgent works, particularly since covid, but I don't think our assets are deteriorating any more slowly than anywhere else.

Q119 **Baggy Shanker:** In your view, would it help if England had a road works commissioner?

Kevin Hamilton: It would be helpful if there was some body to have oversight of the activity, and a role to promote best practice and compliance with the legislation. They are the functions that are set out in the legislation for me. I am agnostic as to whether it is an independent body or part of Government. The reason it is set up as an independent body in Scotland is that I also have the same powers over Government in their role as the trunk road authority. That is why it is independent. If you were looking only at utilities, it could be part of Government, but I suggest that it would be best and fairest to have a body that looked at both utilities and highway authorities, because highway authorities carry out a significant number of works themselves. I know that your inquiry is not looking at that, but it causes the same disruption. Yes, is the answer.

Q120 **Chair:** Sarah and Kate, would you welcome a commissioner for England with similar powers?

Kate Carpenter: Absolutely. The consultation that we undertook and the feedback from many authorities was consistent; they felt that co-ordination, particularly with that independence and level of powers, was critical to create those layers. We need technology for the notification and co-ordination for utilities to see what each other is doing and for utilities to see what highway authorities are doing, and vice versa, because it needs to co-ordinate not just the utilities' work, but the highway authorities' own works, so that the public can be aware. If you are setting out on a journey, is there going to be disruption? Are you aware of it? It is particularly important for people with disabilities who cannot physically see a footway closure. A sign that says "Footway closed" is of no help to you. We need both the technology to enable that and the incentives. There is no incentive to do things on planned work rather than urgent work. I think that underlies a lot of it.

Some highway authorities have engaged independent advisers to challenge the cost of statutory undertaker utility work within their own work, for example, when a bridge is being replaced and the highway authority has to accommodate the utility work, because you are just given a price, and to challenge the urgent versus non-urgent classification of works. Where that scrutiny takes place there seems to be better planning, a greater reduction in costs and less disruption. I think



we would see the Scottish benefits if we had a similar system in England and Wales.

Sarah Widdows: If I may add something about some of the most disruptive works we experience, we have heard about utility supplies to developers and developments and how they do not co-ordinate because it is an ad hoc, pay-as-you-go kind of situation. For major developments they also have to carry out what are called section 278 works, which are highway improvements to mitigate the impact of their development. We feel it would be extremely good if there was a mandatory requirement to use Street Manager, because they are one of the poorest planners as well. Section 278 is replicated in section 23 of the New Roads and Street Works Act, so that could be transferred across to make it mandatory for developers to have some responsibility for co-ordinating their own works and assisting the highway authorities.

Q121 **Chair:** I am going to pick up a question from the earlier session on the reduction in subsequent and endless works, with one utility opening and closing and then another and another on the same road. Kevin, are you able to have any influence over that in Scotland?

Kevin Hamilton: We have the same issue. I can think of recent examples in Edinburgh where a key junction in the city was closed for a period of time for some utility works and then closed for another set of utility works. Most recently, it has been closed because there are bridge works over it. Because of the level of concern, I was able to justify undertaking an investigation into that. That has happened on a few occasions in my tenure. There have been high-profile cases I have been able to look at. I have never found a case where there were not the best intentions to try to co-ordinate the works and for the parties to co-operate with each other. I dare say it could happen. It still happens in Scotland. My role is very much reactive, to see whether people have breached their duties under the New Roads and Street Works Act and whether there is any learning that can be passed out to the roadworks community. That is the limit of my role. If I found a breach of the New Roads and Street Works Act, I could issue a financial penalty.

Q122 **Olly Glover:** As we discussed in the first panel, a source of enormous frustration to my constituents—I am pretty confident this applies to all of my colleagues—are the processes and arrangements for communicating and notifying people of street works. Thinking about road users, pavement users and indeed bus customers, how do you think that communication and notification can be improved?

Kate Carpenter: The one.network system mentioned earlier is a system that can give information directly to the public. In the profession, awareness of it is low; in the public it is wider. The tool needs to be very easy to use; it needs to be in a platform they already use, or connected to something, or look like a platform they already use. We need to recognise that a lot of users cannot use those platforms, given digital access and so on.



The tool is advance notification, from a roadworks and street works point of view so that you can plan your journey: "I'm making a journey on Tuesday next week. I'm following this route. Will I be affected?" It is very hard. I work in the industry, and I find it hard to work out exactly what closures are taking place and when, so I understand that the public find it difficult. Real-time information can be good on the networks to tell you once you have started your journey, but only on certain bits of them. It tends to be the strategic network. What is critical is that we have within an authority area roadworks and street works and lots of layers of that, and across boundaries between local authorities, within authorities across strategic and local authorities, and then across national boundaries.

All of those have impacts on users. They do not distinguish whether it is a council road or a National Highways road; they do not distinguish between one authority or another. They are just making a journey. The system should not be on just a local authority basis; it needs to be national. It might be administered by local authorities, but it needs to be a national, overarching and incredibly easy-to-use system.

Q123 Chair: It is not helped by the fact that people always blame the council when usually it is utilities causing the problems.

Sarah Widdows: Both works promoters and highway authorities strive to communicate with the general public and the travelling public. It is in our interest. It reduces complaints and the amount of time we have to deal with them. This really goes back to when we are not given notice for the emergency works. For works that come in with early starts we have the opportunity to refuse permits that do not give us enough notice, but we still have to put resources into that, so it goes back to forward planning, making use of forward planning notices in Street Manager. It allows people to start talking. It is always about forward planning.

Kevin Hamilton: I agree. It does not matter how good your platform is for getting information out to people; it is important that the information you put out to people is accurate and timely. That is a challenge we have in Scotland. We have a platform; the data is fed into one.network as well and it is picked up regularly in local press reports. I see MPs and local councillors tweeting about roadworks that are happening and they have got the information from the road works commissioner website, but the fundamental thing is that that data has to be as accurate as it can be. That is a real challenge, because it is largely down to the works promoters, the utilities or the highway authorities to make sure that the data is accurate, up to date and at scale. I read in the evidence that there are some 2.2 million roadwork activities in a year in England. It is a big scale.

Once you have the data on a platform, it is about making it available via technical solutions to bus companies and people who represent road users. There are some very hard-to-reach groups of people, and probably the best way to get to those people is for groups that represent them, or organisations that provide products for them, to pull that data from a



central source and make it available in a way that is suitable for whatever their needs are.

Kate Carpenter: Another aspect that is very relevant is that members of the public often say, "I drove past roadworks and nobody was working." In a street works context one of the things we see commonly is that people book a five or 10-day permit. They are only actually expecting to work for one day. They create a longer provision either to give them flexibility, because they do not know when the production line will arrive at that site, or the previous site is delayed, so it is a genuine reason, or because they are unsure how long the work will take when they arrive. There can be some genuine reasons, but if they know on day one of a two-week period that they are not going to work until the second week, the local authority could be doing its own works there, or another utility could be doing work there. The traffic management contractor who sets out traffic management on day one of the two-week period may not know that the works team will not arrive until later.

Some of it is around the system. There is no incentive to manage how much impact you have on the network and no incentive to communicate with the authority. The incentive bit financially, both for notification and for reinstatement, would create that different behaviour. The technology will make it possible, but it will not actually happen unless there is an incentive.

Sarah Widdows: There is an issue around cancelling works that are no longer going ahead. There is no incentive to cancel those permits, so the road space is still allocated when other works could be taking place. The DFT and Street Manager are looking at a solution to that. We used to be able to impose fixed penalties if they were not cancelled the day after the works validity period had expired, so we need an incentive, especially with the unprecedented demand we have now and will continue to see, with the growth agenda and everything else.

Another point is that Street Manager has open data. Anyone can pick up certain elements of that data, and maybe we need to encourage a little more innovation in taking forward that data to provide information to the hard-to-reach organisations.

Q124 **Alex Mayer:** Presumably, sometimes they finish early as well. Are there any mechanisms for telling councils that it's all over?

Kate Carpenter: I don't think there is a requirement to, is there?

Sarah Widdows: If their work stops, they will tell us they have finished and cleared site. However, they quite often use the full duration to make sure they have completely cleared the site so that they don't get any section 74 charges.

Kevin Hamilton: This is something we are picking up in Scotland. I got some new powers last year to inspect sites. We are looking at sites where



work has finished but the notice has not been closed on the register. It is something that happens, and we are going to be taking some action on that.

Sarah Widdows: It is also frustration about unattended sites. Sometimes there are genuine reasons for it, but, as you say, it is the production line. Day one, a gang will come out and dig the hole and carry out the repair; on day two or three they hand over to their reinstatement gang, and because they are contractors they have contractual service-level agreements and need a certain period of time to carry out the reinstatement. On days, four, five or six the traffic management company gets handover of the works and they come and clear the traffic management. Those operatives could, as they did a long time ago, with direct labour offerings, multi-task and see their job from cradle to grave, and improve and expedite those works completely.

Chair: If the works are finished and cleared away days, if not a week, early, you never see Facebook community groups happier; it is the happiest I ever see that sort of social media. It is unusual though.

Q125 **Steff Aquarone:** Sarah, I have been out with some of your colleagues in Norfolk looking at villages that at one stage, without assertive intervention, would have been cut off in all three directions. This is an issue affecting rural areas as much as elsewhere. The lane rental scheme is now gaining some traction. There has been a little bit of pushback perhaps from industry, but I am interested in what Kevin has to say about why it has not been supported in Scotland and why the system is working to do what it is seeking to do in a better way. Starting with Sarah, what is stopping us in Norfolk and other authorities taking on lane rental as a way of dealing with this problem?

Sarah Widdows: There is a growing appetite to take up lane rental schemes. One of the stoppers is that you have to carry out traffic-sensitive reviews of your traffic-sensitive streets, because it can only be applied up to a maximum of 9% of the busiest networks. That will not necessarily help our rural communities. One of those particularly affecting Norfolk is the change in the definition of traffic sensitivity. We lost two criteria. One was winter maintenance routes and one was tourist routes. We understand the reasons for that. If they were applied correctly, that could still apply, but in the rural network lane rental does not really assist because it is aimed at the busiest networks.

Q126 **Steff Aquarone:** Even though it could be black and white—access or no access—rather than just a bit of delay? I do not want to minimise the impact of street works in urban areas, but quite often there are many more alternative routes.

Sarah Widdows: Lane rental would not apply to that, so you would have to rely on permit conditions and use the permit scheme to manage those works.



Q127 **Steff Aquarone:** It could be done; there is appetite for that in other authorities.

Sarah Widdows: Yes. I am looking at that in Norfolk at the moment.

Q128 **Steff Aquarone:** Sorry I don't have any big enough roads. Kate, do you have any thoughts on that?

Kate Carpenter: I agree. If we had an all-encompassing system that included local authorities' own work, strategic authorities' work and utilities' work in one place, including developers working on the local highway network, it would be transparent and more open. We support local authorities in trying to look at their own layers of things. You have street lighting people, signing people, marking people and maintenance people. You have 100 different people doing different things in the same place. Within an authority it is difficult; between authorities it is even more difficult. We see that that sort of co-ordination is difficult and can lead to people unwittingly working in each other's area.

There was a reference in a previous hearing to a beer commercial where people had a trench open and said, "While you're here we can put in our gas main." We had a go at that. We tried to close an unclassified road, much like a lot of the Norfolk network, to replace a bridge, so we contacted all the departments of the council and all the utilities and said, "We'll have this road closed for six months. You can come in from each end and do all the works within that. No cost of permitting; it will all be available and will be nice and easy." All of them said they would do the work and then, as we approached the job, one by one they pulled out and no one else did the work. The closure took place with none of those opportunities. The following year the road was continually dug up. Even when we attempt to do it and opt to, it is still not always easy. It must mean that it is too easy to do it at a different time, and that must mean the incentives are not right.

Q129 **Steff Aquarone:** Clearly, the incentives do not involve beer, but that was the reference, I think. That is very interesting. Kevin, is it just not needed in Scotland? Is that why the 2014 Transport for Scotland report said, "We don't think this is going to work," or why?

Kevin Hamilton: That was the thinking at the time. It was very much seen as something for very congested urban areas. If Dr Arthur was here, he would tell us that Edinburgh was one of the most congested cities in Europe.

Q130 **Steff Aquarone:** He does, regularly.

Kevin Hamilton: It has its issues but having lived down here for a number of years, it is on a different scale from even places round London—for example, Hampshire, Surrey or, Sussex. It is a different level of congestion. That is probably the reason why it was not considered necessary in Scotland. Personally, my mind is open. It probably has its place. Whether there would ever be a time in Scotland when it would be



necessary, I do not know. There are some pitfalls. I would like to see another set of independent evaluations of the success of schemes. The more recent evaluations were part of the rules of the scheme and were done by the scheme promoters themselves, whereas I think the 2012 evaluation was more independent. I would like to see an independent evaluation before forming a strong view one way or the other.

Q131 Steff Aquarone: To ask a really stupid question, don't we need to simplify the whole thing radically? If a road is closed the utilities are charged by the hour that it is closed, and if the work is not done properly, they are charged huge penalties to make sure that 100% reinstatements are done correctly. Is that mad?

Kate Carpenter: It comes back to motivation and an incentive to do the right thing and cause less disruption to the public. What has not come up so far is the skills issue. Utilities in both a planning and a delivery context do not necessarily know the impact they are having on users. They may not understand visual impairment, mobility impairment and neurological impairment, which is something we are looking at much more now—how people with autism or dementia perceive and understand the environment and their area and how they navigate it. The use of technology is very different. Something being slightly unusual is disproportionately derailing for people with those conditions. We think there is an opportunity for skills improvement for the industry to understand each other, for highway authorities to understand utilities' needs and the technical issues around installation of apparatus, for utilities to understand highway authority processes and for everybody to understand the impact on users. We think there is a good opportunity for skills improvement.

Q132 Steff Aquarone: Sarah, can it be radically simplified?

Sarah Widdows: We have to reward good performance. Performance-based inspections are a good example of that. The larger utility companies tend to monitor and manage their performance down to the lowest level of paid sample inspections: 20%. For those that delegate all responsibility and take no proactive interest in their contractors' and subcontractors' performance, we are now reaching 80%. By October, we could have 100% sample inspections being paid for by those companies. That is not acceptable. They need to take responsibility. They have a corporate and legal responsibility to manage their contractors. I think there is a good balance between incentivising good performance and penalising poor performance.

Kevin Hamilton: What you are suggesting is quite a radical shift. I agree that there are aspects of roadworks administration and management that are overly complex. My opinion is that it actually suits some parties that they are complex because it allows interpretation, and that interpretation leads to disagreements. That makes the whole industry quite naturally adversarial. The complexity feeds the adversarial beast, so there is definitely some merit in simplifying it.



HOUSE OF COMMONS

I do what I can in Scotland. We have a very comprehensive set of codes of practice; we have a framework. It is quite structured, but I accept that even that is overly complex. There is scope for simplification, and that would take away some of the aspects. You would have to be careful about how it was developed so that there was a sense of fairness. That is a critical aspect. It would have to apply equally to everybody undertaking works on roads.

Sarah Widdows: It has to have structured and definite statutory guidance that people are very clear about. Remove the grey. In street works we suffer a lot with the grey. We need it to be prescriptive so that everybody knows what the rules are, and we need to put all of the regulation and legislation that we have together into a solid foundation framework that everyone can work to, so they can know where they stand and not look for loopholes all the time.

Chair: Excellent. Thank you very much. That brings the session to a close. Thank you and all our witnesses today for your evidence. What we have heard has been really helpful. We look forward to continuing to gather evidence as we progress this inquiry. That concludes today's meeting.