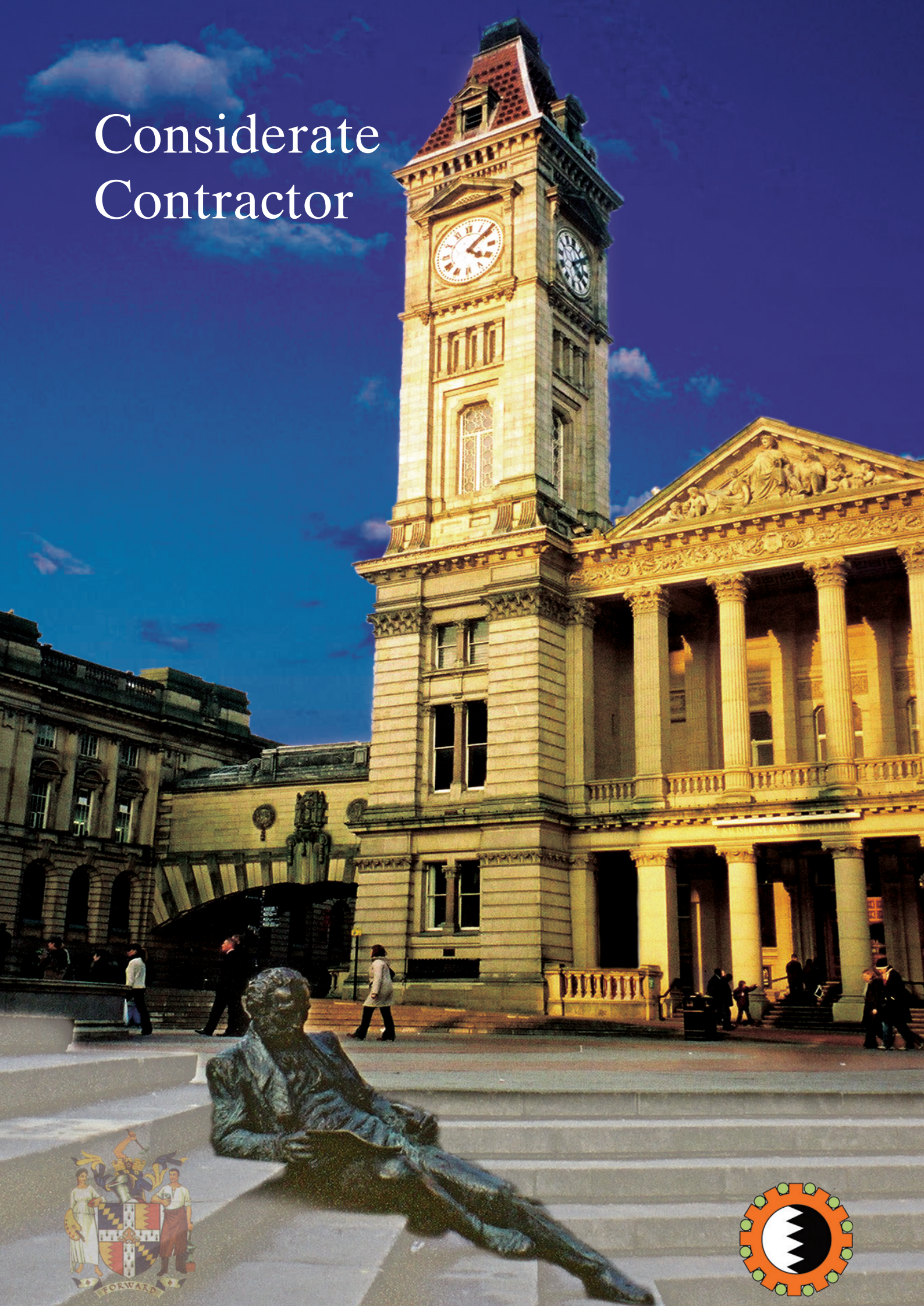
Considerate Contractor



4 May 2004

Report of the Street Services Overview and Scrutiny Committee

Considerate Contractor Streetworks Scheme

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Preface

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Street and Highway works are a challenge for any Local Authority. It is sometimes a tall order to overcome the conflicting demands of Council contractors, utility companies, businesses and the public in order to deliver a high standard of service. With some 500,000 vehicle movements a day, the business of delivering street and highways management is critical to sustaining the economic prosperity of the City and its local neighbourhoods.

However, with the right sort of determination it is possible. We believe that the Considerate Contractor Streetworks Scheme has been instrumental in the continuous improvement of standards of care and the quality of streetworks in Birmingham. This has been recognized by Birmingham City Council being awarded Beacon Council Status and by many other Local Authorities nationwide adopting the scheme.

There is however, no room for complacency, and the Council recognises that there is still a long way to go to achieve the consistent quality of reinstatements and highway maintenance works that the City wishes to see in all of the streets in Birmingham.

We commend this report and its recommendations, and wish to thank all Members, officers and others involved. We believe these recommendations will take us to the next stage of achieving our street works vision.

1: Summary

1.1 The objective of the Considerate Contractor Streetworks scheme (CCS) is to achieve a continuous improvement in street works standards through partnership working with utility companies, contractors and members of the public.

1.2 With some 500,000 vehicle movements a day, the business of delivering street and highway works in the City of Birmingham is a formidable task. The City Council is responsible for a network of 9,000 streets, in which 75,000 utility and highway events take place annually against a city centre skyline that is undergoing a dramatic transformation.

1.3 The CCS Code of Practice sets out a common standard for safety measures, quality of reinstatement of repair and customer care for all contractors working on the street and highway network in Birmingham. The Code recognises that the public has a right to be informed and, where appropriate, consulted about potential disruption and congestion arising from street and highway work in their locality. Moreover, it recognises that conflict between contractors, frontages and other highway users can be significantly reduced by careful planning, first site delivery, and safer working practices.

1.4 A unique aspect of the CCS is the involvement of members of the public as 'Lay Assessors'. These volunteers assist the City to measure contractor performance through the eyes of its customers, as well as the professionals.

1.5 The Review Group undertook a very intensive and 'hands on' scrutiny of which a key element was the 'reality checks' conducted on the streets of Birmingham and the open forums with contractors and members of the public to gain their views.

1.6 The Review Group has concluded that CCS scheme has been instrumental in the continuous improvement of standards of care and the quality of street works in Birmingham. In addition the partnership approach whereby the city sets out to embrace all those who work on the road has transformed a failing street authority into a Beacon Council, an award of which the City Council is extremely proud. It recommends that the good practice developed by the Highways Service should now be extended to all service areas within the Council so that all contractors working for or on behalf of the City Council comply with the best practice standards and the principles laid down in the CCS scheme.

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1.7 However, there is no room for complacency and there is still a long way to go to achieve the consistent quality of reinstatements and highway maintenance works that the City wishes to see in all of the streets in Birmingham. The CCS scheme now needs to move up a gear to maintain the momentum it has created and achieve its ultimate goal of service excellence. More sophisticated mechanisms for the assessment and monitoring of performance now need to be developed and stronger links with the tendering/procurement process need to be made in order that best practice in highway and street works is recognised and rewarded, and the Council can deliver the level of street and highway works that legislators, local politicians and the public have a right to demand.

2: Recommendations

No.	Recommendation	Responsibility	Completion Date
R1	A practical mechanism needs to be developed to enforce the requirement under the Considerate Contractor Streetworks Code of Practice (CCS) for contractors to have in place a quality assurance management system that conforms to BS EN ISO 9000.	Cabinet Member for Transportation and Street Services	30 September 2004
R2	A review needs to be undertaken of the current systems for the assessment and evaluation of contractor performance to identify ways of improving the quality, quantity and consistency of the performance data.	Cabinet Member for Transportation and Street Services	31 July 2004
R3	Consideration should be given to a dedicated funding mechanism being put in place for the CCS scheme. This should include funding for the staffing necessary to co-ordinate the scheme.	Cabinet Member for Transportation and Street Services	31 March 2005
R4	Previous good performance by contractors must be a requirement to remain an 'Approved Contractor'. This must be within the requirements of Council Standing Orders and procurement processes.	Deputy Leader	30 September 2004
R5	The balance between cost and quality considerations in the tendering process should take account of the customer care and quality standards laid down in the CCS and with best practice in the public and private sector.	Deputy Leader	30 September 2004
R6	Appropriate Codes of Practice should be drawn up for all contracted services in the Council to which recommendations 4 and 5 above can be applied.	Deputy Leader	31 July 2005
R7	The Considerate Contractor Scheme should be extended to include criteria similar to the Corporation of London's Code of Practice in order to include all 'work promoters' whose activities have an impact on the highway, e.g. building developments.	Cabinet Member for Transportation and Street Services	31 July 2004

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No.	Recommendation	Responsibility	Completion Date
R8	All Highway and Streetworks Inspectors to undertake the IMTAC Training Programme. In addition 'refresher' courses to be provided for 'Lay Assessors' in order for them to keep abreast of legislation, share experiences and knowledge.	Cabinet Member for Transportation and Street Services	31 January 2005
R9	A schedule of information sharing meetings, benchmarking visits, briefing sessions to be established for 'Lay Assessors' as a means of sharing good practice and recognising the valuable contribution they make to the improvement of standards of highway and street works.	Cabinet Member for Transportation and Street Services	30 November 2004
R10	The use of the Customer Questionnaire in Highways and street works to be extended to all partners and efforts made to increase the percentage rate of return to 15%.	Cabinet Member for Transportation and Street Services	31 March 2005
R11	Consideration needs to be given to how the standards established by the Considerate Contractor Streetworks Code of Practice are maintained under any future City Council Private Finance Initiative.	Cabinet Member for Transportation and Street Services	30 April 2005
R12	Progress towards achievement of these recommendations should be reported to the Street Services Overview and Scrutiny Committee on a regular basis. The first progress report should be made within 6 months of agreement of these recommendations at Council, with subsequent reports to be scheduled thereafter by the Committee until all recommendations have been achieved.	Cabinet Member for Transportation and Street Services	31 October 2004

3: Introduction

3.1 Reason for Review

3.1.1 To evaluate how well the criteria for the Considerate Contractor Streetworks Scheme are put into effect.

3.1.2 To assess whether the Scheme delivers the aim of delivering better quality, good value in streetworks services.

3.1.3 To identify any areas of good practice or areas for improvement.

3.2 Terms of Reference

3.2.1 This review covers the following areas:

- Examine whether contractors tendering for work meet the quality requirements of the Scheme.
- Examine the processes for ensuring that contractors meet the scheme requirements.
- Evaluate the assessment of performance of contractors from the perspective of customers.
- Examine the mechanisms and processes to manage the performance of contractors through the Scheme.

3.3 Methodology

3.3.1 A Review Group was set up, made up as follows:

- Councillor Kath Hartley – Chair;
- Councillor Dennis Birbeck;
- Councillor Talib Hussain;
- Albert Harbun and Irene Wright - Lay Assessors representing members of the public and the Access Committee;
- David Hoare – an independent expert from Birmingham University (Civil Engineering Department);
- John Crowther - a representative from a major utility company (Enterprise);
- Vic Michel - a representative from Hammerson UK Properties plc / Birmingham Alliance.

3.3.2 The Review Group adopted an interactive, 'hands on' approach to the review using a range of scrutiny mechanisms including presentations, surveys, questionnaires, workshops, focus groups, site audits and benchmarking visits. See Project Plan (Appendix 1).

4: Background

4.1 City Council Vision for Streetworks

4.1.1 The City Council's vision is as follows:

> *'A City wherein the design and delivery of street and highway works is able to reflect the needs, and aspirations of those who work, live and move within its boundary.'*

4.1.2 The City Council's desired goal is service excellence. Objectives for delivering this include:

- **An inclusive and credible partnership** – In Birmingham our partnership embraces utilities and their contractors, highway contractors, suppliers, developers, local businesses, community groups and customers.
- **A common standard for all practitioners** – All works on, or adjacent to the public highway in Birmingham, are subject to a common standard for co-ordination, safety measures, product quality, and customer care.
- **Training systems that interact with the service improvement agenda –** In addition to the need for regulatory and professional training we endeavour to capture and analyse streetworks experience as we make it, and feed it into the learning cycle. This is true for both utilities and the Highway Authority.

4.2 About the Code of Practice

4.2.1 The objective of the Considerate Contractor Streetworks Code of Practice (CCS) is to achieve continuous improvement in street and highway works standards through partnership working with utilities, contractors and members of the public.

4.2.2 The Code sets out a common standard for safety measures at all street works, quality of reinstatement or repair, and customer care, which applies to all works promoters. It provides advice concerning information boards and works details, working on site, monitoring safety and quality, checking customer satisfaction, and evaluating overall performance.

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4.2.3 Birmingham's original Considerate Contractor Streetworks Scheme (CCS) was launched by the City Engineers' Department in 1993. The Code of Practice was a small 10-page booklet. This document contained some general and specific requirements that contractors were expected to observe when carrying out any work on the public highway. The primary focus was upon the safety and quality of street works.

4.2.4 The original scheme, however, generally lacked credibility with both the contractors and the public and was not taken too seriously. The main reason for this was that the scheme was not properly enforced. There were no means of monitoring or measuring contractors' performance against the Code in a regular or systematic way and indeed there was little attempt to do so. Standards did not improve and continued to fall well below what the City Council wished to see in Birmingham.

4.2.5 Dissatisfaction and frustration with the way in which street works were undertaken at both a local and national level grew. MORI public opinion polls and feedback from local Councillors and Ward Committees showed that in general the public continued to perceive that street works contractors' performance was poor. At the same time the volume of street works grew dramatically. During 1996/97 undertakers executing street works carried out in the region of 25,000 excavations and reinstatements to footways and carriageways within Birmingham. By 2003, the figure had risen to 75,000 utility and highway works co-ordinated each year.

4.2.6 In addition in the same period, at any one time Birmingham Cable Ltd had up to 40 gangs undertaking work in various locations throughout the City to install cable, affecting approximately 700 kilometres of footways and carriageways during the year. Since 1998, 28 Cable companies have undertaken major networks projects within the City.

4.2.7 Early in 1997 the whole Street Works inspection function (at that time part of the newly formed Transportation Department) was subjected to a rigorous review and audit by the City Council's Internal Audit department and the Department's Customer and Performance Services section. A particular focus of this audit was the performance of the cable companies operating in the City at that time, particularly Birmingham Cable and the high failure rate of trench reinstatements (i.e. trenches sinking).

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4.2.8 The effectiveness of the New Roads and Street Works Act 1991 (NRSWA) – particularly regarding specifications and supervision had been brought into question by the results of a national coring[1] programme (69% failure rate). The Transportation Department's own inspection and supervision of Birmingham Cable's work was examined by the auditors. An overhaul and re-launch of a more rigorous CCS was one of the actions called for by Members following this investigation.

4.2.9 In June 1997 Transportation and Technical Services Committee approved a revised CCS. The new criteria focused on improving the standards of care to customers and recognised the need to get things right first time rather than having to put them right when things went wrong. It also introduced the concept of quality assurance – requiring contractors to manage their work processes by putting in place a quality assurance management system equivalent to ISO 9000.

4.2.10 In addition a scoring mechanism for measuring and assessing contractor performance was also developed to be used by the City's highway inspectors. Overall scores achieved throughout the year were to be evaluated by an evaluation panel consisting of Members, officers, utilities, contractors and members of the public. Awards for the best performing contractors were to be celebrated at an annual award ceremony.

4.2.11 During the same period a Member Working Party was established to bring forward a 'Vision for Streetworks' and an action plan to achieve the objectives. In June 1998 the Member Working Group approved a paper agreeing to make Birmingham the Centre of Streetworks Excellence.

4.2.12 During 1999 the scheme was further improved by the introduction of 'Lay Assessors', volunteer members of the public involved in monitoring contractor performance and assisting in the continuous improvement of the scheme. In addition a 'Cone Ranger' Telephone Hotline was established to encourage the public to report any stray cones or equipment left behind following street works which would then be collected. A unique working partnership was also formed between the City and the major utilities and their contractors. A joint code including the use of parallel but separate systems to score highway and utility works was introduced and released in December of that year.

4.2.13 The Scrutiny Review Group has assisted in the course of this review with a further improvement of the Code of Practice and the new customer questionnaire for obtaining feedback from the public on highway works in the autumn of 2003. The new Code was launched in October 2003.

[1] 'Coring' is a process of taking a sample of material from the highway substructure.

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Fig. 1: Members of the review panel inspecting traffic management arrangements, Heathfield Road, Handsworth

4.3 Managing Street Works – A Strategy for Minimising Disruption

4.3.1 To give some indication of the scale and density of the street network in Birmingham today (2004) it has a highway network of 9,000 adopted streets, in which 75,000 utility and highway works take place each year. In addition the City Centre skyline is being transformed by redevelopment.

4.3.2 The City is embraced by the M5, M6 and M42. While much of the traffic using these routes may be passing by, a significant amount of it contributes to the 500,000 traffic movements that take place in the City each day.

4.3.3 In Birmingham inclusive partnership working with the public, contractors and the utilities contributes towards the effective design and delivery of street and highway works and helps minimise inconvenience and disruption to all road users. Street works partnerships developed by the City Council have provided an impetus to transform thinking and practice in the industry and to bring street works into a modern service environment.

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4.3.4 The 'Considerate Contractor Streetworks Scheme' (CCS)[2] and its sister document the 'Voluntary Code of Practice for the Co-ordination of Streetworks in Birmingham' are the results of the partnership approach and come together to provide a clear framework of policies, strategies and reference documents to support the quality of street works within the City. Together they form the basis of a strategy for minimising disruption on the highways. All initiatives remain under continuous review and will continue to be modified to suit the changing environment within which our services are delivered.

4.3.5 In April 2003 Birmingham was awarded Beacon Council Status under the theme of Street and Highway Works. The City was one of six successful Councils to receive recognition in this category, for excellence in Local Government from the Office of the Deputy Prime Minister and the IdeA.

4.3.6 The CCS was an integral part of the successful bid for this prestigious award. It has proved to be successful in achieving its objectives of driving up standards of safety and customer care of street works in Birmingham.

4.3.7 There is, however, no room for complacency, and it is recognised that there is a long way to go to achieve the consistent quality of reinstatements and highway maintenance works that the City wishes to see in all of the streets in Birmingham.

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[2] See Background Documents in **Appendix 2**.

5: Current Situation

5.1 Enforcement of the Code of Practice

5.1.1 The Review Group received a presentation from officers outlining the systems and processes in place to enforce and monitor compliance with the Code of Practice. An example of a 'live' highway scheme was made available to the Group.

Evidence

5.1.2 It is a condition of all civil engineering contracts that the contractors comply with the Considerate Contractor Code of Practice at all times when working on the highway.

5.1.3 Works on Birmingham highways, whether utility companies, developers or new contractors, whether new infrastructure development or essential maintenance, are all monitored. Monitoring systems are designed not only to measure quality and ensure compliance with standards, but also to identify areas for improvement in systems, strategies and specifications.

5.1.4 A sample of inspection reports for the period 2002 to 2003 showed that there was an upward trend in the quality of work undertaken by contractors. The inspection reports include the quality of finished works that also showed a small improvement. Since the re-launch of the CCS in July 1998 there has been an overall improvement in both the quality of workmanship and the attitude and care taken towards the public. This also can be evidenced by feedback from access audits undertaken by the Access Committee which show a better provision of customer facilities at utilities and highway works, e.g. provision of ramps, adequate walkways and overall customer liaison.

5.1.5 Under the New Roads and Street Works Act 1991 it is a requirement that the utilities are monitored for both technical standard and safety. The act requires them to achieve a minimum of 90% compliance with the standards prescribed in the Act. This has been achieved at all times.

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5.1.6 Contractors working on highway works have generally performed well in terms of progress and completion on time. However, extensions to construction periods have often been awarded for reasons outside of the contractors' responsibility.

5.1.7 The main reasons for delays are:

- The performance of **statutory undertakers**. Many highway schemes involve alterations to mains by statutory undertakers and this work often takes longer than expected, delaying the completion of the scheme
- **Unforeseen conditions**, such as poor ground conditions, are sometimes encountered, giving rise to additional works and delaying completion
- **Additional instructed works**, necessary for the completion of a scheme, can delay completion

Any of these delays may entitle the contractor to an extension of time for the contract period.

5.1.8 In general the length of time to complete the large majority of utilities works, e.g. water valve maintenance (1-2 hours work), is not a problem. However, jobs that are to be carried out in potentially problematic locations or of a longer duration, greater consideration is given with regard to co-ordination, method of working, start and completion times.

5.1.9 The assessment and comparison of the performance of contractors undertaking work of such diverse nature is difficult both in terms of the quantity and quality of data collected and the consistency of the assessment. A more detailed method of assessing, marking and monitoring the quality and performance of contractors now needs to be developed if the true potential and value of the CCS scheme is to be achieved.

5.1.10 Under the Code there is a requirement for Contractors working directly for Birmingham to demonstrate at the time of tendering that they have a quality assurance management system that conforms to BS EN ISO 9000 or equivalent or will have a system in place within a period of 2 years of acceptance.

5.1.11 To date the City has not been able to enforce this requirement due to the lack of dedicated personnel to co-ordinate the Scheme. A recent 'snapshot' of 25 contractors who have recently been employed on the City Council Highway schemes showed 16 of them to be quality assured. Some of these have recently acquired accreditation and no doubt the CCS was a factor in their decision to do so.

5.1.12 However, this is an area where it is considered that more pressure should be applied to achieve a much higher proportion of contractors being quality assured. In addition, it may be appropriate to consider whether accreditation should be a factor in award of contracts rather than price alone.

Conclusions

1. *The Review Group found that the CCS scheme had been successful in its overall objective of achieving continuous improvement in streetworks standards.*

2. *Robust systems and procedures have been developed to underpin the overall enforcement of the Code but not all of them are fully operational.*

3. *Consideration needs to be given to a dedicated funding mechanism being put in place if the City is to maintain the momentum and build upon the success already achieved.*

4. *A Co-ordinator for the Scheme needs to be designated.*

5. *A more sophisticated method of assessment, marking and monitoring of quality and performance now needs to be developed.*

5.2 Linkage to the Procurement Process and Quality

5.2.1 The Review Group received presentations from officers in Procurement and Urban Design regarding the process of selecting contractors, and the monitoring of quality.

Evidence

5.2.2 A list of approved contractors is produced for use by all Council Services and is circulated on a monthly basis. All Services have different processes with regard to the selection of contractors.

5.2.3 There is no common reporting mechanism for Services to feed back information on the performance of contractors into the procurement processes.

5.2.4 There is no mechanism for continuously raising the standards of contractors on the Approved List or rewarding contractors for consistent high performance.

5.2.5 Urban Design is developing a new procurement process for capital works (mainly housing and educational premises) over £100,000 as from April 2004, which will be based upon a partnership agreement. Four contractors will be selected at the end of the assessment process.

5.2.6 Contracts will be awarded on an 80% quality/20% cost basis.

5.2.7 All contractors will be expected to be part of the national Considerate Contractor Scheme which is focused on developers and large construction sites. Urban Design does not currently participate in the City CCS scheme.

Conclusions

6. *There needs to be a direct link between the assessment of performance of contractors under the CCS and the procurement process. Currently there are no mechanisms for rewarding consistent good performance or for the continuous improvement of standards of contractors on the Approved List.*

7. *The CCS scheme needs to be extended to all service areas and widened to include all 'works promoters' whose activities have an impact on the highway especially in the City Centre and local centres. There needs to be consistent standards across all service areas.*

8. *The balance between cost and quality considerations in the tendering process needs to be reviewed in line with customer care and quality standards laid down in the CCS and with best practice in the public and private sector. The cheapest price is not necessarily the best value.*

5.3 Training for Excellence

5.3.1 The Review Group received a presentation from officers on the Inspector Module Training and Accreditation Course (IMTAC) and the Lay Assessor Training Programme.

Evidence

5.3.2 The IMTAC training is modular and was developed specifically to meet the needs of Highway Safety Inspectors. It was introduced in 2002. The main reason for the introduction was to ensure a consistent high standard of inspection on the streets.

5.3.3 All inspectors are assessed for competence and further training needs, and successful trainees are presented with certificates in the form of photo badges with easily identifiable records of achievement.

5.3.4 Members of the public volunteer to be trained as 'Lay Assessors'. This enables the Council to measure performance on the street through the eyes of its customers, as well as the professionals. The Lay Assessors are given a 2-Day course. The first day consisting of understanding the CCS Code and basic 'Chapter 8' (signing and guarding) training. The second day consists of 'live' site audits. The Assessors also take part in regular joint audits with Highway and Street Works Inspectors, contractors and utilities.

Conclusions

9. The IMTAC programme is considered to be a model of best practice by other Local Authorities. Following the award of Beacon Status, many other Local Authorities have adopted the training package.

10. All Highway and Street Works Inspectors need to go through the IMTAC training in order to ensure a consistent high standard of inspection on the streets.

11. All Lay Assessors deserve regular 'refresher' training in order to keep abreast of legislation, share experience and knowledge and to recognise the valuable contribution they make to improving the standards of customer care on the streets of Birmingham.

5.4 Working in Partnership

5.4.1 The Review Group invited contractors and utilities to present evidence at a workshop or via a questionnaire on how well the partnership was working.

Findings

5.4.2 The partnership is considered to be working well. The utilities and contractors have worked with the Council to bring about the changes in standards. This has allowed further innovations to be made to the benefit of the public in Birmingham.

5.4.3 The City Council engages with those contractors who do not meet the standards required at a senior management level and, in conjunction with them, agrees an action plan that is reviewed at regular intervals.

5.4.4 The Council's actions have given its utility, contractor and supplier partners the confidence to invest and take measured risks in an industry that is usually reluctant to change. This is apparent in the Council's work, with partners including suppliers to develop and increase the use of recycled and secondary aggregates and to innovate.

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5.4.5 The CCS focuses the mind of the contractors and ensures that works are planned with the requirements of the public taken into account. It also gives clear advice on liaison with the public, customer care and disability access issues. Standards have improved considerably as a result of having the scheme.

5.4.6 Continuous improvement will be achieved but it could be accelerated if the Council were to take quality into account and not just price. At present contractors need to achieve a minimum standard in order to be placed on tender lists. Higher standards would be achieved if better quality gave contractors an advantage in winning work.

5.4.7 Enforcement of the CCS quality requirements on all approved contractors is essential in order to improve standards and maintain equity.

5.4.8 The Council needs to develop a more sophisticated mechanism for the assessment, monitoring and evaluation of performance of contractors especially with regard to the complexity, size and quantity of works undertaken.

5.4.9 This is not all one-sided. Every year the Council celebrates the achievements of those involved in Birmingham's street and highway works at the annual CCS Awards Ceremony in December. This is an occasion where utility, highway, contractor, developer partners and Lay Assessors reward those who achieve best in class performance for the year.

Conclusions

12. The Council's best practice strategy of working in partnership has provided the building block for continuous improvement in highway and street works. It has also given the opportunity to share experiences and learning in an environment that is non-threatening and supportive.

13. In Birmingham such a partnership has transformed a failing street authority into a Beacon Council, an award of which the Council is extremely proud.

14. The CCS now needs to move up a gear. More sophisticated mechanisms for assessment and monitoring of performance need to be developed and stronger links with the tendering/procurement process need to be developed in order that best practice is recognised and rewarded.

15. Consideration needs to be given to how the standards established by the CCS are maintained under any future Private Finance Initiative.

5.5 Public Involvement

5.5.1 The Review Group examined the mechanisms for involving the public and also invited local residents from areas where highway and street works had recently been undertaken to attend a workshop session to give their views on performance standards under the CCS. Local Councillors were also asked to feedback views on street works within their Wards. The Review Group also reviewed and improved the customer questionnaire.

Evidence

5.5.2 The main mechanisms for public involvement are 'Lay Assessors', Ward Based consultation structures, customer questionnaire and the Highways Service Disability Forum.

5.5.3 There are 40 Lay Assessors who are trained members of the public who undertake site inspections from the viewpoint of a member of the public. These volunteers provide a unique aspect of the CCS scheme. Recruitment is via Neighbourhood Forums, residents groups, the Birmingham Voice, local schools and over the telephone when someone phones up to complain (a surprisingly effective method of recruitment that has worked well in the past).

5.5.4 The Assessors are encouraged to talk to site supervisors, residents and members of the public affected by highway and street works. Their feedback allows the Council to monitor local street and highway works at the user level and all of their reports are fed into the performance evaluation process and scheme review mechanism.

5.5.5 Quarterly random site audits are organised with Lay Assessors, Utilities, Contractors, the in-house Direct Labour Organisation and Highway Inspectors to share different perspective and improve standards.

5.5.6 For planned highway works the Council engages in interactive dialogue with local schools and communities. It recognises that people need timely information in order to make informed choices and actively participate in service delivery. This builds up local knowledge and learning for all those who participate and shapes the delivery of local highway works.

5.5.7 Customer questionnaires are delivered to all local residents and businesses for planned or large patching works. The pre-paid questionnaire requests feedback upon contractor performance. The results are fed into the annual assessment and evaluation process. Any concerns raised are immediately taken up with the project engineer and contractor involved and fed back to the customer.

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5.5.8 The Highway Service Disability Forum is a group of people with disabilities which advises on all planned works, and undertakes access audits in the City Centre and local centres during the planning and implementation of roadworks. It also deals with specific design or works related concerns raised by disabled members of the public. One of the Council's Lay assessors is shown on site in **Figure 2** below.

5.5.9 Feedback from the public workshop revealed that overall there was a high level of public satisfaction with the standard of the work undertaken. Areas for improvement included completing works on time, the use of tarmac versus paving stones and poor signage of diversions.

Conclusions

16. The Lay Assessors are without a doubt the 'jewel in the crown' of the CCS scheme and are an excellent way of understanding different perspectives, and moderating and improving standards.

17. It is important that Lay Assessors continue to remain objective and impartial at all times. Financial reward is therefore felt to be inappropriate. However, it is important that the City shows how much it values the contribution made by these dedicated members of the public. It was felt that regular information sharing meetings and benchmarking visits to other local authorities would be valued by the Assessor as well as a 'refresher' training course after 6 months/year period of operation.

Fig. 2: One of the Council's Lay assessors on site

18. Currently the return rate of the Customer Questionnaires is approximately 12%. It does tend to vary from scheme to scheme. Feedback includes compliments as well as concerns. The Review Group felt that new ways need to be explored of increasing the numbers of questionnaires returned. In addition there needs to a more immediate use made of the information gained from the questionnaire. A resource needs to be identified to enable this to happen if we are to fully benefit from the public involvement via this mechanism.

19. The use of Customer Questionnaires needs to be extended to the Utilities and other partners undertaking work on the Highway network.

20. It is hoped that links will be formed between the local Councillors, Constituency Engineers and the 'Lay Assessors' under the new Constituency structures established by the City Council. The 'Lay Assessors' have a valuable contribution to make to the improvement of services within their local areas.

5.6 Comparison with Other Local Authorities

5.6.1 The Review Group visited two Local Authorities: Liverpool City Council to compare Highway and Street Works functions and the Corporation of London to compare Considerate Contractor Schemes. The Corporation of London is also a Beacon Authority under the Highways and Street Works category.

Evidence

5.6.2 Enterprise – Liverpool evolved from the need to modernise the delivery of highway and environmental services in Liverpool. Following a Best Value Review of street based services in 2000, it was concluded that the City Council should seek a partner to deliver their highway services. The solution was the creation of Enterprise - Liverpool Ltd, in April 2002.

5.6.3 The company is a joint venture partnership limited by shares, with Enterprise plc holding 81% and Liverpool City Council 19%. All resources were transferred to Enterprise – Liverpool from Liverpool City Council, including the full staffing resource.

5.6.4 It operates within a fixed budget envelope to deliver the highway maintenance, street lighting and street cleansing services to minimum standard (street cleansing was added to the contract in July 2003). The company is governed by a series of performance indicators. The performance of the company is measured by the more strategic performance indicators and determines the level of reward paid to Enterprise plc.

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5.6.5 The Corporation of London was the first local authority in the UK to develop a Considerate Contractor Scheme in 1987. Since that time the scheme has been developed to include street works and other highway activities.

5.6.6 The scheme aims to encourage building and civil engineering contractors working adjacent to the City's streets to carry out their operations in a safe and considerate manner, with due regard to passing pedestrians and road users.

5.6.7 The scheme is a co-operative initiative open to all contractors. There is no membership fee, but on joining the scheme, members agree to abide by the Code of Good Practice. It is by following this voluntary Code that the general standards of works have been raised within the Square Mile. The Corporation also operates a performance payment mechanism linking performance to the payment of contractors.

Conclusions – Liverpool

21. Birmingham City Council Highways Service has not had the same level of investment in new technology as Enterprise – Liverpool. Birmingham has systems that are limited and are unable to 'talk to each other'. Enterprise – Liverpool has invested in a digital highway network, which hosts information on the condition of all carriageway and footpaths within the City. The system also plots, using Geographical Information System (GIS), all assets which are located on the highway network, holding a wealth of information regarding their condition. The benefits of this system are to be found in increased productivity; ability to make quicker, fact based decisions and to allocate resources to areas of actual need. In this respect Birmingham has a lot to learn from Liverpool.

22. Enterprise – Liverpool has a generic inspection regime, which also has the advantage of access to the single information database (see above). This gives them a built-in flexibility to move inspectors around when needs require them to.

23. Enterprise – Liverpool is governed by a series of performance indicators. The performance of the company is measured by the more strategic performance indicators and determines the level of reward paid to the company. All personnel including the inspectors are on a performance related pay structure. The company feels this is a key driver.

24. Enterprise – Liverpool philosophy and approach is very different to Birmingham. They do not operate a Considerate Contractor Scheme and have very little public involvement in the delivery of services compared to Birmingham. Attendance at Ward Committees is the main mechanism. They have also planned a Highway and Street Works MORI public opinion survey for 2004. Birmingham undertakes an annual MORI public opinion survey on all service areas.

Considerate Contractor Streetworks

25. *Comparison of basic performance information between Birmingham and Liverpool (see **Figure 4** below) shows that both authorities are achieving roughly the same results. The Review Group concluded that Birmingham has done extremely well considering that it has not had the huge investment in IT that has been made in Liverpool.*

	Liverpool	Birmingham
% of statutory reinstatements meeting standards	92.16%	92.84%
Dangerous incidents made safe within 2hrs	99%	99.5%
Length of time to execute repairs in c/w	30.7 days	31.25 days
Highway Safety Inspections	98.88%	99.15%
Recycled materials used in maintenance	212 tonnes	1000 tonnes (plus)

Fig. 1: Comparison between Liverpool and Birmingham

Source: Highways Department

Conclusions – Corporation of London

26. *The Corporation of London and Birmingham's Considerate Contractor Scheme (CCS) are based on a similar philosophy and approach. Both schemes are based on partnership.*

27. *The Corporation of London is the Local Authority for the Square Mile that forms the City of London. Consequently, because of the completely different make-up and environment of the two authorities there is also a different emphasis between the two CCS Schemes. The Corporation focuses its CCS on building and civil engineering contractors working adjacent to the City's streets. Birmingham's CCS is focused on Highway and Street Works across the City and apart from the City Centre has not put resources into working with developers, although it has always been an aspiration of the scheme.*

28. *The Corporation CCS is also managed by dedicated officers who check sites on a daily basis. Birmingham has no dedicated officers.*

29. *Both schemes recognise and reward outstanding performance and hold an annual award ceremony.*

30. *The Corporation is trialling a Performance Payment mechanism as part of the tendering process for its Highway Maintenance contract as a means of linking performance, measured by Key Performance Indicators, to payment. To date, it has proved highly successful in motivating the contractor into maintaining high levels of performance.*

31. *In conclusion it was felt that the two CCS schemes complement each other. Birmingham should now extend its CCS scheme to include a Code of Practice similar to the London CCS for all building development works in the city centre and in local centres across Birmingham.*

32. *The Corporation of London is to visit Birmingham later in the year to study Matisse and our CCS, with the aim of introducing improvements to their own initiatives.*

5.7 Future Legislation – Traffic Management Bill

5.7.1 The Government introduced its Traffic Management Bill on 11 December 2003. The Bill will apply to England and Wales.

5.7.2 The principal headings of the Bill include:

- More traffic management powers for the Highway Agency;
- A requirement for local traffic managers to be appointed;
- A possibility of imposed traffic directors on 'failed' authorities;
- Better management and enforcement powers over street works;
- A permit scheme for activities in the highway;
- More decriminalised traffic offences available to local authorities to enforce;
- Possible requirement for decriminalised parking enforcement to be taken up.

5.7.3 It is likely that the Bill will proceed very quickly through Parliament. The Bill follows a long period of lobbying (by Highways Authorities, Utilities Committee (HAUC) and others) for changes to the New Roads and Street Works Act. It should deliver changes that will hopefully, make the job of local authorities more effective in co-ordinating the activities of the Utilities.

5.7.4 The announcement of the new Bill in the Queen's speech is only the start. There will be an intense period of hard work to be put in to sort out the detail, set out subsequent regulations/codes of practice and procedures. Birmingham has volunteered to join a HAUC working group and in so doing contribute to a legislation that is better suited for the 21st Century.

5.7.5 A detailed review of the contents of the Bill and their potential implications on streetworks activities will have to be undertaken. It is clear that there are some significant issues that will need to be addressed as the legislation is introduced. Although the timetable for the implementation at present is not clear, it is generally believed that the first of the powers will come into force late in 2004. Whilst the provisions within the Bill are only proposals, it is clear that the government are determined to push ahead with these new duties and powers to control street and highway works.

5.8 Reality Checks

Evidence

5.8.1 The Review Group undertook a very intensive and 'hands on' scrutiny review. A key element of the review was the 'reality checks' which the Group conducted on the streets of Birmingham followed by benchmarking visits to compare their findings against two other local authorities. A series of site visits took place in November of randomly selected work in progress around Birmingham to spot check what was really happening on the streets. Photographic evidence was recorded during the site visits. (See **Appendix 2**).

Conclusions

33. The street works partnership developed by the Highways Service has provided the impetus to transform thinking and practice in the industry and to bring about street works into a modern service environment.

34. The Considerate Contractor Streetworks Scheme has been instrumental in the continuous improvement of standards of care and the quality of street works in Birmingham. The Scheme fully deserved the Beacon Award in recognition of the best practice in street and highway works.

Considerate Contractor Streetworks

35. *The Lay Assessors are without a doubt the 'jewel in the crown' of the CCS scheme and are an excellent way of understanding different perspectives, and moderating and improving standards. It is hoped that links will be formed between the local Councillors, Constituency Engineers and the 'Lay Assessors' through the new Constituency structures established by the City Council.*

Fig. 3: Lay Assessor inspecting streetworks in Perry Barr Ward

5.9 Recommendations

5.9.1 The recommendations of the Overview and Scrutiny Committee are contained in section 2 at the front of the report.

Appendix 1: Considerate Contractor Scheme Project Plan

Review Objectives	Key Activities	Methodology	Timescale	Responsibility
PHASE 1 :PLANNING				
Planning for Review	▪ Prepare project plan and secure approval of project plan via Chair/Committee ▪ Secure all necessary resources (budget / admin.) ▪ Set up Review Team ▪ Circulate copies of Background Papers to Review Team ▪ Write to relevant stakeholders to inform them of review and to invite them to submit comments/ questions ▪ Arrange for photo call for Review Team ▪ Set up meetings as per project plan and send invites to people giving evidence, book rooms, transport etc	Officer Team to liaise with Chair	August/ September 2003	**Chair** Councillor Kath Hartley **Officer Team:** Trish Marks Alan Morris Steve Grant

CONSIDERATE CONTRACTOR STREETWORKS SCHEME - PROJECT PLAN

PHASE 2: UNDERTAKING REVIEW				
Objective 1: To evaluate how well the criteria for the Scheme are put into effect	▪ Examine Scheme Code of Practice and mechanisms for implementation ▪ Assess the robustness of procedures and of works quality monitoring systems ▪ Examine Training and Development programme for employees involved in delivering the Streetworks function / Lay Assessors ▪ Understand the role of the Partners	Gathering information and data: policy and strategy documents, operational structures, monitoring reports, correspondence etc Presentations to Review Team by Senior Managers and key operational employees Meet with partners/address a Birmingham HAUC meeting Random sample audits	September – January 2004	Chair / Lead Officer and Team Review Team
Objective 2: To assess whether the Scheme delivers the aim of delivering better quality, good value in streetworks services	▪ Examine sample of streetwork services ▪ Examine how the Scheme feeds into the Procurement Process and quality of streetworks standards ▪ Assess the robustness of the mechanisms for the evaluation of Contractors ▪ Assess where partnership approach works well / less well ▪ Examine Customer feedback	'Reality Checks' – Site audits Receive report on giving an overview of Compliance with Contract specifications e.g. Defaults, Duration of works, Disruption etc Receive evidence from public, Utilities Contractors and Trade Unions Presentations from Senior Officers from Procurement function Random sample audit of Customer Questionnaires./ Cone Ranger Invite members of public to give evidence	October – December 2003	Chair / Lead Officer and Review Team

CONSIDERATE CONTRACTOR STREETWORKS SCHEME - PROJECT PLAN

Objective 3: To identify any areas of good practice or areas for improvement	▪ Benchmark against other Beacon Authorities in Highways and Streetworks ▪ Compare with organisations with similar functions	Attend Beacon dissemination event Visit other organisations to benchmark activities	October – December 2003	Chair / Lead Officer and Review Team
PHASE 3: ANALYSIS OF FINDINGS and PRODUCTION OF REPORT				
	▪ Draw conclusions and formulate recommendations and produce draft report ▪ Consult on draft report ▪ Finalise report and sign off report to full Committee for approval ▪ Produce media article/flyer of findings and other media coverage as appropriate	Analyse notes of meetings and all other evidence Pull out key themes and findings to be included in draft report Produce draft report for Review Team Consult with stakeholders and those giving evidence to Review Team	January 2004	Chair / Lead Officer and Review Team Lead Officer

Appendix 2: List of Background Documents

Background Documents

- Beacon Award Submission
- Considerate Contractor Code (2003)
- Voluntary Code of Practice for Co-ordination
- Highways Consultation Framework and Clearing House Procedure
- Guide to Siting and Specification of Street Furniture
- Inspector Module Training and Accreditation Course (IMTAC) and 'Lay Assessor' Training Programme
- Highway Maintenance Best Value Service Review and Inspection Report
- Considerate Contractor Streetworks Customer Questionnaire
- Scrutiny Review Group Papers:
    - Questionnaire to Contractors
    - Letter to Councillors
    - Invitation to Members of the public to Workshop on 20.11.03
- Procurement Documentation
- Network Management Presentation and Case Study Papers
- Corporation of London Considerate Contractor Scheme
- Enterprise – Liverpool Background Documents
- Site Visit Photographic Evidence

Officer Contributions to Review

Trish Marks	Scrutiny Review Lead Officer
Steve Grant	Project Leader, Streetworks
Alan Morris	Principal Project Leader, Transportation Strategy
Eddie Fellows	Assistant Network Manager, Highways
Clive Belcher	Procurement Manager
Kevin Kendall	Divisional Manager, Urban Design
Dave Haycock	Development Manager, Development Management Service (DMS)
Karen Tymon	Organisational Development Officer, DMS
Adrian Howley	Customer/Performance Officer, DMS
Nicola Esquilant	Assistant Customer/Performance Officer, DMS

Considerate Contractor