

REGENERATION, COMMUNITY AND CULTURE OVERVIEW AND SCRUTINY

4 OCTOBER 2011

MEMBER'S ITEM: WATER METRE REPLACEMENT AND PAVEMENT RE-SURFACING

Report from: Robin Cooper – Director for Regeneration,
Community and Culture

Summary

This report is in response to a request from Councillor Griffiths and provides information in response to a series of questions set out in paragraph 2.2 of the report.

1. Budget and Policy Framework

1.1 Under Medway's Constitution, Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Griffiths has asked that an item on this issue is included on the agenda for this meeting.

2. Member's Item request

2.1 Councillor Griffith's request is:

A few months ago, the Council resurfaced all of the pavements in Broadway. A few months on, Southern Water are digging up all of those newly laid pavements to install water meters replacing the pavement with both poor patching and a muddy mess that their operatives have left at each hole.

2.2 This situation provokes a number of questions:

(a) to avoid newly resurfaced pavements being dug up, the Council is supposed to liaise with the statutory undertakers to ensure they have no work planned in that area in the near future. Did the Council ask Southern Water, and if so what was their response?

- (b) given that Southern Water have indicated their intention to install water meters in all residential properties in a phased programme, why is the Council re-surfacing pavements in advance of that work being done?
- (c) do the utility companies have any obligation to clear up after they have finished working in an area? If so, why haven't they here, and what is the Council doing to monitor both this and the quality of their patching?
- (d) how much did it cost to re-surface Broadway?
- (e) would it have been more sensible to have delayed the re-surfacing by a few months until after the water meters had been installed?
- (f) will the Council temporarily halt its re-surfacing programme until it has ensured that it has fully liaised with Southern Water to avoid this situation happening again?

3. Background

- 3.1 Southern Water is currently undertaking a Water Meter Installation programme in Medway. Areas of Rochester, Strood and Gillingham have had water meters installed. The programme is intended to be until 2015, when all of Southern Waters area, including Medway, will have water meters installed.
- 3.2 Under the Traffic Management Act 2004 and the New Roads and Streetworks Act 1991, all promoters of work need to provide Notice of the intention of their works in advance of actually carrying out these works, the exception to this is urgent or emergency works which are carried out immediately and noticed afterwards.
- 3.3 Under the current Noticing system once notices are issued, and the required time frame is given then works can take place, the length of notice period is dependant on the scale of the works that are taking place.
- 3.4 The Traffic Management Section receives some 10,000 notices electronically each year. These are investigated and accepted, rejected or have conditions imposed on them. Statutory Undertakers have a duty to maintain and upgrade their apparatus, and unless there are very good reasons once the required time periods have been given in the works notices, works can commence.
- 3.5 It is worth pointing out that Medway, along with some other authorities is considering a Streetworks Permitting scheme; operating a streetworks permit scheme will provide additional powers for Medway to implement additional controls or restrictions on all works that take place on the highway. Streetworks Permitting schemes are operating well in Kent and also in parts of London.

- 3.6 It is possible that conditions or restrictions can be imposed on a utility company to prevent them going in following major works, for a certain time period depending on the nature of the work and the category of road that was worked on. Such a restriction can be made under Section 58 or 58a of the New Roads and Streetworks Act 1991.
- 3.7 However to impose such a restriction it requires that notice is given to numerous parties, and it provides an intended start date. If the works have not started within 6 months of the intended start date then, then the restriction is invalid and the process would need to be repeated. This process is based on a fairly consistent work programme.
- 3.8 The Planned Maintenance Team within Highways maintenance will consider the possibility of issuing section 58 notices for resurfacing schemes in the 2012/13 financial year, where practical. However, the annual nature of local authority funding means that firmly agreeing the schemes in advance may make this challenging.
- 3.9 It should also be noted that a restriction under Section 58, will only deal with planned works and will not restrict urgent works or customer connections.
- 3.10 Dealing with the specific points raised by Cllr Griffiths:
- 1) The section of footway outside Mr Thompson's house was resurfaced within a scheme undertaken last financial year and was started in October 2010. It was at that time known that Southern Water were due to bulk install water meters between 2011 and 2015. These works were due to start in Medway in April 2011 but the council did not have, at that time, a definitive programme to work to. Officers did not want to cancel this scheme last year as the footway was in urgent need of works. Failure to carry out such work could lead to legal claims against the council in the event of an accident. The final cost for these pavement resurfacing works was £93,044.
 - 2) The council has plans for resurfacing the remaining north section of the Broadway and have liaised with Southern Water to arrange for their works to be completed before the council's resurfacing works start. Southern Water have unfortunately taken the opportunity and moved into the estate to carry out meter installation works across the whole estate including those areas, which were resurfaced last year. Officers are trying to get this delayed until later in their programme.
 - 3) The council is co-ordinating with Southern Water regarding their water meter installation programme across Medway and they have a complete list of the council's proposed pavement resurfacing sites so that future meter installations can be completed before the council's contractors commence site works. Any pavement resurfacing schemes carried out last year or before will at some time have meters installed within Southern Water's five year works programme.

- 4) In view of the comments regarding the poor reinstatement work and the condition the footways were left in after the work, the sites have been inspected, and although there will always be some degree of disruption and mess, Southern Water have been informed that various sites in Gillingham are not to acceptable standards.

These standards have improved, however officers will continue to monitor for non-compliance.

4. Director's comments

- 4.1 It is unfortunate that in this case the footway was opened so soon after last year's pavement resurfaced scheme. In hindsight it may have been prudent to delay the council's works or try and renegotiate Southern Water's programme. However the condition of the pavement was such that to prevent injuries certain works would have had to be undertaken regardless to provide a safe pavement area that meets legal standards.
- 4.2 That it be noted that although in the early stages of the appraisal process, the adoption of a Streetworks Permitting Scheme would provide additional/greater control than the current Noticing System, and this may be an item in its own right at a future Overview and Scrutiny Meeting.

5. Risk Management

| Risk | Description | Action to avoid or mitigate risk |
|---|---|--|
| If Southern Water does not complete the replacement of water meters on time | Risk of pavements deteriorating further | Continued dialogue with Southern Water to ensure they replace the water meters prior to the council resurfacing the pavement. |
| If pavements become too high risk in terms of safety due to wait for water meters to be installed | Risk of compensation claim, if member of the public injures themselves because of bad state of repair of pavement | Continued dialogue with Southern Water to ensure they replace the water meters as quickly as possible in locations where the council is waiting to resurface the pavement. |

6. Financial and Legal Implications

- 6.1 There might be financial implications should there be compensation claims against the council if the pavement was to deteriorate further whilst waiting for the water meters to be installed.

7. Recommendation

- 7.1 The committee is asked to consider the Member's Item and officer response.

Background papers

Traffic Management Act 2004
New Roads and Streetworks Act 1991

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