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“We’ll All Take The High Road”: Is There Evidence Of An Evolving ‘Partnership’ Approach To The Management Of ‘Highway Works’?

Sean Fisher

A thesis submitted to the University of Huddersfield in partial fulfilment of the requirements for the degree of Doctor of Philosophy

June 2012

Volume I of II

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Acknowledgements

The author would like to thank the people from authorities and utility companies who agreed to be interviewed for this study, for their time and constructive feedback, and who did so on the understanding that they would be identified within the study only by reference to their position within their organisation.

The author is especially grateful to his supervisors, Dr. John Cook and Mr. John Day, whose direction, support and encouragement made this thesis possible.

Abstract

This study sets out to examine whether there was an evolving partnership approach emerging in England in the management of 'highway works', which are works carried out in the highway by companies providing utility services such as gas, water, electricity, and telecommunications, and by local authorities undertaking the repair and maintenance of their highway networks. Local government in England has been extensively covered in academic literature, but the management of 'highway works' is an area that has not been widely covered. It is an area that is currently receiving more widespread attention generally as local authorities implement 'permit schemes', which were introduced by the Government in response to concerns about the disruption and delay caused by 'highway works' and the associated cost to the national economy. There are currently a small number of 'permit schemes' in operation in England, including schemes in London (2010), Kent (2010), Northamptonshire (2011), and St Helens (2012). Six Yorkshire authorities have applied to operate a permit scheme, and these come into effect in June 2012.

The study takes a case study approach to examine the way in which two highway authorities in England apply the same national legislation, with research also being carried out in two additional highway authorities in order to triangulate the findings. Research was carried out between February 2010 and December 2011 using in-depth, semi-structured interviews including a councillor, local authority officers and representatives of utility companies operating in the local authority areas. The interview findings were also triangulated by an examination of relevant documents, including policies, procedures and plans. A review of the literature on public policy and policy implementation and inter-organisational collaborations was carried out, together with a review of local government in England, and the legislation relating to the management of 'highway works'.

The research identified similarities in how local authorities approach their role in managing 'highway works' by having a "street works team" with responsibilities for the co-ordination of works. However, differences were identified with regard to the emphasis and focus that authorities placed upon different aspects of the national legislation. The research identified factors that influence utility companies in complying with the legislation, and that affect their relationships with individual authorities. The findings add reputational considerations to factors that are present in inter-organisational collaborations.

The research draws three main conclusions: (1) that the complex, and at times ambiguous, nature of the legal framework surrounding the management of 'highway works' means that utility companies need to work with authorities; (2) authorities need to work with utility companies in order to discharge their legal network management duty; and (3) utility companies and authorities need to work jointly in order to avoid the need for further legislation in an industry sector, already regarded as being heavily regulated, to address Government concerns about the disruptive effects of all 'highway works'.

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Glossary of Terms

Category A Inspections	Inspection of signing, lighting and guarding at works sites
Category B Inspections	Inspection of reinstatements within 6 months of the works being completed
Category C Inspections	Inspection of reinstatements within one month of the end of the guarantee period
Coring	A core sample taken from a reinstatement to test for compliance against the reinstatement code of practice
DfT	Department for Transport
FPN	Fixed Penalty Notice (Charge), which authorities can apply for incorrect notifications from utility companies
HAUC	Highway Authorities and Utilities Committee
Highway Works	General term covering both ‘street works’ and ‘roadworks’
Inspections	Inspections by authorities to monitor compliance by utility companies with codes of practice
JAG	Joint Authorities Group
JUG	Joint Utilities Group
KPIs	Key Performance Indicators
KPS	Kent Permit Scheme
LoPS	London Permit Scheme
LTP	Local Transport Plan
NRASWA	New Roads and Street Works Act 1991
Reinstatement	The replacement and compaction of material layers back to surface level following an excavation
Roadworks	Works in the highway carried out by local authorities
S74	Section 74 of NRASWA, under which authorities can apply charges for overrunning ‘street works’
Street Works	Works carried out in the highway by utility companies
SWHAUC	South West HAUC
TMA	Traffic Management Act 2004
YCPS	Yorkshire Common Permit Scheme
YHAUC	Yorkshire HAUC

Chapter One – Introduction

1.1 Overview of the Study

This study is concerned with works on the highway carried out by local authority highway authorities and works carried out by companies providing utility services such as electricity, gas, water (both clean, i.e. drinking water, and foul, i.e. sewerage) and telecommunications. For the purpose of this study, highway authority works are referred to as ‘roadworks’, utility works are referred to as ‘street works’, and the term ‘highway works’ will be used when discussing generally both highway authority and utility works together. In addition, the term ‘works promoter’ refers to any organisation wanting to carry out works on the highway.

The author of this study is employed in a local highway authority and, for nearly 30 years, has been involved with ‘highway works’. In addition to being a practitioner, the author has completed at the academic establishment at which this present study was undertaken a number of courses of study, on a part-time basis, where aspects of his daily work formed the basis for contributions to course work. It was following the completion of an MBA that the author decided to continue research into ‘highway works’ through this study. ‘Highway works’ is not an area that has been subject to much academic research, although it is becoming of increasing interest to policymakers and academics, and the intention of this study is to make a contribution towards filling that gap.

‘Highway works’ are regulated primarily by legislation, chiefly the New Roads and Street Works Act 1991 (NRASWA) and the Traffic Management Act 2004 (TMA). Under NRASWA, utility companies have a statutory right to execute works, including installing their apparatus, in a public highway; local highway authorities have powers to execute their own ‘roadworks’ and also have a duty to co-ordinate all highway works, i.e. ‘roadworks’ and ‘street works’, on the highway. All organisations that need to carry out works in the highway must give notice to the local highway authority so that the works are recorded in the Street

Works Register. Highway authorities, therefore, are both a promoter of their own works and are also responsible for the co-ordination of all works on the highway, and have powers to prosecute utility companies for non-compliance in a number of areas under NRASWA, thus setting-up a potentially adversarial relationship between individual highway authorities and utility companies.

The TMA expanded the co-ordination role of highway authorities to include a duty on them to ensure that traffic was able to move “expeditiously” around their area’s highway network, and that consideration was given to minimise the impact of ‘highway works’ on the highway network of adjacent authorities. The TMA also made provision for local highway authorities to apply to the Secretary of State for Transport to operate a permit scheme for certain or all classes of roads in their areas, under which scheme all works promoters, rather than exercising a statutory right to carry out works in the highway, would have to obtain from the highway authority a permit to work.

Although provided for in legislation dating back to 2004, guidance on permit schemes was only issued in 2008. Since then, a high-profile permit scheme has commenced operation in London (started January 2010), driven by the city’s elected mayor, with two further schemes in operation: one in Kent (started January 2010) and the other in Northamptonshire (started in January 2011). These permit schemes have resulted in local authority members and officers taking an increased interest in the management of works on the highway. Kirklees Council, one of the authorities included in this study, has, along with five other authorities from Yorkshire, made a submission to the Secretary of State for Transport to operate a permit scheme. The Secretary of State has approved the Scheme and it comes into effect in June 2012.

‘Roadworks’, those works undertaken by local highway authorities, range in scale and impact, and include activities such as repairing potholes and replacing road-markings, maintaining street lighting, resurfacing part or entire roads, and (less frequently) the construction of new highways.

‘Street works’ are carried out by utility companies to provide and maintain a supply or service (electricity, gas, water, sewerage or telecommunications) to the public. Utility companies have developed from private companies, have gone through a period where they were public corporations and, currently, are mainly in private ownership. In some cases this was a return to their original status, where private companies were formed in the mid to late nineteenth century to provide gas and electricity lighting and heating, and for others, such as the management and treatment of water and sewerage, this represented a change from a service provided by municipal corporations. The 1970s and 1980s saw the British Government embark on a wide ranging programme of privatisation, and, in order for them to continue fulfilling their statutory obligations, utility companies were given statutory rights that allows them to break open publicly maintainable highways in order to lay and maintain their apparatus.

In the Yorkshire area, prior to the commencement of the privatisation programme begun in the 1980s, there were only four organisations which served notices for ‘street works’, these being “Yorkshire Water Board”, “North Eastern Gas Board” (NEGAS), “Yorkshire Electricity Board” and “Post Office Telephones”. Other organisations, such as “British Relay”, an early, prototype cable-television provider, had been active for a short period of time up to the company ceasing activities. In some areas, the local authority might also be the sewer authority, rather than that service being provided by a “water board”, but this arrangement of four main utility companies providing services and so needing to work in the highway would be typical around England.

In 1991, the NRASWA extended this right to 100-plus companies, including the privatised utilities, cable television and telecommunications companies. This extension of rights has “…predictably resulted in chaos (because) all too often the utility just turns up and starts digging” (Economist, 2002).

The “Economist” (2002) set-out the extent of the impact of ‘highway works’ on society when it reported that the “…country’s highways are plagued by …excavations and street works”. There are, said the article, some four million holes dug in Britain’s roads at a cost of some £2billion per year. The article went on to identify the root problem as being with the New Roads and Street Works Act 1991.

The highway network in the United Kingdom serves two purposes: (1) as a surface-level conduit for transporting goods and to allow people to travel between places; and (2) (with the exclusion of motorways) an underground facility in which apparatus for the supply of utility services is installed and maintained.

Maintenance of the highway network in England has over time, like the provision of utility services, been a mixture of private funding (such a Toll roads) and public funding via municipal corporations. Currently, highway maintenance is one of the responsibilities of local highway authorities in district or county councils, although the provision of works might be contracted-out to private firms.

Management of the highway network has both economic implications, through the movement of goods, people (employees) and services, and social implications, allowing people to make journeys. Local highway authorities have to take into account the need for ‘highway works’ to be carried out, in order to:

- Maintain utility supplies.
- Deliver new types of utility provision such as high-speed broadband, in order to maintain a competitive economy and to facilitate the use of information technology in schools, homes and businesses, and fibre-optic cables.
- Maintain the highway as an asset in good condition.

- Use the highway network as part of council priorities (for example, improving health by encouraging walking and cycling, and maintaining links within and between communities.)

1.2 The Research Question

The research question that this study sets out to answer is:

To what extent is a partnership approach to managing 'highway works' an advantage in implementing public policy?

The aims of the research are to:

1. Examine alternative approaches to the implementation of public policy by selected local authorities.
2. Analyse and consider the use of charters in a way not previously described in the literature.
3. Deliver empirical research results for a sector of public management not widely covered in the literature.

The objectives of the research are to:

4. Address gaps in research on public policy implementation, specifically with regard to implementing central Government policy and inter-organisational relationships.
5. Relate practice to current policy formulation, particularly with regard to the development and implementation of schemes for "permitting" 'highway works.

1.3 Aim and Focus of the Study

This study proposes to examine the way in which local authorities in England deal with the implementation of central Government policy. As well as looking at the authorities internal arrangements, including organisational structures and strategies, the study will examine stakeholder involvement, particularly that of the utility companies.

The research will take account of published documents and reports and interviews with council and utility personnel in order to collect the primary data. With regard to documents, these would relate to 'highway works', and would include the councils' Strategic Vision, Performance Plans, Local Transport Plan, Committee Reports and utility reports. Interviews will be arranged with highway authority officers and elected members, utility company representatives (particularly water and gas) and with the chairs (highways and utility sides) of joint highway authority and utility committees, and interviewing persons in similar positions in local highway authorities.

Data collected will be used to identify factors, for example, political, professional, and personal interest, that influence the operation and management of 'highway works', and the implementation of central Government policy so as to identify similarities, to examine where divergences occur, and to draw conclusions from the different approaches adopted by different local highway authorities.

The research will record the approach taken by two English local highway authorities, Kirklees Metropolitan Council (KMC) and Devon County Council (DCC)in relation to the management of 'highway works, mapping it against models and the existing literature, and will compare and triangulate the findings by reference to arrangements in effect in North Yorkshire County Council (NYCC) and Transport for London (TfL), and also will evaluate KMC's approach against the different approaches taken by DCC, NYCC and TfL.

KMC has entered into written charters with Transco, now known as Northern Gas Networks (NGN), and Yorkshire Water (YW). These charters are similar in that they set out what is expected of each party, but different in that the NGN charter is supported by quantifiable measure whereas the YW charter is more qualitative. There are other companies providing utility services within Kirklees, chiefly electricity and telecommunications (including cable television) but charters have not been developed individually with these utility companies. This

is mainly due to NGN and YW between them accounting for approximately 75% of ‘street works’ carried out in the district, and so are the “main players” in terms of volume of activity on the highway, particularly works affecting the carriageway.

DCC’s approach to dealing with ‘street works’ includes enforcement of regulations through legal action. With regard to ‘street works’, since March 2003 (Devon, 2006), DCC has prosecuted utility companies for offences relating to incorrect signing, lighting and guarding of works, and also for reinstatements of excavations that failed to comply with the national specification, and has obtained convictions in over 289 cases, resulting in fines of over £180,000 and costs totalling over £115,000. KMC Highways has not prosecuted any utility companies under NRASWA since the mid-1990s.

NYCC has been included in this study because (i) it is a member of the same regional HAUC, and deals with most of the same utility companies, as KMC, and (ii) is a county council like Devon, and so can provide triangulation for the research findings.

Once the study had started, the findings from interviews in both Yorkshire and the Devon area pointed to the significance of how ‘highway works’ were carried out in London as a driver for national legislation. The arrangements for the management of ‘highway works’ in London involves 34 separate authorities: 32 Boroughs, the City of London, and Transport for London (TfL). TfL is an agency of the London Assembly and is responsible for the strategic routes across all of London. It also reports to the Mayor of London, and the current Mayor has, since his election in 2008, placed the management of ‘highway works’ in his top three priorities (the other two being smoothing traffic flows in the city, and the 2012 Olympics.)Therefore, the focus of the study was expanded to also include London and, specifically, the London Assembly and TfL.

1.4 Research Context

The conceptual framework for the study involves literature and research on public policy, with particular regard to implementation, and on inter-organisational collaboration in order to examine different approaches to the implementation of central Government policy relating to the management of 'highway works' adopted by local highway authorities, and how this affects, and is affected by, their relationships with other policy 'actors', particularly the utility companies.

1.4.1 Central Government Legislation and Regulation

The Horne Report (Department of Transport, 1985) identified several major problems relating to the execution and control of 'street works'.

With regard to organisation, communications and relationships within and between local authorities and utilities there are autonomies and management hierarchies with differing accountabilities. The Horne Report says that experience since 1950 suggests that relationships and individual attitudes within and across organisations "…are not always as good as they could be and may therefore be impeding the efficient management of the industry. The need to establish common management objectives and principles across all these organisations is self-evident."

Delays to traffic were reported as being the main concerns of many organisations representing road users, including motorists, freight transport and public passenger transport. In general, the worst cases were reported to be those works interfering with peak commuter flows. In addition, delays were not caused just by the works themselves but also by traffic signals set incorrectly.

Lack of co-ordination was one of the greatest concerns of members of the public in that they saw as a lack of co-ordination between the utilities, and between the utilities and the highway authority, resulting in a situation where

after one excavation is finished someone else comes along to work in the same street.

There were costs to the nation in a variety of ways, including the cost of the works and the cost of the delays to road users. (The Report focuses on the direct cost of carrying out the works.)

‘Amtec Consulting plc’ (Amtec, 2003), in a report on ‘highway works’ to the Department for Transport, categorised stakeholders by the nature of their interest in the works and highlighted stakeholders’ conflicting interest, in that their individual interest in works depends on context and that they might have several different, (possibly competing) interests. They give the example of a member of the public who may be a resident of an area with an interest in having a new service laid to their house. That same person might at the same time be a road user with an interest in minimising the delays due to ‘street works’ encountered on their journey to work. The Amtec report concludes that all works affecting roads need to be managed – this includes ‘street works’ carried out by utility companies and ‘roadworks’ carried out by local highway authorities – and that all participating organisation should work to a standard data format. The report recommends that information on works should be made available to the public to aid in route planning and to avoid congestion.

The Government has responded to these and other issues by passing the Traffic Management Act 2004 (TMA). In its draft guidance notes, the Department for Transport (DfT, 2004) acknowledge that road users may have differing expectations. Reliable journey times are important for the majority of users, but local highway authorities and utilities need to occupy the road in order to maintain and upgrade the infrastructure for the benefit of all of their customers. The DfT’s guidance notes set out the expansion of the role of local authorities in the co-ordination and direction of works in three areas including:

- Local authorities will have to ensure that the principles already in use to manage utilities' 'street works' are also applied to the management of their own 'roadworks' (paragraph 91).
- Systems to record and co-ordinate both planned utilities works and planned 'roadworks' should be established, and it is suggested that use should be made of map-based systems (paragraph 92).

1.4.2 Public Policy

A number of definitions of 'public policy' can be found in the academic literature. Anderson (Hill and Hupe, 2002:5) describes 'public policy' as being "… those policies developed by governmental policies and officials", and Hill and Hupe (2000:7) then go on to suggest that what is called 'public policy' is that which is seen to be implemented and is the product of what has happened in the earlier stages of the policy process. This notion of the implementation stage is described by Nutley and Webb (2000:26) as being part of a 'policy cycle'.

Schofield (2001) suggests that British public policy is dominated by the Labour Government's "Third Way" political ideology, leading to a number of new challenges for those who study the implementation of public policy, including new structures in public services organisations, particularly inter-agency partnership arrangements, and new and complex linkages between Government and the public, where that public is highly differentiated and has a modified view of citizenship. Within implementation studies, there is the dominance of evaluation in the policy cycle and the philosophy of 'what works, counts', is creating an evidence-based culture among public services managers. Lastly, there is the overriding importance of corporate public governance and the development of the regulatory state.

Schofield (2001:253) argues that public policy implementation studies need to address the contemporary problems facing the management of public services, and goes on to identify four areas to assist with this:

1. Knowledge, learning and capacity in implementation – where knowledge and learning can refer to both *how* to implement policies and *assessing* the outcomes as part of a policy loop.
2. The processes of implementation – where policy becomes action through various dynamic effects such as *decision-making, communication, bargaining, negotiation* and *conflict.*
3. The role of actors and agents – whilst the various models of implementation emphasise the importance of individual and groups of actors, little in the literature addresses how actors' goals and priorities impact on policy outcomes.
4. Bureaucratic discretion – focussing on the discretion and interpretive power exercised by 'lower-level bureaucrats' in respect of policy implementation, and contrasting this with questions of organisational governance and the requirement for command, control and accountability.

The environment in which local government operates will be a significant contextual factor. This environment has changed significantly over the past twenty-five years, particularly in response to pressures from central Government. These pressures are summarised in Table 1.1 below.

Table 1.1 - Pressures on Local Government from Central Government

1) Cost reductions
2) Service improvements
3) Quality services and competition
4) Public Service Agreements, which are intended to force an improvement in service provision by 'stretching' performance beyond the norm
5) "Best Value" regime, backed up by an inspectorate and the need to report on results in achieving "Best Value Performance Indicators" (BVPI's)
6) The requirement for local authorities to produce plans and strategies, including reporting on performance against local key performance indicators (KPI's)
7) Comprehensive Performance Assessment (CPA) scoring system, by which councils are inspected and graded into categories
8) Efficiency gains

based upon Wisniewski and Olafsson (2004); Travers (2004); Local Government Association (2010)

Utility companies, like local authorities, are also subject to regulation – Ofgem (for gas and electricity), Ofwat (for water) and Ofcom (for telecommunications) – where the regulators set out standards of service that customers can expect, for example a new electricity supply should be provided within 28 days of the electricity company receiving the customer's written request. Taking into account the requirement for utility companies to serve a period of notice before starting works, there is potential for a conflict between NRASWA and regulatory requirements.

The pressures in Table 1.1 have led to a transformation in the management of public-sector organisations, moving from traditional bureaucratic systems of public administration to a more market-oriented results-driven system of public management (Horton, 2003). This management revolution is widely described (Lane, 2000; Pollitt, 2003) as being "new public management" (NPM), which features a number of elements, including a shift in the focus of management systems and efforts from inputs and processes towards outputs and outcomes; and a shift towards more measurement and quantification, especially in the form of systems of 'performance indicators' and 'standards'. In addition, there has been a widespread substitution of contracts (or contract-like relationships) for what were previously formal, hierarchical relationships.

1.4.3 Inter-organisational Collaboration

The "Amtec" (2003) report mentioned above, and the Government's subsequent actions suggests a wider consideration of the effects of 'street works', taking into account the implications of disruption caused by them. Local authorities also need to incorporate their new Network Management Duty into their overall community strategies. Leach and Percy-Smith (2001) use the term 'wicked issues' to describe policy problems that have proved to be intractable, persistent and not amenable to simple solutions, and which share certain characteristics in that they are multifaceted and cannot be resolved by any one level of government. At a local level, many agencies may be involved to

address certain facets of the problem but they do not fit in easily within an organisation's existing structure because they require long-term interventions

Leach and Percy-Smith (2001) go on to suggest that the 'failures' of the old-style of policy is leading to a growing consensus on what is required to more effectively address 'wicked issues' involving a joined-up/holistic approach which focuses on outcomes, and is supported by evidence-based policy – evidence about what works, from whom, in what circumstances. Key to obtaining successful outcomes is engagement with communities

Lowndes and Skelcher (1998:315) share this consensus view and say that 'wicked issues' can only be tackled by "…bringing together the resources of a range of different issues and interest groups". Innovation can arise in the "…form of strategies to develop interrelationships, trust and collaboration in an environment of resource scarcity where organisations would typically be orientated to defence and self-protection behind their bureaucratic ramparts"

The Best Value framework in particular encourages public-sector organisations to achieve effective partnerships and innovative approaches in the delivery of local services (Magd and Curry, 2003). Hill (2001) agrees that the effective delivery of public services is increasingly dependent upon partnerships between the private, public and voluntary sectors. According to Armistead and Pettigrew (2004) there is no clear definition of what constitutes a 'partnership' but they suggest the following working definition:

> *"A partnership is a cross-organizational group working together towards common goals which would be extremely difficult, if not impossible, to achieve if tackled alone."*

Butler and Gill (Hill, 2001:217) described how partnerships between public- and private-sector organisations can exist along a continuum ranging from highly formal to informal. Informal partnerships include tacit agreements between senior managers of organisations, whereas formal partnerships would include

arrangements for contracting-out for the provision of services. Hill (2001:218) goes on to suggest that the increasing complexity of the public sector and its striving for 'best value' has led the sector into recognising that working in partnership is the only sensible way to design and deliver services, and that this has accelerated the range of partnership arrangements to include joint developments and networks.

1.4.3.1 Forms of Inter-organisational Collaboration

A number of different terminologies are used in the literature to describe inter-organisational collaboration (Huxham, 2003), including:

- Partnership
- Alliance
- Collaboration
- Network

In his survey of the literature on inter-organisational relations, Williams (2002) says that there is no consolidated body with research being generated from a variety of disciplines, research paradigms, theoretical perspectives and sectoral focuses. Williams (2002) argues that a distinction can be drawn between inter-organisational relations at different levels – *macro* and *micro*. At the *macro* level, a number of writers typify relationships along a continuum "…of varying degrees of sophistication from co-operation to collaboration…" (Williams, 2002:109). At the *micro* level, the focus of research is on the role of individual actors, their behaviour patterns and motivations (Williams, 2002: 107).

In presenting a view of how public organisations can adopt the best managerial and organisational response in order to dealing with 'wicked issues', Williams (2002) describes a move from the 'traditional' (i.e. bureaucratic) to 'post-modern' arrangements such as networking, collaboration and partnership.

Looking specifically at the role of the actors, Schofield (2004) describes how there is a tendency to assume that 'public managers' have the detailed

technical knowledge required to implement public policies and to make them operational – or do ‘public managers’ need to learn how to implement policy requirements? Nakamura and Smallwood (Schofield, 2001) present a typology of actors that focuses on relationships between actors and how power and responsibility is distributed between them.

Schofield (2004:284) goes on to highlight the dilemmas for ‘public managers’ in implementing policies, in that it is unlikely that policy designers can anticipate the operational consequences of their initiatives because they are too far removed from operational management; and even if they could anticipate the consequences, they may notice a lack of congruence between the policy ideal and the reality because of the lack of operational capability on the part of ‘public managers’.

Williams’ (2002) notion of the *micro* aspects of collaborative working is supported by existing literature which seeks to describe taxonomies of those elements required to ensure successful outcomes (or that are lacking in collaborative ‘failures’.) Huxham (2003) describes a taxonomy based upon:

- Goal ownership – collaborative, organisational, individual
- Openness – explicit, assumed, hidden
- Means of achievement - collaborative, organisational, individual
- Power – identifying the points of power in a collaboration, and that these can change over time
- Trust – common wisdom suggests that trust is a precondition for successful collaboration; common practice shows that suspicion is usually the starting point. This leads to the importance of trust building.
- Membership structure – where structures are conceptualised by:
    - Ambiguity – organisations not clear as to who they are collaborating with
    - Complexity – where organisations are also members of other (possibly competing) collaborations
    - Dynamics – shifting roles of collaborative members

- Leadership – the mechanisms by which things are made to happen in the collaboration

As a *caveat* against readers assuming that collaborative working should always been seen as an ideal for which organisations should strive, Huxham (2003) defined two concepts from her research: *collaborative advantage* – something achieved out of the collaboration that could not have been attained by any of the organisations acting alone; and *collaborative inertia* – where the outputs from the collaboration appear to be negligible or appear to be extremely slow.

Stoker (2004:159) identifies four aspects of local partnership working that characterised the then Labour Government's area, including the role of the partnership in service delivery, where partnerships are used to ensure delivery of outcomes to improve the 'well-being' of communities rather than 'bricks-and-mortar' infrastructure renewal. These partnerships are expected to run over relatively longer periods, often up to 10 years or more, and initiatives tend to be more neighbourhood or area-based. Since 2001 there has been the overarching Local Strategic Partnership (LSP) arrangement, which usually covers the whole of a local authority's area.

The overall management of 'highway works' would appear to be an important element of the strategy identified by KMC and stakeholders in the "Vision". The Government's own roads policy (Department for Transport, 2005:25), "Managing Our Roads", recognises that KMC has adopted a strong approach to the co-ordination of 'highway works'.

1.4.4 Charters

Since the mid-1980's, local authorities have taken an interest in service design and the specification of service standards, with published standards "… expressed as a 'contract' between the local authority and the citizens" (Flynn, 2002). In 1991, the Government published the 'Citizen's Charter', which widened the remit of charters from just accountability and standards to also

include openness, information, choice, non-discrimination, accessibility and redress. The implementation of these principles tied into the environmental changes mentioned above.

Since those early days the number of charters in use by public sector organisations has increased considerably. A National Consumer Council (NCC) report in 1998 said that of 823 public sector organisations that responded to their survey, 606 had already produced a local charter. There were 209 organisations that had not produced a charter but 77 of them said that they intended to do so in the future. From a review of the questions asked in the NCC survey, it appears that the charters focus almost exclusively on the identification and satisfaction of *users'* needs and expectations. Theakston (Richards and Smith, 2002:240) also notes how the acceptance of 'charterism' is related to the shift from a *producer* to a *consumer* emphasis.

1.5 Contribution to Knowledge

By recording the approach taken by KMC in relation to the co-ordination of highway works and contrasting it with other arrangements currently in effect, the research will attempt to assess the extent to which the KMC Highways approach represents:

- A distinct 'partnership' arrangement when mapped against the existing literature.
- The use of charters in a way not previously described in the literature (e.g. not between 'supplier' and 'consumer').

The research data and conclusions will add to knowledge by:

- Providing empirical research results for a sector of public management not widely covered in the literature.
- Addressing gaps in research on public policy implementation, specifically with regard to inter-organisational relationships.
- Describing the divergence in implementation of central Government policy by different local authorities, looking at

influences such as professionalism, politics and central Government.

The area of study, looking at the management of 'highway works', has not been widely covered in the current literature. A search conducted on 20 February 2012 of an electronic journals database, looking for journal articles in scholarly publications containing the phrase "New Roads and Street Works Act" returned 28 results, including duplicates; the phrase "Traffic Management Act" returned 10 results, including duplicates; and for both phrases together returned just two results.

1.6 Outline of the Study

This study is comprised of a further 11 chapters:

- Chapters Two to Six – Literature Review:
    - Chapter Two – Local Government in England

      This chapter describes the development and changing functions of local government in England, and the relationship between local and central Government where, in recent times, central Government policy has required local authorities to open themselves up to market mechanisms and private-sector management methods, and the implications of Government programme of privatisation of previously publicly-owned utility providers. The chapter also describes how the functions, role and purpose of local authorities, and of its elected members and officers, have been redefined by central Government.
    - Chapter Three – Legislation Relating to Highways and 'Highway Works'

      This chapter outlines the legislation relating to the maintenance of highways, and of the legislation by which local highway authorities and utility companies are able to carry out work in highways. The chapter also describes the expansion in the numbers of organisations allowed to work on the highway, the increasing number of utility

services demanded by consumers, and the relationship between highway authorities and utility companies.

- Chapter Four – Public Policy

In this chapter, the process and differing models of public policy implementation are examined, where the literature highlights the importance and contribution of individual people (or “actors”) public policy formulation and implementation.

- Chapter Five – Inter-organisational Collaborations

This chapter examines the concepts relating to the study of organisations and, in particular, how organisations compete with each other for resources, how and why they collaborate, and describes the elements required for successful collaboration.

- Chapter Six – Research Methodology

In this chapter, the alternative approaches to research are discussed and evaluated. It also describes and explains the process to identify a suitable research methodology.

- Chapter Seven – Document Analysis: Context and Triangulation

This chapter discusses the identification and selection of documentary data that will be used to provide additional information about the implementation of policies by authorities, as well as giving context and identifying sources of triangulation for the interview findings.

- Chapters Eight to Ten – Interview Data Analysis

These chapters outline the interview strategy used to collect primary data, the way in which the data was analysed and sets out the findings for the interviews carried out.

- Chapter Eight – Yorkshire area Interview Data Analysis

This chapter sets out the findings for the interviews carried out in Kirklees Council, North Yorkshire County Council, and with representatives from the regional highway and utility committee operating in the Yorkshire area.

- Chapter Nine – Devon area Interview Data Analysis

This chapter sets out the findings for the interviews carried out in the Devon County Council, and with representatives from the regional highway and utility committee operating in the South West of England in which DCC operates.

- Chapter Ten – London Interview Data Analysis

This chapter sets out the findings for the interviews carried out in London with Transport for London.

- Chapter Eleven – Discussion of Findings

In this chapter the findings from chapter's seven to ten are discussed in the context of the research questions and current literature. It also sets out the limitation of this research and suggests future research.

- Chapter Twelve – Contribution to Knowledge and Conclusions

This chapter sets out the contribution to knowledge from this research, together with the limitations and areas for future research identified. The chapter also sets out the conclusions drawn by the author from the study.

Chapter Two – Local Government in England

The focus of this thesis is the implementation of legislation regulating the way in which works on the highway are carried out by companies, in order to provide utility supplies, and by highway authorities undertaking works to maintain the condition of the highway network. The current arrangements in England are that the functions, powers and responsibilities of the highway authority are vested in District or County councils.

This chapter will describe the development and changing functions of local government, moving from a “localist” tradition concerned with meeting the collective needs of the community, including, with particular relevance to this thesis, the maintenance of local roads and bridges, and the direct provision of services to, following recent changes, being more of a facilitator or commissioning body. Service provision by local authorities is also influenced to an extent by local discretion, with notions of “uniform” provision being challenged in the literature and reflected in the different emphasis the authorities place on how service areas are structured and services provided. This may help to explain later how and why authorities apply and administer the legislation relating to ‘highway works’ differently.

A key aspect of the development of local government has been the relationship between central and local government. In recent years, central Government policy has had a significant direct impact on the operations of local councils, including introducing legislation requiring local authorities to contract-out services and employ private-sector style management techniques within a public-sector context.

Changes to the role and structure of local government have also affected the nature of the relationship between elected members and officers, and their roles and functions. This has implications for how policies are made, or maintained, within local authorities.

Central Government policies have also had an indirect effect, through social and economic policies, on the environment in which local government operates and the nature of the relationship with the utility companies, and these issues are explored further in chapter 3.

2.1 Local Government Development and Changes

Local government in the United Kingdom can trace its origins back to the Middle Ages and pre-dates the creation of the United Kingdom in 1707. In England and Wales, most of the functions were provided at parish or borough level but with little co-ordination between them (Barlow, 1991).

Local government is defined as meaning the "…self-government of Britain's counties, cities and towns" (Kingdom, 1991:3), and denotes the separate government of a sub-national unit of the state, where Parliament has delegated certain powers, and so represents a continuation of the 'localist' tradition, dating back to Anglo-Saxon times, whereby small communities sought to meet collective needs such as the upkeep of roads and bridges, care for the poor, and the maintenance of order.

Before discussing the development of local government in England, it is first necessary to recognise that implications of the last Labour Government's programme of devolution, i.e. the granting of powers from a state's central Government to a regional level, carried out in the late 1990s. With regard to the countries that make up the United Kingdom, devolution resulted in the following:

- *Scotland*. The Labour Government elected in 1997 held a referendum in Scotland and, following a "yes" vote and the enactment of the Scotland Act 1998, the Scottish Parliament was established in 1999 and has powers to pass primary legislation on "devolved matters" including education, health, agriculture and justice. There is a debate on-going currently about further devolution of powers. In Scotland, the regulations

relating to ‘highway works’ are different to those in effect in England and Wales.

- *Wales*. The Government held a referendum in Wales in 1997which resulted in the Government of Wales Act 1998, leading to the establishment of the National Assembly for Wales. Originally, the Assembly had powers only to pass secondary legislation in devolved areas. Following the passing of the Government of Wales Act 2006, the Assembly gained limited powers to make primary legislation.
- *Northern Ireland*. The situation regarding devolution in Northern Ireland is a long and complex one. However, the current arrangements began in 1998 with the establishment of a devolved Assembly as part of the “Belfast Agreement” (also known as the “Good Friday Agreement”.) The Northern Ireland Assembly has authority to legislate in areas known as “transferred matters” including justice, environment, education, agriculture, and regional and rural development. Northern Ireland has its own regulations relating to ‘highway works’

It should be noted that in the discussion below of legislation relating to ‘highway activities’, particularly the New Roads and Street Works Act 1991 (NRASWA), separate arrangements have been introduced by the relevant legislative bodies in Scotland, Wales and Northern Ireland. Unless otherwise stated, any reference to NRASWA in this thesis will refer to arrangements in England.

2.1.1 Local Government Development and Changes in England

Modern local government in England can be seen to have its origins in major reform acts of the 1800s, which began the move away from governance at parish level:

- The Poor Law Amendment Act 1834 created boards of guardians responsible for the local administration of the Poor Law.
- The Municipal Corporations Act 1835 reformed many existing boroughs and created multi-purpose elected local authorities in urban

areas, providing a range of services that Parliament felt it could not itself supervise.

- The Local Government Act 1888 established county councils and county borough councils in England and Wales, with each electoral division within the county returning a single councillor. Powers and responsibilities in the Act included the making and levying of rates and the repair of county roads and bridges. Councils could also declare a road to be a “main road” and take over its maintenance.
- The Local Government Act 1894 established with the county council areas a network of urban and rural district councils, which operated as a ‘second tier’ within the counties. The Act also passed all the powers, duties and liabilities of existing highway boards, highway authorities or surveyors to the newly created rural district councils. Rural district councils continued to exercise these powers until 1930, when the Local Government Act 1929 transferred responsibility for rural highways to county councils.

Apart from the creation of new county boroughs, the most significant change since 1899 was the establishment in 1965 of Greater London and its thirty-two London boroughs, covering a much larger area than the previous county of London. A Local Government Commission was set up in 1958 to review local government arrangements throughout the country, and had some successes, such as merging small administrative counties and the creation of several contiguous county boroughs. However, it was generally agreed that there were significant problems with the structure of local government. Despite mergers, there was still a proliferation of small district councils in rural areas, and in the major conurbations the borders had been set before the pattern of urban development had become clear.

The Local Government Commission was wound up in 1966, and replaced with a Royal Commission (known as the Redcliffe-Maud commission). In 1969 it recommended a system of single-tier unitary authorities for the whole of

England, apart from three metropolitan areas of Merseyside, Greater Manchester and West Midlands, which were to have both a metropolitan council and district councils. The Redcliffe-Maud report was accepted by the Labour Government but the Conservative party won the June 1970 general election, on a manifesto that committed them to a two-tier structure, and they dropped the Redcliffe-Maud report. They invited comments from interested parties regarding the previous Government's proposals, and amended proposals were introduced as the Local Government Bill into Parliament soon after the start of the 1971/1972 session, later becoming the Local Government Act 1972. The 1972 Act abolished all county boroughs and reduced the number of county councils from 58 to 47. In the major conurbations, six metropolitan county councils were established. Three of these were as proposed by Redcliffe-Maud, covering Merseyside, Greater Manchester, and West Midlands, and to these were added Tyne and Wear, South Yorkshire, and West Yorkshire (Wilson and Game, 2011).

The allocation of functions differed between the metropolitan and the non-metropolitan areas (the so-called 'shire counties') — for example, education and social services were the responsibility of the shire counties, but in metropolitan areas was given to the districts. The distribution of powers was slightly different in Wales than in England, with libraries being a county responsibility in England — but in Wales districts could opt to become library authorities themselves. A key principle was that education authorities (non-metropolitan counties and metropolitan districts), were deemed to need a population base of 250,000 in order to be viable. Although called two-tier, the system was really three-tier, as it retained civil parish councils, although in Wales they were renamed community councils. The Act introduced 'agency', where one local authority (usually a district) could act as an agent for another authority. Some powers were specifically excluded from agency, such as education.

The Local Government Act 1985 abolished the metropolitan county councils and Greater London Council that had been set up in 1974 by the 1972 Local

Government Act, along with the Greater London Council that had been established in 1965. The provisions came into effect on 1 April 1986, with some powers being devolved to the metropolitan district councils and the London boroughs, with others reverting to central Government. Responsibility for roads and road maintenance was one of the functions transferred from metropolitan counties to district councils.

The Local Government Act 1988 introduced a wide range of changes, including the introduction of compulsory competitive tendering (CCT) of contracts for certain types of activities, including highways functions.

The Local Government Act 2000 concentrated on reforming the structure of local authorities, particularly to give powers to local authorities to promote economic, social and environmental well-being within their boundaries; to require local authorities to shift from their traditional committee-based system of decision-making to an executive model, possibly with a directly-elected mayor (subject to approval by referendum), and with a cabinet of ruling party group members; to create a consequent separation of functions with local authorities, with backbench councillors fulfilling an overview and scrutiny role; and to introduce a revised ethical framework for local authorities, requiring the adoption of codes of conduct for elected members and standards committees to implement the codes of conduct; the introduction of a national Standards Board and Adjudication Panel to deal with complaints and to oversee disciplinary issues.

2.2 The Changing Role and Functions of Local Government in England

A dominant tradition of writing about local government in England states that local authorities are agents of central Government, and serve only as administrative structures to implement policies designed by a higher authority. The situation is described in which "...central government (sic) is the determination of policy and principle; local government is the application of the principles to the peculiarities of local fact" (Clarke, 1969). This is attributed to

central Government's reliance not only on its full powers of intervention and on its ability to impose its will upon local authorities by means of informal persuasion, for the existence of extensive legal powers of control has had a cumulative and psychological effect where local authorities submit questions to the minister of which he has no legal control (Jennings, 1947). These informal concentrations between central and local government ensure that the policy of the Government works its way into the practice of local authorities, perhaps imperceptibly and sometimes called "government by circular" (Cross, 1966).

The most popular explanation accounting for the extent of central control was based upon consideration of the dependence of local authorities upon central finance. There was the idea that "he who pays the piper calls the tune". Another argument which has been developed to account for the most increasing central control point to "the prevailing desire for uniformity of public services" (Marshall, 1960), and suggests that "public demand for equality... drove central government into detailed control" (Smellie, 1968).

Dearlove (1973:14) suggested that the authors advancing these arguments failed to put their theses to the test by examining the actual extent of uniformity of service provision in different local authorities, and when this exercise is undertaken it is found that there are "vast differences...between the same services in different areas" and examples of the variation of service can be found over the whole range of local government activity", with evidence of erratic provision of services including day nurseries, services for old people, and welfare services generally.

Burns (2000:967), looking at council's area committees, noted that, in experimenting with local democracy, council's "... found it difficult to accept different levels and patterns of service in different neighbourhoods", and went on to say that variation "...appears to challenge deep seated values of equality, justice, and fairness, yet local variation is the very essence of local democracy."

The work of Dearlove (1973) and Burns (2000) highlighted the idea that provision of service can vary between local authorities, and can also vary within an authority. Jordan (2007) used the term “post code lottery” as a label that is stuck on any instance where local discretion is permitted, and noted that real variation caused by decentralisation and discretion was seen as a problem rather than a virtue. This perception as variation as problem rather than virtue has implications for this thesis, looking at implementation of public policy by local authorities, where authorities take a different view, i.e. exercise their discretion, in administering legislation and in their relationships with the utility companies.

2.2.1 Categorisation of Local Government Functions

Dearlove (1973) also highlighted the different use made by local authorities of their “permissive powers” regarding, for example:

- Support for the arts
- Housing provision, where in Greater London there were great differences in the number of dwellings built, methods of council house allocation, rent levels, interpretation of statutory standards of dwellings, and the use of standards to designate improvement areas (Spencer, 1970)
- Variations in the provision of primary and secondary education

Where studies of “public policy” accept the arguments of uniformity of provision of services by local authorities, they run the risk of assuming that variations in service provision reflect differences in local needs. Dearlove (1973) argued that the studies that have shown otherwise, i.e. that local needs do not explain the differences in service provision between local authorities, challenged the view that the demand for minimum standards brought with it more control and greater uniformity in the provision of various services throughout the country. Dearlove (1973) went on to suggest that there was a pressing need to account for variations in service provision, and that this was likely to demand a consideration of politics within local authorities.

The functions of local government have changed and evolved over the years. Redcliffe-Maud and Wood (1974) characterised local government functions as being either “traditional”, meaning Victorian or pre-Victorian functions, or “new”, meaning post-Victorian functions:

- “Traditional” local authority functions that were transferred to central Government or *ad hoc* agencies following the 1888 and 1894 Acts included trunk roads (1936), hospitals (1946), and water supply and sewage disposal (1974).
- Consequent to the intention of the 1888 and 1894 Acts to reduce the number of separate bodies providing a single service, a number of “traditional” functions originally performed by local bodies were taken over by local authorities, including the running of school boards (1902).
- “New” functions given to local authorities included town and country planning (1909), creation of smokeless zones (1956), and the development of social services provision.
- “New” functions originally given to local authorities but subsequently transferred to central Government or agencies included clinics, maternity and family planning services (1974).
- Functions for which responsibility has been reallocated with the structure of local government, in a predominantly upwards process from district to county level, for example, town planning, fire protection and highways responsibilities, although London and the six metropolitan areas saw a devolution downwards in areas such as public libraries, education, and social services.

Writing in the 1970s, Redcliffe-Maud and Wood (1974) described local government as both a provider of services to the local communities and also an instrument of democratic self-government, not just an agent of the national state. As a “provider of services”, services were classed as being:

- *Protection* – keeping the peace, i.e. responsibility for a local police force, fire and civil defence;

- *Convenience* – including roads and bridges, with associated traffic controls, parking and speed limits;
- *Welfare* – personal services provided because of age (for example, education for children or old-people's homes) or circumstances (for example, foster care or help for people with disabilities.)

These were re-categorised in 2006 by Wilson and Game as being:

- *Need services* – accessed by everyone, regardless of means, including education, personal social services and housing benefit. Education gives an illustration of the changing role of local government. The Education Act 1944 provided for central Government to set the national policy framework, with local education authorities (LEA) appointing chief education officers, and local authorities dealing with the provision, staffing and running of schools. Subsequent Education Acts have reduced the role of local authorities in the management of schools. The Education Reform Act 1988 introduced local management of schools (LMS), requiring LEAs to pass at least 85% of their education budget to school governing bodies, which bodies then became responsible for overseeing the running of their schools. The Act also enables schools, following a parental ballot, to opt-out of control by their LEA and be directly-funded by central Government as "grant-maintained" schools. Without an operational role, LEAs retained responsibility for *strategy* – including management of admissions, appeals, parental advice, home-to-school transport, assessment of needs, and free school meals eligibility – and *support* – including educational welfare, catering, security, grounds maintenance, information technology support, and cleaning services. But schools are free to procure their own support services from alternative providers.
- *Protective services* – which are provided for the security of people, to national guidelines, and includes policing and community safety, fire and rescue, and emergency planning. Up until the 1990s, policing was a local authority service, with (except for the Metropolitan Police) the chief

constable being accountable to the police committee of (usually) the county council. The Police and Magistrates Courts Act 1994 changed the role of police authorities by establishing them as independent authorities, with powers over their own service provision. Police authorities still depend upon local authorities for the collection of their revenue, which councils must include in the council tax bills which they send to their residents.

- *Amenity services* – which are provided mainly to standards determined locally to meet the needs of local communities, and includes highways, street cleaning, planning, parks and open spaces, environmental health, refuse disposal and re-cycling, and economic development. Highway services cover a range of different types of highway from motorways to bridleways, and involve all levels of government from the Department for Transport to parish councils. The Secretary of State for Transport is responsible for motorways and trunk roads, with decisions being taken by regional offices and maintenance contracted out by the Highways Agency, which is an executive agency acting on behalf of the Government's behalf. County councils, unitary and district have responsibility for other primary and secondary roads, with "responsibility" including road building, maintenance and improvement, highway management, including parking, speed limits, street lighting, traffic signs, street cleaning, winter maintenance, and road safety. Even here, "agency agreements" are common, with, in two-tier authorities, functions being carried out by district councils. Local authorities also work with transport authorities and bus and rail companies to improve local transport networks.
- *Facility services* – which includes those services which people can access if they wish and are sometimes provided in competition with private-sector provision. Examples include housing, libraries, museums and art galleries, sports and recreational facilities, and refuse collection. With regard to housing, where the provision of council housing was once a main feature of local authority service provision has, over the years, is

now forecast (Wilson and Game, 2006) to have virtually disappeared by 2015. The Housing Act 1957 had placed a duty on local authorities to consider housing conditions in their area and provide any further housing required – by building it themselves or buying, converting and improving existing housing. By the 1970s, the stock of council housing stood at some 7 million properties. The Housing Act 1980, introduced by the incoming Conservative Government, then gave tenants the right to buy their homes, and a discount and subject to length of tenancy. Local authorities, often Labour administered, which attempted to resist could be forced to comply by the Secretary of State.

Even though a reduced number, the housing stock owned by local authorities still had to be maintained. Central Government restrictions in both revenue spending and capital expenditure resulted in a build-up of repairs. Government further removed local authorities from responsibility for housing by allowing new landlords, for example, housing associations, to take over council housing following a ballot of tenants or for service delivery via so called “arms-length management organisations”.

The sale of council housing stock continued under the Labour Government elected in 1997. The Government had a choice (Wilson and Game, 2006) of ending the borrowing restrictions imposed on local authorities or ending completely their housing management responsibilities, and chose the latter. As mentioned with regard to schools above, local authorities maintained a strategic role in housing – reviewing current housing conditions, identifying future needs for provision, repairs, slum clearance, grants for improvements and repairs, and consulting with other agencies.

The changes in roles and functions between the 1970s, when Redcliffe-Maud and Wood set out their classification of services, and 2006, when they were re-

classified by Wilson and Game, can be seen as direct or indirect consequences of the reforms and policies of, firstly, the Conservative Government elected in 1979 and developed by the Labour Government elected in 1997 as part of the "New Labour" project. This environment in which local government operated has changed significantly over the past twenty-five years, particularly in response to pressures from central Government with regard to the formulation and implementation of public policy. These reforms are described and analyse in greater detail below.

As democratic institutions, local authorities have long been challenged to "…better secure effective and convenient local government" (Herbert Commission) and "…sustain a viable system of local democracy" (Redcliffe-Maud Commission). Redcliffe-Maud and Wood (1974) acknowledged that, for many people, local democracy meant little more than the periodic exercise of the right to vote for local councillors and, even then, the majority of those entitled to vote do not participate, but went on to suggest that the concept of local democracy goes beyond attendance at polling stations to include:

- *Accountability and control* – where local authorities are directly accountable for their actions, both to Parliament and to the local electorate. Elections to local authorities are, in the majority of cases, conducted on (national) political party lines, with the consequences that:
    - Some local authority areas have been controlled by the same political party since World War II, and many others have been dominated by one party with only occasional or temporary changes.
    - Local election results tend to depend more on the national standing of the parties than on local factors.
- *Responsiveness* – where councillors (and officers) respond to local pressures, directed by pressure groups and an active local press, in order to preserve their local reputations;
- *Redress of grievance* – up to 1974 councillors were responsible for investigating or taking-up complaints about local services; in 1974,

regional commissioners (or ‘ombudsmen’) were established to look into complaints about local authority maladministration, the intention being to:

- Avoid a conflict of interest arising where (as was then the case) there was no separation of the executive from legislative functions of councillors, so the councillor investigating a complaint might have been involved in the decision that gave rise to the complaint; and
- To aid the development of the working relationship between councillors and the professional officers, where this could be jeopardised by a councillor pressing complaints with excessive zeal.

2.2.2 Public Administration

According to Leach and Percy-Smith (2001) local public services up to the 1960s could be characterised as being “public administrations”, in that services were delivered through departments or divisions that were organized along functional lines and were staffed by officers with particular professional or technical expertise. Their role was to implement the policies of the authority. However, while the policies of the authority provided the framework within which they operated, their own professional codes of conduct informed their day-to-day decisions. The works of departments and professional groups was largely overseen by administrators rather than manages, implying little room for discretion and relatively small incremental changes. Defined in this way, “administration” left relatively little room for management initiative of any kind. Leach and Percy-Smith (2001) did come to see that such a stark division between administration and management or between management and policy-making was to oversimplify what was undoubtedly a much more diverse picture, and that there were countless examples of officers who did exercise discretion in the way in which they administered and implemented policy.

By the 1970s the traditions of public administration and professional dominance were being threatened by a perception of crisis in relation to the public sector. A

view had developed that the public sector and public sector spending was growing out control. The initial response in relation to local authorities was to try to reduce the influence of individual departments and the associated professional groups and increase efficiency largely through the mechanism of centralizing and concentrating bureaucratic power (Maud, 1967; Bains Report, 1972). There were four main changes that were introduced in most local authorities as a result (Leach and Percy-Smith, 2001):

1. The appointment of a chief executive responsible for coordinating the work of the authority and providing advice and counsel on policy matters.
2. The establishment of policy and resources committee with responsibility for coordinating the council's policies.
3. A reduction in the number of departments by combining related functions under a single chief officer or multifunctional directorate and a corresponding reduction in the number of committees with a widening of each committee's scope.
4. The establishment of a management team of chief officers.

The Conservative Government elected in 1979 identified increased central Government controls over the public sector and in particular the amount of resources they had access to. At the same time attempts were made to reduce costs, increase efficiency and secure value for money. The Audit Commission had a particular responsibility in this regard, undertaking “value for money” audits designed to assess policy in terms of all the three “E's” - economy, efficiency and effectiveness.

This was also a time when management ideas borrowed from the private sector were applied widely in the public sector, and which saw the beginning of the shift from “public administration” to “public management” (Corrigan et al, 1999). According to Keen and Scase (1998) this change saw a move from bureaucratic and professionally dominated administration to a more flexible, customer-orientated, private-sector style of management and service provision. This change became known as “new public management” and incorporated two

dimensions: emphasis on flexibility and decentralization. In addition, “new public management” separated out three roles: corporate policymakers were responsible for determining overall strategy; the client side responsible for setting and monitoring standards and the service provider responsible for delivering services (Walsh, 1995).

2.2.3 Market Mechanisms

Leach and Percy-Smith (2001) argued that one of the most important aspects of the changes that occurred between the late 1970s and early 1990s was the introduction of some form of competition or markets to most activities and organizations in the public sector. This had an impact on the structure and organization of public sector bodies and also changed at least some aspects of their culture and had implications for their roles and responsibilities. The use of contractual arrangements between those who commissioned services and those who provided them had resulted in a need to specify much more clearly the standards of provision and the quality of the service provided. In addition, there was a shift from primary producer-led to more customer-focused services as authorities looked to make their services more responsive to local needs.

There were three main ways in which market mechanisms were introduced to public services. The first way was through *contracting.* Although in local authorities some services had always been provided under contract, what was new in the 1980s was the fact that an element of compulsion was introduced, with the intention of making the process of competitive tendering and the provision of services under contract the norm. The process of compulsory competitive tendering (CCT) began in the NHS and local government in the early 1980s. It was a requirement of the Local Government Planning and Land Act 1980 that local authorities should engage in competitive tendering for the construction and maintenance of buildings and highways. If authorities wished to carry out work by direct labour then they had to invite bids for the work and were only allowed to carry it out if they won through competition.

The CCT process required a comparison of the costs of continuing in-house provision of services with those of any private contractor, with the contract awarded to the most competitive (i.e. lowest) bidder (Wilson and Game, 2002). Where contracts were won in-house, the major organisational change was the separation of roles between client, responsible for the specification and monitoring of services, and contractor, responsible for the delivery of services.

CCT entailed a rethinking of the role of local authorities, with the term “enabling” being used to describe a future local government that would only directly provide a minimum of services and that its main role should be to “enable” provision. Their role would be to stimulate, facilitate, support, regulate, influence and there by enable other agencies and organizations to act on their behalf (Wilson and Game, 1994).

In addition, many local authorities also changed their internal management structure by grouping together the contractor-side activities into multifunctional contract services organizations which brought together a wide range of different activities. This had the effect of, to some extent, undermining the traditional professionally based departments.

A further consequence of CCT was a need to specify precisely what the service should entail in order to draw up a contract. In some cases, for the first time, it was necessary to set out standards of quality expected and the cost of delivering a service.

The second way was via *internal markets.* In some cases the nature of the service of political pressures or a combination of both made it impossible for the services to be contracted out to external providers. Where this was the case, for example in the NHS, this led to the creation of internal markets.

The arguments in favour of the introduction of an internal market were that it resulted in a clarification of responsibilities, a reduction in the power of specific professional groups, increased accountability through great openness about the

basis on which his service is provided, and greater efficiency in allocation of resources (Walsh, 1995).

The final way in which market mechanisms were introduced was through *agencies and devolved control.* Changes introduced at this time also separate political and managerial levels through devolved management. Two methods were used (Walsh, 1995): devolution of financial control to managers at all levels of the organization, and the establishment of internal agencies operating as relatively autonomous units. For example, under local management of schools budgets were delegated to school governing bodies on the basis of pupil numbers.

2.2.4 Strategic Management

One of the consequences of competition and "new public management" was organizational fragmentation within local authorities, who had to manage an increasingly complex network of diverse providers with varying degrees of autonomy (Leach and Percy-Smith, 2001). In order to hold this decentralized web together there was an increasing need for strong central direction. As a result most local authorities adopted some form of strategic management, characterized by a statement of organizational values and key strategic aims. The process of strategic management was closely linked to "performance management" which had, according to the Audit Commission (1995), three aspects: the specification, communication and evaluation of aims and objectives at all levels. So, performance management provided the link between the development and articulation of a corporate strategy and organization and delivery of front-line services.

2.2.5 Customer-focused Services

Traditionally, delivery of public services emphasized the role of professional, i.e. experts who knew best. This was reflected in the style of service delivery, which was paternalistic in style and allowed little room for choice or diversity.

However, the expectation of the public in relation to services was changing and people increasingly wanted the same level of service and degree of choice that they had become used to in the private sector.

According to Drewry (2005), charters were part of the much bigger “new public management” (NPM) agenda that had “dominated the bureaucratic reform agenda in the OECD group of countries from the late 1970s” (Hood 1992:3), but that charters came in many different guises, and with a variety of labels attached.

The original version of the UK ‘Citizen’s Charter’ was officially launched in a White Paper, published in July 1991 (Cabinet Office, 1991). Although it pursued themes (value for money, increased competition, privatization, greater emphasis upon performance measurement, etc.) that were already on-going by the time John Major took over the premiership from Margaret Thatcher in 1990, the Charter was presented from the outset as encapsulating the then new prime minister’s personal vision of the public services. The initiative had support from, among others, the free market think-tank, the Adam Smith Institute (Pirie, 1992), and it remained a core part of the Conservative Government’s programme until the change of Government in 1997. It was then repackaged and re-launched by Tony Blair’s Labour administration, and has become absorbed into the continuing process of ‘modernizing’ public services.

The original ‘Citizen’s Charter’ reaffirmed the Government’s continuing commitment to privatization, to the further contracting out of public services and to the extension of compulsory competitive tendering, but it implicitly accepted that a lot of major services should remain within the public sector, while arguing that they must be more consumer-sensitive. Its main themes were (Drewry, 2005):

- Higher standards: publication, in clear language, of standards of service; tougher, independent inspectorates; a ‘Charter Mark’ scheme to commend bodies that abide by the terms of the Charter.

- Openness: elimination of secrecy about organizational arrangements, costs of service, etc. Staff to be identified by name badges.
- Information: regular publication of information about performance targets, anyhow well they have been met.
- Choice: ‘the public sector should provide choice wherever practicable’.
- Non-discrimination: services to be available regardless of race or sex; leaflets to be printed in minority languages where there is a need.
- Accessibility: ‘services should be run to suit the convenience of customers, not staff’.
- Proper redress when things go wrong: ‘at the very least the citizen is entitled to good explanation, or an apology’; better machinery for redress of grievances (including, as originally envisaged, a system of local lay adjudicators to deal with minor claims for redress); adequate remedies, including compensation where appropriate.

The White Paper also stressed the theme of value for money: ‘the Charter programmes about finding better ways of converting the money that can be afforded into even better services’.

The Charter was to apply to central Government departments and their Next Steps executive agencies; also to local government, the National Health Service, the police and even the courts, where there are special sensitivities about judicial independence. It also promised stronger powers for the regulatory agencies that oversaw the privatised public utilities like British Telecom, and the gas, electricity and water industries (all of which have their own charters).

On the wider questions about the Charter for Citizens, writing in 1994 Connolly *et al* (1994) asked what else might be needed if it is to become more than simply a stick with which to beat public servants? They suggested that the way forward lay in promoting a number of possible developments, including a reflective and much more explicit attempt to recognise and deal with the multiple, complex relationships between individuals and Government and its

services. Through the genuine empowerment of the public, both as individual citizens and as members of the community, including the provision of access to decision-making, lay the potential to improve public services.

Extending the themes of the Charter to a wider range of Government activity, including the scrutiny and evaluation of central Government departments would require much greater freedom of information available to the citizen. Any such extension would be difficult to implement due to the nature of the issues involved in that they were complex, ambiguous and sometimes in conflict, and all had fundamental implications for the management of public services.

According to Taylor and Kelly (2006) a characteristic of public service provision during the past 15 years had been the increased role of users or “customers” in evaluating service delivery in particular. The introduction of the ‘Citizen’s Charter’, and subsequently various service charters covering all public services, established the principle of ‘bottom-up’ pressure, with increased user involvement having an impact on professionals because of the constant need to be aware of the effect of their actions on clients and impact of complaints, which managers were duty-bound to follow up.

Tony Blair’s (2002) proposals to establish more effective stakeholder and citizen involvement in service provision suggested what Hood referred to as a “contrived randomness” or a “fatalistic” approach to controlling public administration (Hood, 1996:211) in contrast to the subsequent combination of competition and explicit regulation (Hood, 1996:227). Stoker (2002:21) referred to a “strategy of governance by lottery” by encouraging or requiring target organisations to “participate in a complex and rolling game of chance”. The establishment of partnerships under New Labour required professionals to consider how other agencies operate and develop services with professionals in those agencies in for example, health and social care.

McBeath and Webb (2002) referred to the “self-flourishing” worker in an article which set out to remind the professional that they play a role in the production and reproduction of the public sphere with the power to “affect the structure of social relations contained therein”, and so not losing sight of the wider societal responsibilities and public expectations of professionals. This depended, in part, on whether or not professionals lose a degree of discretion on the one hand and are exposed to more pressure from service users on the other, in which users may be seen as co-producers of policy as participants in organisations such as schools and hospitals.

‘Bottom-up’ as well as ‘top-down’ pressure has been at the centre of the issue of professional discretion at street-level in recent years. Discretion can be influenced by involving clients and client groups in evaluation processes as well as involving community groups in the governance and provision of services.

The extent to which ‘bottom-up’ pressure impacted upon street-level discretion depends in part upon the knowledge of users about the service being offered and also upon the professional’s knowledge of how to make the best use of consumer involvement. Government proposals to introduce new forms of localism building on more community involvement which by-passes formal local authority decision-making processes have created a new layer of community governance. This will put more pressure on professionals to familiarise themselves with the structures of governance and their impact on service delivery at street-level and the relationship between their own established statutory agencies and parish or neighbourhood governance. Their ability to exercise discretion may well depend on their understanding of their own impact on the working of these processes, and the relationship between different actors in both the provision and receipt of services.

Since the mid-1980’s, local authorities had taken an interest in service design and the specification of service standards, with published standards “… expressed as a ‘contract’ between the local authority and the citizens” (Flynn,

2002). The ‘Citizen’s Charter’ widened the remit of charters from just accountability and standards to also include openness, information, choice, non-discrimination, accessibility and redress.

Since those early days the number of charters in use by public sector organisations has increased considerably. A National Consumer Council (NCC) report in 1998 said that of 823 public sector organisations that responded to their survey, 606 had already produced a local charter. There were 209 organisations that had not produced a charter but 77 of them said that they intended to do so in the future. From a review of the questions asked in the NCC survey, it appears that the charters focus almost exclusively on the identification and satisfaction of *users’* needs and expectations. Theakston (Richards and Smith, 2002:240) also noted how the acceptance of ‘charterism’ is related to the shift from a *producer* to a *consumer* emphasis.

2.2.6 Governance

Governance refers to “... a new process for governing” (Rhodes, 1997) where the centre of attention is on mechanisms that do not rest on recourse to the authority and sanctions of Government, leading to a focus on *outcomes* and so is better able to deal with cross-cutting issues. As a consequence, the boundaries between the public and private sectors are more blurred, with informal as well as formal relationships, and partnerships and networks are seen as being centrally important (Stoker and Wilson, 2004).

The Labour Government elected in 1997 did not overturn the initiatives described above introduced by the previous Government, although some would be modified. Many of the modified initiatives were brought together under the overarching framework of the “Best Value” regime. “Best Value” was explicitly based on performance management principles, and emerged to replace CCT because, according to Leach and Percy-Smith (2001) it had been only partially successful in making local services more efficient and economic, had been perceived as being rigid and prevented innovation, and was biased in favour of

the private sector and towards a form of contracting that was no longer seen as representing best practice. The view was that CCT could not simply be abolished – it had to be replaced with a system that continued to emphasise economy and efficiency in service delivery.

The management of “Best Value” involved many of the initiatives introduced by the Conservative Government, for example: organisations setting corporate objectives and the use of performance indicators. “Best Value” built on these by including a duty to consult with the community and other stakeholders, with partnerships seen as having an important part to play in improving services (Geddes, 1999).

The “Third Way” had implications for the delivery of public services. The view of the Labour Government (Bevir and Rhodes, 2003) had been that, under “Thatcherism”, too much faith had been placed in markets. New Labour believed that individuals were not just competitive and self-interested but also co-operative and concerned for the welfare of others. The extension of this belief was that public services should encourage co-operation while continuing to use market mechanisms where suitable. Also, in promoting customer-focused services, Labour adopted features of “new public management” when it considered them suitable while arguing that elements such as quasi-markets and contracting-out maintained an unhealthy dichotomy between the public and private sectors.

Blair (1996) identified trust – the recognition of a mutual purpose and mutual benefits – as being the basis for the networks for delivering public services. Bevir and Rhodes (2003) commented that under the “Third Way”, trust was promoted inside organisations through forms of management that allowed individuals responsibility and discretion, that citizens should trust organisations to provide suitable services, and that organisations should trust citizens to use the services properly.

2.2.6.1 Multi-level Governance

According to Skelcher (2004), at the sub-national level in Britain since the 1980s there has been a shift from local *government* to local *governance*, in which elected local authorities have become just one of a number of bodies "governing" at the local level. With the development of appointed boards, local "quangos" and partnership organisations, elected members were less central to the direct delivery of services. Local government became one of a number of collaborators in multi-level partnerships with central Government, regional development agencies, the private sector, and voluntary agencies.

2.2.7 Political Management

Local authorities are the only local bodies that have to combine professional management with political management (Leach and Percy-Smith, 2001). The systems arranged around functional committees remained largely intact, with some revisions in the 1960s, from the nineteenth century up until the changes introduced by the Labour Government in the 1990s.

Until the late 1960s, local authorities consisted of functional departments, each with its own chief officer who reported to a committee of councillors. These committees operated relatively autonomously, with little overall co-ordination in their activities, and the role of the full council was, in general, to ratify their decisions. Co-ordination was carried out by the controlling party group and, from the 1970s, through strategic management arrangements.

The disadvantages of the committee system – recommending that members should be more involved with strategy-setting, policy planning and performance review rather than detailed administration and financial control, and local authorities needed to resolve the tension between members' political, representational and organisational roles – were incorporated into Labour's White Paper "Modernising Local Government" (DETR, 1998b) which identified several challenges:

1. That the existing committee structures lead to inefficient and opaque decision-making by small groups of key members, often behind closed doors;
2. That members spent too much time, often unproductively, in committee meetings rather than representing the community or scrutinising the work of the council;
3. That there was little effective political leadership in most authorities, and that it was not always clear who was taking decisions and who should be praised or blamed.

The result was contained in the Local Government (Organisation and Standards) Act, 1999, which required all local authorities to introduce new political management arrangements, selected from a range of options, which represented a central principle of separating the executive from the representative and scrutiny functions of members, where the executive role was to propose the policy framework and implement policies within the agreed framework, and “backbench” councillors would represent their constituents, share in the policy and budget decisions of the full council, suggest policy improvements, and scrutinise the policy proposals of, and implementation by, the executive.

The perception summarised by Dearlove (1973) of local government as “mere agents” of central Government, the “persistence of centralism” and the “passivity of locality” persists up to today. According to Laffin (2008:112) local authorities emerged from evaluation studies into the Labour Government’s Local Government Modernisation Agenda (LGMA) begun in 1997 as largely passive recipients of central policy initiatives. Central policies eclipsed local accountability, and elected members in office reportedly were "following central governments lead, rather than setting their own agendas”. Laffin (2008) quoting Martin and Bovaird (2005) suggested that, to date, the LGMA had encouraged an environment in which many authorities relied upon strong external pressure exerted by Government policies to motivate change. Many local authorities had reported that current central policies such as Comprehensive Performance

Assessment (CPA) have led them to see themselves as being more accountable to central Government and less to their own people (Ashworth and Skelcher, 2005). However, the post-1997 Labour Government initiatives were perceived by local authorities as being "broadly congruent with their own local priorities", unlike those of the pre-1997 Conservative policies (Cowell and Martin, 2003).

Research has suggested that local government remains "curiously passive", with individual authorities experiencing central policies as imposed, which tends to be at odds with metaphors (such as "partnership" and "resource exchange") used in the literature to imply interaction in the central-local relationship. There is, according to Stewart (2000) little evidence to support the thinking that emerged in the 1990s of local authorities developing as locally based networks with a "self-governing" momentum as advocated by, amongst others, Rhodes (1997).

This deference toward the centre is still perceived to be the norm rather than the exception in the history of British local government. Past instances of local authority resistance to the centre, notably during the politically turbulent 1980s, have been historical anomalies (Laffin, 2008).

Laffin (2008) suggested that the post-1997 Labour Government looked to re-engineer local authorities as being strategic leaders within their local communities, enabling services to be delivered rather than necessarily delivering all services themselves. This Government's LGMA has included more than 20 individual policies, including:

- New performance management regimes, starting with "Best Value" and moving on to CPA.
- New council constitutions which required authorities to replace traditional committee-based decision-making structures with an executive in the form of a leader-and-cabinet or an elected mayor, based upon a

distinction between an “executive” and the “legislative” role, together with new ethical codes for councillors and standards committees for councils.

- Local agreements between central and individual local authorities designed to encourage “joined-up” local strategic partnerships.

Historically, policy-makers and reformers at the centre have optimized local authorities by influencing the office structure and forming alliances with them usually against local politicians. Laffin (2008) pointed to the current CPA arrangements as working on the basis of requiring the support of chief executives and chief officers, rather than among elected members, mainly because the career prospects of officers have come to hinge on CPA results. CPA, because it is backed by an enforcement system capable of detailed monitoring and ability to penalise authorities, requires the support of local allies in order for the centre to implement policies.

Dearlove (1973) advanced the argument that an adequate assessment of the impact of central Government on the *decisional* activity of local authorities requires information to be assembled on two points: the willingness or “disposition” of the central Government to use the control techniques that it has at its disposal; and the responsiveness of local authorities to control attempts, where local authorities may not wish to be seen as being passive responders to central direction. In discussing the notion of “disposition”, Dearlove (1973) cited the Local Government Manpower Committees of 1950 and 1951 as setting the ideology of central-local relations, and that this ideology was one prepared to allow local authorities considerable amount of autonomy, in part “reversing the policy of the 1945-1948 period” which was characterised by the then Labour Government’s programme of social engineering through the introduction of the “Welfare State”. A further argument advanced by Dearlove (1973) was that it was not sufficient to deal only with the preparedness of central Government to intervene in the work of local authorities; since many different central Government departments may be involved they may not share a common view as to what should be their role in relation to local authorities. In a systematic exploration of the different “philosophies about local government”, Griffith (1966)

quoted in Dearlove (1973) identified separate attitudes that characterised the attitude of central Government departments in their involvement in local government activity: *laissez-faire, regulatory* and *promotional*.

2.2.8 Councillor/Officer Roles and Rules

Where the *local authority* is a "semi-independent, politically decentralised, multi-functional body, created by and exercising responsibilities conferred by Parliament" then the *council* is the legal embodiment of the local authority, i.e. the body of *elected councillors* who have collectively determined and are ultimately responsible for the policy and actions of the authority (Wilson and Game, 2006).

Earlier sections described the changing nature of local government, particularly since 1979, and Wilson and Game (2006) summarised the current role of councillors as being:

- To represent, to be accountable to, and to advocate for, all of their electors;
- Formulating policies and practices for the local authority;
- Monitoring their effectiveness;
- Providing leadership for their community; and
- Maintaining the highest standards of conduct and ethics.

Traditionally, local government officers are the paid officials of the council, they derive from it their powers and duties and their actions are performed in the name of the council. Responsibility for implementing council policy is delegated to officers, who tend to be organised into a number of departments, each of which has responsibility for providing a particular service or function. A feature of the internal organisational structure of local authorities (Redcliffe-Maud and Wood, 1974) has been the predominance of professionally qualified officers, particularly chief officers. Professional qualifications are then an essential feature of career progression.

Writing in the 1980s, the Widdicombe Committee (1986) outlined the “model of correct practice” in the relationship between councillors and officers to include:

- The officer’s right to draw up the agenda and to have sole responsibility for the drafting of committee reports and the recommendations contained therein;
- Officers should be provided with the facilities to provide briefings to committee chairs and vice-chairs before meetings;
- Appointment of officers should be on the basis of professional expertise, ability and experience;
- Councillors should channel requests for information through chief officers or through their specified deputies, and junior officers would not normally have access to members;
- Councillors should not become involved in the management of departments, management should be the responsibility of chief officers;
- Councillors should concentrate on making policy and leave officers to implement those policies;
- Officers should not expect to have any involvement in the drawing up of political manifestos.

Stewart (2000) suggested that the nature of councillor-officer relationship has probably always varied. Snell (1938:68) quoted in Redcliffe-Maud and Wood (1974) commented that “Since...some councillors are liable to be annoyed by advice proffered by officials, officials have been obliged to work out more or less consciously the tactics of winning the confidence and support of committees”. Similarly, Dearlove (1973) considered it reasonable to suggest that the internal sources (i.e. officers) on which councillors relied for their information were not likely to provide information that conflicted with their existing ideas and commitments, and at the same time councillors avoided external information sources where ideas were more likely than those generated internally to clash with existing commitments and pose new claims of a different and unwanted kind. Senior councillors, according to Dearlove (1973:188) were “more likely to pass on information which was partial and consonant with existing policy, and are more likely to question the legitimacy of any new claim which challenges the

council's existing policy than to question the policy itself." To this end, officers could not be regarded as a "safe" source of information because they were experts charged with providing councillors with impartial and objective advice which should, therefore, take in all sides of a problem or issue.

Stewart (2000) advanced the idea that the assumption of the relationship between councillors and officers – that councillors decide policy and officers implement it – conceals the reality that policy is often made in implementation, that implementation influences the making of policy and that officer advice necessarily influences policy. Similarly, while officers carry the burden of implementation, this does not mean that implementation is of no concern to councillors.

Regarding the internal and informal politics of policy-making with local authorities, Wilson and Game (2006) identified three analytical models:

- The Formal Model – derived from the "legal-institutional" approach, which saw power relationships in formal terms and focused on the formal structures of decision-making, i.e. the council, its committees and departments. Under this model, councillors made policy, while officers advise them and carry out the policies. Critics of the model argued that it perhaps reflected more what *should* happen rather that what *actually* happened.
- The Technocratic Model – viewed officers as the dominant force in local politics, with their power residing in their control of specialised technical and professional knowledge, which was "un-possessed by (and possibly incomprehensible to) part-time, amateur, generalist councillors" (Wilson and Game, 2006). Critics of the model argued that while the specialist knowledge and complexity of work carried out by officers could appear formidable to newer, inexperienced councillors, the same was probably not true with regard to leading and longer serving councillors.
- The Joint Elite Model – maintained that policy-making was dominated by a small group of leading majority-party councillors (which under the

Labour Government reforms is likely to be constituted by the council "cabinet") and senior and chief officers. However, critics of this model (Young and Mills, 1983) argued that the very exercise of reutilized power by those at the top of a hierarchy made them less likely to be sources of policy *change* than those lower down, who have learned from direct operational experience. In many ways, this is a re-statement of the distinction made by Dearlove (1973) between public policy-making and policy decision-making.

Wilson and Game (2006) suggested that the above three models all dated from the era of the committee-system, and that a fourth model would be more appropriate for "post-modern" analysis:

- The "Dynamic Dependency" analysis – where all councillor and officer behaviour could be seen as the outcome of the interplay of "institutional understandings" – the formal and informal rules within the organisation that structure action and influence outcomes, including the departmental and hierarchical nature of local government, the understanding that officers are (or should be) politically neutral and serve the whole council – and the skill of individual 'actors' in exercising their respective resources (Gains, 2004). Under "Dynamic Dependency" analysis, there is no assumption that values and priorities are shared but it does emphasise how local history and political culture can vary between different local authorities by virtue of the relative strengths and clout of councillors and members.

The transformation since 1997 of the formal institutional framework within which local authorities and local leadership operated included new arrangements for executive decision-making, the introduction of CPA, and the spread of partnership working and public consultation (Stoker and Wilson, 2004; Wilson and Game, 2006). However, Leach and Lowndes (2007) argued that there was no one-to-one relationship between these structural changes and the behaviour of local government leaders, with different innovations pulling in different directions in terms of the incentives and obligations that they place upon

leaders. In addition, the recent changes in formal arrangements are being interpreted locally through the "institutional filters of beliefs, assumptions and practices that typically emphasize traditional values and ways of working" (Leach and Lowndes, 2007:184).

Much of the literature relating to councillor-officer relationships focuses on higher-level interactions between council leaders and chief executives/chief officers. Leach (2010), examining the impact of the Labour's local governments agenda on relationships, suggested that the move to an executive format presented an opportunity for elected members to change the balance of responsibility from officers to members, with council leaders also being able to strengthen their power with regard to cabinet colleagues and non-executive members. The evidence (Leach *et al*, 2005; Leach 2010) suggested that council leaders have tended to avoid the "enhanced visibility" brought about by the new political models by exercising their decision responsibilities on a collective basis with the executive cabinet members. A consequence of this has been that non-executive members have reported unfavourable comparisons between the 'old-style' committee system, where they took decisions, and the new service-based or overview and scrutiny panels, where they had no such powers and operated as little more than "talking shops".

However, Leach (2010) identified that the Government's Comprehensive Performance Assessment (CPA), designed to strengthen the performance and inspection culture in local government, and was likely to have strengthened the role of officers, particularly chief executives, with regard to elected members. This was on the assumption that members would want to see their authorities rated positively, and so would have to rely on the chief executive to interpret the "rules of the game" and advise on which steps needed to be taken. Again, the reality was suggested to be somewhat different. Where some administrations were responsive to some or all of the attempts at influence, others resisted for justifiable political reasons. Some chief executives reported a degree of political indifference to the CPA process and how it rated the authority, and others were

unable to persuade party leaders to present a united front for the CPA inspectors.

As part of Labour's transformation, the Government also proposed a new ethical framework as an important element in the desired culture of local government, stating that in a council "…which puts people first, the culture will be one where the highest standards of personal service is valued, and where the highest standards of personal conduct are the norm" (DETR, 1998:49). This framework was established by the Local Government Act 2000, and was stated to reflect the report of the Committee on Standards in Public Life, also known as the Nolan Committee. The Nolan Committee had commented on the "…relatively few, but highly publicised, cases where things have gone wrong or people have behaved improperly, But it is important to set such cases in the context of more than 20,000 councillors and 2,000,000 employees in local government" (Nolan Report, 1997:3).

2.2.9 Political Structures

The Labour Government elected in 1997 argued that new political structures were required because the traditional culture of local government was expressed in and reinforced by political structures based on the committee system "...enclosing the authority rather than opening it up to the public" (Stewart, 2003:55). The committee system had been part of local government since the introduction of elected municipal government in the early 1800s, and was based upon the statutory precept that the council was the corporate body responsible for all that happened in the authority. The council exercised that responsibility through a series of committees, with the work of the council divided between the committees, usually according to the main functions or services of the authority.

The 1997 Blair administration argued that the committee system had basic weaknesses, in that the system was confusing and inefficient with significant decisions being taken elsewhere than in councils; councillors were perceived to

have little influence over decisions but spent a great deal of their time in council meetings (DETR, 1998).

The Maud Committee (Redcliffe-Maud and Wood, 1974) reported on the management of local government and highlighted the time-consuming nature of the committee system and the volume of paper involved. The Committee went on to criticise the lack of co-ordination between grouping of different committees, each carrying out its own special duties and championing its own causes, relying on horizontal committees, personal contacts, party machinery and the efforts of officers to achieve co-ordination. The Maud Report (Redcliffe-Maud and Wood, 1974) recommended the elimination of the executive responsibilities of committees and the establishment of a management board of between five to nine councillors as the executive of the council.

Maud did identify some strengths of the committee system, in that they kept members informed and gave them and understanding of the working of the various services, and proposed that committees should continue as deliberative rather than executive bodies that made recommendations to the management board and reviewed progress. Whilst the Maud recommendations were not adopted by local authorities, there was recognition within local government of a need to reduce the number of committees and to improve co-ordination, and many of the newly-created authorities in the local government reorganisation of 1974 adopted a policy committee and streamlined committee structure (Stewart, 2003).

The Widdicombe Committee (Widdicombe Report, 1986) recommended that the system of decision-taking in local government should be one in which the council was a corporate body, where decisions were taken openly and on behalf of the whole council without any separate source of executive authority, and where officers served the council as a whole.

The Labour Government elected in 1997 proposed (DETR, 1998) that all local authorities would be required to adopt new structures characterised by:

- *Efficiency* – where a decision can be taken quickly, responsively and accurately to meet the needs of the community
- *Transparency* – where it is clear to people who is responsible for decision
- *Accountability* – where people can measure the actions taken against the policies and plans on which those responsible were elected to office
- *High standards of conduct* – by all involved to ensure public confidence and trust

The Local Government Act 2000 required all authorities in England with a population of 85,000 to introduce one of three new structures:

- Directly elected mayor and cabinet – The mayor appoints a cabinet from among the councillors, and can determine the powers to be exercised by the cabinet, by individual cabinet members, by officers or by themselves. The key argument for and against directly elected mayors is the same (Stewart, 2003) in that it creates one clear point of responsibility and accountability. This can be a strength, in that it creates a focus for power and influence both within the authority and within the community; it can be a weakness because of the potential for corruption, and authoritarian approach, and the possible neglect of issues that do not command mayoral attention;
- A leader appointed by the council with a cabinet – In many ways this similar to the preceding arrangements, where there was an unofficial executive based on the leadership of the majority party. This model was distinguished by the dependence of the leader on the support of the council and *vice versa* (Stewart, 2003); or
- A directly elected mayor with a council manager – Under this model, it is the council manager, who is appointed by the council, rather than the mayor that has executive powers. There is no cabinet in this model, and

the mayor and council manager together act as the executive (Stewart, 2003).

2.3 Current Role and Functions

Stoker (2004) commented on the switch in local government from a system dominated by elected local government to a system of local governance, in which a wider range of institutions and actors are involved in local politics and service delivery. Through central Government reforms, councils have lost some responsibilities completely, and those it has retained have, almost without exception, been exposed to private sector competition. It has been suggested (Wilson and Game, 2006) that future role of local government is to be a *commissioner* rather than a *direct-provider* of services, with councils working alongside a range of other service-providers in their localities. Stoker (2004:3) referred to this arrangement as being "...the new string of institutions of local governance".

Changes to housing policy mentioned above also illustrated the shift in local authorities from direct provision of services. Wilson and Game (2006) identified three options for getting social housing up to its Decent Homes Standard:

1. Transfer to *housing associations;*
2. Use of *Private Finance Initiative*, where the council retains ownership but the private sector raises the finance required to undertake the required activities, and are then repair, typically over 30 years; or
3. *Arm's Length Management Organisations (ALMO)*, where, for example, the council retains ownership but contracts a not-for-profit company to manage the housing stock through a management board comprising council representatives and tenants.

2.4 Central/Local Government Relationship

2.4.1Local Government under the Conservatives

The Conservative Government elected in 1979 has a claim (Dearlove and Saunders, 2000) to be regarded as the most radical administration since the

Labour Government elected in 1945, in that it challenged orthodoxies that had been accepted up to then by all post-War Governments. According to Dearlove and Saunders (2000:524), this Conservative administration set out to the reverse the long history of Britain's economic decline, which it blamed largely on Keynesian economic policies and the politics of "corporatism". In challenging these, the Government declared its intent to remove the "props and crutches" on which British industry had come to lean in order to expose British firms and trade unions to the "cleansing blast" of international competition. The Government's economic strategy was based upon an analysis of the perceived ills of the British economy which emphasised four main contributory causes: powerful trades unions; profligate Government spending; an inefficient public sector; and inflationary monetary policies.

The Government's case against powerful trades unions was that:

- Resistance against new, labour-saving technologies by refusing to allow their members to operate them;
- Wage rises and other improvements in employment conditions that could not be justified by improvements in profitability or productivity;
- They slowed down production by insisting on arcane demarcation rules;
- Jealously guarded their own union's positions, meaning that employers had to negotiate separately with multiple unions before coming to agreements covering the whole workforce; and
- Unions were often in the hands of politically-motivated extremists who could – and did – "wreak havoc" by calling strikes and industrial action with little regard for democratic procedures.

The Thatcher administration believed (Dearlove and Saunders, 2000) that successive post-War administrations had contributed to the power of trades unions by adopting Keynesian full-employment policies, which had strengthened the bargaining power of the unions, and by developing corporate management strategies that included union leaders. From 1979 onwards, the Conservative Government set out to weaken the power of the unions by

allowing unemployment to rise; by legislating on issues such as the right to picket; by reducing union involvement in policy-making bodies; and by resisting attempts from public sector workers to breach the Government's cash limits on public sector pay.

The second 'ill' identified by the incoming Conservative Government was the perceived long history of profligate Government spending, based upon a "bias of excessive expectation in democracy" (Dearlove and Saunders, 2000:526), and the Conservatives determined the need to cut spending and resist special pleading from interest groups demanding more money from the public purse. To this end, aid to industry was cut (despite pleas from the CBI and TUC); and cash limits were imposed on the public sector, which the Government showing itself willing to sit-out any ensuing strikes rather than give in to them; and welfare spending was cut, despite campaigns on behalf of those on low incomes by the 'poverty lobby'.

The third 'ill' which the Government set out to tackle was the "inefficient" public sector (Dearlove and Saunders, 2000:527), and they believed that public sector industries were inherently less efficient than their private sector counterparts, and which were a further drain on the public purse through the constant "drip-feed" of subsidies that were leading to higher taxes on the more efficient private sector companies that were in danger of collapsing under the burden. The Government took the view that, in the classical, traditional view of Adam Smith, the state should be responsible for providing only those goods and services which the private sector could not – or would not. Between 1979 and 1997, the Government sold off its stake in: car companies, (including "Rover" and "Jaguar"); the national airline ("British Airways"); the country's main airports through the sale of the British Airports Authority; transportation companies including rail ("British Rail"), ports, local bus companies and long-distance coach travel (including the "National Bus Company" and "National Express"); and national oil companies (such as "BP").

Of particular relevant to this thesis, the Government also privatised the provision of utility services including gas, electricity (both generation and distribution), telecommunications, and the regional water and sewage service providers.

The Government's view was that whereas private firms were forced by competition to improve their efficiency, reduce costs and stay responsive to their customers, the publicly-owned industries were seen as being bureaucratic and non-innovative because they were immune from the threat of bankruptcy, sheltered from the need for competition, and had no incentive to economise because funds could always be relied upon from central Government. The Government's privatisation programme is discussed further in section 2.4.1.1 below.

The fourth "ill" targeted by the incoming Government was the commitment to maintain low inflation. The Thatcher administration believed that most of the other problems that it was trying to address – union power, increasing public expenditure, and the inefficiency of the public sector – could be traced back to the traditional willingness and ability of Governments to increase the supply of money and thereby stoke-up inflation. Whereas most post-War Governments had believed that inflation was caused mainly by wage increases pushing up production costs and so prices, the Thatcher administration, influenced by the work of Milton Friedman, took the view that inflation was caused by the Government increasing the amount of money in circulation faster than the rate of increase in the actual buying and selling of goods and services, and so adopted a policy of tightening the supply of money, i.e. *monetarism*.

The election of the Conservative Government under Margaret Thatcher in 1979 has been seen as pivotal for the changing orientation of local government (Glynn and Murphy, 1996). According to Glynn and Murphy (1996) the Government's belief was that the public sector had come to represent too large a share of the nation's gross domestic product, contained significant

inefficiencies and was insufficiently accountable for its activities. The Government, therefore, was committed to “rolling back the frontiers of the state” and its two main areas of reform concerned *finances*, where part of the Conservative agenda was to reduce taxation and public sector borrowing – the two principle ways the public sector raises money – as a percentage of GDP, and *organisation*, where the Government removed a large number of local government functions, either to itself or un-elected “quangos”, and forced local government to privatise significant portions of their functions through CCT.

From a wider perspective, the Conservatives carried out extensive reforms to industrial relations, particularly with regard to trades unions. There was a systematic exclusion of “interest groups” from the policy making process. Talbot suggests that there was an increase in political lobbying, which led to the “cash for questions” controversy and the eventual establishment of the Nolan (now the Neill) Committee on standards in public life.

2.4.1.1 Privatisation

As well as looking to reform local government, the Conservative Government first elected in 1979 also embarked on a programme of privatising the supply and provision of public utility service, i.e. water, gas, electricity and telecommunications.

The aims of privatisation (Dearlove and Saunders, 2000) were to:

- Improve Government finances. Because nationalised industries borrowed to finance new investment, this raised the level of public-sector borrowing and so of Government debt. Once privatised, companies could borrow from the markets without having any effect on the public accounts. Furthermore, proceeds from privatisations could be counted as “negative spending” and so allowed the Government to both reduce borrowing and reduce spending;
- Increase efficiency. With the prevailing economic wisdom being that firms operating in competitive markets tended to be more efficient than those

in a monopoly position, it was the view of the Conservative Government that privatisation would expose monopolistic public sector industries to competition and therefore force efficiency gains. Dearlove and Saunders (2000:530) pointed out that British Gas was sold in 1986 as one big, monopolistic company, rather than being broken up into smaller firms, and from then on the Government talked less about the competitive benefits of privatisation whilst emphasising that private ownership itself made companies more efficient, even if they remained monopolies.

- Reduce union power. By the late 1970s, some of the most powerful unions were in public sector industries, industries which provided both basic and essential services and or were monopolistic, meaning that Governments lacked alternative suppliers when unions did take action. Privatisation offered an opportunity to weaken these unions by ending the possibility of state subsidies to pay for additional demands.
- Improve the quality of management. Nationalised industries had been used by successive Governments as part of their macro-economic policy: in times of increasing inflation, Governments would prevent industries from increasing their prices; conversely, they could force industries to raise prices so that they could repay debt to the Exchequer; nationalised industries could be forced to buy from domestic suppliers even when overseas suppliers were offering cheaper or better products; and nationalised industries could be pressed to keep open uneconomic plants in politically sensitive parts of the country. The aim of privatisation was to de-politicise the management of these industries and so enable them to run on strictly commercial principles.

Wolf (2008) summarised the benefits of privatisation as introducing competition into the newly privatised industries, as in the case of telecommunications, or as a way of allowing "...essential activities to escape from the dead hand of Treasury curbs on public investment". Private finance was more expensive but at least investments were being made. In Table 2.1 below the author sets out

details of the main utility privatisations that were carried out between 1984 and 1991:

Table 2.1: Privatisations 1984-1990		
Date	*Company*	*Regulator*
Nov 1984	British Telecom	Ofcom
Dec 1986	British Gas	Ofgem
Dec 1989	Regional Water Companies	Ofwat
Dec 1990	Electricity Distribution Companies	Ofgem

The Government's privatisation policy, particularly with regard to the public utility companies, had implications for the relationship between the utilities companies and the local highway authorities. Marvin and Slater (1997) set out these implications and the impact that it has had for "holes in the road". They suggest that privatisation has resulted in a number of tensions between utility companies and highway authorities.

- Transaction costs to the privatised utility companies arising from their use of a 'public good' in the form of road space.
- Sharing out the limited space under the highway amongst companies competing in the same market and providing the same service.
- "Blocking" behaviours by the more established utility companies with little motivation or incentive to work with competitors.
- Opportunities for innovation by (i) utility companies as they integrate horizontally and provide several utility services in a localised area; and (ii) by central and local government in managing the highway network.

2.4.2 Local Government under Labour (1997-2010)

Labour came to power in 1997 committed to not changing Conservative spending plans for at least two years and to no new tax increases. However, in 1999, the Office of the Deputy Prime Minister (ODPM, 2005) published an assessment of local government's weaknesses. They concluded that local government was seen as being 'paternalistic', where elected members and officers decided what services were to be provided on the basis of what suits them as provider, and where authorities operated on an old, effectively nineteenth century, framework with "modernisation", e.g. CCT, grafted on. A further criticism of the framework was that it relied on a committee-based system, which was perceived to have a "behind closed doors" ethos.

There was also a perception that local authorities relied more on increasing spending and taxes rather than looking to get more from existing resources, and that services were delivered poorly by inflexible and demoralised staff.

In addition, changes were identified in the environment in which local authorities operated, with turnout at elections being low – in general elections the UK averaged 74%, whereas, for example, Denmark averaged 80%; turnout in UK general elections since 1997 has averaged just over 60% (House of Commons Research Papers 01/54 and 05/33), and voting did not take into account "life mobility", where people moved more frequently and often did not live where they worked.

In their White Paper entitled "Modern Local Government: In Touch With The People" (DETR, 1998a), Labour identified a number of policies to tackle these weaknesses. Part of their approach in the White Paper was to place on councils a duty to promote the economic, social and environmental well-being of their areas and to strengthen council's powers to enter into partnership. As well as being service providers, councils were to become "community leaders".

A central theme of Labour's reforms was that of enhancing the responsiveness of services to users. In 1998, there was a re-launch of the 'Citizen's Charter' entitled "Service First", which included a specific requirement to consult and involve users of public services. According to Barnett (2002), this could be interpreted as a continuation of the Conservatives' "consumerist" stance, with their attempts to make the public sector more market-like, and builds on the setting of standards of service embodied in the 'Citizen's Charter'.

"Best Value" extended the theme of consultation with service users by requiring councils to have an on-going programme of service reviews, and the publication of local performance plans, both of which increased the use of performance indicators and inspection regimes. Whilst CCT was unambiguous about what was required – issue of tender, receipt of tender, selection of provider – "Best Value" was more difficult to define. The notion of "Best Value" prior to implementation was enshrined within the consultation document "Modernising Local Government - Improving local services through best value" (DETR 1998c), which set out four defining elements of Best Value:

1. The duty to secure economic, efficient and effective services continuously (the '3 Es').
2. Service reviews within which the authority must demonstrate that in the fulfilment of their duties under "Best Value" they have compared their service provision with that of other private and public providers, consulted with local business and community, considered competition in provision; and challenged the reasons for, and methods of, provision (the '4 Cs').
3. A regime of audit and measurement of performance, with the broad expectation that, year-on-year, costs would reduce and quality would increase. Performance would be monitored locally through "Best Value" Performance Reviews (BVPRs), partly through adherence to locally and statutorily determined "Best Value" performance indicators (BVPIs), and disseminated annually through Performance Plans (BVPPs).

4. Consequence of performance: Government intervention in cases of “Best Value” failure, and reward in cases of success.

Table 2.2 below sets out the Transport BVPIs currently in effect:

Table 2.2: Transport BVPIs

BVPI No.	Description
99a	Number of people killed or seriously injured in road traffic collisions
99b	Number of children (aged under 16) killed or seriously injured in road traffic collisions
99c	Number of people slightly injured in road traffic collisions
100	Number of days of temporary traffic controls on traffic sensitive roads
165	Percentage of pedestrian crossings with facilities for diabled people
178	Percentage of total length of rights of way that are easy to use by the general public
187	Percentage of the general footway network where structural maintenance should be considered

source: Kirklees Metropolitan Council, "Council Performance Plan 2007/2008"

Labour’s concerns about the declining levels of political and civic activity were addressed through its proposals for “democratic renewal”. This was partly derived from Labour’s adoption of the “Third Way”, where inclusion into the mainstream of society is to be gained at a price: there are to be no rights without responsibilities. Barnett says that these reforms were intended to address the role of councils as both objects and promoters of “democratic renewal”, galvanising public interest by creating new political structures such as directly elected mayors, new forms of political executives, and the creation of “cabinets”.

According to Bevir and Rhodes (2003) the way in which the incoming Labour Government recognised the need for new policies in response to the dilemmas highlighted by “Thatcherism” – welfare dependency, state “overload”, inflation, and globalisation – whilst maintaining a social democratic vision. In coining the term the “Third Way”, Giddens (1998) argued that the growth of economic and political internationalisation, combined with much greater social diversification, and had undermined the ability of the traditional state to promote or control social and economic outcomes. He contended that rigid hierarchical state structures, often associated with Weberian models of bureaucracy, were

incapable of meeting aspirations or fulfilling the needs of an increasingly heterogeneous society. According to Giddens (1998:27), the election of Tony Blair as prime minister in 1997 confirmed "...the failure of socialism as an economic structure of management ... and the failure of Thatcherism, and neo-liberalism more generally." The "Third Way" was an attempt to resolve a crucial dilemma for the new Labour Government – how to accept some of the key reforms introduced by Thatcherism while not turning its back on the idea of the welfare state.

The notion of a "Third Way" advocated neither bureaucracy nor markets but rather networks based on trust, The "Third Way" was influenced by the idea of a society of stakeholders, where the state formed partnerships and networks between a range of groups in society, including businesses, employees, and voluntary and public sectors.

These pressures lead to a transformation in the management of public-sector organisations, moving from traditional bureaucratic systems of public administration to a more market-oriented results-driven system of public management (Horton, 2003). This management revolution was widely described (Lane, 2000; Pollitt, 2003) as being "new public management" (NPM), which featured a number of elements, including a shift in the focus of management systems and efforts from inputs and processes towards outputs and outcomes; a shift towards more measurement and quantification, especially in the form of systems of 'performance indicators' and 'standards'; and a widespread substitution of contracts (or contract-like relationships) for what were previously formal, hierarchical relationships.

2.4.3 Local Government under the Coalition Government (2010)

Glasman (2010*)* suggested that the financial crash of 2008 intensified the general perception of policy failure by New Labour as social problems had proved more durable than anticipated. According to Glasman (2010), it was against this context of perceived policy failure, financial constraints and political

disenchantment with state-drive social democracy that David Cameron, leader of the Conservative party, outlined in 2009 his notion of the “Big Society”.

Glasman (2010) identified four components to the “Big Society”:

1. *Civic responsibility*, including volunteering and an active sense of community;
2. *Social entrepreneurs* – people whose work it is to strengthen society, where limited funds have been made available from dormant bank accounts to support initiatives or make-up shortfalls;
3. *Mutualisation of public services* – where emphasis is placed on generating common solutions to problems, and where communal self-help compliments individual self-help;
4. *Radical localism* – particularly with regard to civic government through a significant increase in civic autonomy.

The general election in the United Kingdom in 2010 produced a ‘hung parliament’, with no party having overall control. The Conservative party (306 seats, 36.1% share of the vote) had the most number of seats and largest proportion of the vote, and eventually formed a coalition Government with the Liberal Democrat party (57 seats, 23% share of the vote). The Labour party had 258 seats (29% share of the vote), with other parties having 28 seats (11.9% of the vote).

The Coalition Government, through the Cabinet Office, issued a “manifesto” in May 2010 entitled “The Coalition: our programme for government”, in which was set out the policies that the two parties in the coalition had agreed. In the Foreword (Cabinet Office, 2010:7) the prime minister and deputy prime minister noted that:

> *“...the days of big government are over; that centralisation and top-down control have proved a failure”.*

On the future of local government, the Government stated (Cabinet Office, 2010:11) that its intention was to:

> *"...promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals."*

In reviewing the first year in office of the Coalition Government, Lowndes and Pratchett (2012) suggested that the Government's programme had to be viewed against the need to address the country's budget deficit and national debt that had occurred during the global financial crisis, increased public spending, and the previous administration's decision to take a share in a number of banks to ensure that they did not collapse. To address this, the Government set out its intention to eliminate the structural budget deficit by 2015, and measures taken to do this included cutting public spending, including a 27% cut in the Department for Communities and Local Government budget for local government over the period to 2015, and a two-year pay "freeze" for public sector workers earning more than £21,000 per annum.

However, in addition to addressing the public finances, the Government has set "localism" (Wilson and Game, 2011) at key feature of its strategy for local government, and its Localism Bill proposed the abolition of a range of large scale planning functions which, according to the Government, had blocked economic and social development, and included the abolition of Regional Spatial Strategies. The Bill also abolished the Standards Board which had regulated the activities of elected councillors. Alongside the Bill, the Coalition also announced the abolition of the Audit Commission and winding up of its performance framework, with Comprehensive Area Assessments no longer being the principal measure of local governance performance. The Place Survey, which collected and compared information on 18 National Indicators, was also to be scrapped and, instead, local authorities and other public bodies would be expected to develop their own performance measurement and reporting mechanisms, focusing on those issues which their communities want

rather than centrally defined or prescribed metrics (Lowndes and Pratchett, 2011).

2.4.4 Corporate Governance

As well as direct reforms to the roles and functions of local government, central Government, both Conservative and Labour, instituted reforms to the corporate governance of private and public sector organisations.

According to Dignam and Lowry (Mostovicz *et al*, 2011) corporate governance can be conceptualised as a set of processes, customs, policies, laws and institutions affecting the way a corporation is directed, administered or controlled, and its purpose is to influence directly or indirectly the behaviour of the organisation towards its stakeholders. This includes institutional settings such as terms of reference, articles of association, and other regulations that may affect the organisation in question, and the institutional monitoring instruments such as regulatory bodies, committees and boards, and auditors (Cadbury 1992). Privatisation of governance, which also involved market liberalisation and deregulation, can impact on the scope of activities, opportunities and threats faced by an organisation. Privatised organisations are governed by private institutional bodies.

Within the United Kingdom, alongside the privatisation programme there has been a reform of corporate governance for private-sector forms, driven in part by the need for uniform practices across the European Union. The broad aims of corporate governance reform included (Dunlop, 1998) creating a framework for the control of large, powerful companies whose interests might not coincide with the national interest, ensuring that companies are answerable to all stakeholders, not just to shareholders and ensuring that companies behave in a socially responsible way.

2.4.4.1 The Cadbury Report

The Cadbury Committee (the Committee on the Financial Aspects of Corporate Governance) was established in 1991 as a non-government-appointed commission in order to address a lack of confidence in financial reporting. The Committee's aims, founded on a narrow remit of the financial aspects of corporate governance, were to put forward practical ways of raising financial control and reporting standards, which could then be put into effect without the need for legislation.

The Committee reported in 1992 (Report of the Committee on the Financial Aspects of Corporate Governance) and published a code of practice that included recommendations for:

- The conduct of the board of directors, including the need for regular meetings and the division of roles and responsibilities between chairman and chief executive.
- The board should comprise a significant number of non-executive directors who are independent of management and from any relationships within the company.
- The contracts of executive directors not to exceed three years without shareholders' approval, and total emoluments to be subject to the recommendations of a remunerations committee.
- The board to have a duty to present a balanced and understandable assessment of the company's position.
- Directors should report on the effectiveness of internal controls and that the business is a going concern.

2.4.4.2 The Greenbury Committee

Following particular concern regarding the pay levels at the top of privatised utility companies, and an increased concern generally with issues of inequality, the Greenbury Committee was appointed to review the arrangements for paying directors and to make appropriate recommendations. The Committee reported

in 1995 and compliance with its recommendations was made a listing requirement with the London Stock Exchange.

One of the key Greenbury recommendations was that the remuneration committees, established as part of the “Cadbury Code”, should consist entirely of non-executive directors “with no personal financial interest other than as shareholders in the matters to be decided”. This caused considerable adverse comment from some public company chief executives, who had regarded it as their responsibility to fix the pay of other directors, and that moving this responsibility to non-executive directors would weaken the position of the chief executive (Dunlop, 1998).

2.4.4.4 The Nolan Committee

Where the Greenbury Committee looked at issues of governance in the private sector, the Nolan Committee (Nolan Report, 1997) recommended that the Government draw up a statement of general principles of conduct for local authorities, particularly with regard to the conduct of members. The main recommendations were that each local authority should adopt a code of conduct based on a model reflecting these principles and that each authority should appoint a standards committee with powers to recommend disciplinary action by the council for breaches of the code, including suspension for up to three months.

The main differences between the Nolan recommendations and Government legislation described above was in the role of local authorities, where the Government recommended that local authorities should have at least one independent member on the standards committee from outside the council; and that the main responsibility for enforcing standards was placed with a new national body, the Standards Board. However, the Coalition Government have included a provision in their Decentralisation and Localism Bill to abolish the Standards Board for England (Wilson and Game, 2011).

2.5 Chapter Summary

This chapter has shown the development of local government in England, and the development from covering relatively small geographic areas to larger municipalities. The functions of local authorities have also changed over time, moving from the direct provision of services for collective needs, including public health and welfare, to providing services that the private sector either could not or would not provide. Whilst the local government framework has changed from it being a wholesale provider of services to, today, being more of a facilitator or commissioning body, local authorities do retain certain statutory powers and duties and, with regard to 'highway works', have a dual role to perform – that of (1) a promoter of works to maintain the highway network, and (2) of a 'street authority' with a duty to co-ordination the activities of all works promoters and to ensure compliance by promoters with the regulations issued under legislation.

Alongside the changes in the nature, extent and complexity of services delivered by local authorities has developed the notion of the "post code lottery", where local discretion within a local authority and between local authority areas has been identified. The literature has identified how the notion that certain uniform standards should be expected in the quality and provision of local authority services across the county is at odds with the literature (Dearlove, 1973; Burns, 2000) which suggests that uniform provision of services differs not only between local authorities and also within local authorities. The extent to which such discretion happens links to other parts of the literature review for this thesis, particularly around the areas of inter-organisational collaboration and policy implementation, where the discretion of the actors involved has been shown to have an effect. This is an important point for this thesis, which seeks to examine the reasons for differences between local authorities in the implementation of central Government legislation.

The "mix" of services delivered or procured by local authorities has changed considerably since the establishment in the nineteenth century of today's form

of local government. Whilst the legislation relating to ‘highway works will be discussed more fully in chapter 3, it is worth noting here the change in categorisation of local authority highway functions – from *convenience* (under Redcliffe-Maud and Wood, 1974) to *amenity* (under Wilson and Game, 2006). Prior to the mid to late nineteenth century, highways and bridges were a means of moving people and good; from then on they also became the conduit for underground utility supplies, with the number of utilities being provide expanding from water, lighting and heating to also including telecommunications and digital technologies, all then forming part of an authority’s strategic plan.

The literature has shown that central Governments have had a significant impact on the structure, operation and functions of local authorities, and have used local government as a direct instrument for implementing political ideologies. This has included legislation to devolve powers to parliaments and assemblies at a sub-national level. As a consequence, legislation relating to ‘highway works’ is applied differently in the different countries that make up the United Kingdom, with this thesis focussing on the legislation that applies in England.

Also included in central Government reforms was the notions of citizens as customers who should be able to expect certain standards of service, and who could be expected to play a part in the future role of, and services provided by, local authorities. This has a relevance to this thesis because it demonstrates the identification of members of the public as consumers of services delivered by public-sector organisations, and also established that such consumers had expectations of minimum standards. Much of the more recent developments in legislation relating to ‘highway works’ has recognised the need to keep people – residents, businesses and the travelling public – informed about works on the highway. The standards that customers could expect were set down in charters, and this established a basis for organisations setting-down in writing the nature of non-contractual relationships between them. Again, this links to the literature discussed later regarding inter-organisational relationships and policy

implementation, where these charters and their contents would need to be drawn-up by people within the relevant organisations who had a shared understanding of each other's goals and expectations.

In addition to central Government reform of local government, this chapter has examined Government privatisation programmes, where state-owned industries, including utility companies, were sold-off into private ownership under the argument that opening them up to commercial pressures and private-sector thinking would lead to increased efficiency (as well as reducing the cost to the tax-payer.) This move significantly increased the number of organisations entitled to carry out 'highway works', the complexity for local authorities of co-ordinating all of the separate activities and managing the effect on the highway network as a consequence of demands for road-space to carry-out the works.

Government reforms have not been limited to the role and functions of local authorities as deliverers and/or providers of services, they have also redefined the role of elected members – now identified as being leaders of their communities – and the structures in which they operate. Both of the councils in this study have adopted an executive Leader/Cabinet model for policy and decision-making, replacing the traditional service committee structure. The literature has identified that this arrangement can result in non-executive elected members being less informed about subjects than was previously the case with the old committee system. The research carried out for this thesis will show that consequences arising from these changes include a re-orientation of where local councils' discuss highways issues and an impact on the level of knowledge of elected members.

The chapter also examined the roles, responsibilities of members and officers in local authorities, the relationship between them, and how this has influenced policy, policy-making and implementation. The literature has established that there is a convention that elected members make policy, which officers then implement. It has also indicated that the reality is not so clear cut – with policy

being made in implementation, the implementation influences policy, and officer advice influences policy. It is important here to note a distinction between policy-making and policy-maintenance, where in reality elected members are more likely to be involved in the latter than the former, particularly with regard to the implementation of central Government public policy. This is discussed in detail in chapter 4.

The literature described the changes to the administrative structure of local authorities as a response to the growth of the public-sector, partly as a result of the influence of large departments within authorities, often run by professionally-qualified officers. It is still the case that within local authorities the 'highways service' function tends (1) to have a large proportion of staff and managers with civil engineering qualifications that (2) deal with the technical complexities of designing and delivering schemes and the legislation surrounding the execution and co-ordination of those works on the highway. This has implications for the way in which elected members are able to engage with, and officers' influence on the direction of the service. This influence by officers then links to the literature discussed in chapters 4 and 5 regarding the extent to which the discretion of officers can affect policy implementation and inter-organisational collaboration.

Chapter Three – Legislation Relating to Highways and Works

Chapter 2 set out the legislation that has shaped and reformed the roles and functions of local government in England, and that of the environment in which it has operated.

This chapter will look at how the functions of the highway network have developed over time, from being a way of facilitating travel and trade to now providing a surface over an underground network of utility pipes and cables and being an asset and integral part of a local authority's plans for economic and social development. The changing function and purpose of the highway network has also resulted in "tensions" between local authorities, which have the responsibility to administer 'highway works' legislation, and utility companies, which are now mainly private-sector organisations, wanting time and space to work in highways to install or maintain their apparatus, with new technologies bringing with them an increased number of organisations needing to work in the highway. These "tensions" and relationships between local authorities and utility companies are also explored in this thesis.

This chapter will also examine the main changes relating to the responsibility for the maintenance of highways, the ways in which maintenance is funded, and the legislation relating to the execution of works in the highway by local authorities and utility companies. Concerns expressed by central Government about the delay and disruption to traffic, and subsequent cost to both the local and national economy, have resulted in two significant pieces of legislation – the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 – that form a focus for this thesis.

In Table 3.1 below, the author has summarised and set out the legislation that successive central Governments have introduced relating to local government and the maintenance of highways, and regarding ownership and provision of utility services:

Table 3.1: Summary of Legislation and Commissions on Local Government, Highways and Utilities

Local Government Legislation	Year	Highways and Utility Legislation
Municipal Corporations Act	1835	Highways Act
	1847	Gasworks Clauses Act; Waterworks Clauses Act
	1862	Highways Act
	1863	Telegraph Act
	1875	Public Health Act
	1878	Highways and Locomotives Amendment Act
	1882	Electricity Supply Act
Local Government Act	1888	
Local Government Act	1894	
	1925	*first joint highway authority & utilities committee*
Local Government Act	1929	
	1938	*Carnock Committee*
	1950	Public Utilities and Street Works Act
Local Government Commission	1958	
Royal Commission (Redcliffe-Maud)	1966	
Local Government Act	1972	
	1980	Highways Act
	1984	*privatisation of BT*
Local Government Act	1985	*Horne Commission*
	1986	*privatisation of British Gas*
	1989	*privatisation of regional water companies*
	1990	*privatisation of electrricity distribution companies*
	1993	New Roads and Street Works Act
Local Government Act	1999	
Local Government Act	2000	
	2004	Traffic Management Act
	2008	Transport Act
Localism Act	2011	

As mentioned in chapter 1, this study is examining ‘highway works’ which include ‘roadworks’, which are carried out by local authorities, and ‘street works’, which are carried out by utility companies.

The current situation is that both elements of ‘highway works’ are regulated by the same two items of legislation, namely the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004. ‘Roadworks’ are carried out by the public sector, via local authorities, and ‘street works’ are carried out by the private-sector companies. In addition, local authorities also have a role in implementing the legislation to co-ordinate all works on their highway network, and ensuring compliance by the utility companies.

But this arrangement was not always the case, and the following sections set out how both the legislation and how the relationship between the “local” council, as an authority with duties and powers, and those organisations carrying out works on the highway has changed and developed over time.

3.1 Developments in Highways Legislation

Parishes had been responsible for keeping their local highways in repair since the reign of Henry VIII, and there has been a succession of “Highways Acts” designed to set out and delineate the responsibilities of local officers and those persons wanting to work on or in them. The main Highways Acts and associated legislation and their provisions are:

3.1.1 Highways Act 1835

The Highways Act 1835 made changes to the administration of highways, and from 1836 each parish appointed a surveyor, and was empowered to make a rate to keep the roads under its control in good order. The surveyor could be convicted and fined by the county justices for failing to keep the highways in repair. The 1835 Act also changed the law, with new roads not being declared highways, and therefore repairable by the parish, unless they met certain criteria.

3.1.2 Highways Act 1862

The Highways Act 1862 enabled justices of the peace of a county to divide the county into Highway Districts consisting of a number of parishes. This was done by means of a provisional order confirmed by the Quarter Sessions, which listed the parishes to be grouped together, the name to be given to the district and the number of “waywardens” to be elected by each parish. The authority governing the highway district was entitled a highway board and the membership of the board consisted of one or more members elected annually and known as “waywardens”. The highway board took over the property and liabilities of the parish surveyors in its district, appointing a clerk, treasurer and district surveyor.

The costs of the administration were paid by a rate levied on the district, although the cost of repairing highways was still chargeable as a Highway Rate to individual parishes. There was no compulsion for districts to be formed, and some parishes continued to separately maintain highways until 1894.

3.1.3 Highways and Locomotives Act 1878

The Highways and Locomotives Amendment Act 1878 created a new class of highway - the “main road”. The Act provided that all former turnpike roads that had become public highways since 1870 were designated as “main roads”. Other main roads were to be those between "great towns" and those leading to railway stations. In addition any other highway could be declared a “main road” by the justices of the county in quarter sessions. Half the cost of maintaining main roads was to be borne by the county at large.

3.1.4 The Local Government Act 1888

The Local Government Act 1888 passed responsibility for “main roads” to the new county councils, who were to bear all of the cost of their upkeep. The highway boards continued to have responsibility for highways other than main roads. The Local Government Act 1894 passed all the powers, duties and liabilities of existing highway boards, highway authorities or surveyors to the newly created rural district councils. Rural district councils continued to exercise these powers until 1930, when the Local Government Act 1929 transferred responsibility for rural highways to county councils.

3.1.5 Public Utilities Street Works Act 1950

The Public Utilities Street Works Act 1950 (PUSWA) was enacted in October 1950 to enact uniform provisions for regulating relations between “street authorities”, usually the local council, and organisation, usually utility companies, having statutory powers to place and deal with apparatus on or in the highway. The Act introduced the concepts that while utility companies had a statutory right to excavate the highway to install or maintain their apparatus,

they should first give notice to the relevant street authority, with longer, advance notice being required for “major works”.

3.1.6 New Roads and Street Works Act 1991

The New Roads and Street Works Act 1991 (NRASWA) was a result of the “Horne Report” (1985), which had reviewed PUSWA in the light of the fragmentation of the provision of utility supplies as a consequence of privatisation, and of the expansion of types of utility services provided, particularly following the emergence and development of information and communication technologies.

NRASWA came into force on 1 January 1993 the purpose of the new Act was to address the need to balance utility companies working in the highway, providing a service to their customers, with the potentially conflicting interests of the highway user. One of the most important elements of the new ‘street works’ legislation was the duty on street to co-ordinate all works in the highway, and included a parallel duty on all undertakers to co-operate in this process. NRASWA set out the objectives of this co-ordination function as being: to ensure safety; to minimise inconvenience to people using the highway, including a specific reference to people with a disability; and to protect the structure of the highway and apparatus in it.

NRASWA introduced a range revised works types, with different notice periods required for different types of work, and provided for local authorities to make a daily charge on utility companies for each working day of overrun on the agreed duration of ‘street works’. These overrun charges did not apply to the authorities’ own ‘works for road purposes’.

3.1.7 Traffic Management Act 2004

The Traffic Management Act 2004 (TMA) came into effect on 1 April 2004, and was intended to tackle congestion and disruption on the road network. The Act placed a duty on local authorities with responsibility for traffic to ensure the

expeditious movement of traffic on their road network and those networks of surrounding authorities, and gave authorities additional tools to better manage parking policies and moving traffic enforcement, which resulted in the transfer of parking enforcement from being a police function, via traffic wardens, to local authorities to be carried out by civil parking enforcement officers.

The TMA significantly revised the arrangements for noticing between local authorities and utility companies, increasing notice periods for all types of work and introducing fixed penalty notice (FPN) fines in order to improve the quality of notices and information contained in them. However, FPN fines were not payable with regard to noticing for authorities' own 'works for road purposes'.

Under the TMA, the Government introduced regulations to allow local authorities to develop permit schemes, which could be applied to certain or all classes of road in an authority's area. The purpose of permit schemes was to minimise delays arising from works on the highway, and also to allow local authorities to tackle issues specific to their area relating to the execution of 'highway works'.

There were three broad classes of permit schemes available (DfT, 2010):

- *Single-authority schemes* covered some, or all, of the road network managed by an individual highway authority. This option was the most flexible, allowing a permit scheme to be designed around the specific needs of particular areas and authorities. However it did not allow smaller authorities the efficiencies of scale of other options, and for this reason the schemes were therefore likely to be most appropriate for larger authorities, whose road networks spanned whole conurbations or sub-regions.
- Under *common schemes* a group of authorities, usually covering a particular area or sub-region, agreed to implement functionally identical permit schemes, which were then managed separately by the individual authorities. This intermediate option offered authorities some flexibility to

decide how best to deploy resources within their areas, and allowed for important efficiencies in scheme development, management and monitoring. However, local authorities working to a common scheme could find it less easy to adapt common permit schemes to their specific and particular needs, or to agree changes following implementation. These types of scheme were considered to be most appropriate for sub-regional or regional groups of authorities, whose networks were distinct in character from each other.

- The final option was *a joint scheme*, in which a group of authorities agree to implement a single scheme, managed and run centrally on behalf of them all. This option was likely to deliver the greatest possible efficiencies in administration and the most seamless service to works promoters and to the public. Local authorities under a joint scheme would need to deliver and resource a defined standard of service that will apply throughout the area covered by the joint scheme. Joint schemes are likely to be most appropriate for groups of neighbouring authorities, of any size, whose road networks are of a broadly similar character.

Local authorities had considerable flexibility, within these categories, to design schemes that addressed particular local needs. For example, in all classes of scheme, permit fees could be applied to all roads at all times, or to particular defined roads and/or at specific times. Discounts on permit fees could be applied, for example where works promoters showed they were applying best practice and/or achieving greater co-ordination.

3.1.8 Transport Act 2008

The Transport Act 2008 introduced a statutory requirement for local transport authorities to produce a Local Transport Plan (LTP) every five years, and to keep it under review, and to produce a new LTP every five years. Prior to February 2009, in the six metropolitan counties (Greater Manchester, Merseyside, South Yorkshire, Tyne & Wear, West Midlands, and West Yorkshire) outside Greater London the duty to produce the LTP was shared

between the metropolitan district councils and the Integrated Transport Authority (ITA), which replaced the Passenger Transport Authority. Since February 2009, ITAs have had sole responsibility for producing the LTP.

The Government (DfT, 2009) recognised that good transport was a vital factor in building sustainable local communities by contributing towards:

- The achievement of stronger and safer communities
- Healthier children and young people
- Equalities and social inclusion
- Environmental objectives
- Better local economies

The Act removed the requirement for a separate bus strategy but highlighted that local bus travel would continue to be a key element of LTPs, and contained a number of changes that gave local authorities improved powers to influence the provision of bus services in their area. Punctuality was identified as a key issue for bus users, where the work of local authorities on traffic management issues was seen to have an important effect on the ability of bus services to run on time.

3.2 Government Policy on Roads

The Government's current roads policy is set out in two main documents, "Managing Our Roads" (DfT, 2005) and "Roads – Delivering Choice and Reliability" (DfT, 2008). Both of these documents were created under the Labour Government and have not been superseded by a Coalition Government policy.

"Managing Our Roads" (DfT, 2005) was part of the Government's 10-year transport strategy, and considered the challenges faced by the United Kingdom in providing opportunities for people to travel whilst at the same time taking into account the impact on the environment.

The report described the importance of road transport, and that both road freight and car travel had risen over time, with car journeys dominating road travel. This reflected factors of *convenience* – allowing door-to-door travel in an environment controlled by the car occupants – and *cost* – with both cost of car ownership and cost per mile having fallen relative to incomes. Roads are also the dominant means of freight transport, for reasons similar to those for cars – convenience and cost. The report identified that:

- Car ownership was increasing and that people were travelling further, both for employment and leisure, often influenced by the policies in the 1980s and 1990s that addressed housing and shopping centres, including "out-of-town" developments. Managing the projected increased demand was identified as being crucial.
- Alternatives to private car usage were being actively promoted by the Government. This was to be delivered by: (i) having services closer to users, to reduce the need for people to travel and increased the range of travel options available; (ii) having plans such as school travel plans, car sharing, "teleworking" schemes, cycle and bus lanes that would help to reduce car traffic; and (iii) investing in public transport to ensure that people were able to make choices about the journeys they needed to make, and linking this to the concept of integrated transport systems.
- Tackling congestion would be helped by the measures described above but they would not solve the problem. This lead the report to identify further areas where further effort was to be directed, including:

Managing the existing network was seen to be a key step in tackling congestion, and the Government identified the need for effective management of 'roadworks' and 'street works' by utility companies.

Other areas included dealing promptly with incidents and collisions which caused delays, and the Traffic Management Act 2004 introduced uniformed Traffic Officers, working under the direction of the Highways Agency, to deal

with incidents on motorways and trunk roads, and the provision of information, particularly real-time information, to road users about public transport and road conditions was also identified as being an important element in tackling congestion.

More controversially, the report acknowledged that, particularly with regard to urban congestion, due to the layout of towns and cities, there was little scope for providing additional road capacity. In inter-urban areas there was seen to be the possibility of providing additional road capacity but that continued road-building was not considered to be a long-term solution. Where new capacity had been provided, arrangements needed to be put in place to prevent that new capacity from filling up too quickly. A possible solution identified was the use of road pricing, to allow motorists to make more informed choices about how and when they travelled. Possible road pricing arrangements included a geographic-charging scheme, such as in London, where motorists have to pay to enter an area; toll roads; and payment for use of existing capacity, such as lorry road user schemes.

When looking specifically at 'highway works', the report identified two main criticisms: (1) work site where no-one seemed to be working, or where the works were uncoordinated in their timing; and (2) the seemingly endless interruptions to traffic flow from utility companies digging up the road to renew their distribution systems or connect new customers.

Road works, carried out by local authorities to maintain the highway network, were accepted as being necessary but needed to be carried out in such a way so as to minimise the impact on traffic. In order to ensure this, the Government required all local authorities to take account of road users in their five-year maintenance strategies. Authorities also had a role in managing the 'street works' carried out by utility companies, and by applying measures in place to improve 'street works' could also drive up their own road works performance.

It was acknowledged in the report that while privatisation and deregulation of utility operations had brought benefits to customers, it had also created a situation where different companies were digging up the same stretches of road at the same time, or in quick succession. In some areas, including the City of London and Kirklees, strong co-ordination measures were in place to agree plans to meet the needs of utility companies and road users, but these were seen to be the exception rather than the rule.

The position in 2008, when "Roads – Delivering Choice and Reliability" was published, was not much changed: the number of journeys on the highway network was increasing, that congestion had a negative effect on journey times and reliability, with environmental and economic implications. The solutions included alternatives to private car usage and the need for local authorities to managing the highway network, including the management of their own works and those by utility companies. By this time, the Government was encouraging local authorities to apply to operate permit schemes, as outlined above in 3.1.7.

In 2009, the Government held a summit about 'street works'. In the "Street works summit: report and action plan" (DfT, 2009), the Minister of State for Transport said that:

> *"Tackling the unacceptable disruption on our streets caused by road works is my number one priority as Minister for Local Transport" (DfT, 2009:3).*

While 'street works' were said to be clearly necessary, the level of unnecessary disruption caused by them was too high, estimated as costing the economy as much as £4.2 billion each year. The summit included practitioners from local authorities, utility companies and their contractors, and the report concluded that everyone needed to "...up their game considerably" if public expectations on the management of 'street works' were to be met. The summit identified four areas for improvement:

1. Good practice, where initiatives had been driven by individuals who had challenged the *status quo* and demanded change in how activities were

carried out. An example was the shift towards first-time permanent reinstatement of openings, which benefited road users by reducing return visits and reduced the costs to utility companies. The summit identified the need for examples of good practice to be shared across the industry.

2. Better planning and co-ordination. While the focus of the summit was on utility 'street works', there was recognition that local authorities' own works also needed to be better planned and co-ordinated, so that the impact on road users was fully considered and minimised. To this end, it was agreed that authorities and utilities should make greater efforts to plan their works well enough in advance so that they could be co-ordinated.
3. Informing road users. There was general agreement that information currently being provided was below expected standards, with little or no information to pedestrians and other road users about works and when they were expected to start and finish.
4. Utility regulators. There was concern that some of the DfT's desired policy outcomes did not align with those of the various utility regulators. For example, regulators did not appear to consider the economic impact on a community of doing works as cheaply as possible, which could, in some cases, mean greater traffic disruption. In other areas, for example the Environment Agency, there had been more success in persuading that regulator to take account of wider social impacts. In addition, utility regulators focussed on reducing overheads and the prices paid by utility customers. This was seen by utilities as limiting options to them to reduce the traffic disruption caused by 'street works' unless the DfT worked with regulators to take wider impacts into account.

In order to demonstrate whether or not improvements were being made, for 'roadworks' as well as 'street works', the report stated that the industry sector needed to do a better job of capturing and sharing data on performance so that everyone, especially the public, could take an informed view on whether things were improving or not. The report then recommended that a simple scorecard

should be developed to include measures of planning, timeliness, and road performance (DfT, 2009). At the time of writing, a working group of HAUC(UK) has prepared an advice note on these “TMA Performance Indicators”, and the companies responsible for managing the proprietary software, used within the industry sector for the electronic exchange of notices between works promoters and street authorities, have agreed a common standard for data extraction. Data extraction and reporting to DfT commenced in October 2011.

3.2.1 Permit Schemes

Permit schemes provide a new way to manage activities in the public highway. They were introduced by Part 3 of the Traffic Management Act 2004 (TMA) to improve authorities’ abilities to minimise disruption from street and highway works. Permit schemes provide an alternative to the ‘notification system’ of the New Roads and Street Works Act 1991 (NRASWA). Instead of informing a street authority about its intention to carry out works in the area, a utility company would need to book time on the highway through a permit as would a highway authority for its own works. To reduce confusion and to ensure consistency and better co-ordination, categorisations from key areas of the notice system have been carried over to the permits system.

A permit scheme can be operated by a permit authority. Usually, this would be the highway authority for the streets concerned but it could cover several authorities operating together. Authorities must apply to the Secretary of State if they wish to run a scheme on all, or some, of their roads. Permit schemes are established individually by an Order, in the form of a Statutory Instrument, made by the Secretary of State. The Order contains all the details of the individual scheme including those elements which are required by regulations.

Permit schemes differ from existing powers for managing activities on the street in a number of key respects:

- Rather than informing the authority of the promoters' intentions, they may be envisaged as schemes to book occupation of the street for specified periods and for a specified purpose;
- An authorities' own works are included;
- Conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits; and
- The authority's control over variations to the permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

Under a permit scheme the authority's activities will be treated in exactly the same way with regard to co-ordination and the setting of conditions. Authorities need to ensure sufficient separation between those operating the permit scheme and those responsible for highway activities so that parity of treatment is evident.

A set of Key Performance Indicators (KPIs) have been developed so that permit authorities can show that they are operating the scheme in a fair and equitable way. Authorities are required to report against these and this will feed into the assessment of an authority's performance of its Network Management Duty.

According to DfT guidance ("Permit schemes: decision-making and development (second edition)", DfT, 2010), there are three key questions local highway authorities should try to answer for themselves before taking a decision to implement a permit scheme:

1. What are the nature and scale of the problems in its area arising from works in the highway?
2. Are there ways to tackle those problems that can be introduced quickly, in advance of a permit scheme?
3. Is a permit scheme likely to offer value for money?

Local authorities were required first to understand the nature of the problems in their area, using informal benchmarking of outcomes, management information and processes against those of comparable authorities. It may be that comparable authorities had developed solutions available for at least some of those problems that could be implemented quickly and simply, without the time commitment and costs involved in developing and implementing a permit scheme. The benchmarking process might identify common ground between authorities, and facilitate joint working, including the development of common and joint permit schemes.

Following benchmarking, an authority was asked to consider whether the scale and nature of local problems were such that a transformational solution was needed. It was at that point that authorities should consider a permit scheme.

All local authorities applying for a permit schemes were required to submit a statement of the expected costs and benefits of running their proposed scheme on their networks. However, the DfT recommended that a local authority's consideration of value for money should start well before a decision to apply. The dominant benefit of all permit schemes was expected to be the reduction in unnecessary delays for road users. The dominant cost would be the cost of the additional staffing and facilities necessary for implementation of the scheme. To this end, authorities were asked to start with an outline appraisal that simply compared only one key benefit with one key cost – the expected reduction in delays to road users, set against expected additional staff costs and overheads. If this comparison was strongly positive, decision-makers could feel confident that further development of the scheme was likely to be worthwhile. If the comparison was equivocal or negative, authorities could consider a less costly model of permit scheme – for example, a scheme that enabled them to share more costs with other authorities, or that focused on the roads and times that offered the greatest potential to reduce road user delays. Where the comparison was strongly negative, local authorities were recommended to consider other options for improving the management of works.

3.2.1 Permit Scheme Objectives

Minimising delays to road users was the key objective of a permit scheme. However, while schemes could also be used to help achieve a range of other local authority objectives, authorities were asked to be mindful that setting too many separate additional objectives could lead to a scheme design that lost focus, or that became too complicated to administer. The DfT recommended that no more than three or four specific supplementary objectives, in addition to the headline road user delay objective and the required 'parity' objective should be included in a scheme.

The DfT's list (DfT, 2010) of possible objectives of a permit scheme included:

- Reduction in safety hazards and incidents in and around works sites
- Reduction in the adverse impact of works on local residents
- Reduction in the adverse impact of works on local businesses
- Reduction in the adverse impact of works on disabled people
- Reduction in the adverse impact of work on bus passengers
- Protection of the structure of the street and apparatus within it, in a way that helps manage long-term maintenance costs
- Better information for road users about works in the highway
- Greater compliance with highways legislation by works promoters
- Greater cooperation between different works promoters
- Greater adoption of minimally invasive works methods, and measures to mitigate the impact of excavations (e.g. plating)
- Reduction in the environmental impact of works (less noise, greater cleanliness, recycling of materials etc.)
- Productivity of local authority highway services teams
- Greater road user satisfaction with the management of works

In developing a permit scheme, authorities were required to undertake a wide-ranging consultation, including utility companies, public transport operators, emergency services, health authorities, and community groups. However, it was the view of the DfT that public engagement on a scheme should not be

limited to the formal consultation process. It was considered that “engagement” should be seen as a practical tool for making sure a scheme was the best one possible for the authority’s area, and for maximising its value for money.

A permit scheme would affect everyone who uses roads, but they were of particularly relevance to people responsible for installing and maintaining highways and utilities infrastructure, and their contractors. Works promoters facing permit schemes whose aims, objectives and methods were unclear would, according to the DfT, be justified in having serious concerns about the proposals, and would be more likely to challenge a local authority’s decisions about the scheme and operational decisions made under the scheme. The need to respond to such challenges would involve increased operational costs and would adversely affect the value for money of schemes.

Permit schemes were intended to achieve efficient and considerate behaviour from those planning and executing works. Works promoters were identified by the DfT as being “...the greatest experts on their own behaviour, and the pressures and incentives that affect their behaviour”, so they could be seen as a source of expertise, offering practical knowledge that can help make permit schemes better.

The DfT’s objective was that permit schemes would change the nature of the relationship between works promoters and the permit authority in a more profound way. Works promoters who pay permit fees would become, in effect, the paying customers of the permit authority, and would receive something of value – the right to carry out works in a particular place at a particular time – in exchange for payment. Like other customers buying items of value, they would expect a particular level of customer service in return, particularly in terms of available co-ordination opportunities.

3.3 The Changing Relationship between Roads and Utilities

The Horne Report (Department of Transport, 1985) and Marvin and Slater (1997) described the legislation relating to ‘street works’ up to the implementation of NRASWA. Utility companies are statutorily obliged to provide and maintain a supply or service (electricity, gas, water, sewerage or telecommunications) to the public. These utilities are ‘public utilities’, denoting this public function, even though the companies may be in public or private hands. In order to fulfil the function the utilities were given the statutory right to break open publicly maintainable highways in order to lay and maintain their equipment.

3.3.1 Localisation: 1800s-1930s

Rapid urbanisation and industrialisation was facilitated by the growth of communications networks such as rail, roads and utilities. In the initial stages of development these were built and maintained by an ad hoc patchwork of town councils, private companies and special public boards.

This facility had to be reconciled with the interests of road users and of the highway authorities acting as their guardians. The principle nineteenth century legislation that regulated ‘street works’ included Gasworks Clauses Act 1847, Waterworks Clauses Act 1847, Electricity Supply Act 1882, Telegraph Act 1863 and Public Health Act 1875.

The two 1847 acts contained similar provisions in that they empowered the utilities to break open the street to lay/maintain their apparatus; required them to give notice to the highway authority and work in accordance with plans given to them by the authority; empowered the highway authority to superintend the works; and required the utility to reinstate the street, and empowered the authority to do so and charge if the utility failed to.

Whenever a utility introduced a Private Bill it was necessary to introduce provisions to protect the interests of the highway authority, and these proved to

be the cause of contention. By 1870 local government control over responsibilities such as highways and utilities was characterised by "...a chaos of areas, a chaos of authorities and chaos of rates... the product of a continuous patching-up exercise" (Byrne, 1987:13).

However, by the 1900s a local government structure had been established and local authorities took on more responsibilities and through the process of municipalisation they absorbed many small private utility companies. Prior to nationalisation in the 1940s, 60%of gas and 80% of electricity were supplied by local authorities. The process of “municipalisation” and utility growth also coincided with the growth car ownership and road construction.

The utilities had rights to access the public highway while the highway authorities had the role of street 'guardian'. Arrangements for managing access to road space varied considerably in terms of inspections, notices and planning – generally the utilities would reinstate the road or pay the highway authority to do it. These arrangements were particularly unwieldy because of the requirement every time a new private or public utility bill was passed then the rights of the highway authority had to be re-negotiated.

In 1925 a negotiating committee of highway authorities and utilities was formed to agree a standard form of clause that could be included in future Bills and Orders promoted by utilities. The committee produced drafts of such a clause in 1926, 1928 and 1934 but none proved acceptable, and in 1938 the committee concluded that they were unable to reach any agreement. The Carnock Committee – a joint committee of the two Houses – reported in 1939 that the main bone of contention was financial responsibility for moving or altering utilities’ apparatus as a consequence of a highway improvement scheme. Legislation was recommended to apply a unified code of working to all the utilities and highway authorities, but this was delayed for I0 years due to the outbreak of war and the queue of post-war legislation.

3.3.2 Nationalisation: 1940s-1970s

While the new legislation waited to be enacted, many important changes occurred in the transport and utilities sectors. Urbanisation and utility and traffic growth rapidly picked up and gained momentum, with continued growth after the war. At the sometime local authorities lost control over the motorway and trunk road programme and all the utilities were nationalised, leading to the strengthening of regional and national networks.

The Public Utilities and Street Works Act 1950 (PUSWA) enacted "…uniform provisions for regulating relations as to apparatus in streets between authorities, bodies and persons having statutory powers to place and deal with apparatus therein, and those having the control or management of streets and others concerned in the exercise of such powers…".

The Horne Report (Department of Transport, 1985), reporting in 1985, identified several major problems. Within local authority and utility companies there were autonomies and management hierarchies with differing accountabilities, which had implications for communications and relationships between the organisations. The Report said that experience since 1950 suggested that relationships and individual attitudes within and across organisations "…are not always as good as they could be and may therefore be impeding the efficient management of the industry. The need to establish common management objectives and principles across all these organisations was, continued the report, "...self-evident".

Delays to traffic were reported as being the main concerns of many organisations representing road users, including motorists, freight transport and public passenger transport. In general, the worst cases were reported to be those works interfering with peak commuter flows. In addition, delays were not caused just by the works themselves but also by temporary traffic signals set incorrectly.

One of the greatest concerns of members of the public highlighted in the Report was what they saw as a lack of co-ordination between the utilities, and between the utilities and the highway authority – where after one excavation is finished, someone else comes along.

The Report was one of the first to look at ‘street works’ from the perspective of the cost to the nation, which could arise in a variety of ways, including the cost of the works and they cost of the delays to road users. The Report focused on the direct cost of carrying out works.

Over the next two decades efforts were made to improve the operation of PUSWA. In 1968 the Department of Transport (DoT) set up the PUSWA Conference to deal with unresolved issues but "the formula of the PUSWA conference crystallised into a poacher/gamekeeper relationship with minimal common ground" (Thomson, 1994:12). While Swann (Marvin and Slater, 1997) argued that it was "an atrophying creature of the Department of Transport, the Conference was brilliant at papering over problems, it was no good at addressing them”

In1974 the Department of the Environment (DoE) attempted to rationalise the process by publishing a model agreement in an attempt to improve the standard and timing of reinstatements. However, by 1985 only 34out of 95 highway authorities in Great Britain operated the model agreement within their area. During this period both local authorities and the utilities became more effectively organised. The highways authorities worked through the local authority associations established after the 1974 re-organisation of local government. The Association of Metropolitan Authorities became the lead association during the Home review. The National Joint Utilities Group (NJUG) was made up of the water, gas, electricity and Post Office Telecommunications industries in 1977 to represent the utilities joint interests.

The House of Commons Transport Committee(1983) reported that it was vital to make progress on the quality and timing of reinstatement, with issues such as compensation and coordination requiring urgent reviewing the light of new telecoms systems, the renewal of old networks and the growth in traffic. After pressure from both utilities and highway, the DoT appointed Professor Home to chair a committee to review all aspects of PUSWA in light of the new changes and pressures.

3.3.3 Privatisation – 1980s

The Horne report was published in 1985 but the resulting legislation did not come into effect until 1993. During this period the utilities were going through a fragmentation process brought about by privatisation. It was feared that the introduction of "commercial interests is most unlikely to result in improved relationships. Indeed, the reverse is more likely" (Aylott, 1984:15). Increased liberalisation of utilities markets together with new technology had produced an explosion in telecom operators, cable TV, district heating and light rail transit schemes. Meanwhile there is a relentless rise in traffic, deteriorating roads and local authorities' cost-cutting exercises and competitive tendering for services.

The main conclusions of the Horne Report were that:

- Utilities should become responsible for all the excavation and reinstatement work associated with their activity in the highway.
- A simpler and more effective procedure should replace the PUSWA notices system.
- There was the need for agreed national standards for reinstatement and a certification system, together with a system of inspection and a national register of 'street works'.

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The Horne review brought the utilities and highway authorities together on a more formal basis through the Highway and Utilities Committee (HAUC), which provided a forum for the discussion of subjects of mutual interest by

representatives of NJUG and highway authorities represented through the Local Authority Associations.

At the local level a patchwork of highways and utilities liaison groups were absorbed into 'mini HAUCs' at regional and county levels. These new coordinating meetings were essentially providing quick, easy and local discussion, deliberately aimed to resolve misunderstandings before trenches could be dug and ensuring a joint national approach to particular regional issues. Where agreement could not be reached at the regional level, even after some form of arbitration, only then were any disputes passed higher up to the national HAUC to resolve. Below the regional HAUC all highway authorities at county, metropolitan and district authority level have quarterly coordination meetings to discuss the highway authorities and utilities work plans.

NRASWA was designed to manage road space, coordination and access to the road by utilities and other related matters, and sought to simplify and improve upon the previous PUSWA procedures through a more flexible framework of management. The Act set out a legislative framework while the detailed application is left to regulations and codes of practice. This enabled the legislation to appear to be relatively simply expressed and coherent whilst enabling the procedural detail to be moulded to particular circumstances in regulations. Great flexibility is possible, therefore, within this framework. Part of the problem over managing access is the conflicting interests and responsibilities, some of which are confused or unclear. This has always been a barrier to arriving at a practical solution to managing road space and access to it. The NRSWA has had to clarify the complex and often contradictory relationships, rights and responsibilities of the utilities and highway authorities.

A general right is now recognised for utility companies operating under statutory powers to break open the highway without the need to obtain special consents with the relevant local authority. The principal responsibility of the utility companies is to ensure that they inform the street authority, and any other body

with apparatus which may be affected by the works, of their intention to carry out the works and of the dates on which they are going to carry out those works. The utility companies are placed under clear duties to operate safety measures when carrying out their works, to avoid unnecessary delay or obstruction, to ensure that the works are supervised by properly qualified persons, and to provide adequate facilities for inspection by the street authorities, which also includes adequate signing and guarding to protect the road user and works, and given a high degree of accountability by the duty to provide a company sign and contact number.

3.4 The Relationship between the DfT, Highway Authorities and Utility Companies

3.4.1 The Department for Transport

The Department for Transport (DfT) is the Government department responsible for the transport network in England (as well for a limited number of un-devolved transport matters in the other countries of the United Kingdom).The DfT is headed by the Secretary of State for Transport, who is supported by a Minister of State and Under Secretaries of State, with responsibility for specific areas such as Road and Highways and Regional and Local Transport.

Legislation relating directly to ‘highways works’ goes through the DfT, and they issue the codes of practice and statutory instruments that regulate the relationship between local authorities and utility companies.

The Eddington Report (2006), conducted for the DfT, highlighted the significance of the road network to the nation and the national economy in that a comprehensive and high-performing transport system was an important enabler of sustained economic prosperity: a 5% reduction in travel time for all business and freight travel on the roads could generate around £2.5 billion of cost savings – some 0.2% of GDP. Transport networks supported the productivity and success of urban areas and their catchments by getting people to work, and supported labour markets and businesses within the area.

Emissions from the transport sector were a significant and growing contributor (around a quarter in 2004) to the UK's overall greenhouse gas emissions, although the growth in emissions was forecast to plateau in 2010. Those emissions impacted on long-term economic growth by contributing to global climate change – a point reinforced by the recent Stern Review of the economics of climate change. Transport would therefore need to play unimportant role in an economy-wide response to that challenge.

Linking back to the conclusions of the Horne Report (1985) discussed above, Eddington (2006) also identified that delays and unreliability on the network had direct costs to people and businesses, increasing business costs and affected productivity and innovation. Eliminating existing congestion on the road network would be worth some £7-8 billion of GDP per annum.

The UK transport system in 2006, including aviation and rail, supported some 61 billion journeys a year. If left unchecked, the rising cost of congestion would cost an additional £22 billion worth of time in England alone by 2025. By then 13%of traffic will be subject to stop-start travel conditions.

Part of the DfT's strategy for dealing with road congestion is to use the powers of the TMA to minimise disruption caused by 'highway works'.

The DfT report "Managing our roads" (DfT, 2008) noted that the privatisation, and deregulation, of many utility operations had brought substantial benefits to utility consumers. These had in turn been reflected unexacting standards by the relevant regulators, both for the prompt connection of new consumers and –in some cases in association with the Health and Safety Executive – for the renewal of mains supply infrastructure. The latter was particularly important for gas distribution, with works scheduled in relation to risk.

Most of these utilities made substantial use of the road, or rather the ground under the road, for their distribution networks. As a result, customer connections

and network renewals also had an impact on road users. This impact became significant when different companies digging up neighbouring stretches of roads at the same time, or the same stretch in quick succession. There were also wider scheduling issues between utilities' work and the relevant authority's work on road maintenance.

In some areas, noted as including Kirklees and the City of London, for example, there were strong coordination mechanisms, which enabled all the relevant parties to agree plans which meet their requirements and the needs of the road user. But this, the report commented, was the exception rather than the rule, and too often there was no-one taking an overview, on behalf of road users. As a result, the Government established a programme to provide better computer-based mechanisms for collecting information on all proposed works on, and under, roads. This was identified as a critical step in enabling authorities and utilities to plan their works in a way which minimised the impact on road users.

The DfT has introduced regulations which gave authorities the ability to charge utilities for access to the roads, as well as implementing powers to charge them when works overrun the agreed duration, a further source of tension since the charges do not apply to authorities' own 'roadworks'.

In order to bring together the duties placed on highway authorities to strengthened both the powers for authorities to be able to manage the impact of utility works, and the corresponding duties on utilities, so as to minimise the disruption from 'street works', and to extend authorities' ability to control other activities taking place on the road, the DfT introduced traffic managers into local authorities (or group of authorities), with reserve power for the Secretary of State to appoint such a person if an authority failed to deliver for road users. Traffic managers have a specific duty to ensure that an authority, or group of authorities, secure the expeditious movement around their highway network and that of adjoining areas.

3.4.2 Highway Authorities

In the United Kingdom the highway authority is the organisation, usually the local authority, responsible for the maintenance of public roads. In England, the Highways Agency is the highway authority for trunk roads and motorways.

The national representative body for highway authorities in the United Kingdom is the Joint Authorities Group (JAG (UK)).

3.4.3 Utility Companies

A utility company is an organisation that maintains the infrastructure for the provision of public services such as water, gas, electricity and telecommunications.

The national representative body for utility companies and their contractors is the United Kingdom is the National Joint Utilities Group (NJUG.)

3.4.4 Highways Authorities and Utilities Committee

The national Highway Authorities and Utilities Committee (HAUC (UK)) is the national HAUC and comprises highway authorities ("roads authority" in Scotland), represented by JAG (UK), the Highways Agency, and utility companies and their contractors, represented by NJUG, as well as Network Rail and the DfT

The purpose of HAUC (UK) is to provide advice to Government on legislation, codes of practice and policy issues relating to 'street works' and 'roadworks'. This is done through the Strategy & Policy Development Group, which works with and advises Government, and through working groups, which produce codes of practice and guidance for practitioners.

There are currently nine regional HAUCs in England: (i) Anglian, (ii) East Midlands, (iii) London, (iv) North of England (NEHAUC), (v) North West, (vi) South East, (vii) South West (SWHAUC), (viii) West Midlands, and (ix)

Yorkshire (YHAUC). The regional HAUCs comprise representatives from the highway authorities and utility companies operating in that area. Each regional HAUC has a highways-side and a utility-side chair, and these joint chairs also attend HAUC (UK) meetings.

With regard to the authorities included in this study, Kirklees Council is a member of YHAUC, Devon County Council is a member of SWHAUC, North Yorkshire County Council is a member of both YHAUC and NEHAUC, and Transport for London is a member of London HAUC.

3.5 Access to "Road Space"

The road network in Britain functions as a surface "corridor" for moving goods, services and people, and also as a "conduit" for the movement of energy, water, waste, and telecommunications along (usually underground) pipes, cables, wires, and sewers (Marvin and Slater, 1997). Hoffman (1974) described the "hole in the road" as the visible sign of the tension between "corridor" and "conduit".

Utility sector privatisation brought about radical changes in the ways in which services were provided to customers, cities and regions. Marvin and Slater (1997) identified a number of key elements for these changes. Competing utilities now provided a range of services according to their own internal commercial logic rather than wider public regional or local policy objectives, and the new utility era was having significant implications for the institutional relations and processes of urban management. Whilst these structural changes had been made to the way in which utilities could operate, in contrast local authorities had been afforded very little statutory or non-statutory influence over the ways in which the new utility marketplaces rolled out across their jurisdictions.

Marvin and Slater (1997) also identified issues developing around the then new roles of the utilities as key agencies in the economic, social and environmental management of cities.

Firstly, *social access to utility networks*. There had always been concern about low-income households' level of access to essential utility services. Since privatisation there had been increasing concern amongst public advocacy, consumer and voluntary groups that utility companies may be contributing to spatial and socio-economic disparities in levels of access to utilities. Social access can be assessed in a number of different ways, including the financial cost of connecting to a network, variations in levels of connection to a service by spatial area or socioeconomic group, rates of disconnection from the service and levels of service use in terms of energy consumption or number of telephone calls.

Secondly, with regard to *utilities and economic development*, the corollary of the social dumping of marginal domestic consumers was the intensification of efforts to meet the needs of the most profitable sections of the market – usually customers. This trend had important economic implications and there was increasing recognition that utilities played a key role in regional economic development processes. The liberalisation of the telecommunications market, upwards of a dozen telecommunications companies were competing for this demand, lured by the extremely high profitability of delivering international advanced telecommunications services to financial service companies.

Lastly, concerning *utilities and the environment*, where utility networks were responsible for the processing of huge quantities of energy, water and waste resources which are consumed within, and extracted from, cities. How these resources were managed by the utility had important implications for the environmental performance of cities.

The fundamental problem over managing access to road space is the limited space for utility apparatus and surface traffic. The utilities have the use of the public highway as a route and the statutory right to access it, while the highway authorities have a duty to try and maintain the roads' function as a surface distribution system. The basic issue has been how to achieve a balance between the needs of traffic on the surface of the road – vehicles and pedestrians – and on the other hand the provision of essential utility services. The conflict arises from quite different statutory requirements placed upon each of the parties, where the utilities have no freedom in deciding whether or not to provide and maintain a service to the public – they are required by law to do so and their statutory rights enable them to open and use streets as conduits (Marvin and Slater, 1997).

The "Economist" (2002) reported that the "…country's highways are plagued by …excavations and street works". There are, said the article, some four million holes dug in Britain's roads at a cost of some £2billion per year. The article goes on identify the root problem as being with the New Roads and Street Works Act 1991 (NRASWA). Where previously only a handful of organisations had the statutory right to dig holes in the road, NRASWA extended this right to 100-plus companies, including the privatised utilities, cable television and telecommunications companies. This extension of rights has "…predictably resulted in chaos (because) all too often the utility just turns up and starts digging".

In a report to the Department for Transport in 2003, "Amtec Consulting plc" (Amtec, 2003) categorised stakeholders by the nature of their interest in 'highway works':

- Service deliverers – of the works
- Asset owners – of plant and infrastructure
- Providers – of road-related data, systems and services
- Consumers – of road-related services, utility services and information

Amtec (2003) highlight stakeholders' conflicting interest, in that their individual interest in works depends on context and that they might have several different, (possibly competing) interests. They give the example of a member of the public who may be a resident of an area with an interest in having a new service laid to their house. That same person might at the same time be a road user with an interest in minimising the delays due to 'street works' encountered on their journey to work. The Amtec report concludes that all works affecting roads need to be managed – this includes 'street works' carried out by utility companies and 'roadworks' carried out by local highway authorities – and that all participating organisation should work to a standard data format. The report recommends that information on works should be made available to the public to aid in route planning and to avoid congestion.

The Government has responded to these and other issues by passing the Traffic Management Act 2004 (TMA). In its draft guidance notes, the Department for Transport (DfT, 2004) acknowledge that road users may have differing expectations. Reliable journey times are important for the majority of users, but local highway authorities and utilities need to occupy the road in order to maintain and upgrade the infrastructure for the benefit of all of their customers.

The DfT's guidance notes set out the expansion of the role of local authorities in the co-ordination and direction of work to include a requirement that local authorities would have to ensure that the principles already in use to manage utilities 'street works' are also applied to the management of their own 'roadworks' (paragraph 91). Whilst this requirement had always formed part of NRASWA, it had not been part of PUSWA legislation, and so many highway authorities either only partially or failed completely to manage and co-ordinate their own works in the same way as they did for utility works. This was a further source of tension between highway authorities and utility companies.

In order to meet this management role, highway authorities would need systems to record and co-ordinate both planned utilities' 'street works' and planned 'roadworks' should be established, and it is suggested that use should be made of map-based systems (paragraph 92).

3.6 Utility Regulators

The programme of privatisation discussed in chapter 2 above had the effect of taking the ownership of organisations proving utility services from the public sector into the private sector. Once in the private sector, each utility came under the auspices of a "regulator".

A regulated utility consists of a set of assets, an *operating* function and a co-ordinating function (Wolf, 2008). The *operating* function can, in turn, be split into two activities: the day-to-day running of the business and the planning and implementation of investment projects. The cost of running the operations – for utility companies this typically involves ensuring continuity of supply and, particularly in the case of water, compliance with stringent health and safety standards – is known as "opex" (for operational expenditure). The building of new assets and the replacement and renewal of existing ones is categorised as "capex" (for capital expenditure) (Helm, 2008).

After privatisation, the Government established and maintained a series of economic regulation to protect consumers of the formerly nationalised industries to facilitate competition and to regulate where competition did not exist or was unlikely to do so. The Office of Water Services (OFWAT), the Office of Gas and Electricity Markets (OFGEM), and the Office of Communications (OFCOM) are responsible, respectively, for water and sewage services, energy and telecommunications. The duties of regulators were set out in the specific Acts of Parliament relating to the privatisation or subsequent regulation of the industries concerned. The wording and precise ordering of the duties varies but they all required the regulator to protect the interests of consumers in respect of the availability, price and quality of service, and ensure that the regulated companies can finance their functions.

Utility companies have high capital costs and low operating costs. The purpose of the regulatory regime is to assure owners of the assets that they will not be expropriated. Therefore, regulations need to offer returns sufficient to persuade investors to finance existing assets, to operate the business and to develop and operate new capital projects (Wolf, 2008).

In the absence of effective competition for the provision of these network services, where there was a risk that companies in a monopolistic or strongly dominant market position would be able to set excessive prices or provide a lower quality of service, each of these regulators introduced price controls using an output-based price-capping approach known as “RPI –x”, which prevented regulated companies from raising prices by more than general price inflation less a given percentage factor, i.e. “x”. This formula involves the regulator forming a judgement on the likely costs that companies should incur to deliver expected outputs efficiently during a period of the next five years (four years for telecommunications) and setting prices to cover these costs according to the formula linked to the retail price index (RPI) (National Audit Office, 2002).

All of the regulators in the United Kingdom have, over time, widened their attention to monitoring the efficient operating expenditure (“opex”) and capital expenditure (“capex”) of the privatised utility companies. This is partly because there is an incentive for firms to minimise costs in order to outperform the cost estimate in the “x-factor” and therefore increase profitability. Price caps such as “RPI – x” rely on an *ex-ante* assessment of efficient opex and capex (Dassler, Parker and Saal, 2006).

If privatisation was seen as one of the great achievements of the Thatcher Government, more recent assessments (Wolf, 2008; Helm, 2008) were that the transfer of monopolies into the hands of regulated companies that own, run, and develop the network assets was flawed. A main criticism was that the current model is excessively costly to consumers but that it is also an obstacle to

investment in risky, long-term assets such as gas, water and electricity and telecommunications networks.

The risks associated with capex and opex are different from those associated with managing the “regulated asset”, i.e. the operator of the utility company, which is a physical bundle of assets where the risks to be managed are regulatory and political risks. At stake are the “rules of the game” and considerations about whether Governments and regulators will keep to “their side of bargain” or whether they will behave opportunistically through windfall taxes or *ex-post* revaluations. For capex and opex there are managerial risks in delivery – operations can suffer cost overruns and capital projects can go wrong (Helm, 2008).

Table 2.1 above showed the regulator for each utility sector, and their individual arrangements are as follows:

3.6.1 Ofgem

The Office of Gas and Electricity Markets (Ofgem) is the regulator for the electricity and natural gas markets in the United Kingdom. It was formed by the merger of the Office of Electricity Regulation (OFFER) and Office of Gas Supply (Ofgas). Its primary duty is to “promote choice and value for all gas and electricity customers". Its main powers derive from the Gas Act 1986, the Electricity Act 1989, the Competition Act 1998, the Utilities Act 2000, the Enterprise Act 2002 and the Energy Act 2004.

Any company wanting to supply gas or electricity, run a gas or electricity network, or generate electricity must either be exempt from the requirement to hold a licence for these activities or be licensed by Ofgem, under its powers in the Gas and Electricity Acts. Companies have a range of obligations to both customers and industry which they must fulfil under the conditions of their licences. Ofgem monitors companies to ensure that they abide by their licence conditions. If they are found in breach of these conditions, or their obligations

under the Standards of Performance, the options available to Ofgem include issuing an enforcement order to ensure companies comply with their licence conditions, and/or imposing financial penalties of such an amount as is reasonable in all of the circumstances of the case up to 10 per cent of turnover of the licensee's business.

Electricity is transmitted across a national network of high-voltage cables owned and operated by the National Grid, and comprises some 14,000 kilometres of overhead electricity lines, 600 circuit kilometres of underground cables, and 320 sub-stations. The asset value of National Grid is £4.5 billion. This transmission network connects to regional distribution networks of low-voltage cables through which electricity is transported to individual properties. The regional distribution networks are owned and operated by distribution companies, and consists of approximately 295,000 circuit kilometres of overhead lines, around 465,000 circuit kilometres of underground cable, and some 550,000 transformers. There are at present 14 licensed distribution network operators, with combined assets valued at £12 billion (National Audit Office, 2002; Ofgem, 2012).

Ofgem's has concurrent powers with the Office of Fair Trading (OFT) under the Competition Act 1998 to investigate and take enforcement action in relation to suspected infringements of UK and EC competition law. If a company or business entity is found to have infringed UK or EC competition law, Ofgem has a range of options available to it including issuing an order to stop the behaviour, and/or imposing a financial penalty of up to 10 per cent of that organisation's world-wide turnover.

Ofgem's also has powers to issue enforcement orders against companies who have breached specific areas of consumer protection law, where that breach is found to have harmed the interests of consumers. Legislation covered by the Act includes: the Control of Misleading Advertisements Regulations 1998 (as amended), the Consumer Protection (Cancellation of Contracts Concluded Away From Business Premises) Regulations 1987, the Unfair Terms in

Consumer Contracts Regulations 1999, and the Consumer Protection (Distance Selling) Regulations 2000.

3.6.2 Ofwat

The Water Services Regulation Authority (Ofwat) is responsible for the economic regulation of the privatised water and sewerage industry in England and Wales by setting limits on the prices charged for water and sewerage services, taking into account proposed capital investment schemes (such as building new wastewater treatment works) and expected operational efficiency gains. Ofwat was set up in 1989 when the 10 Water Authorities in England and Wales were privatised. The resulting companies were known as "the water and sewerage companies" to distinguishes them from around a dozen smaller companies which only provide water services, which were already in private hands in 1989 (having remained in private ownership since their creation in the nineteenth century). Before 1 April 2006, all regulatory powers rested with the Director General of Water Services. On 1 April 2006, the Director General was replaced by the Water Services Regulation Authority.

The water and sewerage network in England and Wales includes some 635,000 kilometres of mains and sewers (not including those privately-owned). The combined value of the 23 water and sewerage companies is estimated as being some £30 billion (National Audit Office, 2002).

Ofwat's main duties as an economic regulator are to:

- Protect the interests of consumers, wherever appropriate by promoting effective competition.
- Secure that the functions of each regional water company are properly carried out and that they are able to finance their functions, in particular by securing a reasonable rate of return on their capital.
- Secure that those companies with water supply licences properly carry out their functions.
- Promote economy and efficiency by companies in their work.

Ofwat sets annual price limits for each company which allow the companies to finance their functions. The current price limits were set in 2004 for the period covering 2005-2010, and will be next set in 2009. The price limits reflect what each company needs to charge to finance the provision of services to its customers, and a review of price limits must take place every five years.

Other bodies involved in the regulation of the water industry include the Secretary of State for Environment, Food and Rural Affairs and the Welsh Assembly Government, the Drinking Water Inspectorate, which sets standards for the quality of drinking water; and the Environment Agency which regulates and enforces water abstraction consents and quality standards in inland, estuarial and coastal waters.

3.6.3 Ofcom

The Office of Communications (Ofcom) is the regulator and competition authority for the communication industries in the United Kingdom. Ofcom was established in the Office of Communications Act 2002 and the Communications Act 2003, and in December 2003 it inherited the duties that had previously been the responsibility of five regulatory bodies, including the Office of Telecommunications (Oftel).

The physical infrastructure of the telecommunication network consists of a “backbone” of wires connecting 740 local exchanges and 70 main exchanges, each of which connects with lines from households and businesses; BT’s network also connects to the national networks of several other telephone and cable companies. There are some 34.5 million fixed telephone lines in the United Kingdom (National Audit Office, 2002).

3.7 Highway Legislation/Regulator Conflict

A point of criticism often aimed at highway authorities is the issue of works being carried out by utilities in the same street in quick succession without any apparent co-ordination or control being applied by the highway authority in

question. This invariably is a function of short notification periods for major works and emergency/minor works over which the utilities claim they have little control and the highway authority has even less control. The various regulators play an important part in the co-ordination equation in that they lay down strict conditions and time scales that have to be complied with, which can be at variance to the requirements of NRASWA. Examples of the different time-scales to which different utilities work when providing new supplies are set out in the Table 3.2 below:

Table 3.2 Utility Connection Times

Utility	***New Connection***
Electricity	up to 28 days
Water	within 14 or 21 days of payment
Gas	within 20 working days
Telecommunications	(i) up to 7 days if existing line (ii) *ad hoc* if no existing line

3.8 Chapter Summary

Within the legislation local highway authorities, or their variously-named predecessors, had arrangements where a representative body had responsibility for overseeing and paying for road maintenance. The late nineteenth century, at the same time as the development of “modern” local government as discussed in chapter 2, saw a distinction being made in classes of road, with responsibility for maintaining roads between towns and railway stations being held at county-level. This links to how the use of the highway network itself has changed over time as methods of mechanical travel – particularly with cars for individual journeys and commercial vehicles for the transportation of goods around the country – have put a premium on the need to minimise or avoid disruption to road users.

The use and availability of the highway network currently forms the basis for council performance plans, ranging from the need to have fast, reliable information technology available to schools and businesses, to ensuring that businesses are attracted to and remain in an area by ensuring reliable access and journey times, and also as a conduit to link people and communities by ensuring that people can safely move around the area.

An examination of the legislation shows the on-going “tensions” created by the impact of “new technologies” needing access to the highway, ranging from the construction of new, underground sewers to the coming of the railway, and from the widespread digging up of roads to install gas and electricity apparatus in the nineteenth century to the same again in the late twentieth and early twenty-first centuries to install telecommunications and digital communications networks. These “tensions” are also assessed in the context of these utility supplies moving from private provision to public provision and then back to private provision, but still making use of the same, publicly-funded highway network.

National policy on roads has remained relatively unchanged since the early 2000s, having been developed under the Labour Government and not changed significantly under the Coalition Government. The policy is that the use of the highway network is increasing year on year, that providing additional capacity is either not a possibility or not a long-term solution, and so the focus is on better management of the network, including ‘highway works’.

The Government has concluded that the disruption arising from ‘street works’ in particular, and, by association, authorities’ own ‘roadworks’, is at an unacceptable level. In response, the Government has targeted further powers at local authorities to co-ordinate works on the highway, including the development of permit schemes, and included these in a general network management duty on authorities to ensure the “expeditious” movement of traffic around its network.

This chapter has shown the development of the relationship between local highway authorities and utility companies, and has documented the ways in which the two “sides” have tried, and sometimes failed, to regulate activities to allow utilities to install and maintain their apparatus in the highway and to enable local highway authorities to maintain the highway, one of its major assets, in good condition and to minimise disruption to highway users.

Due to the unique nature of government at different levels in England, the responsibility for implementing national legislation rests with individual local authorities. These elements provide a link to the literature discussed in chapters 4 and 5 regarding public policy implementation and inter-organisational collaborations, and the role played in each by the relevant actors.

The privatisation in the 1980s and 1990s of utility companies led to a fragmentation of responsibilities, with separate Government departments having responsibility for local authorities (currently the Department for Communities and Local Government) and utility company regulation (currently the Department for Business, Innovation and Skills). In addition, utility companies are subject to oversight and regulation by industry regulators.

Chapter Four – Public Policy

A focus for this study is a comparison of the way in which different organisations implement public policy. In order to make comparisons, it is necessary to look at what the terms ‘policy’ and ‘public policy’ mean.

This chapter will look at the meaning of ‘public policy’ and policy studies, and how the field relates to the wider study of political science. By distilling a definition of ‘public policy’ as representing the process by which public officials seek to identify solutions to put in place to deal with a problem, this chapter provides a link to the discussion in chapter 2, which examined the policies adopted by central Government and its relationship with local government, and chapter 3, which looked at the legislation introduced by central Government with regard to ‘highway works’.

The chapter will also examine the different models associated with the development of ‘public policy’, and will focus on the ‘implementation’ stage in order to look later at how local authorities deal with implementing national legislation at the local level.

The literature on public policy will also help to establish a focus on the unit of analysis for this thesis, by discussion the perspective from which policy implementation is viewed and the significance to the process of the people (or “actors”) involved.

The goals of policy may vary widely according to the organisation and the context, including environmental, political, competing demands, and the actors involved, in which they are made. Broadly, policies are typically instituted in order to avoid some negative effect that has been noticed in the organisation, or to seek some positive benefit. However, policies also have side effects or “unintended consequences”. Because the environments that policies seek to influence or manipulate are typically complex adaptive systems (e.g. governments, societies, large companies), making a policy change can have

counterintuitive results. The policy formulation process typically includes an attempt to assess as many areas of potential policy impact as possible, to lessen the chances that a given policy will have unexpected or unintended consequences.

As noted by DeLeon (1994), policy studies have a long history and a short past in that the actions of government have been a focus of much examination over many years, but the systematic analysis of the actions using the conceptual framework of policy science dates back only a few decades (Howlett, Ramesh and Perl, 2009).

Lasswell (1951) proposed that policy science had three distinct characteristics that would set it apart from other approaches:

1. It would be *multi-disciplinary* by breaking away from the narrow study of political institutions and structures, and incorporating fields such as sociology, economics, law and politics.
2. It would be *problem-solving* by looking towards solutions to real-world problems, rather than engaging in purely academic debates.
3. It would be *explicitly normative* in that policy science should recognise the impossibility of separating goals and means or values and techniques in the study of government actions.

However, a number of writers have observed that the expectation that the study of public policy-making would deliver outcomes applicable directly to existing social issues failed to match the reality of political necessity (Wildavsky, 1979; Fischer, 2003).

Similarly, with regard to being explicitly normative, writers have observed that, whilst policy researchers have refused to exclude values from their analyses, many of them evaluated policies in terms of simple measures such as effectiveness or efficiency without considering the desirability of the goals themselves (DeLeon, 2004; Yanow, 2007).

A number of definitions of ‘public policy’ can be found in the literature. Anderson (Hill and Hupe, 2002:5) described public policy as being “… those policies developed by governmental policies and officials”, and Hill and Hupe (2000:7) then go on to suggest that what is called public policy can be viewed from two perspectives: (i) it is what is seen to be implemented and (ii) it is the product of what happened in earlier stages of the policy process. Public policy is a complex phenomenon consisting of numerous decisions made by many individuals and organisations inside governments, and the influence on those decisions by others operating from both inside and outside the state (Howlett, Ramesh and Perl, 2009).

This notion of the implementation stage is described by Nutley and Webb (2000:26) as being part of a ‘policy cycle’ which is a tool used for analysing the development of a policy item. It is also referred to as a ‘stagist approach’ (Nakamura, 1987) or ‘stages heuristic approach’ (Sabatier, 1999), for example:

- Agenda setting – problem recognition
- Policy formation – proposal of solution
- Decision-making – choice of solution
- Policy implementation– putting the solution into effect
- Policy analysis and evaluation – monitoring results and deciding whether to continue or terminate.

The development of such framework is a way in which public policy-making can be simplified for analytical purposes, with a set of inter-related stages through which policy issues and deliberations flow in a sequential fashion from ‘inputs’ (problems) to ‘outputs’ (policies) (Howlett, Ramesh and Perl, 2009).

4.1 Public Policy in Local Government

Public policy can be defined as the substance of what government does; the pattern of resources that they actually commit as a response to what they see as public problems or challenges warranting public action for their solution or

attainment. Public policy is the product or output of governmental activity and has consequences primarily outside of government itself.

There are a number of different perspectives on public policy:

- The citizen's view – the extent to which the policy decisions of government are being obeyed without the necessity of force;
- The extent to which the articulated intentions of political decision-makers are translated into hard patterns of resource commitments;
- The effects or consequences of a particular pattern of public policies;
- Ways in which public policy might be improved;
- the distinction between policy-making and policy-maintaining;

Schofield (2001) suggested that British public policy is currently dominated by the Labour Government's "Third Way" political ideology, leading to a number of new challenges for those who study the implementation of public policy, including new structures in public services organisations, particularly inter-agency partnership arrangements, and new and complex linkages between Government and the public where that public was highly differentiated and had a modified view of citizenship. At the time the policy-cycle was dominated by evaluation and the philosophy of 'what works, counts', creating an evidence-based culture among public services managers.

The problem with emphasis on the process of public policy-making is that it has tended to confuse distinctions which need to be borne in mind between public policy, public policy-making and different types of decisions. If those distinctions are not maintained and that is a danger, not only of equating public policy with any decision which made by government, but also of ignoring altogether the extent to which the bulk of governmental activity may well involve the maintenance and implementation of established policies where there is little or no policy making as such.

The distinction between public policy and decision-making is, conceptually at least, clear enough. A public policy is a pattern of resources which is committed

by government. In this sense all governments must have policies. However, not all governments need necessarily be involved in actually making all their policies, and no government is for making policies. Any government when it comes to power, as newly-elected decision-makers, will invariably face a whole range of commitments which are left by their predecessors. In many cases these commitments are neither changed nor challenged. Much has already been established and must be taken for granted so that certain actions must follow on irrespective of what new councillors think should be council policy.

The Labour Government introduced a number of alternative political management arrangements for local councils to choose from, and these were discussed in chapter 2. Even before those options were available, Dearlove (1973) was asking the question as to whether new councillors think that they will be involved in “making policy” find that they attend meetings where well-developed plans are laid before them whether there was little choice other than to say “yes”; do they in other words, find that they are really servicing a well-established range of commitments by participating in the making of decisions of a non-policy kind?

A public policy is distinct from the particular process of critical decision-making which may have established any particular problem of resource commitments. However, the actual maintenance of continuance of a public policy does not itself require particular decisions. The distinction between public policy-maintenance and public policy-making comes almost to be a distinction between different types of decisions. The decisions which maintain a public policy and implement a policy decision are of a different order to those decisions which involve innovation and establishment of a new range of commitments, or else the complete reversal of an existing patent of commitments. That is an important distinction to be made between policy decisions and routine decisions.

Most decision-making that occurs within governments does not involve the taking of policy decisions; policy-making decisions of this kind are important in establishing rules for future contingencies and have a long-run implications for the organisation but they are relatively rare because, in raising questions about organisational purpose, they open up scope for organisational conflict which leaders within any organisation would usually rather avoid. A considerable amount of activity within organisations is devoted to avoiding the necessity for taking trauma-producing decisions of this kind in favour of come finding activity to the taking of decisions which are only routine and work within the framework of established policies, maintaining the pattern of commitments and implementing implications of earlier policy decisions.

However, the distinction between policy-making and policy-maintaining is not a clear-cut one. In many organisations, policy changes are often incremental and gradual so that there is a lot of the time decisions are being taken which, although not strictly policy decisions are not simply routine, since even though they do not really establish a new commitment, they do shift the existing pattern so over time the particular pattern of resource commitments is quite drastically changed without there ever having been a consciousness of this or one or two decisions which clearly established the break. In practice it is difficult to distinguish and categorize the different decisions, but nevertheless it is important to be aware of the distinction, as this can draw attention away from considering policy-making alone and in to the importance of more prevalent activity of policy-maintenance.

4.2 Public Policy Implementation

Schofield (2001) argued that public policy implementation studies need to address the contemporary problems facing the management of public services, and goes on to identify four areas to assist with this:

1. Knowledge, learning and capacity in implementation – where knowledge and learning can refer to both *how* to implement policies and *assessing* the outcomes as part of a policy loop;

2. The processes of implementation – where policy becomes action through various dynamic effects such as decision-making, communication, bargaining, negotiation and conflict;
3. The role of actors and agents – whilst the various models of implementation emphasise the importance of individual and groups of actors, little in the literature addresses how actors' goals and priorities impact on policy outcomes;
4. Bureaucratic discretion – focussing on the discretion and interpretive power exercised by 'lower-level bureaucrats' in respect of policy implementation, and contrasting this with questions of organisational governance and the requirement for command, control and accountability.

The changes in the local government environment described above have been driven partly by political ideology but they also represent responses to wider social changes. In 1998, the prime minister commented that:

> *"The days of the all-purpose (local) authority that planned and delivered everything are gone…It is in partnership with others…that local government's future lies…their distinctive leadership role will be to weave and knit together the contribution of the various local stakeholders."* (Wilson and Game, 2006)

This concept of partnerships in delivering public services has also been linked to the idea that some issues facing governments are a reflection of the complexity or intransigence of the "wicked issues" facing government. Leach and Percy-Smith (2001) use the term "wicked issues" to describe policy problems that have proved to be intractable, persistent and not amenable to simple solutions, and which share certain characteristics in that they are multifaceted, they cannot be resolved by any one level of government, at a local level many agencies may be involved to address certain facets of the problem, they do not fit in easily within an organisation's existing structure, and they require long-term interventions. The literature regarding the collaborative or co-operative working of organisations, particularly with regard to dealing with

“wicked issues”, i.e. those issues that have proved not to be amenable to simple solutions and cannot be resolved by any one level of government, was covered in chapter 5.

Policy implementation studies have been categorised (Mazmanian and Sabatier, 1983) as the understanding of what actually happens after a programme or policies are enacted or formulated, i.e. it relates to those activities and events that occur *after “...*the issuing of authoritative public policy directives, which include both the effort to administer and the substantive impacts on people and events”. This definition covered not only the behaviour of the administrative body that has responsibility for the policy and the compliance of the target group(s), but also the network of direct and indirect political, economic, and social forces that bear on the behaviour of all those involved. It also acknowledged the effects and consequences – both intended and unintended – for the original policy.

Implementation studies have been classified by reference to different orientations (John, 1998; Hill and Hupe, 2002), which are discussed below.

4.2.1 “Top Down” approaches

This, the “classical” approach, stressed the perspective of higher-level bureaucrats and executive decision-makers, where policy is decided by the centre. Then lower-level organisations carry out – or do not – the policy, as the case may be.

4.2.1.1 The “Founding Fathers”

The “founding fathers” of implementation studies are often cited as being Jeffrey Pressman and Aaron Wildavsky, who, in their 1973 book “Implementation: How Great Expectations in Washington are Dashed in Oakland; Or, Why It's Amazing that Federal Programs Work at All” analysed the policy implementation of the Economic Development Administration's (EDA) plan to hire hard-core unemployed minorities in Oakland, California. The EDA quickly chose the

projects that it would endorse and grant or loan money in order to create jobs. After examining the situation in Oakland, the authors drew a number of conclusions about policy implementation in general.

They concluded that policy makers cannot separate implementation from policy. The problem was that policy makers did not make implementation an initial part of the formulation of policy.

They identified a need to view policy implementation as more of an evolution than a revolution. Frequently, implementers said that what they accomplished and did with the program was what they had always meant to do, but this was rarely the case. Implementation was a process that must evolve. Leaders of programs made decisions after the act of creating the policy as well as before and during the policy creation. The process was not solely about getting what you once wanted, but rather about getting what you have learned to prefer. Preferences and the proper decisions changed over time and it was necessary to evolve the policy and implementation with these changes.

Where action depended upon a number of links in an implementation chain, the degree of co-operation between agencies required to make those links had to be close to absolute if a situation was not to occur in which a number of small deficits cumulatively created a large shortfall.

The importance of the Pressman and Wildavsky study was, according to Mazmanian and Sabatier (1983) the focus on factors that distinguished the emerging policy implementation literature from the preceding literature on public administration by having an explicit concern with policy evaluation as well as with political behaviour by examining the extent to which the various policy objectives were achieved as well as the reasons for the performance.

Pressman and Wildavsky focused on the “complexity of joint action”, i.e. the myriad of actors in various public and private institutions involved in the

implementation of a decision rather than the more traditional concern with the actors within a single agency and its immediate political environment. This led to a requirement for a careful analysis of the causal assumptions behind the original policy decisions which would have to be met if policy goals were to be attained.

4.2.1.2 System Building

Van Meter and van Horn (1975) developed a theoretical framework that built upon the studies of inter-governmental relation, as in Pressman and Wildavsky, 1973, but "...were guided by three bodies of literature..." (1975:453):

1. Organisational theory, in particular work on organizational change, where they recognized the importance of the concerns about organizational control and studies of bureaucratic resistance to change and of forms of compliance.
2. Studies of the impact of public policy and particularly of the impact of judicial decisions in the United States.
3. Studies of inter-governmental relations.

Meter and Van Horn (1975) concluded that there was a need to take into account the amount of change required and the level of consensus, and they hypothesized that implementation would be most successful where only marginal change is required and goal consensus was high. They went on to argue that it was vital that the study of implementation should be conducted longitudinally, with relationships identified at one period of time not extended causally to other time periods.

4.2.1.3 Process Modelling

Mazmanian and Sabatier (1983) and Sabatier (1986) took the starting point of analysing the "top"-level policy decisions and then asked four questions:

1. To what extent were the actions of implementing officials and target groups consistent with the policy decision?

2. To what extent were the objectives attained over time, i.e. to what extent were the impacts consistent with the objectives?
3. What were the principal factors affecting the policy outputs and impacts?
4. How was the policy reformulated over time on the basis of experience?

This identified a clear distinction between policy formulation and policy implementation, and recognised the need for feedback (Hill and Hupe, 2002).

Mazmanian and Sabatier (1983) suggested that the “classical” approaches to governmental studies focussed on the processes of policy formulation up to the point of legislative enactment. However, they went on to argue that this limited focus excluded the examination of two distinct lines of enquiry that led towards a greater appreciation of the importance of policy implementation.

The first area was that of classical public administration. The simplistic view of public policy held that the administration of policy was non-problematic, simply being a matter of handing over a settled legislative decision to civil servants to be carried out “faithfully and efficiently”. Mazmanian and Sabatier (1983) pointed out that, particularly in the United States of America, a number of post-World War II studies had revealed the effects on intended policies of the legal mandate of the governmental administration, by the pressures of concerned interest groups, by the intervention of legislators, and by a number of other factors in the political environment.

The second line of enquiry important to the development of a distinct literature on policy implementation was the development of a “systems approach” to political life. According to Mazmanian and Sabatier (1983), “systems theory” allowed policy analysts to break out of the organisational perspective of public administration and start thinking in terms of inputs from outside the administrative area, including new legislative and policy directives, changing public preferences, and new technologies.

4.2.2 “Bottom Up” Approaches

This approach stressed the involvement of lower-level bureaucrats and others who carry out public decisions, where the ideas and influence of these “actors” feed-back to the higher-level decision-makers to influence policy choices.

4.2.2.1 Street-level Bureaucracy

The “founding father” of this approach is considered to be Michael Lipsky (1980), who developed the idea of the “street-level bureaucrat”. These “street-level bureaucrats” are public officials, typically police officers or teachers, who have face-to-face dealings with the public, and who appear to have a great deal of discretionary freedom and autonomy. The decisions of “street-level bureaucrats”, the routines that they establish, and the devices that they invent to cope with uncertainties and work pressures effectively become the public policies that they carry out. Lipsky (1980) also argued that “street-level bureaucrats” adjust their work habits to reflect the realities of, rather than their aspirations for, their area of work. Thus, the implementation of public policy is about street-level workers exercising discretion under pressure, and so different approaches are needed to secure the accountability of implementers (Hill and Hupe, 2002).

4.2.2.2 Implementation Structures

Hjern (1982) and Hjern and Porter (1981) concluded that policy implementation depended upon interactions between several different organisations, and the way in which people from the different organisations construct working relationships across formal organisational boundaries. Hjern (1982) coined the term “implementation structures” to identify the networks within which field-level decision-making actors carried out their activities.

4.2.2.3 Policy and Action

These developments in organisational theory, challenging the hierarchical perspectives on the way in which organisations work, also formed the basis of

the work by Barrett and Fudge (1981), who argued that "action" depended upon compromises between people in various parts of a single organisation or related organisations. Policy "…is mediated by actors who may be operating with different assumptive worlds from those formulating the policy, and, inevitably, it undergoes interpretation and modification and, in some cases, subversion" (Barrett and Fudge, 1981:251).

4.2.3 "Synthesizers"

Hill and Hupe (2002) suggested that recent work on implementation studies have synthesized, as well as built upon, the 'top-down' or 'bottom-up' approaches.

The notion of "policy networks" (Klijn, 1997) looked at the way in which the people that make and implement policies (the "state actors") also live alongside and have constant contact with groups that represented societal interests. As a consequence, the interests of "state actors" developed along with the interests of group actors. Scharpf (1978) concluded that policy networks may be crucial in order to bridge the "implementation deficit" identified by Pressman and Wildavsky (1989), and that effective implementation may depend upon the development of collaborative networks, as was suggested, amongst other by Hjern. Hill and Hupe (2002) argued that, in the British experience, the discontinuity between policy formulation and implementation, perceived as being problematic in the 'top-down' approach, is largely eliminated through the continuity of the relationship that exists between the government and its specific partners in a policy network.

Ripley and Franklin (1982:9), drawing on the experience of the United States federal government, also emphasised the importance of networks in addressing the "implementation deficit", and identified five features of implementation:

1. The implementation process involves many important actors, who
2. Hold diffuse and competing goals, and who

3. Work within a context of an increasingly large and complex mix of government programmes, which
4. Require participation from numerous layers and units of government, and who are
5. Affected by powerful factors beyond their control.

Ripley and Franklin argued the importance of the political nature of implementation, and that while the implementation process could be seen as a flow of activities, there is not necessarily a logical sequence and the intervention of interest groups is not structured in hierarchical terms.

Sabatier (1986:31), an earlier advocate of the 'top-down' approach, later recognised the effective approach of the 'bottom-up' approach to the study of networks, but was less willing to concede the distinction between policy formulation and implementation, arguing that such a distinction made it difficult to distinguish the relative influence of elected officials and civil servants, and the "…view of the policy process as a seamless web of flows without decision points" precluded policy evaluation and analysis of policy change. As a way forward, Sabatier (1986) argued for an "advocacy coalition framework" that took the 'bottom-up' unit of analysis, i.e. the whole range of actors involved in a policy area, and their concerns and perspectives, and combined this with the 'top-down' concern with the socio-economic conditions and legal instruments that constrain behaviour

Sabatier (2007) summarised the criticism the "stages heuristic" models of public policy analysis because they do not reflect the causal drivers that work within and across policy stages; that the proposed sequence of stages is often descriptively inaccurate, with evaluations of existing programmes taking place at the same time as new policies are being implemented; the focus tends to be on a legalistic, 'top-down' approach which neglects the interaction of implementation and evaluation of policy; and there is an assumption that there

is a single policy-cycle focused on a single area of legislation, which fails to recognise the interactions between different policy proposals.

Ostrom (Sabatier, 2007) discussed the “institutional rational choice” framework, in which “institutions” are represented by rules, norms and strategies used by people within organisations, rather than physical institutions, e.g. an organisational entity. Within this framework, individuals are characterised as being participants in an “action situation” – an analytic concept that isolates the boundaries of the process being studied. These individuals (or “actors”) engage in behaviours and are motivated – to process information and make choices – which can be analysed against existing frameworks such as *game theory, economic theory* or *choice theory* (Williamson, 1985).

The discussion as to whether implementation is an end state/policy achievement or a process/policy execution was tackled by Lane (1987:543), who concluded that the implementation process “…is a combination of responsibility and trust”. Without the notion of *implementation as a policy accomplishment*, then there is no basis for evaluating policies and holding politicians and administrators to account; however, *implementation as policy execution* relies on trust and a degree of freedom for politicians and implementers to make choices about alternative means for the accomplishment of goals.

4.2.4 Third-Generation Implementation Theory

Where Sabatier (1986) recognised the need to reconcile the ‘top-down’ and ‘bottom-up’ approaches to policy implementation, Howlett, Ramesh and Perl (2009) also characterised the two approaches as being not contradictory but complimentary and, taken together, help to get to the reality of policy implementation. The ‘top-down’ approach started with the decisions of government, examined the extent to which administrators carry out (or not) the decisions, and sought to find reasons underlying the extent of the actual implementation, whereas the ‘bottom-up’ approach began at the other end of

the implementation chain, and advocated that the activities of “street-level implementers” should be fully taken into account.

Both approaches required a theory of why specific tools and policy mechanisms are used in specific circumstances, and not others, and of why implementers behaved the way they do in carrying out their tasks. This, then, was the focus of “third-generation” implementation studies, which linked to the recognition that some societal issues were particularly difficult to tackle because of their complex, novel or interdependent nature, i.e. the so called “wicked’ issues” (Leach and Percy-Smith, 2001).

In dealing with such issues, where the problem might be complex or difficult, administrative discretion was required in order to deal with the range of potential solutions. In addition, there was greater leeway for policy subsystem members to evade or fail to comply fully with procedures. This administrative discretion can be assessed by the use of *game theory* or *principal-agent theory.*

4.2.4.1 Game Theory

Game theory allowed analysts to assess how behavioural discretion influenced implantation. Looking from a regulatory perspective, Hawkins (1984) noted how different levels of discretion could lead to different regulatory styles in specific sectors and issue areas, and that, consequently, regulators could opt for oversight systems based on either coercion or persuasion.

However, according to Howlett, Ramesh and Perl (2009), game theory failed to take into account a factor in the ‘top-down’ versus ‘bottom-up’ debate – the divisions within the state itself that affected the ability of implementation on the ground to match the aims and expectations of the enacting politicians, leading to the application of a second type of game theory model.

4.2.4.2 Principal-Agent Theory

As a consequence of the variations in implementation contexts – social, economic, technological and political – the administrators who support the enacting politicians, for example, civil servants or local government officer, can acquire considerable discretion in pursuing policy goals. Such administrators tend to become experts in specific administrative areas, and so can decide how and to whom the policies will be applied, placing politician and administrators in a type of principal-agent relationship, where the principal is dependent upon the goodwill of the agent to further their interests when it might not be in the interest of the agent to do so (Howlett, Ramesh and Perl, 2009).

Principal-agent theorists have argued that the efforts of governments have "foundered" on the realities of implementation, where the actions of agents diverged from the intentions of their principals and, therefore, distorted policy outcomes.

4.2.5 The Importance of Actors and Agents

Both the 'top-down' and 'bottom-up' models emphasized the importance of actors and groups of actors giving implementation. However, according to Schofield (2001), the implementation literature does not fully address behavioural or socio-psychological studies of actors designed to discover how actors' goals and priorities impact upon implementation outcomes.

Lipsky (1980) established that lower-level bureaucrats had a wide range of discretion and interpretive power in respect of how policy affected the citizens with whom they had contact. Schofield (2001) noted that an important factor in Lipsky's thesis was that many of the street-level bureaucrats were in fact professionals in their own right. Hill (1993) emphasized the potential dilemmas for professionals in terms of their autonomy, responsibilities and duty to implement policy is direct and by their superiors.

This debate can be characterized as discretion was desirable and necessary (Van Meter and Van Horn, 1975) or discretion being anti-democratic and reflected inadequate top-down control, acting to subvert policy (Mazmanian and Sabatier, 1983).

The exercise of discretion has been identified with a form of "adaptive implementation", and Mazmanian and Sabatier (1983) believed that the exercise of discretion acted as a check and balance to hierarchical control and offered the possibility of innovation and creativity within implementation. Sabatier (1991) concluded that the role of street-level bureaucracy would always be important, and probably most so in terms of its effect on final policy outcome rather than "official" policy making. He maintained that the complexity of the links between policy makers, street-level bureaucrats and citizens could be embodied in terms of an overall bargaining structure predicated upon power, dependency and exchange.

Schofield (2001:259) commented that, given all the approaches by the research and in the literature, a seemingly very simple question of "how do actors know what to do when implementing a policy" does not appear to have been asked. The opposite is suggested – that actors are raring to go and implement, and all that is getting in their way is the policy itself, communication channels all the political processes of organization. The fact that implementing agents may be in a state of ignorance about what to do is not referred to. Schofield (2001) goes on to suggest that there needs to be an understanding of the competencies and capacity issues of individuals and their organization in dealing with policy requirements.

4.3 Perspective

The implementation of any policy involves the effort of a policy-maker to affect the behaviour of one group of actors, for example, council officers or Lipsky's (1980) "street-level bureaucrats", to provide a service to, or regulate the behaviour of, another target group (Mazmanian and Sabatier, 1983). Therefore,

the implementation of a policy – particularly those involving many organisations and/or governmental organisations – can be viewed from three different perspectives – the initial policy-maker, field-level implementing officials, and the people at whom policies are directed.

From the perspective of the initial policy-maker, i.e. the centre, implementation involved the efforts of higher-level officials to obtain compliance from lower-level organisations or individuals in order to provide the required service or to change behaviour. If the policy was not working then either adjustments have to be made, sanctions invoked, or the basic policy reformulated. For field-level implementing officials, the focus was the manner in which local implementing officials and institutions responded to the disruptions in their environment caused by the efforts of outside officials to achieve a new policy. The perspectives of actors at whom the policy was directed, i.e. the target group, were likely to range from the extent to which intended policy outcomes are actually delivered to a focus on the difficulties encountered in complying with rules and regulations.

4.4 Implementation Research

Schofield (2001) summarized the different approaches taken to study policy implementation, and recognized that the case study approach – at either macro or micro levels – dominated. Other approaches in the literature included network analysis, content analysis, social experimentation, and semiotics. Implementation studies also fostered a more interpretive approach, and in doing so were able to encompass policy ambiguity and policy irresolution. The implications of taking this approach to implementation research require an understanding of the detail of day-to-day working and working practices.

Bearing in mind the distinction drawn between *policy formation*, i.e. formulation and decision-making, and *policy implementation*, it is the latter that has to be given attention in the design of research, with a need for the researcher to clarify “what is being implemented” (Hill and Hupe, 2002).

A number of authors (Lester and Goggin, 1998; DeLeon, 1999; Winter, 1999) argued that policy implementation is a *process* – a series of decisions and actions directed to putting decisions into action – with the essential characteristics being the *timely* and *satisfactory* performance of certain necessary tasks. This means rejecting a conceptualisation of implementation as simply 'success' or 'failure'. Rather, the process of implementation needs to be explained by its outputs.

Hill and Hupe (2002) suggested a framework to highlight the key issues about ways to segment or separate the empirical analysis of implementation. It identifies "dependant variables", which can be seen to be influenced by the perspective of the research, and relates to the 'top-down'/'bottom-up' argument; and it describes "independent variables" in a way similar to the approach used in 'top-down' or "stagist" models of the policy process. The framework they presented set out to address questions about the role of staff at or near the bottom of the system or about how they receive and transform the efforts of others to "mandate" them. It also recognised that there was always a "top", in the sense that somewhere is formulated and decided what has to be implemented, but the location of that "top" may vary (and in some cases the "top" might be at the "bottom").

4.4.1 Dependant Variables

Clear identification of dependant variables is reliant upon two considerations: *policy characteristics* and the *extent of policy formation*. Definition of dependant variables then raises questions about the extent to which legislative intent can be readily identified. Hill and Hupe (2002) cited research into child support legislation which used differing dependant variables, including: *successful enforcement, bureaucratic discretion* and *error rates, appeals and complaints*. Looking at a larger selection of research areas, they identified that many studies use *outcomes* as dependant variables (but these can be influenced by the extent to which goals identified in the studies were shared), and examples given

included unemployment levels, child employment, equal education opportunities, pollution levels, crime levels, and road accidents.

However, outcomes may be influenced by factors other than the policy being studied, meaning that it is also important to consider factors independent of the implementation process. O'Toole (1989) showed how problems of "goal multiplicity" were likely to arise.

With regard to the dependent variable, problems can arise because of the confusion between issues about ends (goals), issues about the relationship between means and ends (whether means chosen are appropriate) and issues about success in adopting means. Researchers looking at the effectiveness of policies tend to ask two related questions: *are the specified activities established* and *do they have any effect on the problem?* These two alternative groups of dependent variables are generally defined as outputs or outcomes.

In specifying the dependent variables, researchers need to be aware of a number of problem areas. Outcomes may be influenced by factors that have nothing to do with the policy intervention, and a judgment about outcome may be a judgment about the appropriateness of the policy and not about its implementation, so the policy might be an inappropriate response to the problem. They also questioned whether unambiguous and agreed outcome variables could be established where outcomes might be disputed. The choice of an outcome variable may require the researcher to recognize competing policy goals.

4.4.2 Independent Variables

Hill and Hupe (2002) grouped independent variables into seven categories:

1. Policy characteristics – Lowi (1972) identified four main policy types: *distributive, redistributive, regulatory, and constituent*. Where some policy types appear to be harder to implement than others, difficulties cannot be

predicted and depend upon an interaction with elements from the other six categories below.

2. Policy formation – looking at the content and shape that a policy should take to ensure its successful implementation, going back to van Meter and van Horn's (1975) specification of the importance of policy standards and objectives.
3. Issues about "layers" in the policy-transfer process – Pressman and Wildavsky (1989) highlighted the impact of vertical links in the chain from policy formation to the street level.
4. Factors affecting the responses of implementation agencies, including the behaviours of front line (street-level) staff – taking into account the overall characteristics and disposition of the agencies involved, particularly issues – the history, resources, policies and systems – of organisational and inter-organisational control, and issues about the influence of staff including "street level bureaucrats" (Lipsky, 1980).
5. Horizontal inter-organisational relationships where collaboration is required – a particular feature being that there may or may not be a hierarchical accountable relationship between the various organisations involved.
6. The impact of responses from those affected by the policy – which have an influence on the implementation process. Studies of regulatory policies have shown this influence to be high (Hill and Hupe, 2002) where those regulated are powerful, large companies, for example. However, even the responses of "weaker" actors can feed-back into the implementation process.
7. Wider macro-economic factors – and the extent to which policies can address issues that may be influenced by phenomena over which legislation can have little or no change, for example, demographic change and globalisation forces.

4.5 Conducting Implementation Research

The sub-title of Pressman and Wildavsky's book made reference to the "implementation deficit", and Hill and Hupe (2002) related how this led to much implementation research being described as "misery research", and with what Linder and Peters (1987) described as the "horrors of war" approach to implementation. A danger identified with implementation research is that there will be a taken-for-granted assumption that aspirations will not be achieved, that policies will not live up to the rhetoric of those who formulate them and that 'disasters' will occur. Similarly, there has been a tendency to work with the notion of "perfect administration" – a condition in which external elements of resource availability and political acceptability combine with 'administration' to produce perfect policy implementation (Hood, 1976) – so that adjustments, compromises and short-falls in the real world are used to challenge the aspirations of policy-formers or to condemn the efforts of the implementers.

4.5.1 Quantification

Hill and Hupe (2002) asked about the extent to which systematic implementation research could involve quantification. They concluded that (i) it was appropriate to is a questions about "what happened" using quantitative methods whenever multiple observations were available, and (ii) and that the argument between quantitative and qualitative methods was sterile since there was a case to be made the use of either or both depended upon the situation and on the data that were available.

4.5.2 Layers and Levels

There is a need to be aware of the implications of "layers" of potential analysis in implementation studies, and that activities within specific organisations could be analysed as subordinate policy-making. Pressman and Wildavsky (1989) highlighted how the handling of policy issues in an inter-organizational context could be seen as making a distortion of the original policy goals more probable. However, Hill and Hupe (2003) suggested that there was likely to be what they described as "interpretive space" within complex inter-organizational

frameworks, which allowed agencies and actors to exercise discretion. This, they argued, was similar in concept to the notion of “implementation deficit” but examined from a different perspective.

Hill and Hupe (2003) went on to propose that there may be distinguishable goals applicable to parts of a total system - including, for example, central government, local government, and other organizations. Questions about the success of any one part of that system in imposing its goals upon other parts needed to be separated from questions about the capacity of the stakeholders in any single part to secure the implementation of those goals. This further highlights the link between implementation studies and inter-organizational collaboration.

In the same way that it may be useful to split the examination of implementation into separate parts when there are distinct layers involved, it may also be important to recognize that the understanding of implementation can be enhanced by attention to specific levels, for example, the behaviour of street-level bureaucrats. Lester and Goggin (1998) argued that in order to understand more fully the strategic choices of implementers and to be able to explain outcomes, it was necessary to know what were the interests, motives, and resources of individual implementers.

4.5.3 Horizontal Inter-organisational Relationships

A variety of research ideas have been previously identified with regard to inter-organizational collaboration - these include collaborative capacity and purpose, trust, and about ways in which collaborative roles are demonstrated at street level. Powell *et al* (2001) conceptualized the importance of three streams:

1. Policy streams concerning the extent to which local goals were shared.
2. Process streams concerning the mechanisms or instruments to achieve the goals.
3. Resource streams, i.e. money.

According to Hill and Hupe (2002) research in to these issues was dominated by qualitative work, and suggested that areas of study would likely including the salience of a collaborative relationship with others where the behaviour of one (lead) agency is under scrutiny and the quality of collaborative relationships within and implementation system depending upon a network. They also identified attitudes to collaboration and the extent of trust of other organisations and the extent to which collaborative roles were developed, for example, the importance of the presence of “reticulists”.

4.6 Chapter Summary

Public policies studies in general highlight the number of perspectives involved – including the views of citizens – and this corresponds with the discussion in chapter 3 regarding the different views that people have of ‘highway works’, for example, depending on whether they are benefiting from the works as a customer or having their journeys disrupted as a road user. Recent public policy in the UK has been influenced greatly by the “Third Way” ideology, resulting in the greater involvement of the public in policy-making and an increase in different ways of working, particularly inter-agency working, to deliver better outcomes for the public.

The link with the policy science field, and the work of Lasswell (1951) supports the research methodology adopted by the author of this thesis in that it is multi-disciplinary, in drawing from of number of other academic areas, is seeking to examine real-world issues, rather than treating the subject as purely an academic exercise, and recognises that the goals and values of the people and organisations forming this study cannot be separated.

The literature and studies regarding public policy have variously characterised the processes by which policies move from problem recognition to analysis and evaluation as being represented by ‘cycles’ or ‘stages’, reflecting the need to have a framework by which policies could be analysed. One of the elements of this framework is the implementation stage, which is the stage at which the

chosen solution is put into effect, and it is the policy implementation stage – specifically the legislation designed by Government to deal with the way in which 'highway works' are regulated, implemented by the local authorities that have been shaped by, and involving private-sector organisations created by other Government policies – which forms the main focus for this study.

Public policy implementation literature has developed over the years. The "classical" approach to studying the field stressed the 'top-down' perspective, where policy is handed down for others to implement, or not. This contrast with the 'bottom-up' approach, where policy is developed or influenced by people closer to service users. Where the advocates of the 'top-down' perspective anticipated that policy implementation could be analysed by looking at the actions of officials in implementing the policy, and looking at the extent to which policy outcomes were achieved. The expectation of these advocates was that officials involved would implement the policy in the same way, and any different outcomes identified would relate back to the original policy. In some ways, this approach had originated to allow policy implantation studies to be used to inform and improve the policy formulation stage of the process.

By contrast, the 'bottom-up' approach suggested that implementation would depend on the involvement of individuals, for example, Lipsky's (1980) "street-level bureaucrats", who would use their discretion, influenced by their individual goals and values, and those of the organisations for which they worked, in implementing policy. Furthermore, those organisations and the way in which they interacted, formally or informally, with other organisations would also play a part. The consequence of these factors was that the policy implemented was likely to vary from that intended.

Both approaches recognised that the process of implementation needed to take into account other factors when looking at how and why the reality of implementation differed from the intended policy. These factors include the degree of co-operation between organisations involved, their relative power and

influence, and the extent to which the policy to be implemented aligned with their individual goal. Many of these factors are picked up again in chapter 5 when looking at inter-organisational collaborations.

The literature for both perspectives highlighted the importance of individuals in the policy formulation and implementation. This is a key part of this thesis, where case studies will be presented to illustrate the similarities and differences that local authorities take in implementing public policy.

As well as providing a link to the literature on officer/member relationships, this chapter also builds on the local government reforms discussed in chapter 2 by examining the extent to which local authority elected members engage with the policy-making process, which concluded that members tend to *maintain* rather than *make* policy. It was already been established in previous chapters that the legislation relating to 'highway works' applies nationally in England and Wales, and is implemented by local authorities. For the purpose of this thesis it is important to draw a distinction between the policy-making (into which, it is worth noting, local authorities would have had the opportunity to contribute via an earlier consultation stage) which resulted in the legislation and regulations and the duty of local authority elected members and officers to apply that legislation.

Chapter Five – Inter-organisational Collaborations

Chapter 3 described the implication of central Government reforms of local government with regard to their organisation, management and increasing requirement for inter-agency partnerships. Chapter 4 looked at the significance for public policy implementation of the role of individuals and their perspective. This chapter will identify a number of concepts relating to the study of individual organisations, how organisations compete with each other in order to secure resources, and the factors involved in causing organisations to collaborate. A common theme that emerges is the lack of either general theories of 'collaborations' (Wood and Gray, 1991) or 'partnership working' (Armistead and Pettigrew, 2004).

5.1 Organisational Theory

In modernist organisational theories, the organisations are conceptualised as being bounded by its "environment", which influences organisational outcomes by imposing constraints and demanding adaptation. Consequently, the organisation faces uncertainty about what the environment demands and so experiences "dependence" on a variety of elements that comprise its particular environment. It is this "dependence" and uncertainty that inform the discussion surrounding organisational structures and actions (Hatch, 1997).

Much of the extant literature on organisational theory places the individual organisation at the centre of the theory, but this perspective is at odds with the empirical evidence and developing literature on 'collaborations' (Gray and Wood, 1991).

Before reviewing the literature relating to inter-organisational collaborations, it is also necessary to look at some of the "theories of the firm" and organisational theories relating to how organisations are seen to operate, but also how these have been developed (or need to be developed) to reflect the theory and practice of 'collaborations', particularly by shifting the focus from individual

organisations to that of the inter-organisational *domain*, where organisations are linked to a particular problem (Trist, 1983). Refocusing existing theories from the organisational to the domain level may provide a foundation for developing theories of collaboration (Gray and Wood, 1991).

5.1.1 Organisational Theories

Prior to the 1950s, organisations were viewed as being "closed systems", and treated as if their internal operations were the sole concern of the organisation's management. The "scientific management" school (Taylor, 1947) set out to prescribe how organisations should work but ignored the influence of people and of the external environment (Handy, 1999). Weber (1947) characterised organisations with regard to the "authority" relationships within them, having a concern with why individuals obey commands and why people do as they are told. Weber (1947) drew a distinction between *power*, the ability to force people to obey, regardless of their resistance, and *authority*, where orders are voluntarily obeyed by those receiving them. Weber (1947) then distinguished organisational types according to the way in which *authority* was legitimised, outlining three "pure" types:

- *Charismatic* – based upon the personal qualities of the organisation's leader, who is set apart as having specific powers or abilities;
- *Traditional* – where order and authority are based upon precedent and usage; and
- *Rational-Legal* – based upon bureaucratic (see paragraph 5.2.1 below) forms of organisation: *rational* because means are expressly designed to achieve certain specific goals, and *legal* because authority is exercised by means of a system of rules and procedures through the office which an individual occupies at a particular time.

Attention after World War II was on the "systems approach" to management and organisational theory, where researchers argued that organisations should be seen as whole systems of interrelated parts. Furthermore, the organisation could be viewed as an "open system" in constant interaction with its

environment. With the concept of “systems thinking”, holistic techniques for studying systems could be developed (Jackson, 2000).

Studies included the concept of the organisation’s environment into organisational analysis, drawing on observations which showed that organisations differed considerably depending upon whether they operated in stable or rapidly changing environments. Burns and Stalker (1961) identified that in stable environments, organisations specialised in routine activities with strict lines of authority and distinct areas of assigned responsibility. Applying a machine metaphor, such organisations were characterised as being *mechanistic*. In contrast, organisations in rapidly changing environments required flexibility and encouraged employees to apply their skills as needed. This type of organisation was characterised as being *organic* because, like living things, they adapted flexibly to changing circumstances.

By the 1970s, “contingency theory” had become established in organisational theory, and this viewed organisations as consisting of a series of interdependent subsystems (Jackson, 2000). Between the 1960s and early 1980s, studies produced theories on “bounded rationality” (Cyert and March, 1963) and “resource dependency theory” (Pfeffer and Salancik, 1978; Pfeffer, 1981), among many others.

A brief summary of “resource dependency theory” below will help to provide a later link between the work of organisational theorists and later work on collaborative working. Organisational success in *resource dependency theory* is defined as organisations maximizing their power (Pfeffer 1981), and is characterised by the links among organisations as a set of power relations based upon an exchange of resources. This exchange is required because organisations are not self-directed and autonomous. They need resources, including money, materials, personnel and information, and to get these they must interact with other organisations that have the required resources.

5.1.1.1 Resource Dependency Theory

Resource dependency theory (Pfeffer and Salancik, 1978) suggested that, in order to understand organisational behaviour there was a need to understand how the organisation related to other “social actors” in its environment. Organisations comply with the demands of others or act to manage the dependencies that create constraints on organisational actions. In order to survive, organisations require resources and that acquiring resources means that organisations must interact with others who control those resources. Control over resources provides others with power over the organisation. Therefore, organisations attempt to alter their dependence relationships by minimizing their own dependence or by increasing the dependence of other organizations on them. The survival of the organisation is partly explained by its ability to cope with environmental contingencies and negotiate exchanges, and the extent to which

Within this perspective, organisations were viewed as being coalitions of varying interests which alter their structures and patterns of behaviour to acquire and maintain the external resources which they require, and that the environment in which the organisations operated was assumed to contain scarce and valued resources essential to organisational survival. As such, the environment posed the problem of organisations facing uncertainty in resource acquisition. Therefore, organisations were assumed to work toward two related objectives: acquiring control over resources that minimize their dependence on other organisations and control over resources that maximize the dependence of other organisations on themselves.

Although *resource dependency theory* was originally formulated to discuss relationships between organisations, the theory is applicable to relationships among units within organisations. Gray and Wood (1991) suggest that this theory showed considerable promise for explaining some domain-level phenomena, since the focus of the theory was on minimising inter-organisational dependencies and preserving individual organisational autonomy

while recognising that inter-organisational relationships were necessary to acquire resources. However, at the domain level, the focus changes from a single organisation's resource configuration to the overall allocation of resources in the domain field and among all the players in the domain.

Organisational studies encompass the study of organisations from multiple viewpoints, methods, and levels of analysis. Distinction is between the study of *micro* organisational behaviour – which refers to individual and group dynamics in an organisational setting – and *macro* organisational theory which studies whole organisations, how they adapt, and the strategies and structures that guide them. To this distinction, some authors have added an interest in *meso* – primarily interested in power, culture, and the networks of individuals and units in organisations – and *field* level analysis which study how whole populations of organisations interact.

5.2 Theories of the Firm

With the current situation being that utility services in England are provided by private-sector organisations, it is necessary to include a review of the literature on "theories of the firm", in order to understand how those theories might influence the collaborative capability of those firms.

The theory of the firm consists of a number of economic theories which describe the nature of the firm (company or corporation), including its existence, its behaviour, and its relationship with the market.

Finn (1996) outlined the basic assumptions of "the firm" that, he maintained, apply whether the issues involved either the private or public sectors, and suggested that organisations were not altruistic but were motivated by profit or mandate, were competitive because they were constrained by profit requirements or public monies. The consequence was that organisations looked for "competitive advantage" because they tend to be successful, and so dedicate their resources to endeavours that they have the understanding and

expertise to accomplish. A combination of these factors suggested that organisations were reluctant to take on a problem that they do not perceive as being “theirs”, do not understand what they can do about, or will not be fairly compensated for.

Within these “theories of the firm”, the focus is on how individual organisations can achieve efficiency in its transactions with other organisations but without considering the dynamics of those other organisations’ relationships among themselves or the overall efficiency of the social system within which the organisations operate. From a domain perspective, the focus shifts to the consideration of how organisational collectives can overcome “free-rider” effects and other impediments to efficiency in their transactions, and how a collaborative alliance affects the overall efficiency of resource-use within the inter-organisational network include in the domain-area (Gray and Wood, 1991).

5.2.1 Bureaucracy

Bureaucracy is the structure, and set of regulations in place to control activity, usually in large organizations and government. It is represented by standardized procedure, formal division of powers, hierarchy, and relationships. In practice the interpretation and execution of policy can lead to informal influence. Max Weber (1947) described the ideal type bureaucracy in positive terms, considering it to be a more rational and efficient form of organization than the alternatives that preceded it, which he characterized as “charismatic domination” and “traditional domination”. According to his terminology, bureaucracy is part of “legal domination”. However, he also emphasized that bureaucracy becomes inefficient when a decision must be adapted to an individual case.

According to Weber, the attributes of modern bureaucracy include its impersonality, concentration of the means of administration, a levelling effect on social and economic differences and implementation of a system of authority that is practically indestructible. A bureaucratic organization is governed by a

number of principles, including that of recognising that official business is conducted on a continuous basis and in strict accordance with rules. These rules state that it is the duty of each official to do certain types of work is delimited in terms of impersonal criteria, and that the official is given the authority necessary to carry out his assigned functions. Every official's responsibilities and authority are part of a vertical hierarchy of authority, with respective rights of supervision and appeal. However, officials do not own the resources necessary for the performance of their assigned functions but are accountable for their use of these resources. To this end, official and private business and income are strictly separated, and offices cannot be appropriated by their incumbents (inherited, sold, etc.) Weber (1947) also suggested that control within bureaucracies by non-technical specialists would be possible only to a limited degree, so trained permanent officials, for example, civil servants, were more likely in the long-run to get their way than their nominal superior, for example a government minister, who was not a specialist

It is this type of organisational structure that best represents the current image, if not the reality, of local government in the United Kingdom (Pollitt and Bouckaert, 2004). Gray and Wood (1991) indicate a further connection between organisational structures and domain-level analysis in developing a link to “institutional theory”, in which organisations seek to achieve legitimacy from institutional actors by structurally adjusting to institutional influences by complying with institutional directives, by copying others’ responses to institutions, or by conforming to institutional influences (DiMaggio and Powell, 1983). At an individual organisation level, “institutional theory” can help to answer questions as to why organisations adopt certain structural configurations, but at the domain level the focus shifts to how *collaborative alliances* can interact with the institutional environment, and whether such *alliances* are shaped by institutional environments or whether *alliances* can influence the institutional environment (Gray and Wood, 1991).

5.2.2 “Street Level Bureaucrats”

The concept of street-level bureaucracy, first coined by Lipsky (1980), was discussed above in section 4.2.2.1 with regard to public policy implementation. Lipsky (1980:3) characterised “street-level bureaucrats” as being public employees, including the police, social workers, and others who "walk the streets" with regular citizens, and who grant access to government programmes and provide services within them, and argued that "policy implementation in the end comes down to the people who actually implement it".

Relevant to this aspect of inter-organisational collaborations, Lipsky (1980) identified several problems with street-level bureaucracy, including:

> *"…the problem of limited resources, the continuous negotiation that is necessary in order to make it seem like one is meeting targets, and the relations with (non-voluntary) clients".*

However, some commentators have challenged Lipsky's model. Evans and Harris (2004) argued that "the proliferation of rules and regulations should not automatically be equated with greater control over professional discretion; paradoxically, more rules may create more discretion." They also argue that the exercise of professional discretion by street-level bureaucrats is not inherently "bad", but can be seen as an important professional attribute. Impartiality is perceived as being a quality that is sought after when employing “street-level bureaucrats”. An impartial street-level bureaucrat will fairly implement the law, and apply it to all citizens, and not just a select few.

In assessing the relevance today of Lipsky’s work, Taylor and Kelly (2006) identified three levels of discretion available to employees at work in organisations, including *rule discretion* where the employee is bounded by legal, fiscal or organisational constraints. In theory, the more rules the less discretion there is at street level. However, rules still need to be interpreted and tested, particularly in situations where they cannot be applied to the letter. In the case of *value discretion*, the employee’s notions of fairness and justice are the focus,

where professionals abide by established practices but are expected to exercise judgement based on training, knowledge and experience. With t*ask discretion*, focus is on the actual ability to carry out prescribed tasks, where some tasks may be complex and require discretionary action which cannot be easily monitored.

5.3 Collaborations

In 1991, Gray and Wood (1991) and Wood and Gray (1991) looked at the then extant literature on 'collaborations', which they identified as being an area of rising academic interest. Wood and Gray (1991) suggested that whilst there is no single theoretical perspective that provides a foundation for a general theory of collaboration, by synthesising elements from organisational literature then key features of collaborative working may be identified, and these key features are set out in Table 5.1 below:

Table 5.1: Common Elements of Collaborations

1) Stakeholders, with common interests/shared goals

2) Seeing different aspects of a problem/having differences
* acting/deciding/managing/exploring/addressing constructively
* via shared institutions/rules/norms,
* a temporary structure, and
* an interactive process
* with respect to a problem domain/issue
* to search for solutions/to produce change
* beyond their own limited visions and abilities
* to decide the future of the shared domain

based upon Wood and Gray (1991:147)

5.3.1 Collaborative Domains

These common elements derived from the literature indicate that conditions for collaborative working are more favourable where a number of *stakeholders* work *constructively* in a *common domain* to *seek solutions* through *appropriate mechanisms*. In earlier research, Trist (1983:270) characterised 'inter-organisational domains' as being those where an organisational population

engages with a set of problems which "…constitute a domain of common concern for its members".

Gray and Wood (1991:4) go on to draw a further distinction between *collaborations*, which is the:

> *"…process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible",*

and *collaborative working*, which they describe as being:

> *"…an interorganizational (sic) effort to address problems too complex and too protracted to be resolved by unilateral organizational action".*

Thus, where *collaboration* refers to the process, *collaborative working* is represented by the different forms taken.

The literature on *collaborations* can be further distinguished between that which focuses on collaboration between solely private sector organisations, where relations tend to associate more with the *competition* principles described above (Kanter, 1994). However, within such collaboration individual organisations have to have defences against allowing exchanges from revealing more than bargained for (Hamel, Doz and Prahalad, 1989). Collaborations involving private firms, public sector organisations and the voluntary sector tend to be associated more with *collaboration* principles, where the individual organisations involved look for "Win/Win" outcomes (Armistead and Pettigrew, 2004).

Sullivan and Skelcher (2002) developed a further categorisation of collaboration where the primary imperative is to realise benefits for the community, rather than for special interests, and which they characterised as being *public-purpose* collaborations. Such collaborations typically operate at a sub-regional, city or neighbourhood level, and are created in response to some public policy

objective, including public infrastructure provision. Performance within these collaborations has a particular salience in the wider political environment, possibly supported by elected office-holders with an interest in the success of the collaboration in order to maintain the support of the electorate.

5.3.1.1 Stakeholder Theory

Traditional theories of the firm assumed that, taking a profit-maximising stance, in a private-sector organisation the *shareholders* in the business should be given first priority and be the major consideration in decision-making and organisational strategy. This assumption arose because early economic theorists saw a business's owner and manager, and their interests, as being synonymous. However, studies of market models demonstrated the importance of competitors and government as restraining factors, and also the impact on business from suppliers, distributors and the organisation's own manager and employees. Newbould and Luffman (1979) argued that an organisation's current and future strategies were affected by external pressures from the marketplace, including competitors, buyers and suppliers, shareholders, pressure groups, government, internal pressures from existing commitments, managers, employees, and trade unions; and the personal ethical and moral perspectives of senior managers.

Freeman (1994) categorised any groups or individuals who could affect or be affected by the achievement of an organisation's objectives as "stakeholders". The *stakeholder approach* to understanding the firm in its environment was a way for the managers of an organisation to broaden its outlook beyond the profit-maximisation function.

Stakeholders may have a commonality of purpose at a general level, for example, providing a service or improving quality, at a more detailed level they might wish to impose different purposes and priorities on an organisation because they see different things as being important, and their interests are not always consistent (Johnson and Scholes, 2001). *Stakeholder theory* takes the

concept of “stakeholders” and is a method by which managers can assess the relative power of various stakeholder individuals or groups, how to establish a hierarchy of relative importance amongst all the stakeholders, and how to “trade-off” one against another.

The Labour Government’s adoption of “Third Way” policies, as discussed above in chapter 2, incorporated the idea of a “stakeholder society”, where the state formed partnerships and networks based on trust between a range of groups in society, including businesses, employees, and voluntary and public sectors (Richards and Smith, 2002).

Where Labour’s intention was to create skilful, loyal, flexible, and literate citizens, it did so primarily by administrative means, with rights being exercised within a framework of individual responsibilities (Glasman, 2010). Glasman (2010) noted that the “New Labour” model had come under strain, with social problems of teenage pregnancy, obesity, class disadvantage, inequality, antisocial behaviour and a lack of social mobility all proving more durable than expected. In response to this, and the financial crisis of 2008, David Cameron, leader of the Conservative party and British Prime Minister following the 2010 general election, put forward the notion of “the big society”, the elements of which were identified in chapter 2 and involve a focus on local communities, including developing a sense of community in individuals, groups, and devolving greater powers to local authorities to deal with local issues.

5.3.2 Collaborative Working

“Wicked issues” were discussed in chapter 4 above, with regard to public policy implementation, and Lowndes and Skelcher (1998:315) say that “wicked issues” can only be tackled by “…bringing together the resources of a range of different issues and interest groups”. Innovation can arise in the:

> *“…form of strategies to develop interrelationships, trust and collaboration in an environment of resource scarcity where organisations would*

> *typically be orientated to defence and self-protection behind their bureaucratic ramparts".*

These 'problems' are also characterised as being "meta-problems" (Chevalier) or "messes" (Ackoff), and are issues that are too extensive and too many-sided to be coped with by a single organisation and where the response-capability required to deal with a "mess" is inter- and multi-organisational.

The literature on partnerships tends to agree that there is no single definition as to what constitutes a 'partnership' (Armistead and Pettigrew, 2004). Partnerships can be *prescriptive (i.e. top-down)* or *evolutionary (i.e. bottom-up), formal* or *informal*, can be comprised of *public bodies, private firms, community* or *voluntary groups*, can vary by *size, function* or *service area*, be *statutory* or *voluntary, executive* or *non-executive, strategic* or *operational, limited companies* or *charitable trusts* (Armistead and Pettigrew, 2004; Hill, 2001; Wilson and Game, 2006). Armistead and Pettigrew (2004:573) offer a definition that further links the nature of partnership working to tackling 'wicked issues when they define a partnership as being:

> *"…a cross-organizational group working together towards common goals which would be extremely difficult, if not impossible, to achieve if tacked alone."*

'Partnership' is one of a number of different terminologies used in the literature to describe inter-organisational collaboration (Huxham, 2003), which also includes *alliance, collaboration,* and *network.* According to Huxham (1996), collaborations have been identified as a logical and necessary response to turbulent conditions, where organisations become highly interdependent with others in unexpected but consequential ways. Turbulence, which occurs when organisations, acting independently on diverse directions, create unanticipated consequences for themselves and others, cannot be managed individually because disruptions and their causes cannot be adequately anticipated or dealt with by unilateral action. The ability of a single organisation to plan is limited by the unpredictable consequences of other organisations. Through *collaboration*

(Huxham, 1996), stakeholders gain appreciation of inter-dependencies, pool their insights into the problem, increase the variety of responses to issues, and achieve increases reciprocity, efficiency and stability amongst themselves.

Interactions between organisations can be identified broadly from two organising principles (Armistead and Pettigrew, 2004), i.e. *competition*, where alliances arise in response to threats from competitors or perceived opportunities to expand domains – the *competition* principle is developed from *resource dependency theory*, where individual organisations are orientated towards the acquisition and defence of an adequate supply of scare resources (Sullivan and Skelcher, 2002); or *collaboration*, a synergistic gain from sharing resources, risks and rewards, and promoting collaborative advantage. At its simplest, *collaboration* refers to any situation where people are working across organisational boundaries although there are no simple prescriptions for 'best practice' (Huxham and Vangen, 1996).

Williams (2002) suggested that a distinction could be drawn between inter-organisational relations at different levels – *macro* and *micro*, where at the *macro* level, a number of writers typified relationships along a continuum "…of varying degrees of sophistication from co-operation to collaboration…" (Williams, 2002:109) and, at the *micro* level, the focus of research was on the role of individual actors, their behaviour patterns and motivations (Williams, 2002: 107).

In presenting a view of how public organisations could adopt the best managerial and organisational response in order to deal with "wicked issues", as discussed earlier in this chapter and also in chapter 4, Williams (2002) described a move from the 'traditional' (i.e. bureaucratic) to 'post-modern' arrangements such as networking, collaboration and partnership.

Williams' (2002) notion of the *micro* aspects of collaborative working is supported by existing literature which seeks to describe taxonomies of those

elements required to ensure successful outcomes (or that are lacking in collaborative 'failures'.) Huxham (2003) described a taxonomy based upon:

- Goal ownership – collaborative, organisational, individual
- Openness – explicit, assumed, hidden
- Means of achievement - collaborative, organisational, individual
- Power – identifying the points of power in a collaboration, and that these can change over time
- Trust – common wisdom suggests that trust is precondition for successful collaboration; common practice shows that suspicion is usually the starting point. This leads to the importance of trust building.
- Membership structure – where structures are conceptualised by:
- Ambiguity – organisations not clear as to who they are collaborating with
- Complexity – where organisations are also members of other (competing?) collaborations
- Dynamics – shifting roles of collaborative members
- Leadership – the mechanisms by which things are made to happen in the collaboration

A key element in initiating and developing collaborations is a person (or persons, known variously as the 'boundary spanner', the 'reticulist' or the 'convenor' (Armistead and Pettigrew, 2004; Sullivan and Skelcher, 2002; Gray and Wood, (1991), who are those people within individual organisations working behind the scenes, influencing and persuading, building interpersonal trust, anticipating issues and limiting potential damage. These are the people who bring networks together and help others to identify relevant linkages between them and other 'actors'.

If the 'boundary spanner'/'reticulist' is a key individual in successful collaborations, Trist (1983) suggests that within inter-organisational collaborations there is likely to be a 'referent organisation' which regulates the relationships, activities and values of the 'domain organisations' and look for

emerging future trends in order to develop and shape the image of the 'domain's' future.

As a *caveat* against the assumption that collaborative working should always been seen as an ideal for which organisations should strive, Huxham (2003) defined two concepts from her research:

- *Collaborative advantage* – something achieved out of the collaboration that could not have been attained by any of the organisations acting alone; and
- *Collaborative inertia* – where the outputs from the collaboration appear to be negligible or appear to be extremely slow.

According to Hill (2001:219), partnerships require a different set of managerial skills to those traditionally used in the public sector; and that organisations should address the extent to which a partnership would be a 'strategic fit', i.e. developing a strategy by identifying opportunities and adapting resources and competencies so as to take advantage. One of the 'lenses' through which an organisation's strategy can be viewed (Johnson and Scholes, 2002:24) is that of *strategy as ideas*, where strategy is not so much planned from the top but is *emergent* from within and around the organisation as people cope with uncertainty and change.

The 'traditional' organisational structure adopted by public organisations, i.e. bureaucracy, is questioned in the literature on both public policy and inter-organisational collaboration, where the suggestion is made that in order to address the challenges of dealing with "wicked issues" in the age of governance, organisations need to look to adopting a 'post-modern' perspective, including different organisational structures and processes, in what Armistead and Pettigrew (2004:575) describe as a "cultural shift".

The research discussed above has tended towards showing public policy and inter-organisational collaborations from a 'top-down' point of view, where they

can be seen to represent a strategy choice adopted by organisations in order to tackle the “wicked issues” or “messes”.

This ‘top-down’ perspective is also seen in the implications for control in bureaucracies where the hierarchical nature of the organisation means that control is ensured by the exercise of authority from the top and where coherent and consistent orders are passed down the line (Pollitt and Bouckaert, 2004). This arrangement can be contrasted with alternative types of control and co-ordination including *networks*, where relationships between essentially equal social agents and agencies are more informal and where organisational units operate co-operatively and *markets*, where the price mechanism regulates and co-ordinates the activities of sellers and buyers. Pollitt and Bouckaert (2004) suggested that the main thrust of the NPM reforms, in Britain at least, was the *de facto* substitution of *market* forms of co-ordination for *hierarchical* co-ordination.

Another perspective can be added by considering the input of the ‘social actors’ involved in the various processes. There is extensive literature on organisational behaviour and the behaviour, motivations and goals of individuals in organisations. An examination from the perspective of goal-setting and decision-making would help to form a link between public policy research and organisation behaviour literature. Goals can be defined as being a future expectation or a desired future state and, from an organisation perspective, are the basis for objectives, policies and strategies pursued. Individuals within organisations have different, possibly conflicting, goals, and as a consequence the goals which an organisation actually pursues (the *informal* goals) can be distinguished from the officially stated goals (the *formal* goals) (Mullins, 2002). However, Simon (Ouchi, 1980) maintains that individuals within organisations rarely have a common understanding of goals.

5.3.3 Collaborative Performance

Skelcher and Sullivan (2008) addressed the question of how to explain the different ways in which collaborations might be expected to perform, and whether it would be possible to set out the expectations about the main performance domains for "public-purposive collaborations". They defined (Sullivan and Skelcher, 2002) "public-purposive collaborations" as being collaborations where the primary interest was to realise benefits for the wider community rather than for special interests, with such collaborations operating at a sub-regional, city or neighbourhood level. Key elements in the creation of these collaborations are that they are created in response to a public policy objective and are legitimised through a civil administrative body.

Laffin and Young (1990:27), talking about professionalism in local government, identify *mutuality* – the broad consensus on goals – as a key relationship between officers and members. Professionalism in local government has several levels of meaning including that of an occupational group which has substantial authority in the workplace, the day-to-day freedom from external control, and the ability to proffer advice and exert influence (Laffin and Young, 1990:8). The environmental changes – market reforms, audit and performance-measurement culture – discussed above have also changed the context of 'professionalism' in local government in response to new-style Members wanting to pursue their own agendas driven by external policy developments (such as national political party manifestos and policies) and their own (rather than that of officers) assessments of citizens' needs, leading to a move away from the notion of local government officers acting as autonomous and rational individuals (Laffin and Young, 1990; Gleeson and Knights, 2006). In addition to these 'top-down challenges to professionalism, 'bottom-up' pressures include the increased role of users in evaluating service delivery and the need for 'professionals' to be more aware of the effect of their actions on 'customers' (Taylor and Kelly, 2006).

5.4 Chapter Summary

This study has already established the environment in which, with regard to 'highway works', a number of organisations are involved. The main focuses of this study are local authorities and predominantly private-sector utility companies. In addition, a number of other Government departments, i.e. the Department for Transport, and representative bodies, including regional and national joint authorities group (JAG) and joint utility groups (JUG) separately and together within highway authority and utility committees (HAUC), are involved in setting the agenda and developing legislation and regulations.

The literature on organisational theory described the way in which organisations are bounded by their environment, and the implications that this has for the way in which it operates, and identifies the dependencies on other organisations for resources. The significance of the work on organisational theory to this thesis is that, by looking at the organisations involved, it helps to explain the reasons why organisations would seek to collaborate (or not) with others, and how these reasons then help to explain the behaviours of the people within those organisations and the extent to which they then collaborate (or not) across organisational boundaries.

The literature has established that there are a number of bases for authority, i.e. getting people to do things, in organisations, and that in some cases, for example rational-legal (Weber, 1947) they are related to the bureaucratic nature of the organisation itself. The post-Second World War work in the field began to conceptualise organisations in terms of metaphors, likening them to systems or machines or organisms, and that concluded that the nature of the organisation would have an effect on the way in which the people within the organisation behaved, with particular types of behaviour being predicted for certain types of organisation operating in certain types of environment.

In addition to organisation theories, this chapter has also looked at theories of the firm, which concluded that organisations are reluctant to take on a problem

that they do not perceive to be “theirs”, do not understand what they can do about it or will not be fairly compensated for dealing with it. Private-sector firms are assumed to be motivate by profit or mandate, but not by altruism; and they are competitive because they are constrained by the requirement to make a profit or because they are dealing with public monies. Stakeholder theories have also added to the discussion by identifying a number of factors, including external and internal pressures, and the perspectives of senior managers in organisations, which can result in an organisation looking beyond engaging simply in profit-maximising behaviour. This thesis will address some of the issues encountered by the private-sector utility companies in executing their ‘street works’, where their expenditure and income is set by industry regulators, and will look at the factors that people within those organisations take into account when deciding when to go above and beyond the basic minimum required by legislation. Similarly with regard to the local authorities involved, this study will investigate the considerations that might be involved in going beyond a demand for strict compliance with the legislation by the utility companies.

With regard to collaborative working between organisations, the literature has identified that a number of different definitions as to what ‘collaboration’ means, and the working arrangements that collaboration might take, exist. Armistead and Pettigrew (2004) offer a definition that is helpful in light of the subject matter for this study, which seeks to address the benefits of a partnership approach to managing ‘highway works’, by describing a partnership as a cross-organisational group working together towards common goals which would be difficult, if not impossible, to tackle alone. Chapter 3 described the changes to the legislation that regulates ‘highway works’. The number of recent changes to regulations and introduction of new legislation, together with the results of studies carried out by the Government and an increase in the amount of traffic using the roads, indicates that the issue of ‘highway works’ is not an easy problem to solve. The way in which the regulations are applied, i.e. legislation introduced by Government from work carried out by representative bodies, applied by individual local authorities for works carried out by themselves and

numerous private-sector utility companies, means that solutions to problems arising cannot be tackled by one or a few of the organisations involved.

There are a number of features (Huxham, 2003) which have been identified in both successful and unsuccessful inter-organisational collaborations, and these have been used in developing the questions for the semi-structured interview used in this study to collect primary data. Elements of successful collaborations identified included having shared goals, issues of openness, commitment and trust, and a key element was shown to be those “actors” who cross organisational barriers to develop relationships and build commitment to making inter-organisational collaborations work. These factors also link back to the literature discussed earlier in this chapter relating to organisational theories and theories of the firm, which looked at how the structure of the organisation would affect the behaviours of individuals, the extent to which they understood and shared their organisation’s goals, and the extent to which those organisational goals were motivated by the need to compete or collaborate with other organisations.

The literature on inter-organisational collaborations particularly highlights the significance of individuals, particularly of “street-level bureaucrats”, to either the success or failure of a collaborative venture. These “street-level bureaucrats”, those actors who are involved in implementing policy, provide a link with the literature on inter-organisational collaborations.

Chapter Six – Research Methodology

6.1 Research Methods used in this Study

Table 6.1 below summarises the research approach, methodology and methods used in this study. The Table shows that whilst the approach was mainly inductive and qualitative, in order to meet the research aims of exploring the reality of the area of study, a number of methods were utilised in order to make the study more rigorous and to bring greater validity and reliability to the results.

Table 6.1 Research Methods for this Study

Research Method/Methodology		Purpose
Research Stage 1 - Research Philosophy	Social-Constructivist	research aims to increase the general understanding about 'highway works'
Research Stage 2 - Research Approach	Inductive	to collect data and develop theory
Research Stage 3 - Research Strategy	Case study	used previously in studying Devon County Council; enables the collection of data about reasoning and motivation of the individuals
Research Stage 4 - Time Horizon	Cross-sectional	to study the phenomenon at a point in time
Research Stage 5 - Data Collection:	Qualitative	to gain insight and understanding about individuals' reality
	Quantitative	to triangulate interview findings
Fieldwork:	Semi-structured Interviews	to explore individuals' reality
	Observation	to help with context; used in the absence of interviewee availability
	Multiple sources	to provide additional rigour to support the use of the case study approach
Deskwork:	Document analysis	to triangulate the interview findings
Validity		clear focus on relationships between authorities and utility companies with regard to 'highway works'; extent to which findings align with the literature
Reliability		consistency of data analysis and presentation
Generalisability		limited by the narrow focus of the study
Data Analysis:	comparable data sources	interviewees were at comparable levels within organisations
	coding	to identify patterns; to identify relevant data; to support validity

6.2 Identification of the Research Methodology for this Study

The identification and definition of the research questions represents the start of the process to identify a suitable research methodology. Since there are a wide variety of research methods available to social scientists, there is also a need to consider the type of study that is appropriate to reach an understanding of the research area.

Research *design* is the basic plan of the research and the logic behind it so that it makes it more possible and valid to draw more general conclusions from the research. The researcher must then identify an appropriate *technique* for collecting data.

Easterby-Smith, Thorpe and Lowe (2002) identified the key choices of research design, and these are summarised in Table 6.2 below:

Table 6.2 - Key Choices of Research Design

Researcher is Independent	vs	Researcher is Involved
Large Samples	vs	Small Numbers
Testing Theories	vs	Generating Theories
Experimental Design	vs	Fieldwork Methods
Universal Theory	vs	Local Knowledge
Verification	vs	Falsification

source: Easterby-Smith, Thorpe and Lowe, 2002:43

Research design will be informed by whether the researcher is involved with, or remains distant from, the material that is being researched. The choice stems from a philosophical view about whether it is possible for the observer to remain independent of the phenomena being observed, but also whether the observer *can* remain independent.

Yin (2003) summarised the research design as being a more than a work plan, with the main purpose of the design being to help avoid a situation where the

evidence does not address the initial research questions. It is a logical model of proof that allows the researcher to draw inferences concerning causal relations among the variables under investigation (Nachmias and Nachmias, 1992).

Saunders, Lewis and Thornhill (2003:83) described the research process as being like an onion, in that it is revealed by peeling away a number of layers:

- The first layer relates to the *research philosophy* adopted by the researcher.
- The second layer flows from the first and addresses the *research approach*.
- The third layer identifies the *research strategy* to be used in the study.
- The fourth layer identifies the *time horizon* of the research, which may be *cross sectional*, where a phenomenon is studied at a particular time, or *longitudinal*, where the study is carried out over a period of time in order to document changes and developments.
- The fifth layer includes *data collection methods.*

Each of these layers is examined below to explain how and why they were applied to this study.

There is also a need to consider the design of the research project whilst at the problem definition stage, to ensure that the method(s) chosen is capable of identifying the research objectives. This requires the researcher to select a method capable of collecting useful data and of providing analytical tools from which consistent, relevant, significant and valid conclusions can be drawn. With the many research methods available to researchers, according to Arbnor and Bjerke (1997:5) a researcher can never

> *"... empirically or logically determine the best approach. This can only be done reflectively by considering a situation to be studied and your own opinion of life."*

Different types of research approaches produce different kinds of knowledge about the phenomena being studied, and underpinning the different research methods are more general philosophical questions about how social reality is perceived, which leads to an identification of the most appropriate methods for studying it (Blaxter, Hughes and Tight, 2001).

6.2.1 Literature Review

An important element in selecting an appropriate methodology is the literature review, whereby the current study can be related to previous work that has been carried out within the research field.

The focus for this study is to examine the ways in which local government departments in England deal with their responsibilities under legislation relating to the co-ordination of 'highway works'. The literature reviewed in chapters 2 to 5 covered four distinct areas: (1) the development of local government, its relationship with central Government, and how central Government has re-defined the role of local government; and (2) the development of legislation relating to 'highway works' in response to changes in the function of highways, i.e. from being a conduit for surface transport to also being a conduit for underground apparatus, and the consequential need to balance the demands of road users and the owners of underground apparatus. These two areas overlap in the area of (3) public policy, which provides literature on how polices are developed and implemented and also provides an additional context through central Government's privatisation programme in Britain in the 1980s and 1990s which had the effect of increasing the numbers and types of now private-sector organisations that had rights to keep their apparatus under the highway. As a consequence of the extension of these rights, and the changes to legislation regulating activities for 'highway works', the local government departments have to engage with the utility companies, and with their own works-promoting departments, in order to co-ordinate works effectively, leading to (4) the review of the literature on inter-organisational collaborations.

In three of the above areas, the development of local government, public policy, and inter-organisational collaborations, the author reviewed printed sources, including academic texts and journals. In many cases the authors of those sources had adopted qualitative research methodologies involving interviews and case studies in order to explore their research areas.

The literature on inter-organisational collaboration examined the factors that motivated organisations to collaborate, the factors that were present in successful (or unsuccessful) collaborations, and the significance for policy implementation of the individual, both within an organisation and also spanning organisational boundaries, and how collaborative working involving both public- and private-sector organisations could be examined.

Similarly, the literature on public policy and policy implementation studies also offered suggestions regarding an appropriate research strategy for this study. In the literature, 'top-down' approaches to policy studies examine policy implementation from political decision to administrative execution, and seek to be predictive or make recommendations regarding future policies, while 'bottom-up' approaches examine implementation from the perspective of the people implementing the policies, and seek to be more explanatory. Thus, they reinforce the identification in the literature on inter-organisational collaboration about the significance of the individuals involved in the implementation process and the extent to which they can influence it.

These two areas of literature suggested a method by which this study could explore the issues involved by:

- Identifying the people involved with, and their approach to, 'highway works' within the different organisations; and
- Looking at the contextual factors involved – including the changes and development in local government and legislation relating to 'highway works' identified in the other parts of the literature review – that could

have an effect on how legislation was applied (by local authorities) or complied with (by utility companies).

6.2.2 Research "Layer 1" – Research Philosophies

Research philosophies have implications for the way in which the researcher thinks about the development of knowledge, about what knowledge can be judged to be acceptable, and so will influence the way in which research is carried out.

6.2.2.1 Positivism

Positivism assumes that the social world exists externally, and that its properties can be measured through objective methods rather than being inferred subjectively through sensation, reflection or intuition (Easterby-Smith, Thorpe and Lowe, 2001). Positivist research brings with it a number of implications:

- The researcher in this approach assumes the role of an objective analyst, making detached interpretations about data that has been collected in a value-free manner, and where emphasis is placed on a highly-structured methodology to allow for replication and on quantifiable observations that lend themselves to statistical analysis (Gill and Johnson, 1997; Saunders, Lewis and Thornhill, 2003).
- The positivist philosophy is then associated with a *deductive* research approach, which involves the development of a theory that is then subjected to a rigorous test. Under the deductive approach, concepts need to be "operationalised" in a way that enables facts to be measured quantitatively and reduced to the simplest possible elements. The deductive approach requires a sufficiently large sample to allow for generalisation about regularities in human social behaviour (Saunders, Lewis and Thornhill, 2003).

6.2.2.2 Social Constructionist

On the other hand, researchers critical of the positivist approach argued that rich insights are lost by reducing the results of investigations into a series of law-like generalisations. Remenyi et al (1998) argued for the need to understand that individuals and organisations are unique and that there was a need to understand the reality working behind them, leading to *social constructivism*, which focuses on the way in which people make sense of the world through sharing their experiences with others via language (Saunders, Lewis and Thornhill, 2003).

The essence of this approach is that "reality" is determined by people rather than by objective and external factors. In contrast to the positivist approach, social scientists using the *social constructivist* approach would focus on the different constructions and meanings that people place upon their experience, both individually and collectively. The purpose of this approach to research is to try to understand and explain why people have different experiences, rather than to search for external causes and fundamental laws to explain their behaviour (Easterby-Smith, Thorpe and Lowe, 2001).

Table 6.3 below summarises the contrasts between positivism and social constructivism.

Table 6.3 - Contrasting *Positivism* and *Social Constructivism*

Attribute	Positivism	Social Constructivism
The observer	Must be independant	Is part of what is being observed
Human interests	should be irrelevant	Are the main drivers of science
Explanations	Must demonstrate causality	Aim to increase general understanding of the situation
Research progress through	Hypothesis and deductions	Gathering rich data from which ideas are deduced
Concepts	Need to be operationalised so that they can be measured	Should incorporate stakeholder perspectives
Units of analysis	Should be reduced to simplest terms	May include the complexity of "whole" situations
Generalisation through	Statistical probability	Theoretical abstraction
Sampling requires	Large numbers selected randomly	Small numbers of cases chosen for specific reasons

source: Easterby-Smith, Thorpe and Lowe, 2002:30

In undertaking this study the author, due to the nature of his full-time employment, was a part of what was being observed and was already known to the Yorkshire-area authorities and utility companies as a practitioner. The aims of the study were to increase the general understanding of the situation regarding 'highway works' and how different organisations applied the same national legislation. In order to do this, a number of stakeholder perspectives were taken into account but these were based around a small number of cases chosen to allow differences to be explored. For these reasons, the study's research philosophy tended more toward the *social constructionist* approach.

6.2.3 Research "Layer 2" – Research Approaches

The design of a research project can take either a *deductive* approach, where a theory and hypothesis are first developed and then tested via a research strategy, or *inductive* approach, where data is collected first and then theories are developed from the data analysis.

The deductive approach can be related to scientific research, where theories are subjected to rigorous testing, and is the dominant research approach in the natural sciences (Saunders, Lewis and Thornhill, 2003). An important

characteristic of this approach is that concepts need to be operationalised in a way that enables data to be measured quantitatively.

The inductive approach has its origins in the emergence of social science research, where researchers were critical of the deductive approach that enabled a cause-effect link to be made between variables without an understanding of the way in which individuals interpreted their social world. Research using an inductive approach is concerned with the context in which events take place, and so lends itself more towards the study of a small sample of subjects.

In the same way that the *social constructivist* philosophy contrasts with the *positivist*, the research approach most closely associated with *social constructivism* is that of *induction* rather than *deduction*. Under the inductive approach, theory follows data as a way of accounting for the way in which humans interpret their social world, and to find alternative explanations about what is going on.

Within this study the intention was to investigate how different organisations applied national legislation, with particular focus on the role and contribution of individuals within those organisations. The findings could then be analysed to look for explanations about similarities and differences. These aims were best supported by an inductive approach.

6.2.4 Research "Layer 3" – Research Strategies

The research strategy is the general plan by which the researcher will go about answering the research question(s), and should contain clear objectives, specifies the sources for data collection, and constrains on the research (including access to data, time, location, cost, and ethical issues).

6.2.4.1 Experiments

Using this strategy, the researcher defines a theory or hypothesis, selects a sample from a known population and then manipulate an independent variable is to produce a change or effect. The experimental method is the only research strategy that can, in principle, yield causal relationships, and control of the variable can clarify the direction of cause and effect (Bowling, 1997).

The experimental method is associated more with physical sciences, on materials amenable to experimentation, although is used in some social science areas such as psychology. However, within the social sciences, experimentation is used with more caution due to the ethical considerations around the use of experiments involving people (Blaxter, Hughes and Tight, 2001). The experimental method would not have been an appropriate strategy for this study due to the difficulties in setting up an experiment within the time and cost constraints, and other strategies were available.

6.2.4.2 Surveys

Survey research is a method of collecting information by asking a set of pre-formulated questions in a pre-determined sequence in a structured questionnaire, to a sample of individuals, drawn so as to be representative of a defined population (Hutton, 1990).Questionnaires, interviews and literature reviews are also types of survey that are used in social science research.

Survey strategies do allow for the collection of large amounts of data from a sizeable population in an economical way, and by using standardised responses, allows for each comparison. However, much time needs to be spent on designing and piloting the research instruments, and data collected by the study may not be as wide ranging as those collected by other research strategies (Saunders, Lewis and Thornhill, 2003).

A survey strategy was considered for this study but was discounted because, while it might have yielded a larger volume of data, it would not have provided

the in-depth examination about the involvement of individuals within the organisations.

6.2.4.3 Case Studies

There is no consensus on a precise definition of what is a ‘case study’ but a working definition can be constructed around the notion that it relates to the idea of having cases as the building blocks for data collection and analysis into a particular contemporary phenomenon within its real life context and using multiple sources of evidence (Burton, 2000; Robson, 2002).

Many scholars have regarded case studies as “... an inferior method of inquiry, being of little use and of minimal significance, since they allowed very little quantification and no generalisations” (Sarantakos, 1997:192). The key criticism concerned the issue of “representative-ness” and the extent to which the research findings can be generalised to a wider population beyond the case study (Burton, 2000). Evidence from multiple-case studies was, therefore, regarded as being more compelling and more robust.

Case studies have also been criticised on the basis that they often lack rigour, are too time consuming and generate large and unreadable documents (Yin, 2003). These criticisms can be challenged on the grounds that they can be levelled at any badly designed and executed research project and are not confined solely to case study research (Burton, 2000).

However, case studies have been advocated as the preferred strategy when ‘‘how’’ or ‘‘why’’ questions are being posed, when the investigator has little control over events and when this focus is on a contemporary phenomenon within some real life context (Yin, 2003). Descriptive case studies can be deployed if there is little published research on the topic (Burton, 2000).

A case study approach was chosen for this study as the aims of the research involved looking in-depth at a small selection of organisations in order to gain

an understanding about how they went about implementing national legislation, and particularly how individuals within the organisations influenced that implementation. In addition, Cole (2004) had already utilised the case study approach for a number of studies into the working of Devon County Council, involving a number of in-depth interviews with managers within the council together with a questionnaire given to the same people.

6.2.4.4 Ethnography

The purpose of this research strategy is to interpret the social world that research subjects inhabit in the way in which they interpret it. A consequence of this is that research is time-consuming and takes place over an extended period (Gill and Johnson, 1997).Researchers using this strategy become participant observers in the organisations being studied, and tend to use open or semi-structured survey instruments. However, research outcomes tend not to be replicable or generalisable (Saunders, Lewis and Thornhill, 2003).

The author of this study works for Kirklees Council in its Street Works Team, dealing with utility companies and the authority's own road works departments. As a consequence, he was already known to the utility companies and authorities in the Yorkshire area, and introductions to organisations in Yorkshire, Devon and London were made through his work role, although it was made clear to interviewees that the research was not being carried out on behalf of Kirklees Council.

6.2.4.5 Action Research

This research strategy has three common themes (Cunningham, 1995; Eden and Huxham, 1996):

- It focuses on the management of change
- There is a need for a close collaboration between practitioners and researchers

- Action research should have implications beyond the immediate project, and that results could inform other contexts

Action research as a strategy commences with the identification of an initial idea for a change intervention, which is followed by fact finding and analysis in order to generate an overall plan and decision about the first steps to be taken. Subsequent cycles involve revising the change intervention to ensure that it meets the needs of the organisation. Planned action steps are amended and implemented to take account of unforeseen changes (Saunders, Lewis and Thornhill, 2003).

The strengths of an action research strategy are a focus on change, the recognition that time needs to be devoted to observation, monitoring and evaluation, and the involvement of employees (practitioners) in the process. However, as with the experimental method, action research was not considered to be the most appropriate strategy for this study as there were other methods that were likely to be more effective in allowing the research aims to be met within time and cost constraints.

6.2.5 Research "Layer 4" – Time Horizon

Research can be either a 'snapshot' taken at a particular time – a *cross-sectional* study – or a 'diary' that represents events over a given time – a *longitudinal* study (Saunders, Lewis and Thornhill, 2003).

The main strength of a longitudinal study is its capacity to study change and development over time. It does, however, need to be carried out over a period of time sufficient to allow changes and developments to be observed.

On the other hand, a cross-sectional approach allows for the study of a phenomenon at a particular time.

This study was constrained by time, to carry out the research, analyse and write-up the findings, and submit the completed thesis, and by cost, with the research being self-funded and so needing to focus on a small, selected sample. It was, therefore, considered that this study adopt a cross-sectional approach to study the implementation of 'highway works' legislation at a particular time rather than study in detail changes and developments over time.

6.2.6 Research "Layer 5" – Data Collection Methods

All research involves the collection and analysis of data, which can involve: reading, observation, measurement, asking questions or a combination of these. However, data collected during the research process may vary considerably in their characteristics (Blaxter, Hughes and Tight, 2001):

- Data may be numerical, consist of words or a combination
- Data may be "primary", in that the information has not previously been collected, or "secondary", in that the information has already been put together by someone else but used in a different way for the current research
- Data may consist of responses to a questionnaire or interview transcriptions, notes or other recording of observations or experiments, documents, or a combination

6.2.6.1 Qualitative or Quantitative?

Quantitative research methods and Qualitative methods are often seen as being competing views about the ways in which social reality ought to be studied, and so are divergent clusters of epistemological assumptions. *Quantitative* research is empirical research where data is collected and analysed in numeric form, and tends to emphasize relatively large-scale and representative sets of data, and is often presented as being about the gathering of "facts"; whereas *qualitative* research implies a direct concern with "experiences", is concerned with collecting and analysing information in as many forms, mainly non-numeric, as possible, and tends to focus on exploring, in as much details as possible,

smaller numbers of examples which are seen to be interesting or illuminating (Sherman and Webb, 1988; Baxter, Hughes and Tight, 2001).

Stainback and Stainback (1988) identified the main differences between the two approaches to research, and these differences are summarised in Table 6.4 below:

Table 6.4 - Differences between *Quantitative* and *Qualitative* Research

Attribute	Quantitative	Qualitative
Purpose	Prediction and control	Understanding
Reliability	Stable - reality is made up of facts that do not change	Dynamic - reality changes with changes in perception
Viewpoint	Outsider - reality is what quantifiable data indicates	Insider - reality is what people perceive it to be
Values	Values can be controlled	Values will impact on understanding the phenomena
Focus	Defined by the variables studied	Holistic
Orientation	Verification	Discovery
Data	Objective	Subjective
Conditions	Controlled	Naturalistic
Results	Reliable	Focus on design/procedures to gain real, rich and deep data

source: Stainback and Stainback, 1988:8

There has been widespread debate within the literature over the relative merits of quantitative versus qualitative research methods, and whether they should be viewed as being entirely distinct or whether it is possible to combine elements from the different approaches. Qualitative strategies have been perceived as being more “scientific” or “objective”, whereas qualitative strategies have become more popular over the last 30 years as a way to explore the complexities resulting from human interactions (Blaxter, Hughes and Tight, 2001).

The research aims for this thesis were to examine the way in which local authorities in England deal with the implementation of central Government policy by looking at the authorities internal arrangements, including organisational structures and strategies, and by examining stakeholder involvement, particularly that of the utility companies.

Primary data would be gathered from interviews with highway authority officers and elected members, utility company representatives (particularly water and gas) and with the chairs (highways and utility sides) of joint highway authority and utility committees, with the interviews being carried out with persons in similar positions in the relevant organisations. This research would be supplemented by an examination of published documents and reports. With regard to documents relating to 'highway works', including the councils' Strategic Vision, Performance Plans, Local Transport Plan, Committee Reports and utility reports.

Having established that a *qualitative* approaches allow researchers to view the area of study through the lens of the people involved, and to a greater depth, the author of this thesis identified this as the better approach in order to capture the complex issues relating to understanding the reasoning and motivations of the different organisations involved in carrying out 'highway works', which would otherwise have been difficult to analyse with quantitative research instruments.

This *qualitative* approach to collecting primary data is to be supported by content analysis of secondary documents.

6.2.6.1.1 Analysing Qualitative Data

Qualitative data are associated with concepts that are ambiguous and elastic, and are characterised by their richness and fullness based upon the opportunity to explore a subject in as real a manner a possible (Dey, 1993; Robson, 2002). The nature of qualitative data has implications both for its collection and its analysis. To be able to capture the richness and fullness, they cannot be

collected in a standard way and so the data will need to be classified into categories before they can be analysed (Saunders, Lewis and Thornhill, 2003).

There is no one, standard approach to be analysis of qualitative data and many different strategies dealing with data collection (Dey, 1993; Miles and Huberman, 1994; Coffey and Atkinson, 1996). Tesch (1990) grouped strategies into four main categories:

- Understanding the characteristics of language;
- Discovering regularities;
- Comprehending the meaning of text or action;
- Reflection.

The categories indicate a spectrum of approaches to qualitative analysis ranging between high to low levels of structure or highly formalised to relying on the researcher's interpretation (Saunders, Lewis and Thornhill, 2003).

Where research seeks to utilise a *deductive* approach then existing theory is used to guide the research process and formulate the research questions and objectives, and the theoretical propositions may also be used to devise a framework to help organise and direct the data analysis (Yin, 2003). In order to devise a theoretical framework, the researcher needs to identify the main variable, components, themes and issues in the research project and the predicted or presumed relationships between them (Miles and Huberman, 1994; Robson, 2002; Yin (2004): a descriptive framework will rely more on the prior experience of the researcher and what they expect to occur (Saunders, Lewis and Thornhill, 2003). However, this approach has been criticised (Bryman, 1988) because the prior specification of theory gives rise to the possibility that issues could be closed before being fully investigated and that theoretical constructs could depart excessively from the views of participants in a social setting.

An alternative to the deductive approach is to start to collect data and then explore them to see which themes or issues should be followed up (Glaser and

Strauss, 1967). In this *inductive, grounded* approach, theory emerges from the process of data collection and analysis, and so whilst a pre-defined theoretical framework is not required, a clear research purpose is essential (Saunders, Lewis and Thornhill, 2003). Critics of the inductive approach point out that such a strategy is difficult to follow, particularly where research simply collect data without examining them to assess which themes are emerging in order to then develop an on-going conceptual framework to guide subsequent work (Yin, 2003).

A number of strategies for analysing quantitative data take a "steps" approach (Dey, 1993; Miles and Huberman, 1994; Strauss and Corbin, 1998), involving the *categorisation* of the data into meaningful categories derived either from the data or from a pre-existing theoretical framework. Into these categories can then be attached *units* of data – some "chunk" of textual data that fits the category or categories – and this can be done in a number of ways including both computer and manual approaches. By re-organising the data into categories, the data can be analysed to identify *key themes and patterns.* This should lead to patterns within the data that can be used to develop *hypotheses* as testable propositions (Silverman, 2000).

The testing of hypotheses that emerge inductively from the data allows the researcher to check for alternative explanations and negative examples that do not conform to the pattern or relationship being tested (Saunders, Lewis and Thornhill, 2003). This will further reinforce the validity of the final conclusions.

6.2.6.1.2 Analysing Qualitative Data in this Study

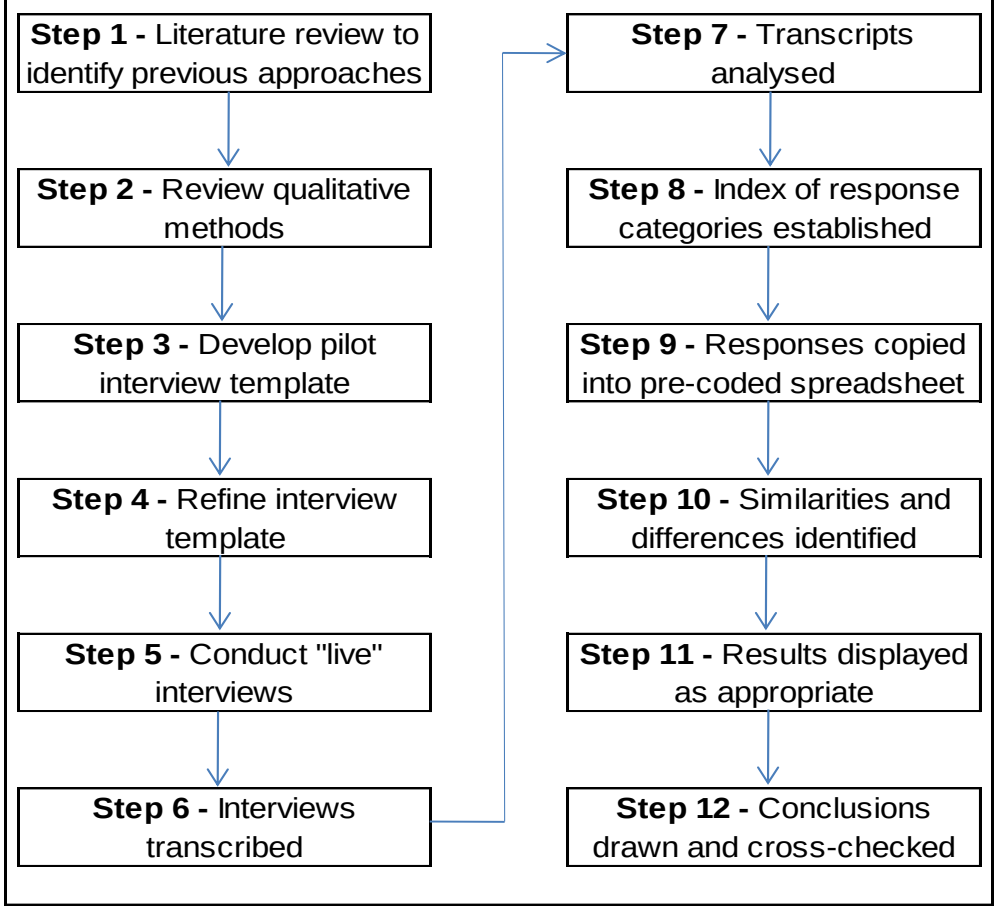
In this study, interviewees were selected based upon the following criteria:

- Councillors – lead member with responsibility for Highways Service plus others with an interest in 'highway works'
- Highways Service officer – officer with day-to-day responsibility for the co-ordination of 'highway works' in their authority's area or highways-side chair or their regional HAUC

- Utility companies – regional HAUC representative from their company or utility-side chair of their regional HAUC

This would allow data to be collected from people at comparable levels in the respective organisations across the two areas, and would help with the subsequent analysis. The method for data analysis is set out in Table 6.5:

Table 6.5 - Analysis of Qualitative Data



In reality, these steps were not always followed sequentially with interviews being carried out and transcribed; this helped to inform the coding process and subsequent interviews.

Dey (1993) suggested that researchers needed to protect themselves from prejudging the data by adopting a “null hypothesis” until the data showed otherwise, and recommended consideration of data based upon factors including credibility (frequency), coherence (internal cohesion), and empirical

scope (evidence). These factors were used by the author to ensure that the data from which conclusions were drawn were not “cherry-picked”, were consistent with other sources, even if they disagreed with them, and that they were supported by other evidence.

Validity is discussed below with regard to the research methodology. The same considerations – demonstrating how the data generated relates to the research questions and how the data has been interpreted – can be applied to the qualitative analysis. The author addressed this by utilising the semi-structured approach to the interviews to develop a methodology for categorising the responses, and then identifying the similarities and differences from those responses. In addition, the responses were analysed empirically to see whether they “made sense” in the context of other interviews and secondary sources.

This also helped the author to guard against taking data out of context to help support a particular theory or argument. Yin (2003) argued the use of multiple sources of evidence and examining data as a whole would offer case studies greater reliability and validity, and the author was mindful of the need to consider all of the data generated when drawing conclusions.

6.2.6.2 Fieldwork or Deskwork?

An alternative way of distinguishing research strategies looks at ways in which researchers collect data.

- *Fieldwork* refers to the process by which researchers go out to collect data, where such data may be described as original or empirical, and may involve the researcher in visiting institutions to conduct interviews, distributing questionnaires, or making observations.
- *Deskwork* includes those research processes which do not require the researcher to go into the field, and may include the administration, collection and analysis of postal surveys, the analysis of data collected by others, and literature surveys.

Blaxter, Hughes and Tight (2001) argued that, as with the quantitative/qualitative distinction, the fieldwork/deskwork distinction is both false, because most research projects will make use of both sets of approaches, and ambiguous because some methods, for example, those involving information and communication technologies such as e-mail, cross over the "boundaries".

Within this study, interviews were carried out at the interviewee's place of work (with the exception of one interview that was carried out after a meeting at a separate local authority's offices) and so involved fieldwork, but the interviews were preceded by telephone calls and e-mails to arrange the interviews. There was an element of deskwork in this study in order to source and analyse the documents and reports in chapter 7.

6.2.6.3 Triangulation

Notwithstanding the differences in approaches, both *positivist* and *relativist* positions assume that there is a reality which exists independently of the observer, and it is the task of the researcher to identify the pre-existing reality (Easterby-Smith, Thorpe and Lowe, 2002). Utilising a positivist approach would involve the design of experiments in which key factors were to be measured precisely in order to test pre-determined hypotheses; whereas the relativist position, assuming the difficulty of gaining direct access to "reality" means that multiple perspectives would normally be adopted, including "triangulation".

Triangulation refers to the use of different data collection methods within one study to ensure that conclusions drawn reasonably reflect the data (Saunders, Lewis and Thornhill, 2003). Abrahamson (1983) pointed out that using different approaches in the same study prevented the research from becoming method-bound; and with any method having some flaw to counter its strengths, research designs and strategies can be offset by counter-balancing strengths from others.

A number of authors (Jick, 1979; Bryman, 1988; Robson, 2003) have identified the benefits of triangulation, including;

- It allows researchers to be more confident in their results;
- It can stimulate the creation of new methods to balance conventional data-collection methods; and
- Can potentially generate “holistic” research.

The use of triangulation in research has been criticised due to problems that can arise where different methods and data sources are used and the researcher is “...highly unlikely to be able straightforwardly to use the ‘products’ of different methods or sources to corroborate each other” (Mason, 1996:149). However, Mason went on to suggest that adopting multiple research methods does enhance the validity of studies in the sense that it suggests that social phenomena is more than one-dimensional and that multi-method research would capture more than one dimension. Easterby-Smith, Thorpe and Lowe (2002) identified four distinct categories of triangulation:

1. *Theoretical triangulation* – which involves borrowing models from one discipline and using them in another to reveal insights into data that may not have been apparent from other methods of data collection or analysis.
2. *Data triangulation* – where data is collected over different time frames or from different sources, and is typically used in cross-sectional research designs.
3. *Triangulation by investigators* – where different people collect data on the same situation, and where data and results are then compared.
4. *Methodological triangulation* – involving the use of both quantitative and qualitative methods of data, such as the mixed use of questionnaires, interviews, telephone surveys and field studies.

Researchers need to be mindful of the opportunities for combining the most suitable research methods at specific and appropriate stages of research in order to derive from them the benefits associated with those methods, whilst ensuring that the methods are appropriate to the overall research approach.

Within this study, interview data has been triangulated by comparing the findings from interviews from the two case study areas – Kirklees and Devon – with interviews from other organisations. Data was also triangulated by reference to the documents analysed in chapter 7. This triangulation has allowed the interview findings to be assessed against an organisation's written statements, and also allowed those written statements to be assessed against what the individuals involved said.

6.2.6.4 Interviews

An interview is a purposeful discussion between two or more people (Kahn and Cannell, 1957) in order to gather valid and reliable data (Saunders, Lewis and Thornhill, 2003).

Qualitative interviews can range from being totally non-directive to a prepared list of questions (Easterby-Smith, Thorpe and Lowe, 2002), and may be summarised as follows:

- *Structured/Standardised* – similar to questionnaires where the research reads out the same questions to each interviewee and notes the responses, often to pre-coded answers.
- *Semi-structured* – where the researcher has a list of themes and questions to be covered but which might vary between interviewees.
- *Unstructured/In-depth* – where the researcher wants to explore in depth a general area.

Jones (1985) highlighted the need for researchers to consider the degree of structure to put into interviews in order to be able to build on the patterns emerging from the data and using that grounded understanding to explore further in particular directions rather than others. So *structured* interviews could be used to gather data and identify general patterns, *semi-structured* interviews could then be used to understand the relationships between variables, and *in-depth* interviews might then help to find out what is happening and to find new insights (Saunders, Lewis and Thornhill,2003).

Qualitative interviews are considered to be appropriate research instruments where the study includes an exploratory element and, in such cases, where the researcher would want to be able to infer causal relationships (Cooper and Schindler, 1998). Semi-structured and in-depth interviews allow the researcher to probe answers in order to explain or build on responses. Research has found that managers are more likely to agree to being interviewed rather than completing questionnaires, and that the interview situation also provides an opportunity for interviewees to receive feedback and assurances about the way in which information will be used (Saunders, Lewis and Thornhill, 2003).

Baker (1982) raised a number of issues with regard to the status of interview data, including:

- What is the relationship between interviewees' accounts and the world they describe? Are accounts potentially "true" or "false" or are those concepts not appropriate?
- How is the relationship between the interviewer and the interviewee to be understood? Is it governed by standardised techniques of "good interview practice" or is it based upon conversational practices used in everyday life?

In order to collect data for this study, it was considered that semi-structured interviews would allow certain areas to be identified in advance, so that a coding structure could be developed to allow the subsequent analysis of the data, while also allowing the interviewees the scope to discuss the issues that were significant for them and their organisations. Other factors in the decision to adopt an interview approach were that the in-depth nature of the study meant that the time required and information being sought would be better done face-to-face rather than by telephone or questionnaire.

6.2.6.5 Sampling

Whilst the terms “sampling” and “selection” tend to be associated with survey strategies, there will be elements of these involved whatever approach taken by a researcher.

There are a number of sampling strategies available to the researcher but these are divided into two main groups: *probability* and *non-probability* sampling (Blaxter, Hughes and Tight, 2001):

1. Probability sampling involves selecting cases at random or systematically from a group based on, for example, percentiles or stages of a process.
2. Non-probability sampling approaches include sampling cases that are most convenient or self-selecting or to a quota, and these approaches tend to be used where the researcher lacks a sampling frame for the population in question.

The *unit of analysis* in research is the entity that forms the basis of the sample. Research adds power to everyday observations due to the rigour and focus on a particular aspect of social or organisational life, and any single study needs to be conceptualised around a single unit of analysis (Easterby-Smith, Thorpe and Lowe, 2002). Once that level of analysis has been clarified, then the researcher faces a choice of whether to sample widely or in depth. In-depth studies tend to be based upon direct observation and personal contacts, generally through interviews, and take place within single organisations. The *unit of analysis* in such studies would be either the individuals involved or specific events involved, such as informational exchanges or strategies.

The two authorities that are the main case studies for this study were selected on the basis that (i) the author had knowledge about Kirklees Council and (ii) Devon County Council appeared to operate differently with regard to how it implemented the same national legislation; North Yorkshire County Council was selected for inclusion because (iii) it operated in the same geographical area as

Kirklees Council, working with the same utility companies, and was a county council, like Devon, and so the findings would help to triangulate those from Kirklees and Devon; and (iv) Transport for London was added in order to explore findings from interviews pointing towards London in the development and direction of 'highway works' legislation.

The study identified the unit of analysis as being the individuals that represented their organisations at their regional HAUC, in order that direct comparisons could be made. In London, the interviewees were officers that could comment on how policies were developed and implemented.

6.2.6.6 Observations

The observation method involves the researcher in watching, recording and analysing events of interest, with a range of different approaches available:

- The events may be recorded by the researcher or recorded mechanically
- The observation may be structured in terms of either a pre-determined or open framework
- The observer may also be a participant in the event being studied or may act solely as a "disinterested" observer

Saunders, Lewis and Thornhill (2003) identified two main types of observation: *participant observation*, which is qualitative in nature and emphasises the discovery of the meanings that people attach to their actions, and *structured observation*, which is quantitative and focuses more on the frequency of those actions.

Using observation as a data collection method can be time-consuming, including the time taken in the observation, and then the subsequent interpretation and analysis of the information collected. This can be off-set by pre-categorising and structuring the observations, although this risk losing both detail and flexibility (Blaxter, Hughes and Tight, 2001).

The author has already commented on his position as a participant-observer.

6.2.6.7 Questionnaires

The use of questionnaires is mainly used in survey strategies but is also used in experiment and case study strategies. Consequently, there are various definitions of the term “questionnaire”. Kervin (1999) reserved it exclusively for surveys, while Bell (1999) used it as a more general term to include interviews that were administered either face to face or by telephone. DeVaus (2002) used it as a general term to include all techniques of data collection in which each person is asked to respond to the same set of questions in a pre-determined order.

The advantage of using questionnaires as a data collection method derive from the fact that each respondent is asked to respond to the same set of questions, and so provides an efficient way of collecting responses from a large sample prior to analysis. However, it is argued (Bell, 1999; Oppenheim, 2000) that it is hard for a researcher to produce an effective questionnaire in order to collect the precise data required to answer the research question(s). In addition, the design of the questionnaire will affect the response rate, reliability and validity of the data collected.

Questionnaires work best with standardised questions where the researcher can be confident that the questions have been interpreted the same way by respondents (Robson, 2002). They are not particularly effective for exploratory or other research that requires large numbers of open-ended questions.

Questionnaires were not considered the most appropriate form of data collection instrument for this study, which was focussed on a small, selected group to obtain in-depth information rather than seeking to obtain data from a larger group but that contained less detail.

6.2.7 Validity, Reliability and Generalisability

This study needs to address questions of validity, reliability and generalisability of the findings. Perspectives on validity, reliability and generalisability were originally developed for use in quantitative social science research (Kirk and Miller, 1986), and a number of different approaches and definitions have been identified.

Validity can be separated into three main kinds (Easterby-Smith, Thorpe and Low, 2002):

1. *Construct validity* – which asks whether research instruments are accurate measures of reality;
2. *Internal validity* – which asks whether the research design is capable of eliminating bias and the effect of extraneous variables; and
3. *External validity* – which involves defining the domains to which the results of the study may be generalised.

There has been a reluctance to apply these ideas to qualitative research characterised by the social constructionist approach because that might imply the acceptance of one (positivist) reality (Easterby-Smith, Thorpe and Low, 2002). Silverman (2000) identified a potential danger of the qualitative approach where the methods were dismissed as being akin to undisciplined journalism because there were few safeguards to prevent researchers from picking evidence out of the mass of data to support a particular prejudice, and suggested several principles that researchers could use in their defence, including:

- *Refutability* – utilising Popper's (1959) logic and looking for examples which might disconfirm current beliefs.
- *Constant comparison* – looking for new setting in order to stretch theories.
- *Comprehensive data treatment* – which involves carrying out an analysis of all of the data available before drawing conclusions.
- *Tabulation* – to apply greater rigour in organising the data.

The different perspective on validity, reliability and generalisability are summarised below in Table 6.6:

Table 6.6 - Perspectives on Validity, Relaibility and Generalisability

	Positivist	Social Constructionist
Validity	Do the measures correspond closely to reality?	Does the study clearly gain access to the experiences of those in the research setting?
Realiability	Will the measures yield the same results on other occasions?	Is there transparency in how sense was made from the raw data?
Generalisability	To what extent does the study confirm of contradict existing findings in the same field?	Do the concepts and constructs derived from this study have any relevance to other settings?

source: Easterby-Smith, Thorpe and Lowe, 2002:53

Yin (2003) defended the case study method against criticism in relation to these three areas by suggesting that:

- *Validity* – using multiple sources of evidence
- *Reliability* – building cases over time in order to eliminate alternative explanations
- *Generalisability* – case studies rely on analytic rather than statistical generalisability

6.2.7.1 Validity, Generalisability and Reliability in this Study

The "external validity" of a study involves defining the domains to which the results may be generalised (Easterby-Smith, Thorpe and Low, 2002). This study was clearly focused on the relationships involved between local highway authorities (their officers and councillors) and utility companies with regard to 'highway works'. The two local highway authority areas that formed the basis of the study will limit the "generalisability" of the study to the extent that they are representative (or not) of the general population. The author does not propose to generalise the findings outside the framework of the study.

“Internal validity” looks at the extent to which the research design is capable of eliminating bias and the effects of extraneous variables (Easterby-Smith, Thorpe and Low, 2002). The questions asked in the semi-structured interviews were the same for council officers, councillors and utility company personnel in both Devon and Kirklees, with the opportunity to probe further to explore differences in the two areas. Data from the answers given were triangulated using secondary data from published documents, and by checking against experiences in other local highway authority areas.

“Construct validity” seeks to address whether the research instruments are accurate measures of reality (Easterby-Smith, Thorpe and Low, 2002). This can be seen by the extent to which the data obtained aligns with the literature reviewed in earlier chapters.

Silverman (2000) recognised the difficulties in addressing validity in qualitative studies, and the author was mindful of the need to ensure that all of the data obtained was analysed before drawing conclusions to avoid “cherry-picking” to support a particular position.

“Reliability” relates to consistency, the extent to which measure would yield the same results on other occasions, and, from a social constructionist perspective, the extent to which there is transparency in how sense is made from the raw data (Easterby-Smith, Thorpe and Low, 2002). In this study, the primary data obtained through the semi-structured interviews has been analysed in a consistent way and is presented in context with data derived from secondary sources.

6.3Discussion of the Research Methodology Framework for this Study

6.3.1 Stages of Research

The aims of this study were to examine the implementation of public policy with regard to ‘highway works’ by local highway authorities in order to identify similarities and examine divergences, and to assess the extent to which a

collaborative-working approach between highway authorities and utility companies was a benefit.

Stage 1 – Identification of a Research Methodology

The identification of an appropriate research methodology for this study began with the identification and definition of the research question:

> ***To what extent is a partnership approach to managing 'highway works' an advantage in implementing public policy?***

In order to answer the question it would be necessary to look at the policies involved, how they were interpreted and implemented by local highway authorities, and how those authorities interacted with utility companies.

This author gave consideration to making the research question and aims of the study "researchable" by setting up the study in a way that would produce specific answers to the research questions by considering:

- What data sources and methods of data generation were potentially available or appropriate?
- What could these methods and sources tell?
- Which research questions do they help to address?

With regard to data sources, the local government structure in England means that the country has defined geographic areas which are administered by a district or county council, and a council in that area will be designated as the highway authority for that area. The author, who is employed full-time by a local authority and is, therefore, a part-time student, was limited by time and resources available to conduct the research and then to collate and analyse the resulting data. A research methodology involving an approach to a large number or all local highway authorities and utility companies would be difficult to achieve within the time and resources available, and would be too wide to be meaningful.

The author discussed this issue with academic supervisors and decided on a research methodology that would allow for an in-depth study of the issues involved. It was then necessary to select local highway authorities to form the basis of the study. Kirklees Metropolitan Council was selected because that is the highway authority in which the author is employed, and so access to interviewees and data collection would be more readily available. Devon County Council was identified as being a local authority with a reputation in academic and political circles for taking an independent line regarding the implementation of public policy, and also because of information in the public domain regarding its approach to the management of 'street works'. Devon County Council has prosecuted utility companies for 'street works' offences and obtained convictions in over 289 cases since 2003, resulting in fines of over £180,000 and costs totalling over £115,000; Kirklees has not prosecuted any utility companies under NRASWA since the mid-1990s. This highlighted a potential area for research in order to examine differences in policy implementation between authorities.

With regard to data generation, a *quantitative* approach would allow statistical data to be collected from a number of or all highway authorities and utility companies against pre-selected criteria; a *qualitative* approach would allow data to be gathered to explore the perceptions of the people involved. The differences in approach between Devon and Kirklees suggested that a quantitative approach would not necessarily explain the differences, and that a qualitative approach would help to explore and explain the differences.

Stage 2 –Research Methods

The literature review, particularly that in chapter 5 which looked at inter-organisational collaboration, included examples of earlier research carried out in a number of different ways but mainly including case studies, interviews and surveys. They also suggested that there were no readily available or agreed definitions to describe the ways in which organisations work together.

The need to study organisations and their interactions with others indicated that fieldwork methods would need to be employed. The author, therefore, chose to utilise a case study approach in order to look at the way in which the two local authorities identified deal with ‘highway works’ and with the other organisations involved, such as utility companies and regulators. The case study approach would provide a richer insight into the dynamics of the relationships between the organisations involved. Evidence would be sought through the use of semi-structured interviews with people working within the different organisations, and at similar levels in order to allow meaningful comparisons to be made, in order to gain an insight into their perceptions of how ‘highways works’ are carried out within their areas and their understanding of the relationships between the organisations involved.

The interviewees were identified and categorised in order to ensure that both of the geographical areas to be examined in this research were covered. This meant that interviewees needed to be drawn from the officers and elected members within those councils who were responsible for ‘highway works’, representatives from the utility companies that operated in the areas, and the joint chair of the regional HAUCs (highway authorities and utilities committees) that covered the areas.

Three distinct but related interview templates were developed to collect data from elected members, local authority officers, and utility company representatives. The interview templates were prepared to allow for data to be collected in the following areas:

1. The roles and responsibilities of the interviewee.
2. The organisation’s policies relating to ‘highway works’, and the extent to which the interviewee could influence them.
3. The nature of the relationship between the interviewee’s organisation and highway authorities and utility companies, depending on whether that organisation is a highway authority or utility company.

The questions within these three areas were developed following the literature review discussed in section 6.1.1 above. The three areas were then broken-down into sub-questions which were put to the interviewees in semi-structured interviews. The interviews were recorded and then transcribed, and the transcription sent back to the interviewee for any corrections to be made or additional explanation provided. Once the transcription had been received back from the interviewee, the content was analysed against themes previously identified.

Data from these interviews was then triangulated by reference to secondary data identified from published documents and by looking at how 'highway works' are managed in other English local highway authorities.

Stage 3 – Survey Instrument Piloting

Having identified local highway authorities and utility companies as being the main sources of primary data required for the study, consideration was given to the development of semi-structured interview templates, with separate templates being used for highway authority officers, councillors and utility company personnel.

The interview templates were prepared to allow for data to be collected in the following areas:

- The roles and responsibilities of the interviewee.
- The organisation's policies relating to 'highway works', and the extent to which the interviewee could influence them.
- The nature of the relationship between the interviewee's organisation and highway authorities/utility companies (as appropriate).

These areas were then broken-down into sub-questions to allow the data collected to be analysed subsequently to identify themes and patterns.

The templates were then piloted by conducting interviews with people who would not form part of the actual study, in order to assess the effectiveness of the questions and the utility of likely responses. Following this piloting exercise, modifications were made to the templates to remove ambiguities in the questions arising from the author's assumptions about how interviewees would understand and interpret the questions being asked.

The author also visited an academic who had carried out extensive research into political structures at Devon, to discuss their experience in conducting research in the area. The discussion prompted consideration of widening the scope of the study but, following discussion with academic supervisors, the author decided against this as it would have resulted in data being obtained from non-comparable organisations.

Stage 4 – Organisational Consent and Ethical Considerations

Yates (2004) discussed the issues surrounding researchers' ethical and practical concerns in relation to data collection, and identified seven key ethical issues:

1. Gaining access to participants: what is the researcher's route in?
2. Getting past 'gatekeepers': who controls access?
3. Informed consent: how much does the researcher tell participants?
4. Are there grounds for deceiving the participants?
5. The right to privacy.
6. The right for participants to withdraw from the research.
7. Self-presentation in the interview/research context

In addition, Saunders, Lewis and Thornhill (2003) discussed the implications of respecting privacy in business and management research, setting out a number of rights for individuals and organisations in deciding whether or not to participate. These included the right to expect anonymity and confidentiality to

be observed in relation to the discussion of findings with other participants and during the reporting of findings.

The author sought and obtained approval from the head of Highways Service at Kirklees Council to use that authority as one of the case study organisations. An approach was made to the highways service in Devon County Council and agreement was reached. However, the original contact died shortly afterwards and a new approach had to made and a number of discussions were held before a new agreement to use Devon was agreed.

In addition, the author contacted the highways-side and utility-side joint chairs of the regional Highway Authority and Utility Committees (HAUCs) in Yorkshire (YHAUC), of which Kirklees Council is a member, and in the South West (SWHAUC), of which Devon County Council is a member, in order to introduce the research and to obtain contact details for council officer and utility company representatives.

The author arranged interviews by initially telephoning the interviewees as an introduction and overview of the research. This was then followed-up with an e-mail, setting out further information about the researcher and the research, details of the areas to be explored in the interview, and asking for the interviewee to suggest a date and time convenient for them. Interviewees were informed that they would be identified by job title/organisational position but not by name in the thesis, and that a copy of the thesis would be placed in the University library.

Prior to the commencement of individual interviews, the author explained the nature and purpose of the research being undertaken, that confidentiality would be respected, and ensured that the interviewees were still willing to proceed. The interviews were then carried out and recorded using a digital voice-recorder, and the recordings were subsequently transcribed written up and a

copy was sent back to the interviewee for them to review and correct any misunderstandings.

The author was mindful of his position as an employee of Kirklees Council, working in the 'street works' sector. In telephone calls and e-mails to prospective interviewees, and prior to the commencement of interviews, the author ensured that interviewees were aware that the research was self-funded, that it was not being carried out on behalf of Kirklees Council, and that nothing discussed during the interview would be used by the author for purposes other than for this research project.

The author was also mindful of the need to adopt and present, as far as possible, a "detached scientist" face in dealing with all interviews. This was important in order to maintain a professional detachment when dealing with people in the Yorkshire area with whom the author has dealing with on a regular basis, and to ensure that SWHAUC-interviewees did not perceive any judgemental bias as the author explored similarities and difference between the two areas.

Stage 5 – Data Collection

Interviews were arranged by the author through initially telephoning the prospective interviewees as an introduction and overview of the research. This was followed-up with an e-mail, setting out further information about the researcher, the research and the areas to be explored during the interview, and asking for the interviewee to suggest a date and time convenient for them. Interviews were carried out and recorded using a digital voice-recorder, and the recordings were subsequently written-up and a copy sent back to the interviewee for comment or correction.

There were 12 interviews, carried out between February 2010 and December 2011, for the purpose of collecting data for this study: 1 with an elected member, 6 with street authority representatives, and 5 with utility company

representatives. All of the interviews were carried out at the interviewee's place of work, with the exception on one interview that was carried out in a council office following a separate meeting. For the purposes of this research, the following interview arrangements were made:

- For the Yorkshire area, interviews with:
    - The lead elected member with responsibility for highways in Kirklees Council. At the time of undertaking the interviews for this thesis, Kirklees Council was going through a reorganisation and there was no permanent officer in the "street works manager" role. The officer information for Kirklees is provided by the author of this thesis as acting Street Works Manager;
    - Representatives for the main four utility companies, i.e. water, gas, electricity, and telecommunications;
    - The joint chairs of YHAUC (Yorkshire HAUC); and
    - Officers from North Yorkshire County Council – as members of both YHAUC and NEHAUC, this interview would help to triangulate interview findings because (i) it was an authority operating in the Yorkshire area and so interacting with the same utility companies as Kirklees, and (ii) it was a large county council like DCC.
- For the Devon area, interviews with:
    - An officer responsible for the management of' highway works' in Devon County Council; and
    - The joint chairs of SWHAUC (South West HAUC).
- For the London area, interviews with:
    - An officer dealing with transportation policy issues at the Greater London Authority; and
    - An officer from Transport for London (TfL) with responsibilities for "surface interventions".

Details of the interviews carried out are contained in Appendix D.

The interviews with authority officials in London were added to the schedule because findings from interviews carried out for this study were pointing to the significance of London in shaping national legislation on ‘highway works’.

The recording of interviews allowed the author to return to the data collected in its original form (Silverman, 2001). This has a benefit over field notes, where a researcher has only the form in which the notes were recorded originally. Sacks (1984) maintained that researchers could not rely on notes or recollections of conversations.

6.3.2 Research Constraints

The main constraints on this study are that:

1. It focused on only three geographical areas (Yorkshire, Devon and London) and four local authorities (Kirklees Council, North Yorkshire County Council, and Transport for London). It would, therefore, be difficult to generalise from the findings but the findings do give an indication about issues relating to the management of ‘highway works’ and with regard to the factors that influence inter-organisational collaboration between local authorities and utility companies.
2. The research focused only on one local authority service area, i.e. Highways. The findings have shown that the road network is viewed as an asset, the effective management and maintenance of which has implications for other areas of an authority and its strategic plans. The research has not directly addressed these other areas of local authority service delivery.
3. There were access problems in the Devon area. The aims of the research were to conduct interviews with people at comparable levels in the different regions but it was not possible to conduct interviews representatives of utility company representatives to match those carried out in the Yorkshire area. This may mean that some similarities and differences between the two were not identified in the findings.

"We'll All Take The High Road": Is There Evidence Of An Evolving 'Partnership' Approach To The Management Of 'Highway Works'?

Sean Fisher

A thesis submitted to the University of Huddersfield in partial fulfilment of the requirements for the degree of Doctor of Philosophy

June 2012

Volume II of II

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Chapter Seven – Document Analysis: Context and Triangulation

In this chapter the author has reviewed documents relating to the operation of 'highway works' policy in the Yorkshire and Devon areas, including past, current and potential future policies. The chapter also examines documents from two areas where permit schemes are in operation, including London and Kent. The purpose of this chapter is to provide additional information about the implementation of policies by authorities, as well as giving context and identifying sources of triangulation for the interview findings set out in chapters 8 to 10.

7.1The Historic Application of Legislation

In undertaking research for this thesis, the author looked at a number of historic records in Kirklees that documented the development of roads, their maintenance, and the effect of utility works and new technologies. These documents help to illuminate the discussion about the current situation

The General Highways Act of 1835 introduced a number of reforms to the way in which local roads were to be maintained and repaired. These reforms included professional "surveyors", supervised by an elected board and the opportunity for parishes to come together in union with other parishes for the purpose of road building and maintenance. The Huddersfield vestry "...eschewed the idea of uniting with other parishes..." (Griffiths, 2008:33) but, from 1835, did agree to pay two surveyors to collect the highway rate and oversee repairs. From 1837, the Huddersfield vestry established a 14-man Board of Surveyors to oversee the "...paving, draining etc. of the Streets and Highways in the Town of Huddersfield" (Board of Highway Surveyors, 1837-1848).

The Minutes of the Board of Surveyors for Huddersfield (1837-1848) recorded a resolution "...that the Streets are generally in a very dilapidated condition and

that they shall be repaired and reset with all possible dispatch". The Minutes also recorded:

- The repair and resurfacing of roads and streets, prioritised by periodic surveys. Between 1843 and 1847, over 10 miles of the town's streets were paved.
- Construction and reconstruction of roads and footpaths (but not the side-of-road pavements, responsibility for which remained with the frontage owner.)
- Production of materials, with stone being quarried locally and bricks manufactured on rented land.
- Control of 'street works' by others. In May 1837 the Board agreed to print and distribute 50 handbills requiring applications from anyone wishing to open "...any drain or common sewer or making any other opening in any of the streets shall give notice thereof to the Board of Surveyors and that any person neglecting to do shall be summonsed as the Law demands".
- Notices were served on the Gas Company manager to repair a footpath previously excavated. From 1848, the Board undertook openings on behalf of the Gas Company.
- Removal of obstructions. Notices were served by the Board to remove stones from streets, required builders to board off and enclose their works, and prevented encroachment by cellar entrances.

The Minute Books also show how the Board had to deal with change and modernisation:

- The Board devised a common specification for cutting new sewers to the benefit of public health, and "...resolved to solicit..." the aid of builders towards the expense of cutting sewer to new properties being built as "...that will so much improve the properties in that street".
- The Board had to deal with claims for compensation from the owners of properties for "...alleged injuries done to their property by raising and improving..." various roads around town.

- In 1845, the Board received notices from solicitors for railway companies giving notice of their intention to apply to Parliament to make a number of railway lines around the town. The Board noted the destruction and interference likely to be caused to the existing infrastructure. The Board gave permission to the “Huddersfield & Manchester Railway” company to erect viaduct pillars on the highway but gave clear conditions regarding the provision that had to be retained for traffic using the carriageway, and that a way had to be maintained for foot passengers, and that it was “...the intention of the Board to prosecute to the utmost rigour of the law all deviations from the above named conditions and all other encroachments on the highway”.
- The Board recorded similar concerns with the activities of the Canal Company, particularly in dealing with resolving and removing obstructions caused by canal bridges.

The Minute Books go on to record a vestry meeting in June 1846 to discuss proposed changes to the Highways Act 1835 requiring the locally paid-for professional surveyors to be responsible for more than just the local area. The minute resolved that it “...can conduce to no good end to take their Highway Officers to some distant Town to interfere concerning the Highways of some twenty other places of which they have no personal knowledge, nor can it either wise or beneficial to have some twenty persons, similarly circumstanced as to knowledge, interfering in our concerns.” The meeting further resolved that Huddersfield was “...deeply attached to the principles of voting their own taxes and of having control over their own expenditure”. The Board duly wrote to Parliament to say so.

7.1.1 Discussion of Historic Application of Legislation

The implementation of legislation as described above by Kirklees Council (then Huddersfield Board of Surveyors/Corporation) highlight a number of areas that are still relevant to this current study:

- The nature of the relationship between the local authority and companies working in the highway, with the authority being the “custodian of the highway”, and being responsible for upgrading and maintaining streets, and then dealing with the consequences of companies coming along and digging holes in them. This is the same situation as exists now but with the number of companies working in the highway having increased dramatically since the early days, and even more since the 1980s as a result of privatisation, with authorities now having to balance their dual roles of being the highway authority, carrying out works to maintain the highway, and street authority, and so co-ordinating all ‘highway works’.
- The need to accommodate new technologies into the structure of the highway. Prior to the early part of the 1800s, the main reason for anyone needing to excavate in the public highway would be in order to provide a sewer (the records examined made no reference to the installation of pipes for the supply of clean water), and the records indicated that a specification was required to ensure that this was done in a proper way. The mid- to late-1800s saw the development of gas and electricity as utility services that could be provided to business and domestic customers, and also the introduction and expansion of the railways. The records show the response of authorities in applying the law as it then stood in order to restrict or mitigate the impact of works.

  The situation today is, in some ways, not dissimilar, with new technologies such as cable television and high-speed broadband being licensed to companies who then install their apparatus in the highway. However, the Government has highlighted peoples’ dissatisfaction with disruption, and cost to the economy, arising from ‘highway works’, and has given additional powers to authorities to allow them to better co-ordinate and control works. Authorities and utility companies now recognise this dissatisfaction, and the “reputational” implications of negative performance or publicity is a motivating factor in driving improvements in how works are co-ordinated and carried out.

- The need to provide a highway network as a basis for trade. The records show how, in the 1800s, the upgrading of roads was related to the need to maintain and increase trade, both within and between villages and towns. The same is true today (1) on a greater scale, with the road network carrying goods and services across the country and internationally; and (2) local and regional economic considerations forming part of local authorities' priorities and objectives.

7.2 Political Structures

In chapter 2, central Government reforms of local government were described, including the most recent arrangements put in place regarding the alternatives for political structures. In this next section the current arrangements in Kirklees and Devon are examined.

7.2.1 Political Structure in Kirklees

Kirklees Metropolitan District Council has adopted the "leader and cabinet" model. The council is composed of 69 councillors with one third elected three years in four. As at May 2010 (Kirklees, 2010) the council comprised: Labour 24, Liberal Democrat 20, Conservative 19, Green Party 4, and Independent 2.

All councillors meet together as the council. Meetings of the Council are normally open to the public, and it is here where councillors decide the Council's overall policies and set the budget each year. The council appoints the Leader and members of the Cabinet and it also appoints the various committees of the council. At council meetings, members of the council may put forward motions for debate on issues of concern, question the members of the Cabinet on their functions and the council's services, or ask questions of the chairs of other council committees and council representatives on joint authorities such as the West Yorkshire Police Authority.

Some council functions, such as decisions on planning applications or licensing matters, are the responsibility of the council itself. The council has committees to deal with most of these. However, the Executive, which is known as the Cabinet, is the part of the council which is responsible for most day to day decisions. It is made up of the Leader and between 2 and 9 other council members appointed by the council. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan insofar as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. In practice all decision-making by the Cabinet is similarly open to the public. The Cabinet has to make decisions which are in line with the council's overall policies and budget which have to be decided by the council as a whole. If the Cabinet wishes to make a decision which is outside the budget or policy framework, this must be referred to the council as a whole to decide.

The council appoints the Overview and Scrutiny Management Committee from among the non-executive councillors to support the work of the Cabinet and the council as a whole. The Overview and Scrutiny Management Committee co-ordinates and manages the work of any scrutiny panels which may be set up. They look into matters of concern and make reports and recommendations which advise the Cabinet and the council as a whole on its policies, budget and service delivery. They also monitor the decisions of the Cabinet and can call in a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet re-consider the decision. They may also be consulted by the Cabinet or the council on forthcoming decisions and the development of policy.

The council has created a structure of area committees. They involve councillors for each particular area and may have local people co-opted onto them. The role of area committees is to consult local people and consider

issues of local concern or significance and to advise the Cabinet and the council on them. They also have the role of drawing up a local community action plan designed to address the particular needs of the area. The council or the Cabinet may give any area committee specific delegated powers to make decisions on some matters relating specifically to that area. Area committees each cover one or more wards of the council.

7.2.2 Political Structures in Devon

For most of the twentieth century Devon County Council has been in formal terms non-partisan or controlled by independents, but Stayner (1989) noted that there was no evidence that in general elections the county's voters were less partisan than elsewhere, with turnout in Devon being generally higher than in much of the rest of the country. While in national and European elections, Devon was overwhelmingly Conservative, this was not always the case. Until the First World War, and to some extent during the interwar period, Liberalism held its own, with Labour making slow progress.

In its early years Devon County Council (DCC) was a relatively small organisation, discharging many of its functions through other public agencies and had a very small permanent staff. The first major event to affect the council was the Education Act 1902, which changed the scale of financial operations of the council and gave it a major administrative department of its own. This created pressure for the rationalisation of common services and the employment of full-time staff in other spheres. The expansion of staff and departmental organisation brought eventually and reluctantly unions, national pay agreements and superannuation to the county.

The evolution of a leadership system with the county council involved two lines of development; one within the elected membership and one within the employees, and each of these required people as individuals and organisational "devices" through which they could work. The council's officer-structure developed towards greater elaboration and there was an increasing tendency to

make use of modern management techniques. The committee system settled down into a regular structured pattern. Relations with outside bodies were also systemised by formal agreements covering exchange of members through co-option and negotiation agreements. Cole (2001) described the factors by which DCC adopted the “leader and cabinet” model:

- Firstly, DCC had established a reputation as an innovative authority, for example it had “...devolved substantial powers to seven partnership committees based on district authority areas...and acquired pilot status for the Best Value and Better Government for Older People programmes.” (Cole, 2001:20).

- Secondly, the organisational culture at DCC was seen to be favourable for the establishment of more rigorous scrutiny mechanisms. The council “...had a reputation for openness, lacked a ‘blame culture’, was ‘well managed’ and “...sets and maintains high standards in whatever it does...” (Cole, 2001:20).

The Council is currently composed of 62 councillors. As at June 2009 (Devon, 2010), the council was comprised as follows: Conservative 41, Liberal Democrat 14, Labour 4, Greens 1, and Independent 2.

The Cabinet is the part of the Council responsible for most day-to-day decisions. It is made up of a Leader and no more than nine other members (Cabinet Members), appointed by the Leader of the Council. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be foreseen. These major decisions will be taken with council officers present at meetings of the Cabinet which will be open to the public except where personal or confidential information is discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this matter must be referred to the full Council to decide.

Overview and Scrutiny Committees support the work of the Cabinet and the Council as a whole. They look at the effectiveness of the Council's own policies and inquire into matters of local concern. These investigations lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service provision. Overview and Scrutiny Committees also monitor the Cabinet’s decisions. They can "call in" a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate and they may recommend that the Cabinet reconsiders it. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

A number of Local Strategic Partnerships have been created to work with other local authorities and organisations in their respective areas. These are based on District Council areas and are responsible for overseeing the development of community planning in those areas.

7.4 Adoption of Legislation

The main legislative focus of this study is the New Roads and Street Works 1991 (NRASWA). This legislation was modified by the Traffic Management Act 2004 (TMA), and was preceded by the Public Utilities Street Works Act 1950 (PUSWA). An examination was made of the Minute books in both Kirklees and Devon to look at how these legislative changes were recorded in the respective authorities:

7.4.1 PUSWA – Kirklees Council

The County Borough of Huddersfield, Council Proceedings for the Highways Committee recorded on 22 February 1951 that he Town Clerk “...reported on the provisions of this Act which becomes operative on the 26th April 1951, and on a recent meeting of local authorities and the Gas and Electricity Boards hereon.” It was resolved: (1) that a Sub-committee should be empowered to deal with applications from undertakers proposing to execute code-regulated

works. (2) That undertakers be notified of the Council's intention to carry out all works of permanent reinstatement.

At the meeting on 21 May 1951 of the Highways (Special) Sub-committee, the Borough Engineer submitted plans and sections provided by the Huddersfield Corporation Waterworks Department under Section 3(1) of the Act in respect of the execution of code-regulated works at Nopper Lane and School Hill, South Crosland and Fernside Estate. It was resolved that notices be given approving in each case, the plans and sections without modification. The Borough Engineer also submitted notices from the Huddersfield Corporation Waterworks Department, the North Eastern Gas Board, the Yorkshire Electricity Board and the Post Office Telephones, in respect of the execution of code-regulated works, under Section 3(2) of the Act that did not require the settlement of plans and sections.

7.4.2 PUSWA – Devon County Council

The meeting of the Roads Committee on 19 July 1950 noted that the Act had now come into operation and, as a result, "...before statutory undertakers can break up a County Road, they have to serve Notices on the highway authority". The County Roads Committee delegated the power to deal with this matter to District Councils.

7.4.3 NRASWA – Kirklees Council

On 14 November 1991 the Highways and Transportation (Road Safety) Sub-committee, under an item from Mirfield Voluntary Road Safety Group, made reference to the "Safety Code" issued under NRASWA. This was prior to the implementation of NRASWA

On 19 February 1992 the Highways and Transportation Committee noted that NRASWA would come into effect on 1 July 1992.

7.4.4 NRASWA – Devon County Council

At their meeting of 23 September 1991, the Planning and Transportation Committee "...considered the report of the county engineer and planning officer on the financial, resource and staffing implications of the Act, especially in relation to the proposed national computerised street works register."

7.4.5 TMA – Kirklees Council

The first mention of TMA in Kirklees appears in the record of the meeting on 7 May 2008 of the Cabinet, but this note is in connection with the provisions in the Act for dealing with decriminalised parking enforcement.

From 2008 onwards, the Planning and Highways Committee is dealing mainly with applications relating to the diversion of Public Footpaths and Bridleways.

7.4.6 TMA – Devon County Council

On 3 June 2008, the Environment, Economy & Culture Overview/Scrutiny Committee considered the report of the Director of Environment, Economy and Culture "...on new powers being introduced which would enable councils to reduce congestion/disruption caused by roadworks. The Government announcement about the regulations highlighted that from early 2008 councils would be able to use additional powers to impose conditions and co-ordinate all roadworks."

7.4.7 Adoption of Legislation Discussion

The information gathered from the Minute books highlights two keys points:

1. The significance of roads with local authorities; and
2. The involvement of elected members.

In 1950, the relevant committees in both KMC and DCC are named as either the "Roads" or "Highways" committee, and they dealt in detail with all matters

relating to the council's responsibilities for providing and maintaining the highway network. In addition, the members of the Highways Committee of the County Borough of Huddersfield, subsequently incorporated into Kirklees Council, were dealing with individual Notices submitted by utility companies wanting to execute 'street works'.

By the 1990s, the relevant committee was, in Kirklees, "Highways and Transportation" or, in Devon, "Planning and Transportation". This indicates a shift in emphasis over time from a focus from just providing and maintaining highways. The discussion on the matter by both councils centred on the likely costs involved in complying with legislation, particularly the need to have compliant software.

Towards the end of the 2000s, in Kirklees the "Planning and Highways Committee" was no longer involved with the provision and maintenance of highways. That committee's role had moved to dealing solely with the legal process of diverting public rights of way. The responsibility for the highway network, and activities on it, resided with the Cabinet Committee. A similar situation can also be inferred at Devon, where the TMA minute is from a committee scrutinising the executive. The title of this scrutiny committee, the Environment, Economy & Culture Overview/Scrutiny Committee, is also indicative of a further move to deal with the highway network has part of an authority's overarching strategy.

7.5 Local Transport Plans (LTP)

7.5.1. LTP – Kirklees Council

The LTP currently in place in Kirklees is "LTP2", which covers the five years from 20062007 to 2010/2011 (Metro, 2006). The plan was created by the Passenger Transport Executive, "Metro", in conjunction with the five West Yorkshire metropolitan district councils, including Kirklees.

The stated aims of “LTP2” are to develop and maintain an integrated transport system that supports economic growth in the West Yorkshire region by:

- Delivering accessibility to improve access for everyone to jobs, education and key services;
- Tackling congestion to reduce delays to the movement of goods and people;
- Safer roads to improve safety for all highway users;
- Better air quality by limiting transport emissions of air pollutants, greenhouse gasses and noise; and
- Effective asset management by improving the condition of the infrastructure.

Under “LTP2”, some £296,000,000 in funding has been allocated over the five years of the plan, to be spent across the five authority areas on projects to deliver the aims of the plan, including the funding of local authority ‘roadworks’ on schemes including carriageway and footway patching and surfacing.

“LTP2” also recognises the effect of utility works on the highway network and says (Metro, 2006: 108) “Any excavation in the existing highway generates a weakness, even when reinstated to the proper specification. The volume of utility works is massive. Around 64,000 holes are dug in West Yorkshire each year. These result in a poor ride quality, water ingress, an increase in the number of trips and depressions, and are detrimental to the street scene.”

“LTP2” set out to deliver a more sustainable transport system that would encourage the use of alternatives to private car use, including public transport, cycling and walking. This, then, formed part of the strategy adopted by the West Yorkshire authorities in dealing with their own works and in managing utility company ‘street works’.

7.5.2 LTP – Devon County Council

The current Devon LTP 2006-2011, entitled "Devon on the move" (Devon, 2006), notes that transport in Devon is a "function of its geography, its environment and its social and economic make up" (Devon, 2006: 19). It comments on the need to balance tourism in the area with the need for economic regeneration, and that while the south and east of the region are accessible to national and regional road and rail networks, the north is less well served. The size of the county, at over 12,800 km of roads, gives it the most extensive highway network in England. The LTP says that "This [highway] network is a key asset to local communities and its maintenance is a priority for ensuring accessibility and safety" (Devon, 2006:19).

The aims of DCC's LTP include:

- Ensuring the safety of users on Devon's transport networks;
- Enhancing the accessibility of services and facilities so that no-one is socially excluded;
- Balancing the provision of different means of transport so that, wherever possible, the car is not the only option;
- Provide everyone with accurate and accessible information about transport choices available to them; and
- Manage Devon's transport networks so that journey times are consistent and reliable.

DCC's LTP mentions road works as one of the causes of congestion on the highway network, and recognises the role of the Traffic Management Unit (TMU), established under the Traffic Management Act. The role of the TMU is set out (Devon, 2006: 41) as involving the co-ordination of planned works and events, and communicating information to road users and interested parties, in order minimise disruption on the network, including taking enforcement action against utility companies and contractors, although such enforcement action is expected to be a "last resort" (Devon, 2006:42). The LTP states that "Devon has

gained a reputation for applying the New Roads and Street Works Act (NRSWA) with rigour" (Devon, 2006:260).

With regard to asset management, the LTP also notes that properly planned highway maintenance by the council, carried out at the right time "...during the life cycle of the asset..." (Devon, 2006:223) would mean fewer instances of unplanned occupation of road space for reactive maintenance work, and so further help to tackle congestion.

7.5.3 Discussion about LTPs and 'Highway Works' Policy

The review of the respective LTPs for West Yorkshire and Devon demonstrate how these policies help to inform the approach that the street authorities in Kirklees and Devon adopt.

7.5.3.1 Kirklees Council

The West Yorkshire LTP discussed 'highway works' with the disruption caused to journey times by on-going works, how this had implications for journey-time reliability for public transport operators, and that sub-standard reinstatements resulted in poor ride quality and further works caused by the need for utility contractors to carry out remedial work. The findings set out in chapter 8 regarding Kirklees' policy on 'highway works' established that the focus of the authority's Streetworks Team was on reducing delay and disruption, and also on maintaining the highway network asset.

7.5.3.2 Devon County Council

The Devon LTP includes elements similar to those in West Yorkshire – reducing delay and disruption from works, journey-time reliability – but it also identifies the role of the authority's Traffic Management Unit in co-ordinating all planned events on the highway, not just 'highway works', and recommending that the Unit takes appropriate enforcement action against utility companies and contractors. The findings in chapter 8 about Devon's arrangements for dealing

with ‘highway work’ confirmed that their Streetworks Team had a wider role in co-ordinating all highway-related events, and that enforcement action was being taken, although the number of instances has reduced.

7.6 Permit Schemes

In chapter 3, the Government’s current policy on roads was examined, and one of its latest ideas, permit schemes, was described.

7.6.1 Extant Permit Schemes

To date, only a small number of permit schemes have been approved by the Government. At the time of writing, schemes are in operation in London (started January 2010), Kent (started January 2010), and Northamptonshire (started January 2011). There are a number of other schemes that are either with the Secretary of State for Transport for approval or are currently being developed, including St. Helen’s Permit Scheme and the Yorkshire Common Permit Scheme (started April 2012). The Secretary of State for Transport approved the St. Helen’s scheme in December 2011, and approved the Yorkshire Common Permit Scheme in March 2012 to start in June 2012.

7.6.1.1 London

The London Permit Scheme (known as “LoPS”) was the first permit scheme to be approved in the United Kingdom. The scheme was developed at the instigation of the Mayor of London, Boris Johnson, a Conservative politician, who criticised the privatisation policies of the Thatcher administration in causing the problem of road works affecting the capital city. Speaking in January 2010, at the launch of “LoPS”, Johnson said (Guardian, 2010) “I am afraid it goes back to Mrs Thatcher. She decided – entirely reasonably – that these new concerns [privatised utility companies] should be given every possible help in maximising efficiency and delivering services... So they were given quite amazing powers to dig up the road. That might have been sensible in the 80s,

when there were only two or three privatized utilities. It looks utterly crazy today... The whole system is a disgrace".

The "LoPS" applies to all roads within authority areas operating the scheme. Under "LoPS", Transport for London (TfL) and 16 of the 33 London Boroughs began operation of a common permit scheme. The introduction of the scheme was justified (LoPS First Year Evaluation, 2011) in the Cost Benefit Analysis on the basis that the introduction of the scheme would reduce the direct delay attributable to works by 10%. TfL have provided data on Average Journey Time and Journey Time Variability across London, which indicated that permitting had delivered a large portion of the expected levels of benefits for these two indicators. However this analysis was only based on five months' worth of available data.

The successes reported for the first year of operation included;

- An increase of 147% in the number of recorded days of disruption saved through joint working and collaboration from 726 in 2009 to 1793 in 2010, corresponding to a benefit of approx. £2.7 million in congestion saved in 2010;
- An increased discipline amongst highway authorities in recording their own works. This has led to a 237% increase in the proportion of works that are formally recorded by highway authorities, providing more opportunity for collaborative working and enhanced public information on road works via the "LondonWorks" Public Register;
- A reduction in the total number of works undertaken by utilities of 17% within permitting authorities as compared to only 7% in non-permitting authorities, saving approximately 149,136 days of 'street works' within those authorities;
- Better quality of information available to make considered coordination decisions.

“LoPS” members have a commitment to continuous improvement of the scheme by promoting closer working relationships between permitting authorities and all promoters. It is the intention of the permitting authorities to closer align their processes and also to continue to work with the utility promoters to address issues as they arise. It is anticipated that this will lead to a reduction in the number of permit applications refused for reasons that can be easily avoided.

7.6.1.2 Kent Permit Scheme

The Kent Permit Scheme (KPS) was launched in July 2009 for own works promoters and on 25January 2010 for statutory undertakers, and Kent County Council was the first local highway authority outside of London to introduce a Road permit scheme. The staggered start between permits for the authority’s own works and permits for ‘street works’ enabled the Street Works Team within Kent Highway Services to ensure that, as the ‘enforcer’ of the scheme, it could be confident that it was working with the best possible information to achieve the best possible outcome from the start (Kent, 2011).

The KPS covers the whole of the county, covering all roads, and covering some 3,736 square kilometres and with over 8,000 km of highway. The experience in Kent was that, under NRASWA, utility companies sent a notice of intended works to the council, as highway authority. Unless an obvious problem was brought to its attention, the authority was not obliged to respond and the utility company could progress their proposed activities. However, under the provisions of the permit scheme, the utility company has to receive permission before they can commence with proposed works. In addition, special conditions can also be required, including covering working hours, traffic management measures or co-ordination with other works.

Although Kent County Council is the permit authority that administers the KPS, Kent County Council is also a promoter of its own maintenance and other highway and traffic activities in its role as highway authority. As both the highway and permit authority, Kent County Council (KCC) can choose to require

conditions to be attached to a permit, grant a permit, apply conditions to a granted permit or decline permission for work.

According to its first year Annual Review (Kent, 2011), the introduction of the KPS has enabled KCC, as permit authority, to adopt a proactive stance in the coordination of ‘street works’ activities and those of other promoters. KCC’s reasons for introducing a permit scheme were:

- To enable the council to manage activities on the highway more effectively with the ultimate aims of:
    - Carrying out works more effectively and limiting disruption.
    - Improved consideration of people who live near, or travel through works.
    - Providing safer Road Works.

Ultimately, the permit scheme was established to improve management of all works on local road networks and to significantly reduce unnecessary disruption to road users.

In reviewing its first year of operation, KCC noted (Kent, 2011) that, as part of the process of implementing a permit scheme, the authority was committed to introducing ways to measure the benefits of the KPS. These measurements were designed to assess the overall effect that the permit scheme would have on the roads in Kent, specifically:

- Journey times and reliability
- Safety on the roads
- Reduction in road works occupation

The above points were expanded on by reference to information presented in the report “Application to operate the Kent Permit Scheme: Cost Benefit Analysis”, which showed that the average annual cost of vehicle collisions at or near road work sites between 2005 and 2008 was approximately £6million,

indicating the potential for substantial safety cost benefits from a permit scheme, and gave a basis for quantifying this.

Journey time reliability both for cars as a means of private transport and buses as a means of public transport had been derived from a range of journey time data, directly surveyed or derived from validated strategic and transportation modelling, particularly taking into account baseline reliability of waiting times at bus stops when works were in operation.

7.6.1.3 Discussion about Existing Permit Schemes

The documentation supporting permit schemes is extensive and includes a statutory instrument which enact the permit scheme provisions set out in the Traffic Management Act; a code of practice, which sets out the information which schemes must contain, including a range of objectives which might be appropriate to schemes and a number of parity measures which must also be included; statutory guidance linking the code of practice to the statutory instrument, and an advice note about making a submission to the secretary of state for transport for approval to operate a scheme. In reviewing this documentation, it becomes apparent that there are inconsistencies in terminology used in, and between, different documents.

Both the London and Kent permit schemes share a degree of commonality in their purpose and objectives, in that they seek through improved co-ordination, and providing information to the public and others about works and their likely impact, to minimise delay and disruption arising from works helping to support journey-time reliability. The schemes differ with regard to the conditions that the respective authorities can attach to granted permits. These differences in conditions reflect the differing demands on the authorities' highway network. This situation is similar to that discussed by interviewees for this study as presented in later chapters with regard to the ambiguities in the legislation and associated regulations, and how it then makes it difficult for works promoters to

work consistently and the consequential administrative resource required by authorities and utility companies in getting the processes right.

7.6.2 Yorkshire Permit Scheme

Six authorities within the Yorkshire area – Barnsley, Doncaster, Kirklees, Leeds, Rotherham and Sheffield – formed the "Yorkshire Permit Planning Group" (YPPG) and worked together to produce the Yorkshire Common Permit Scheme (YCPS) (YCPS Consultation Report, 2010). The remaining three West Yorkshire authorities – Bradford, Calderdale and Wakefield – are, at the time of writing, undertaking a separate cost-benefit analysis to examine the feasibility for them of applying to operate the YCPS. Other authorities in the Yorkshire region have no immediate plans to make an application to operate a permit scheme but will be monitoring the YCPS once it is approved and operating.

DfT regulations required authorities considering a permit scheme to consult with certain organisations and any other persons that the authority might consider appropriate. Each of the authorities in the YPPG identified the relevant consultees for their area. Each participating authority analysed their Street Works Register to identify all utility companies that had undertaken any work since the commencement of NRASWA. Every effort was made to contact all of these organisations to give them the opportunity to take part in the consultation, and, in addition, participating authorities ensured that adjacent local authorities were included in the consultation, as well as organisations such as bus operators, freight organisations and the emergency services. In total some 337 consultees were identified, including access groups, action groups, area partnerships, businesses/trade organisations, fire service, central Government/agencies, local authorities, parish councils, police service, public transport authorities/operators, town councils, and utility companies.

In total, 186 responses were received of which 18 were positive, 151 were neutral and 17 were against the scheme. Many of the 151 responses, the majority of which were from utilities, were seeking points of clarification in either

the scheme documentation or the permit scheme procedures. With regard to the 17 negative responses, these were mainly from utility companies and other works promoters and the majority related to the detailed provisions of the proposed scheme.

As a result of the consultation, changes were made to the scheme. An application to the Secretary of State for Transport to operate a permit scheme was submitted, individually, by each of the six participating authorities in August 2011. The proposed Yorkshire Permit Scheme is a common scheme, which means that while the rules of the scheme are the same responsibility for operating the scheme rests with the individual authorities. The Secretary of State for Transport gave approval to each of the six authorities in March 2012 to operate the scheme.

An examination of the individual authority objectives was undertaken.

7.6.2.1 Barnsley

Barnsley Council decided (Barnsley, 2011) to consider a permit scheme due to its central location within two City Regions, Leeds and Sheffield. Barnsley styles itself a "21st Century Market Town", and "... a hub of creativity and digital capability at the centre of the digital region". At the same time, the council is looking to raise aspiration, improve standards, and increase employment skills through a borough-wide infrastructure of Advanced Learning Centres and the continued development of Barnsley College and the Barnsley Campus of the University of Huddersfield. To complement this, the council considers that the requirement for excellent internal and external connectivity paramount, with transportation issues interwoven into all aspects of society.

An efficient and accessible transport system is identified as having a vital role in providing access for all to health care, employment, education and other services and facilities. Providing for the efficient movement of customers and goods is seen as being crucial for maintaining a vibrant economy, allowing the council to continue working towards making the area "...a more pleasant,

vibrant, safe and healthy town in which to live, work and visit, while also contributing to improving the environment and economy, at a local, regional and national level". Beyond the town itself, the borough has quite a dispersed settlement pattern, with many former mining villages, and a large semi-rural area to the west on the Pennine fringe. Employment locations are dispersed. There is seen to be a difficult geography to operate public transport efficiently and affordably, and bus services are often infrequent, with accessibility a challenge. Residents of the borough are heavily reliant on cars to get to work, with 79% travelling in this way compared with 71% nationally.

Barnsley has a stated ambition (Local Development Framework) to regenerate itself as a "21st Century Market Town", focusing on creating an economy which complements and supports and makes the most of the economic role of places outside the borough, including the two City Regions. The council's Local Development Framework (LDF) has an agenda which envisages making available additional land for of employment land houses, and, in doing so, has identified that it faces a number of key transport challenges in both the short, medium and long term. The permit scheme is intended to improve the planning, co-ordination, execution and duration of all activities carried out in the roads covered by the scheme, to ensure that they do not cause avoidable disruption to road users.

The council is also looking to impose conditions on and monitoring works to ensure that any works carried out in sensitive areas are reinstated promptly and on a first time basis to reduce the number of interim reinstatements. It is an identified priority for the council that works promoters should provide accurate and timely information to members of the public and highway users with regard to on-going works, proposed works and potential delays, as part of the authority's Network Management Duty.

7.6.2.2 Doncaster

Doncaster Council identifies itself (Doncaster, 2011) as one of the largest metropolitan areas in the United Kingdom, comprising 220 square miles. The council strategies recognise that many different factors affect residents' "quality of life", including employment opportunities, crime rates, the natural environment, and quality of housing, schools and hospitals. Doncaster has recognised that there will be a significant reduction in funding for the public sector over the next few years, with all organisations having to deliver value for money from the limited resources available, but with the public sector providing the main support mechanisms in education and training, health provision, housing, social care, and community safety, all enabled by its highway network.

Doncaster's aim is to be one of the most successful boroughs in England by being a "...gateway to opportunity locally, nationally and worldwide", where a strong local economy will support progressive, healthy, safe and vibrant communities. The council has identified efficient management of the highway network as one of the key factors in delivering the "... many aspirations of the people".

The council's strategy "A Plan for Doncaster 2010-2015" provides a number of challenges, and is the key long-term document for improving quality of life in Doncaster; for residents, visitors and people considering moving, working or investing in the area. It aims to develop communities where people want to live and work, now and in the future, and provides the 'big picture' of the area's challenges, ambitions and how priorities are to be delivered.

Of the seven themes in the strategy, three are particularly relevant to efficient management of the highway network and the provision of a permit scheme to manage 'street works', and these are:

- Theme 1: Creating a strong, connected and inclusive economy. The council sees that all types of businesses are directly affected by works on the highway, and local business in particular can be affected with a

reduction in customer activity. Others that rely on the transportation of goods and resources will have increased costs as a result of being delayed or re-routed due to the congestion. The potential for managing works through a permit scheme would have positive benefits in reducing the costs that result from delays and maintaining business links.

- Theme 4: Protecting and improving children's lives. The council see it important that road safety is considered at all locations where works are carried out, with works in the highway impacting on all classes of road user with children forming one of the most vulnerable groups. The provision of unfamiliar traffic management layouts may impact on the regular users of a route, delays will create frustration and lead to road users taking risks, traffic diverted on to other routes may be unfamiliar with that route and the risk of collisions will be increased.
- Theme 7: Creating a cleaner and better environment. The reduction of congestion is likely to reduce the carbon emissions created by vehicles, and so any reduction in the delays encountered at 'street works' and 'roadworks' will have reduction in emissions.

7.6.2.3 Kirklees

In developing the permit scheme, the Kirklees Council has taken account (Kirklees, 2011) of the local issues identified in its "Local Development Framework Core Strategy", which identified the need to make space available for housing and businesses over a 15 year period, including 37,000 new homes to be provided between 2004 and 2026 and providing 250 hectares of land for jobs. This level of development will result in activities, including 'roadworks' and 'street works', which will have a significant impact on the highway network within the area.

The permit scheme is proposed to enable the council to take advantage of opportunities to minimise disruption arising from these works. The council, along with the other four West Yorkshire districts, is currently working with the Integrated Transport Authority (Metro) to develop the "MyJourney West

Yorkshire" plan for 2011-2026, which will replace the existing LTP2 (Local Transport Plan). The permit scheme would allow the council to meet and support the ITA's plan.

Kirklees Council has identified four priorities that inform its policies and relationships with partners. These priorities are:

- Enhance life chances for young people - Working in partnership to improve educational attainment for the under 16s and help them to reach their full potential.
- Support older people to be healthy, active and involved in their communities - Helping people to improve their health and well-being, with the focus on preventative work and empowering people to make informed decisions.
- Lead Kirklees out of recession - Making sure the area emerges from the economic downturn with a stronger economy and better paid jobs.
- Provide effective and productive services - Ensuring services are focused on the needs of the community and are value for money.

The council has identified that the permit scheme would enable to contribute to these priorities in the following ways:

- Enhance life chances for young people and support for older people: Young people will be better able to take up training and employment opportunities if they can have a greater certainty in bus journey time reliability. They will be better able to enjoy an independent social life if bus services are more predictable.
- Older people will have more confidence in travelling in their daily lives and enable them to maintain social contacts. If they lose confidence in travelling then they may become tied to their homes and become increasingly reliant on services brought to them.

Passenger surveys by the Integrated Transport Authority (ITA) show that punctuality is a top priority for customers, and works on the highway and traffic

congestion have major impacts on bus punctuality. The options of the ITA and bus operators for responding to disruption to their services include: adding more buses (which would incur more costs and lead to higher fares), reduce frequency (which would result in fewer passengers being carried and higher fares), cut services (again, resulting in fewer passengers being carried and increased isolation for communities and individuals), or road management. The first three options are not considered to be commercially viable or acceptable in terms of service provision, which leaves managing the road space better. The permit scheme would help the council to work towards this objective.

- Business (leading Kirklees out of recession): Surveys by the Federation of Small Businesses indicate that costs increase due to increased time taken for journeys and working hours lost.

The operation of a permit scheme will encourage effective and productive service delivery by the council and the promoters working in the street. For the first time the council would be funded to ensure that people working in the street do so with the minimum impact on road users and residents.

7.6.2.4 Leeds

The Leeds Metropolitan District area (Leeds, 2011) covers 217 square miles, and is the largest authority in the Yorkshire and Humber Region. The “Leeds Strategic Housing Land Availability Assessment Final Report” (2009) supports the authority’s “Local Development Framework” by identifying the opportunities and likely timing for housing growth across Leeds. The report identified a potential for an additional 46,100 dwellings across Leeds in the medium term (up to 2020).

Leeds City Council produced a City Priority Plan which set out the key outcomes and priorities to be delivered by the council, and its partners, over the period 2011 to 2015. The City Priority Plan comprised five action plans, one of which, the Sustainable Economy and Culture action plan, identified improved

journey times through maximising the efficiency of the network, and minimising congestion through effective network management as a priority for the city. Leeds City Council's Network Management Plan sets out in detail how the council intends to fulfil the Network Management Duty obligations under the Traffic Management Act 2004. The implementation of a permit scheme would provide the authority with stronger powers to regulate works on its most critical streets to secure the expeditious movement of traffic, thereby contributing to the aim set out in the plan.

The Integrated Transport Authority (Metro), has prepared the "My Journey West Yorkshire" plan for 2011-26, which sets out the approach of the contributing local authorities to managing the road network in West Yorkshire. The plan was prepared following an extensive stakeholder and public consultation, and includes a key proposal to use new network management practices to minimise congestion and ensure efficient recovery from disruption. The introduction of a permit scheme is identified in this proposal to manage 'roadworks' and 'street works', to minimise the potential negative impacts upon the network and travel choices.

The objectives for Leeds City Council from a permit scheme are to

- Improve the planning, co-ordination, execution and monitoring of all activities covered by the scheme;
- Ensure certainty of work dates and deliver a regular update of work plans, to improve the quality of information passed to all road users and, in particular, public transport operators.
- Public consultation identified that the image, attractions and environment of the city centre are important in terms of attracting investors, employers, employees, residents, shoppers, visitors and tourists to the city - and in encouraging them to return. Consequently, the quality of the public realm is seen as being fundamental to the city centre's ability to compete successfully with other cities. Leeds City Council has invested heavily in high-specification surfacing materials, both in the city centre

and in outlying townships. This council wants this investment to be maintained to the highest standards.

7.6.2.5 Rotherham

Rotherham Council (Rotherham, 2011) is responsible for the operation and maintenance of over 1100km of highway across its geographical area, and contributes to the South Yorkshire Integrated Transport Authority's current Local Transport Plan (LTP), which set out the approach of the four South Yorkshire authorities to managing the road network across the sub-region. The authorities have developed a strategic network which comprises routes within the Sheffield City Region which link the major towns, provide key connections with other city regions, and accommodate the strategic public transport network. The South Yorkshire Local Transport Plan objectives have been developed further to produce a South Yorkshire Network Management Plan.

Rotherham intends to tackle congestion on its roads by:

- Improving conditions for bus operators by tackling reliability and punctuality through its "Bus Punctuality Improvement Plan".
- Developing Urban Traffic Control and Intelligent Transport Systems.
- Operating Decriminalised Parking Enforcement.

In the council's view, successful management of the road network plays a vital role in the day to day operation of Rotherham, and also with respect to links with the neighbouring city of Sheffield. The commuting route between Rotherham and Sheffield has the highest 2-way "travel to work" trips within South Yorkshire, and it is considered essential that activities on the highway network are both well planned and monitored. A permit scheme for Rotherham would form part of the overall strategy to manage effectively the highway network and would include all routes in Rotherham within the Strategic South Yorkshire Network.

7.6.2.6 Sheffield

Sheffield City Council (Sheffield, 2011) wants a transport system in Sheffield which will empower people to make informed choices about the way they travel, and will help contribute towards the social, economic and environmental improvements the Council wishes to achieve in the city, including;

- Increasing opportunities for everybody
- A competitive low-carbon economy
- A better environment

The City Council's corporate plan for 2010-13, "A City of Opportunity" contains ambitions to lead the city's transformation and to protect the environment. Priorities contained within these ambitions include reducing traffic congestion and the city's carbon footprint, public transport that is easy for people to use and delivering for business and encouraging enterprise.

The reduction of unnecessary traffic congestion and the certainty of reliable journey times for all forms of transport are seen as being key steps towards achieving a competitive, low carbon economy. It is anticipated that a permit scheme would help to achieve this through well planned, co-ordinated works.

7.6.2.7 Discussion about the Yorkshire Common Permit Scheme

The Yorkshire Common Permit Scheme (YCPS) developed by the six authorities is a common scheme, in that the same rules apply to anyone, authorities and works promoters, operating under the Scheme. The review of the individual "Scheme Supplementary Information" documents identified a range of (i) motives for introducing the Scheme and (ii) anticipated benefits arising from the operation of the Scheme. These motives and anticipated benefits are summarised in Table 7.1 below:

Table 7.1 - Yorkshire Common Permit Scheme		
Authority	**Reasons for Implementing**	**Anticipated Benefits**
Barnsley	(i) Authority located in two City Regions; (ii) Importance of managing the highway network for developing education and employment skills; (iii) Supporting an efficient and accessible transport system; (iv) Supporting employment; (v) Supporting residential and business development.	(i) Improvement in the planning, co-ordination, execution, and duration of all 'highway works'; (ii) Ensure that works do not cause unavoidable disruption to road users.
Doncaster	(i) Reductions in public spending will affect service delivery, which are all enabled via the highway network; (ii) To support a strong, local economy; (iii) Linking to council policies about improving the quality of life in the area.	(i) Efficient management of the highway network.
Kirklees	(i) Links to the authority's "Local Development Framework" in supporting business and residential developments; (ii) Supporting the Integrated Transport Authority plan; (iii) Enabling efficient use of the highway network to promote a stronger economy and providing journey certainty.	(i) Better management of road space; (ii) Reduce delay and disruption arising from works; (iii) Minimise the impact of works on residents and businesses.
Leeds	(i) Links to the "Local Development Framework identifying housing growth: (ii) Improved journey times through maximising the efficiency of the network; (iii) Minimising congestion through effective network management.	(i) Improvement in the planning, co-ordination, and monitoring of all 'highway works'; (ii) Ensure certainty of work dates; (iii) Improve the quality of information provided to road users; (iv) Help to maintain the quality of the appearance of 'public realm' spaces.
Rotherham	(i) Links to the Integrated Transport Authority Plan for managing the strategic routes across the county; (ii) Improving conditions for bus operators.	(i) Efficient management of the highway network, including the Strategic South Yorkshire Network.
Sheffield	Support council priorities in (i) reducing traffic congestion; (ii) reducing the city's 'carbon footprint'; (iii) helping to make public transport easier for people to use; (iv) supporting delivery for businesses and encouraging enterprise.	(i) Reduction in unnecessary traffic congestion; Increased certainty of journey-time reliability; (iii) Well-planned and co-ordinated works.

7.6.2.6.1 Motivations for Implementing the YCPS

The motives set out in authorities' documents for implementing a permit scheme indicate a common element in that doing so provides a link between the authority's responsibilities relating to the management of 'highway works' with other council policies including development (both residential and commercial), supporting the local economy, health and well-being of people in the area, and supporting non-car methods of travel and public transport in particular.

These findings are informative about the positioning of the management of 'highway works' within an authority, in that they indicate a strategic function for the role that goes beyond managing an individual job to ensure that it carried out and reinstated correctly.

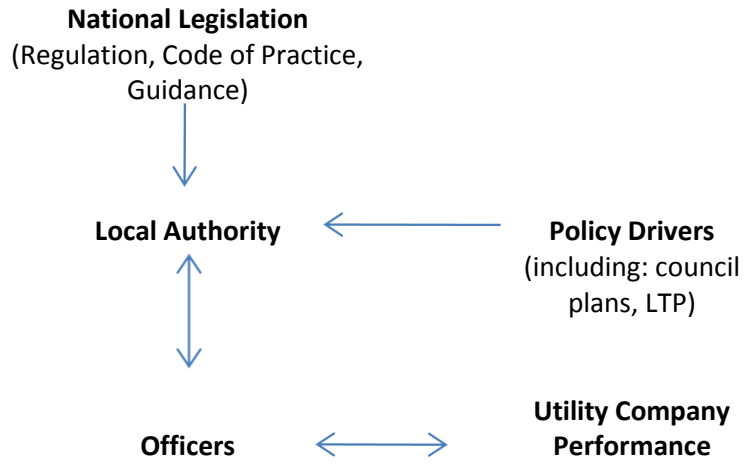
7.6.2.7.2 Anticipated Benefits from Implementing the YCPS

The anticipated benefits identified can be seen to correspond with both the Government's policies for 'highway works', which include features such as: the better co-ordination of works, minimising delay and disruption, and providing better information about the impact of works. These features were also present in the findings set out in earlier chapters from the interviews carried out.

7.6.2.7.3 Authority Objectives

The reasons for each of the six participating authorities wanting to introduce the Yorkshire Common Permit Scheme contain some common elements, as identified above, but also include a range of authority-specific objectives. In Table 7.2 below the author summarises these elements:

Table 7.2 - Permit Scheme Implementation



The Table shows how the same national legislation, including the DfT's Code of Practice for Permits, the regulations and guidance issued, is accessed and applied by individual local authorities in order to develop a permit scheme that will (i) satisfy the DfT and Secretary of State for Transport and (ii) will deliver benefits to the authority with regard to its specific requirements as identified in its, and associated, policies and plans. With regard to the Yorkshire Common Permit Scheme, the scheme was developed by officers who were directed 'top-down' by the authority's plans whilst at the same time proving a 'bottom-up' insight informed by their interactions with utility companies and the authority's own works department, the associated performance issues, and knowledge of how 'highway works' impact on the authority's highway network.

An examination of the ways in which local authorities created and implemented permit schemes also helped to illustrate the differences between *policy-making* and *policy-maintaining* in local authorities, and the difficulties in drawing a distinction. Permit schemes were provided for in the Traffic Management Act 2004, and were designed to give local authorities additional powers to manage all works on the highway to minimise disruption to highway users, taking into account any regional-specific considerations such as geographic, economic or environmental. All local authorities in England and Wales would have had the

opportunity to contribute to the “problem recognition” stage in this policy area. Then, as the responsible authority, would have had to take a policy view within as to whether to implement a permit scheme in their authority’s area. This would be policy-making for the authority. Contrast this with the pre-existing requirements of the New Roads and Street Works Act 1991, where local authorities had a duty to comply with requirements that came into force in 1993, almost 20 years ago. In those intervening years, elected members would likely have been *maintaining* existing policies and procedures.

7.7 Chapter Summary

The findings in this chapter have confirmed that the function of a local authority’s highway network has changed over time, moving from a concern mainly with the maintenance of road surfaces, bridges and drainage to finding ways to incorporate additional demands required in placing new and developing technologies under the surface. These “new technologies” are driven by public demand and central Government direction. To accommodate them involves consequential delay and disruption to highway users whilst apparatus is installed and maintained, but having good utility and service provision now forms part of an authority’s strategic plan for their area. The literature reviewed earlier suggested that the role of local authorities was changing, and these findings support that view, showing that authorities are complying with central Government reforms that placed a requirement on authorities to set the strategic direction for their areas.

The findings have also demonstrated changes in how local authorities structure themselves in order to deal with their responsibilities for maintaining their networks, with the name of “roads” and/or “bridges” becoming less prominent in the title of the council body with responsibility for their oversight. These changes can be viewed against the literature on changes to how authorities run themselves, including moves to the “leader/cabinet” model, and how these changes have resulted in a move away from traditional committee structures,

with the result that members other than “cabinet” members are less involved in the day-to-day operation of local authority functions.

That local authority officers have been able to use discretion in shaping their organisation’s policies regarding managing ‘highway works’, where permit schemes have been prepared for approval by their own council initially, demonstrates a more traditional view of officer/member relationships, in that members are relying on the expertise and knowledge of officers in a particular area in order to develop an appropriate scheme. Not quite so evident from the findings is the extent to which the idea of developing a permit scheme is ‘top-down’ from members or ‘bottom-up’ from officers. This is an area examined further in chapters 8 to 10.

Chapter Eight – Yorkshire-area Interview Data Analysis

8.1 Introduction

The next three chapters will analyse the findings from the in-depth interviews carried out. There were 12 interviews carried out between February 2010 and December 2011 across three geographical areas in England – Yorkshire, Devon, and London – and they were semi-structured (the questions asked can be found in Appendices A, B and C) to enable qualitative data to be collected to explore the role and contribution of individual "actors". People were identified for interview on the basis of their involvement with 'highway works': for elected members, this meant the portfolio-holder with responsibility for highway; from local authorities and utility companies in Yorkshire and Devon, the interviewees were the people who attended their area regional 'highway authority and utilities committee' (HAUC). This was so that data from the findings could be compared. The interviewees from London were identified on the basis of their ability to comment on 'highway works' policies.

This chapter will analyse the data from the interviews carried out in the Yorkshire area, chapter 9 will analyse the data for the Devon area interviews, and chapter 10 will analyse the data from the London interviews. The findings will then be discussed in chapter 11.

For the Yorkshire area, interviews were carried out with:

- The lead elected member for highway in Kirklees Metropolitan Council. At the time of undertaking the interviews for this thesis, Kirklees Council was going through a reorganisation and there was no permanent officer in the "street works manager" role. The officer information for Kirklees is provided by the author of this thesis as acting Street Works Manager;
- Representatives for the main four utility companies, i.e. water, gas, electricity, and telecommunications;
- The joint chairs of YHAUC (Yorkshire HAUC); and

- Officers from North Yorkshire County Council (NYCC).NYCC interacts with the same utility companies as Kirklees but is also, like Devon, a largely rural county council.

Three distinct but related interview templates were developed to collect data from elected members, local authority officers, and utility company representatives. The interview templates were prepared to allow for data to be collected in the following areas:

1. Roles and responsibilities of the interviewee. The purpose of this part of the interview was to identify the roles and responsibilities of the interviewees with regard to 'highway works' in order to be able to examine and explain how these might account for subsequent similarities and differences in how the organisations dealt with the legislation relating to 'highway works'.
2. The organisation's policies relating to 'highway works', and the extent to which the interviewee could influence them. The purpose of this part of the interview was (a) for street authorities to identify their organisation's policies relating to their own 'roadworks' and to utility company 'street works', the organisational factors that drove the policies, and the extent to which the interviewees felt that they could influence the policies; and (b) for utility companies, to identify their organisation's policies relating to their 'street works' activity, the factors that drove the policies, and the extent to which the interviewees felt that they could influence the policies.
3. The nature of the relationship between the interviewee's organisation and highway authorities and utility companies, depending on whether that organisation is a highway authority or utility company. The purpose of this part of the interview was to establish the factors that influence, either positively or negatively, relationships between authorities and utility companies at both individual and regional levels.

8.2.1 Roles and Responsibilities

8.2.1.1 Elected Member, Kirklees

The councillor interviewed was the Cabinet Member for Environment, Transport and Regeneration, with the role in reality being shared between three councillors. The councillor interviewed does the “day-to-day” highways work, which incorporates Streetscene & Housing Service. Within this Service sits the Streetworks Team, carrying out the co-ordination functions relating to ‘highway works’, and also the Design & Construction team which plans and executes ‘roadworks’ on behalf of the council.

The councillor identified the importance of having some form of measurement to identify where council’s should target resources, and cited an example of the Performance Indicators for the number of accidents per head of population. The councillor said that the Government has scrapped a lot of indicators but there are still some against which authorities are assessed, and the authority “...should be looking to say which we want to maintain and be measured against” and “...there is a need to be mindful of these in the current times of reduced budgets. When budgets are cut, it can be done by spreading the budgets equally over the wards, and everyone gets the same, but not everyone has the same need. There is a learning process to get the public to understand this”.

While the councillor believed that there was a need to explain this to people so that they understand “... the vast majority, 95-99% of people, are not interested and do not want to get involved in the process”. However, to cater for the people who do want to get involved, the councillor identified a need to have access to the information and that “...the councillors have a duty to try and get that majority to understand what the authority is doing and why”.

According to the councillor, the council has chosen not to devolve powers to individual members, although they could have done so under legislation. This means that decisions are devolved to officers after consultation with the

relevant lead member. The question has never arisen as to what would happen if there was a conflict of interest where the officer wanted to do something and the councillor, as Cabinet Member, did not, and it has never got to a situation where disagreements could not be resolved.

8.2.1.1.1 Discussion about Elected Member Roles and Responsibilities

It was not possible to carry out interviews with elected members in the other geographical areas included in this study in order to make comparisons. However, the interview with the Kirklees councillor confirmed that there was political oversight of the 'highway works' function within the authority and that decision-making can be devolved to officers.

The councillor at this part of the interview identified their role in terms of how they engaged with the public (and the extent to which the public wanted to be engaged) and how performance information was used within the authority to help determine spending priorities. The interview highlighted the importance to the councillor of proving information to people about the council's performance, and about how this performance information was particularly important when, as now, the council was going through a period of budget cuts, with the consequential dilemma for elected members about how budgets should best be allocated, with options including either equal amounts across all wards or targeting areas of most need.

8.2.1.2 Street Authorities

8.2.1.2.1 Kirklees

The Street Works Team at Kirklees comprises an acting Street Works Manager (ASWM), two project officers who are responsible for the co-ordination of all 'highway works' across their respective geographic areas, four highway inspectors who monitor the performance of utility companies against the codes of practice for signing, lighting and guarding and for reinstatement. There are, in addition, "business support" officers who deal with the administrative processes relating to NRASWA, including receipt and processing of notices served by

works promoters and the invoicing of charges, for example, for inspections carried out.

The Street Works Team is part of the Operational Unit within the council's Streetscene & Housing Unit, which deals with the council's own 'roadworks' from design to on-site construction.

The responsibilities of the ASWM are to ensure compliance with legislation, including NRASWA and TMA, to protect the council's highway asset by ensuring that reinstatements are carried out to specification, and to integrate the legislative requirements of NRASWA and TMA with the council's priorities.

8.2.1.2.2 Regional HAUC, Highways Chair's Authority

An interview was carried out with the joint chair (highways-side) of the regional HAUC (YHAUC), who was a Group Leader (GL) within the authority's Strategic Highway Maintenance Unit. The responsibilities of the GL relating to 'street works' included 10% of their time spent managing the street works team and works co-ordination, being responsible for highway maintenance, highway enforcement, and statutory highway functions. One of their roles was to formulate the authority's policy and agree it with Elected Members.

8.2.1.2.3 North Yorkshire County Council (NYCC)

Two interviews were carried out in NYCC: one with the Highway Asset Manager (HAM) and one with the Street Works Manager (SWM).

The HAM manages a group of teams covering a number of areas, one of which is the Streetworks Team. Other areas include the county's searches function, corporate flood risk management function (NYCC is now the lead local flood authority for North Yorkshire), and the Network Management Team which is split in two: a Network Information Team to manage the authority's electronic records, lists of streets, highway plans, and highway maintenance networks,

and a Network Survey Team which undertake a range of condition surveys and also participate in investigations on highway fatalities.

The SWM identified that ‘street works’ function as comprising the maintenance of the Street Works Register and the inspection of works on the highway. The team comprises the Street Works Manager, a Co-ordinator, three Technical Assistants and eight Inspectors across the county. Each of the inspectors is based at an area office, which is the hub of the patch that they cover in North Yorkshire. There are seven area offices; one is a fairly major one that covers Harrogate and its environs.

8.2.1.2.4 Summary of Street Authority Roles and Responsibilities

The interviews with street authority representatives highlighted a number of similarities and differences in the ways in which the authorities interviewed approach their duties. These are set out in Table 8.1 below:

Table 8.1Yorkshire Authorities – Street Authority Roles & Responsibilities

Authority	Streetworks Team (Y/N)	Functions	Officers
Kirklees	Y	Street Works Register functions Co-ordination of all 'highway works' Inspection of works initiation of charges	Streetworks Manager; Co-ordination officers; Inspectors; Business Support officers
YHAUC Joint Chair’s Authority	Y	Street Works Register functions Co-ordination of all 'highway works'	Establishment not specified
North Yorkshire	Y	Street Works Register functions Inspection of works initiation of charges	Streetworks Manager; Co-ordination officer; Inspectors

8.2.1.3 Utility Companies

8.2.1.3.1 Water utility

The person interviewed at the water utility was the Contract Manager (CM) who works in the Customer Service and Networks Unit, one of a number of business units in the business. The CM was also the joint chair (utility-side) of the regional highway authorities and utilities committee, YHAUC.

The ‘street works’ responsibilities of the CM range across a number of major contacts, including: Water Service Agreement, Repair &Maintenance Waste Water, and a number of other, small value/volume contracts, for example, pest control and sewer lining, but these have more limited impact on the travelling public.

The CM identified having seven main responsibilities with regard to ‘street works’:

1. Writing legislative and codes of practice requirements into the contracts themselves, and then monitoring performance to make sure that partners are adhering to requirements;
2. Driving excellence and standards of performance in health and safety, risk management, and the control of works from the perspective of a clear and understood performance management process.
3. Responsibility for leading the street works team, which includes a TMA [Traffic Management Act] compliance manager, who manages and administers ‘street works’ on behalf of the whole business, not just for the Customer Service and Networks unit but across the other business units as well.
4. Encouraging appropriate behaviours and relationships with key stakeholders, including local authorities, and ensuring that the business applies appropriate influence where required in determining and delivering best practice within the industry.

5. Ensuring an adequate reporting regime across the business to tell people how well they are doing, against NRASWA [New Road and Street Works Act]/TMA requirements, and there are a host of measures in place to do that.
6. Chairing responsibilities, including the regional HAUC (YHAUC), North of England JUG (joint utilities group), the HAUC(UK) Good Practice working group, and the "3 HAUCs Roadshow".
7. Driving innovation to change the way that the business does 'street works' and the impact of those works.

8.2.1.3.2 Electricity utility

The person interviewed for the electricity utility was the Street Works Manager (SWM), whose duties entailed responsibility for a Compliance Team comprising inspectors, who inspect the operations of service providers and the company's own direct labour staff, and a noticing and administration team.

The SWM's other responsibilities involve keeping abreast of legislation and keeping the company's directors informed so that they can dictate policy, and attending regional HAUCs and JUGs, and HAUC(UK). The SWM has the backing of the directors to be involved at a comprehensive level because involvement in all of these takes time and the company wants to be one of the leaders in the 'street works' arena, and so they afford the SWM the time to do this.

With the deregulation of the electricity industry in 1990, the company has a number of different operating units. The parent company owns a number of electricity distribution companies in England, including the one that covers the Yorkshire area, and therefore Kirklees. The split in the industry saw the supply and metering and charging for electricity go off to a supply business, which now sits with an unrelated company. The distribution company is owned by an American company, which itself is part of a bigger corporation. The American

owners only wanted the distribution part of the business – they did not want the supply part.

8.2.1.3.3 Gas utility

The NRSWA Delivery Manager (NDM) within the regional gas distribution company was interviewed. The NDM oversees a team that deal with all noticing issues, handling reports of defective works and sites, transferring reinstatement details to the company's reinstatement contractors, charges for overruns, fixed penalty notices and inspections, and compliance with legislation, including measuring performance, and is responsible for a team of about 18 people.

8.2.1.3.4 Telecommunications utility

The person interviewed within a main telecommunications provider was the NRASWA Compliance Manager for the North of England (NCM). Their main responsibilities with regard to 'street works' include keeping the organisation compliant with legislation, including NRASWA and TMA, which involves root-cause analysis of overrun charges, reinstatement defects, fixed penalty notices, and permit schemes where they are in operation.

The role also involves attending regional HAUCs and RAUCs (in Scotland), and looking at the development and implementation of codes of practice under NRASWA, advice notes, and best practice.

8.2.1.3.4 Summary of Utility Company Roles and Responsibilities

The interviews with the utility company representatives interviewed in the Yorkshire area highlighted that there was a greater degree of commonality of approach than was evident with street authorities. Details are set out in Table 8.2 below:

Table 8.2Yorkshire area – Utility Roles & Responsibilities		
Utility	**Interviewee's Role**	**Streetworks Responsibilities**
Water	Contracts Manager; Regional HAUC joint chair	Writing legislative requirements onto contracts; Leading the street works team; Performance monitoring/reporting; Stakeholder engagement; Driving innovation
Electricity	Street Works Manager	Responsible for Compliance Team; Legislative awareness; Performance monitoring/reporting
Gas	NRSWA Delivery Manager	Dealing with all noticing and compliance issues; Performance monitoring/reporting
Telecommunications	NRSWA Compliance Manager	Ensuring that the organisation is compliant with legislation (covering the North of England)

8.3.1 Policies and Influence

8.3.1.1 Elected Member, Kirklees

With regard to legislation regulating utility ‘street works’, the councillor was fully aware of the Public Utilities and Street Works Act 1950 regulations, which were superseded by NRASWA in 1993, and considered them to be “... great and worked well until the Thatcher Government got rid of them” and that “...the balance has now gone too far over to the utilities, and they don’t really pay for the damage they do.” The councillor was aware that utility companies have to give notice of their works, and also that there is a need to notify other people to see if they are planning to work in the same location so that organisations can work together, although he was not sure whether this aspect was working fully.

The councillor did not consider that the penalties which can be imposed on utilities as being sufficient because “...you can get some utilities digging a hole and leave it for six months unless someone reminds them of it when they are doing work”. It should be noted that this is no longer the case under NRASWA,

where utility companies do incur a financial penalty if their works overrun the duration agreed with the local authority for the works.

The councillor identified issues regarding letting the public know who it was that were carrying out works on this highway. He was aware that road closure information is made public because it is the council that have the legal powers to put the order on but, if it is for utility company works, it is for the benefit of someone else but there was not thought to be enough information to the public explaining that it is not the council that might be digging the road up. There is a requirement for all organisations carrying out works on the highway to display an information board but the councillor considers that, with the way the industry is structured now, where there are no longer single “gas boards” or “electricity boards” operating in an area, it is difficult for people to know “...who is who, and so people are never really sure who it is that is digging the road up because it is just a company name”.

As a cabinet member the councillor is involved in discussions about large works, and cited the example of a replacement of a bridge which carried a busy local road and was going to be out of use for several months. This was going to cause a lot of disruption for a long time, and so the councillor needed to be aware because he would get questions about the work, why it was being done and how disruption could be mitigated.

The councillor accepted that utility companies have got a statutory right to dig the road up “...but we’ve got a right to moan about the reinstatement not being correct” but “...we haven’t the powers we used to have to do the reinstatements ourselves and charge the utilities for it”. The councillor considers that this problem of poor reinstatements has led to the pot-holing problems that all local authorities have encountered over the last two harsh winters, where the pot-holes were alongside where the road had been dug up.

As a ward councillor, the councillor did not see ‘street works’ as an item that cropped up a lot from constituents, but was the sort of thing that people would fall back on “...if they feel obliged to complain about something”. As people see it, one of the duties of councillors is “...to accept people’s complaints because they believe that they have to complain to you about something”, and one of the easiest things is about the state of the roads, but the councillor said that he did not receive many specific complaints relating to ‘street works’. Sometimes businesses would complain and ask why they could not be paid compensation which, in most cases for council ‘roadworks’, is not payable.

The councillor did not think that ‘highway works’ in general impacted on other council policies. They are not really discussed in cabinet or other committees, and are not considered to be a big issues unless there was going to be disruption.

The councillor believed that where frustration does arise with ‘highway works’ it was with regard to why the works co-ordination function could not tie in with the planning function to require, for example, when an new estate was being built, the utilities to be put in a channel down the sides of the road so that there was no need for digging-up the road up in the future. But, again, this was not something discussed by the council. According to the councillor, “...certain members have certain interests, but members are probably more aware of planning issues than they are of general highways issues”. The councillor stated that in Kirklees only about 3% of planning decisions go to the Planning Committee, which meant that there was no longer the local member input.

With regard to the extent to which the councillor, as Cabinet Member and ward councillor, felt that he could influence policies and strategies relating to ‘street works’ and ‘roadworks’, he considered this to be “...difficult because what the council does goes back to the bit about devolving things down to an area committee and looking and checking the robustness of the formulas”, and there is a temptation that “...if you’ve got a mathematical formula that you can apply to

something and it's working, don't touch it". With highways matters, members do get involved when things go wrong. As Cabinet Member, the councillor acts as a back-stop because if a member feels they have not got the required response from an officer they will then go to him as cabinet member and he will take it up with the service director and try and resolve issues that way. The councillor has regular meetings with senior officers in Highways at unit manager and operational manager level. Contact about specific issues tends to be through the unit manager or through the reactive works manager – not for them to resolve, but to ask them to pass it to the right person to come back to the councillor.

With regard to access to general information as to how 'street works' are going and performance information, the councillor gets more information on the council's own 'roadworks', via the Highways capital plan, and is consulted on the plan and will look through the information. The councillor is mindful of the need to avoid being parochial as it would be easy to push things into his area, and so is conscious of the need to divorce ward work from cabinet work.

The councillor does not consider that the performance of utility companies has a great impact on Kirklees as an area, other than with regard to the works on the road and the problems with maintenance mentioned previously. His view was that "...if you ask people about the road surface the usual response is that "my authority is the worst one in the country", and a lot of that has to do with if people are driving out of the area they tend to be in rural areas, and rural areas do not tend to have as many openings and so the roads tend to be smoother. Also, when people travel outside the council's area they tend to be on trunk roads and motorways, which also do not have as many openings but have more maintenance. When they get home, they are on side streets which have a lot of openings and not as much maintenance".

Also, the councillor was of the view that the roads in this country have got a complicated network of underground pipes, and "...people don't know what's

underground half of the time". The councillor felt that the situation had got better in recent years, with geographical information systems having been developed over the last 10-15 years, but that there was a lot of "mess" under the roads that would not apply to a new town, leading to consequential problems and issues with utility works.

With regard to the nature of the relationship between the councillor, as an elected member, and officers, the councillor considered that there was a retrograde step when the council changed from the committee system. Under that arrangement, more elected members met more officers, and the Highways Committee had about 18 members on it – it used to be about 24 before that, and met monthly and officers presented reports – about 8 or 9 – "...and there was a lot more interchange". The councillor considered that the loss of the committee system has had a massive impact on the level of members' knowledge and awareness, explaining that a lot of members who went to committees did not take a lot of interest in what was happening but a lot did. Where there was a monthly committee that sometimes lasted two hours, members got the papers and 20 or 30 items that were discussing issues, they had much more understanding than now, where ordinary members, if they're not on the cabinet, see nothing – they get no papers – and nothing goes to council, so they do not see anything at that level, and even cabinet members see very little. According to the councillor, there are a very small amount of decisions that go to Cabinet, and the councillor thinks that knowledge across the board has gone: "...the current Government is talking about reducing the number of councillors and at the same time talking about wanting local decisions".

8.3.1.2 Summary of Elected Member View on Policies and Influence

The interview with the councillor reinforced findings in the literature that the changes to the structure of councils, including moving away from the old committee system to cabinet and leader models, have had implications for the

level of knowledge of members and on the nature of relationships between councillors and officers.

The councillor's view of 'highway works' was as an overview – an awareness that utility 'street works' had to be carried out in order to provide the utility services that people needed, and was informed about the plans for the authority's own 'roadworks' – and that elected members wanted to be kept informed about any works that might cause delay in their wards.

There was, however, no identified linkage between what works were being carried out and the council's wider objectives, and there appeared to be no evidence of widespread interest from the public to councillors about 'highway works' in general, other than specific works that might cause delay or disruption. This can be contrasted with the situation in London, discussed below, where the current Mayor has 'highway works' as one of his three top priorities and the consequences of this for the way in which street authorities and utilities operate.

8.3.1.2 Street Authority

8.3.1.2.1 Kirklees

The council's approach to managing 'street works' is based on ensuring compliance with the relevant legislation to minimise disruption to highway users whilst the works are on-going, and monitoring reinstatements carried out by utility companies, to ensure that reinstatements meet the specification, so that condition of the highway asset is maintained and the council does not have to incur the cost from its maintenance budget of carrying remedial work on utility reinstatements.

The council's policy with regard to its own 'roadworks' is set out in the "Highway Maintenance Plan", which sets out that the main purpose of highway maintenance is to maintain the highway network for the convenient movement of people and goods. The council's roads that are classified as A, B or C roads are subject to machine-based condition surveys, and the data is used to

prioritise roads for treatment. Unclassified roads are prioritised for treatment based upon ward-member input.

The main driver for the council's policies on 'highway works' is the council's Corporate Plan, which sets out the council's priorities, including enhancing life chances for young people; supporting older people to be healthy, active and included; focussing on preventative work; leading Kirklees out of recession; and providing effective and productive services. These aims are linked to the staff appraisal process and, since 2008, when the financial crisis led to a reduction in central Government funding for local government, a review of all the council's functions to ensure that resources are deployed in areas of work that address the priorities.

The council views the road network as an asset, and an asset that contributes towards a number of the council's priorities, with all goods, services and people moving around the district at some time use the road network. Any works that are carried out in the highway affect the life-span of the highway, with studies showing that even where excavations are reinstated to the required specification there is still long-term damage that reduces the period where resurfacing would be required, and can also have the potential to cause disruption and delay to highway users. This is, for example, an issue when the council and the public transport operator are trying to encourage people to use non-car alternatives but then journey-time reliability is affected by the presence of works. In terms of managing the work of utility companies and the council's own works-promoters, the Street Works Team takes a parity approach, treating both sets of promoters equally.

With regard to how the council's activities were influenced or affected by elected members, each February the council sets the budgets for both capital and revenue highway maintenance schemes. This also takes into account capital allocation from central Government via the Local Transport Plan (LTP). Once the budgets have been allocated, schemes are designed and at that point come

into the co-ordination process, where the intention is to co-ordinate the authority's works with those of the utility companies.

Ward members are informed about any temporary road closures that need to be put in place for any 'highway works', and are also consulted in advance about works that are likely to have a significant impact in their ward.

Looking at targets and performance measures for 'highway works', for the council's own 'roadworks' there are two national performance indicators that identify roads where maintenance should be considered, and the council has to report on these. However, these are outside the scope of the council's Street Works Team. With regard to utility 'street works', the Street Works Team provides a quarterly report to utility companies on their performance against the random sample inspections undertaken to monitor compliance with the safety and reinstatement specifications, and holds performance meetings with utility company representatives to discuss the results.

In the early years of NRASWA, an annual report was submitted to the council on the operation of NRASWA but, more recently, no report has been prepared.

The setting of targets for the Street Works Team is done through the annual staff appraisal process, where the ASWM and their line manager discuss the priorities for the Team, which include ensuring that inspection of utility works is carried out and that non-compliance by utility companies is addressed, to ensure that the integrity of the highway network is maintained. The ASWM then has appraisal meeting with the project officers and inspectors, reviewing the previous year's performance and setting out the targets and expectations for the next 12 months.

The ASWM is able to suggest and implement changes to procedures with regard to 'highway works'. As an example, the ASWM is currently dealing with the council's application to operate a permit scheme, and with the

implementation of new systems of working that will be required where the Department of Transport gives its approval.

8.3.1.2.2 Regional HAUC, Highways Chair's Authority

The Group Leader (GL) was asked about authority's policies regarding 'highway works, and stated that their "...number one aim" was that all works and activities carried out on the highway should involve minimum disruption to the public, with the public being kept informed of any delays or possible delays. The GL looked for different ways for works to take place, both council and utility works, to ensure that roads were not closed "just for the sake of it" – roads are only closed if they "100% have to", if there were other ways of doing works without closing roads then they would look to do that.

The policy is to:

- Ensure that all works are co-ordinated; including changing works programmes in order to accommodate other works. There are internal works programmes meetings with the various internal sections doing works to make sure that they are co-ordinated with utility works if possible;
- Works need to be well managed on site, including information boards setting out who is doing the work and how long it will take, with advance information about schemes being provided to residents, including letter drops and possibly radio information.
- Policies are on the council's website to tell people what they can do and how they can find the information.

With regard to how the policies and strategies are developed, the GL's team are encouraged to contribute to anything they think will make things better for the highway users. Any initiatives are taken to the assistant director, director and Cabinet spokesperson to endorse, and then implemented. The Cabinet spokesperson shows a great interest in what happens on the highway, providing he understands why.

Policies, other than national legislation, rarely come from top down. The GL's position on national HAUC and working groups gives a feeling for what legislation is coming through. However, top-down direction is given in ensuring that income is maximised, including Sample and Defect inspection fees, where the council aims to ensure that it is "...recompensed for what they do on the street works front".

The GL said that there were no differences in policies applying to the council's own works for road purposes and utility 'street works', as it clearly set out that parity applies to anyone working on the highway, whether it is the council's own works or utility works. The GL identified that there were pressures where council schemes might lose their funding but notices still need to be served with start dates. Communication was considered to be vital, and the council's own works teams "...sometimes have the attitude that they know best and they can go in when they want, but that's not the case these days. Utility companies also have major schemes so there has to be co-ordination"

According to the GL, the main areas that drive the authority's policies and strategies relating to 'highway works' are the Council's polices for attracting investment and new developments into the borough, and for new developments, where 'roadworks' and 'street works' are required to provide access and utility services.

When asked about how the organisation's policies were influenced or affected by elected members, the GL described how, over last 18 months, there had been a new "neighbourhoods agenda" based on five Area Partnerships, where each Area Partnership comprised four or five wards. Each ward had a quarterly "ward panel" and a "Highways" representative went to each ward panel to discuss with ward members their priorities for their ward, including highway schemes, traffic-calming, and to discuss any 'street works'. Local politics does come into things where the three ward members might be from different parties and might not agree on policies. Currently, Labour has overall control and is

forward-thinking about the benefits of gas-main replacement and high-speed broadband installation to help generate jobs and investment. The last six years in the authority's area has seen new schools, new developments and office blocks, bringing money and jobs into the authority's area.

With regard to formal reports to members, there is an Annual maintenance report (done in April/May), setting out spending which goes to Cabinet for approval, and the quarterly performance reports on 'street works' operations reporting on KPIs. The performance targets for 'roadworks' and 'street works' are to keep durations to a minimum (to minimise disruption to the highway) and for first-time permanent reinstatements to minimise return visits). There are no consequences at the moment if these targets are not met.

With regard to the extent to which as an individual they could influence their organisations policies and strategies relating to 'highway works', the GL felt that 'street works' and co-ordination were not given as much emphasis as they should within the highways department, with more focus being put on getting the council's own works done. The Council leadership does appreciate the money being spent on the highway, and in public surveys highways and the condition of the roads tends to be the third priority behind children and social services and education, and the condition of roads is a "hot topic" across the country, particularly following the recent harsh winters and the damage caused to roads.

8.3.1.2.3 North Yorkshire County Council

The Highway Asset Manager (HAM) identified that the evolution of policy and strategy in North Yorkshire County Council (NYCC)with regard to 'highway works' had been driven by the perceived statutory and non-statutory requirement of various activities. In terms of 'street works', for NYCC the legislation "...to all intents and purposes is policy. It is how we actually deliver that in terms of our central function based at County Hall and our operational function that's our strategy".

About 10 years ago, there had been "...certain misunderstandings" about the legislation. The HAM, in conjunction with Street Works Manager (SWM) has "... refocus[ed] the requirements of the Street Works Team, so we've, as a consequence of a couple of restructurings, strengthened the Team in the centre so that we are more proactive with the management of the electronic street works register in terms of, where appropriate, electronic interaction with utility companies. Also, in terms of the 'street works' inspection regime... we have the ability to meet the statutory minimum sample inspection regime".

In identifying the policies and strategies, the HAM said that the organisation's current mantra was to "...manage, maintain, and improve" in that order". The authority was doing very little "improvement" works but was prioritising resources on "managing and maintaining"; financial resources on "maintaining" and intellectual thought in terms of "management". These policies and strategies are driven by the Highway Asset Group for the whole of the County, being proactive rather than reactive although there are some instances where they have to be reactive.

The "misunderstandings" mentioned earlier were around senior officers in the past not being "...prepared to accept that the delivery of a sample inspection regime was a statutory requirement. They thought it was something you could put down and pick up as you wished". When it was pointed out to them by the authority's Legal Services that a sample inspection regime was a statutory requirement, it then put the recruitment of street works inspectors further up the agenda than it had been previously. One of the things that helped NYCC is dealing with misconceptions around 'street works' legislation was the introduction of the Traffic Management Act (TMA), because it gave local authorities a statutory Networks Management Duty and it created a statutory post of Traffic Manager within an authority, "...and that is almost always guaranteed to raise the profile ... of the service for a while".

Geographically, North Yorkshire is large. There are seven District councils in the county, and NYCC delivers the bulk of its highways service on a District council-basis but 'street works' boundaries have been altered so that NYCC can better resource street works inspections.

The realignment of staff, together with the appropriation of additional staff, allowed NYCC to "...take a more proactive stance with regard to the delivery of the 'street works' service". Primarily this is focussed on utility activity and ensuring that proposed works durations are challenged. Utility companies are managed "... proactively – there is an interaction with utilities and we are not, I don't think, perceived as being dictatorial, and that's not the way that we would wish to operate". As a consequence of this stance, NYCC have also applied the same challenges internally to their own 'roadworks'.

According to the HAM, the "...underlying philosophy" that he and the SWM have developed and implemented is that "...we understand where the utilities are coming from. We know they have to do their work and we're understanding of that. We also understand that there are challenges in working on the North Yorkshire network, which itself has evolved over time, and therefore we need to be fairly pragmatic in how we monitor activities and direct our resources ... and then we apply exactly the same criteria to our own works as well".

When asked about the "challenges" of working on NYCC's network, the HAM identified that their surface network was about 8,200 km, varying from a very heavily-used principal road network (PRN) to elements of NYCC's network that "...are lucky if they see a horse and cart on an annual basis but they are surfaced roads and consequently have evolved differently over a long period of time".

While the core, heavily-use portion of NYCC's network, about 15%, has been subject to design standards, the rest has evolved over time. The issue here for the HAM is that there is little, traditional construction to support the vast majority

of the network, and so to better protect it the authority has identified that it needs to inspect where utility companies work and carry out reinstatements. In terms of an inspection regime, NYCC inspects more than the set quota in terms of sample inspections. Non-compliance identified by these inspections "...continues to be a concern and this is something that is being looked to be covered more appropriately over the next year or so". In addition, the HAM sees that changes in material specifications have resulted in "... a great deal of ignorance with the highway authority's staff and also with utilities' staff, and we need to "up the ante" in terms of levels of technical competence". In order to deliver this NYCC expect more from the utility companies, which is why the authority believes that "...a co-operative effort is better than a dictatorial one".

According to the HAM, 'highway works' policies and strategies were developed jointly with the SWM. They are not written down, and this gives officers flexibility in dealing with issues.

With regard to how activities were influenced by elected members, either individually or as a council, the HAM cited an example of the current consultation on "lane rental". As a highway authority, NYCC has a duty to respond to the DfT consultation, "...whether the authority is for, against or indifferent, to their proposals". A number of years ago, the County Council made a requirement for all responses from the council to be given approval by the appropriate Executive Member, and in some cases, for example, where top-level funding was affected, that approval had to be given by the council's Executive or, sometimes, the full council. Also, if something was policy then it had to be approved by members at full council level. Officers make recommendations in terms of service delivery and, as yet, "[we] have not had one of our recommendations overturned".

Looking at whether members take a particular interest in 'highway works', the HAM said that it depending on what was happening at the time but that, generally, "... the answer is "no"". However, there are members who live in

areas where traffic congestion is fairly high and if there are any works – either the council's or utilities' – or there are temporary road closures in place to facilitate activities, then local concerns and sensitivities are raised. Generally, members are concerned where there are long road closures and associated diversion routes, and members want to be kept in the picture.

The HAM commented on the need for officers to work in conjunction with elected members and respond appropriately to their issues. Examples of this include advertising signs on the highway, which is a key issue where local businesses are not doing particularly well. Where businesses place an "A-board" outside their premises, NYCC's current policy as it stands is to have it removed but this generates friction and members have asked officers to review the policy. Any changes in policy have to go through full Council and Executive Committee level, whereas strategies generally stay "in house".

Looking at NYCC's targets and performance measures for 'highway works', the HAM identified that there were some default reports available from their management information system, and that the SWM and his team have been active in identifying key performance data captured within the system allowing the performance of the street works inspectors to be managed on a monthly basis, bench-marking their activities against the other inspectors, and looking at the performance of utility companies – both individual performance and bench-marking them across the area. They also compare the council's in-house works activities on the highway with utilities, so individual highway authority operational areas can be monitored and bench-marked across them.

With the start of the authority's new Highway Maintenance Contract, which will run from 2012 for 10 years, for the authority's own 'roadworks' activities, there have been included some key performance indicators relating to 'street works'-type activity, for example, noticing and the issue of fixed penalty notices, and the importance of performance with regard to these areas. If the contractor fails

to perform in this general ‘street works’-type arena, it could potentially reduce the extent of their contract.

The SWM noted that they treat everyone equally – no promoter, including the council’s own works, are favoured over others. Performance is measured against the occupation of the highway, including agreed and un-agreed durations; the number of FPNs issued to utilities or “shadow” charges for the council’s own works so that performance can be compared; and the number of inspections of works undertaken to monitor performance by all works promoters. These are reported to the HAM, the director and deputy director, and the area offices. NYCC are also looking “...to display parity – a level playing field – by undertaking the same regime against everybody, which generally works”.

The approach taken by NYCC with regard to prosecuting utility companies for ‘street works’ offences is, according to the SWM, “... to take a pragmatic view on that. If we can avoid prosecution by other means, we will do so”. This is because they see that prosecution can be very time-consuming and not necessarily having the desired outcome at the end. However, in instances of continued poor performance, prosecution is the route that NYCC would take.

According to the HAM, the “...perpetual challenge we face with regard to utility performance is being asked why we are not prosecuting.” The HAM and SWM both perceive that court action is a reflection of failure on officers in delivering the ‘street works’ service, and that here are other more appropriate ways and means of getting the utilities and their contractors to improve their performance. The HAM said that they had “... never yet failed to drive a desired performance improvement forward; the utility companies have always responded appropriately and in the way that we would wish them to, and therefore we have never felt the need to resort to court action”. In addition, the HAM noted that, even with successful prosecutions, “...the local authority doesn’t benefit – it might get costs but the fine goes to the Ministry of Justice.

NYCC see monitoring performance and getting utilities in for meetings is far more effective. The HAM identified this as "... another underlying philosophy – it's about having a continual dialogue and, on the basis that we haven't failed yet to get the desired improvements, hopefully it will be a long time before we get call for us to prosecute somebody".

Another aspect regarding NYCC's view on prosecutions was that frequently court action results in the dismissal of utility company contractor's teams and gangs but that this did not necessarily address the underlying issues. The SWM said that "...if you can get the utility and contractor on side, you can drive performance forward, drive safer working practices as opposed to the utility dismissing that gang, and then the gang turns up somewhere else in the 'street works' world, with a different name, and continuing with the same poor performance. It's just moving the problem around rather than addressing it, which is probably more important".

8.3.1.2.4 Summary of Street Authority Policies and Procedures

The policies adopted by the street authorities interviewed in Yorkshire in relation to utility 'street works' and authorities' 'roadworks', and the targets and performance measures adopted, are set out in Table 8.3 below.

Table 8.3 Yorkshire Authorities – Policies & Performance Measures

Authority	Street Works Policy	Policy on Authority's own Roadworks	Targets/Performance Measures
Kirklees	(i) Ensuring compliance with legislation; (ii) Maintain the highway asset	Written "Highway Maintenance Plan"; roads identified for treatment based on surveys and member input	(i) Random sample inspection results for 'street works'; (ii) National performance indicators for 'roadworks'
Regional HAUC, Joint Chair's Authority	(i) Ensure that all works are co-ordinated; (ii) Works are well-managed on site, including the provision of information	Links to the council's policies for attracting new businesses and developments into the borough	(i) Random sample inspection results for 'street works'; (ii) For both 'street works' and 'roadworks', keep job durations and delay to a minimum
North Yorkshire	The legislation is the policy, i.e. NRASWA and TMA	Statutory and non-statutory requirements	(i) Random sample inspection results for 'street works'; (ii) Parity measures for 'roadworks'; (iii) 'Roadworks' performance affects contract payments

With regard to (a) the level of political involvement in their regarding 'highway works' and (b) the extent to which they were able to influence their organisation's policies relating to 'highway works', the main points from the Yorkshire interviews are set out in Table 8.4 below:

Table 8.4 Yorkshire Authorities – Policy Influence

Authority	Level of Political Involvement	individual Ability to Influence Policy
Kirklees	(i) *Highway authority* - members set budgets which affects the volume of work; (ii) *Street authority* - ad hoc reports and specific information requests/provision	Can suggest and implement changes to procedures for dealing with 'highway works'
Regional HAUC, Joint Chair's Authority	(i) *Highway authority* - ward panels identify priorities, including highway works; (ii) *s Street authority* - quarterly utility performance reports	As regional HAUC joint chair, awareness of developments in legislation.
North Yorkshire	(i) *Street authority* - members want to be kept informed about works/road closures that might affect their ward	Procedures were developed by officers interviewed.

8.3.1.3 Utility Companies

8.3.1.3.1 Water utility

The Contracts Manager (CM) was asked about the business' policies and strategies relating to 'street works', and replied that the policy was quite straight forward and had been in existence for some years, and was part of the company's strategic objectives, and was, "...where economically efficient to do so, is about 100% compliance with legislation". The policy is a written policy that also covers regulatory issues with Ofwat, the Drinking Water Inspectorate (DWI) and the Environment Agency (EA).

With regard to the strategies that go with the policy, the CM identified the following key areas:

a) Previously strategies were around a “Z3S”, with “Z1” being zero interruptions to supply, “Z2” being zero excavations, “Z3” being zero traffic congestion, and “S” being savings realised.
b) There were moves within the business to refresh this strategy, with them now being described against five areas but still keeping the previous themes, the five new areas being:
    i. Excellent Sites – which is about the business being able to deliver a consistent, high-quality service safely, and this was “...quite significant at the moment”, with a series of “tool-box” talks to partners about what this means and how they can deliver it.
    ii. Working with key stakeholders to minimise disruption.
    iii. Communication with those living, working in, and using the street, hence the participation in the HAUC (UK) Good Practice working group, which “...fits in nicely with what the company wants to do”.
    iv. Reduction in the number and size of excavations undertaken, and the time that the site is occupied, through innovation and best practice – a continuation of the “Z3S” themes. The average duration of the company’s works has reduced from over 10 to just over three working days as a result of focusing on durations.
    v. Performance management of ‘street works’ to maintain focus on performance and targets, and responding where targets are not being met is a key part of performance management.

When asked about how policies and strategies were developed within the organisation, the CM noted that they were developed in consultation with the key stakeholders, including the regulator, elected officials, service partners, opinion groups and customers.

The CM said that policies could be developed from both ‘top-down’ and ‘bottom-up’. Policies and strategies that relates to the operation by local authorities of a permit scheme, for example, was more of a ‘bottom-up’ piece, so “...we are talking to our senior directors currently about the permit scheme, and what

strategy we need to deploy". But regulator-driven requirements tends to be 'top-down'.

The CM identified the four industry regulators that drive the business' policies and strategies relating to 'street works' as being Ofwat ("...the main regulator), the Drinking Water Inspectorate (DWI), the Environment Agency, and the Health & Safety Executive (HSE). The CM explained how the organisation's activities were affected or influenced by the regulator(s):

- DWI – this is about delivering water quality standards, and those standards have in the past driven a rehabilitation investment strategy, of the network, rather than replacement strategy. Under the rehabilitation investment strategy, the company were able to bring more of the network up to standard, with commitments being made to improving quality for the customer, and this had an impact on the volume of 'street works' being carried out by the company because there was more activity on the street.
- Ofwat is about monitoring and measuring the company's performance in key areas, ensuring compliance with the Water Industry Act, and ensuring that service is delivered at a fair price. The company has to report regularly to Ofwat on leakage, meaning that it then has to be quite reactive where there is a network failure because the longer leaks are left the more impact this has on targets, which are based on volume loss. Ofwat has recently introduced a new "serviceability" measure, which is not just about volume loss but is also about the numbers of failures. Because this is becoming a measure on water utilities, it means that the company needs to re-think its investment approach. As a consequence of ageing water supply network, the company needs to think about how it stems the number of leakage jobs, leading to turning the investment strategy to replacement rather than rehabilitation. During the current Asset Management Period, known as "AMP5", there will still be water quality standards to meet and rehabilitation activity, but also more renewal activity, and so more impact on the travelling public although

possibly to a lesser degree ("...because the money won't go as far") but the company will be occupying sites and be more visible.

- The Environment Agency look at pollution incidents and the company needs to invest in reducing these, for example, investment in sewerage pumping stations and combined sewer overflows.
- HSE is about making sure that things are done safely, keeping RIDDORs [reportable accidents] to a minimum.

The other main drivers of policies and strategies as given by the CM were:

- Legislative requirements and compliance with codes of practice associated with NRASWA and TMA, which come out of the Department for Transport
- The business' vision, which is a "...clear driver for policies and strategies" and which currently is "to be clearly the best", and to set them aside from other utility organisations across the UK, which is why the company like to talk about "excellent", for example, "Excellent Sites".
- Having levels of customer service that are "second to none", and these are also driven by regulatory targets around customer service. This also forms part of the company's "SIM" measures – Service Improvement Measures, something new that is being trialled but providing customer service has been part of the company's approach for many years.
- Being effective and efficient because the company has got to deliver a fair price to customers so is continually looking at ways to be more efficient and effective.

The company has a range of different performance measures and targets relating to 'street works', all at different levels within the business. The higher-level ones that run through all the business units include performance against the Random Sample Inspection regime, which is identified as being a key measure because it is a test of safety across how the company's activities in the street impact on the travelling public. There is currently a target of 95% compliance against the regulatory requirement of 90%. The ultimate aim is to

get to 100% across the three inspection categories but this is a staged approach to get there. Results are showing that getting to 100% is possible.

Other measures currently being developed include work around the effectiveness of co-ordination, which scores 10 elements, and is likely to go onto the balanced scorecard. The company also measures safety, including RIDDORs (incidents that are reportable to the Health & Safety Executive), minor accidents, near misses, and utility strikes (damage to underground apparatus belonging to another utility).

Performance is measured through a series of 'balanced scorecards', with information being extracted from systems and with different scorecards at different levels in the organisation. 'Street works' is on the highest level – Level 1 – which goes to the directors and the chief executive officer. There are consequences for the business in failing to achieve targets and these include, for the contractors ("service partners"), performance measures are linked to a "gain and pain" mechanism, where service partners are set annual targets, which are stretching. The consequence of not meeting the annual targets – the "paid" element – is a financial penalty to the contractor. The "gain" element is a financial incentive for meeting or exceeding targets "...which is reasonably attractive". Continual failure can lead to a series of warnings, potential dispute and, ultimately, if no change in behaviours (i.e. performance), then termination of the contract. The company "...is a great believer in relationships", and will work with to help contractors, but if contractors blatantly fail to perform then this will impact on the company's vision of being the best.

With regard to consequences for the company if targets are not met, the CM identified three: consequences from street authorities, including the issue of improvement notices or prosecution; safety issues, which have regulatory implications; and customer service, which is now linked to SIMs and so there is a non-compliance (financial) penalty that can be applied by the regulator to the business.

As an individual, the CM felt that he was "...very influential" in being able to influence the organisation's policies and strategies relating to 'street works'. Examples of this included participation in the group developing a permit scheme in Yorkshire, where engagement has helped in thinking about how the company will go about applying a permit scheme. As joint chair of the regional HUAC, the CM also attends HUAC (UK), and these close links help to get information about what's happening at a national level back to the business.

8.3.1.3.2 Electricity utility

When asked about the organisation's policies and strategies with regard to 'street works' and how they were developed, the Street Works Manager (SWM) said that policies were all driven by the legislation, and that the company looked proactively at things as part of the new "self-regulation", where Government is looking for practitioners to make the existing legislation work rather than introducing new regulations.

Any costs associated with legislative requirements are part of the case put forward to the regulator, Ofgem, and any allowances for costs that are available is governed by Ofgem. This was identified by the SWM as one of the problems of the industry when looking at "self-regulation" or doing things over and above the minimum legal requirement, it is the cost associated with that and whether you can get it back from the regulator. If something is governed by regulation then there is no issue.

In deciding whether a cost is allowable or not, the regulator takes into account customer service and stakeholder engagement, which is new at the moment and is about involving councils, councillors and businesses in seeing how the business operates and what is involved. Allowances for these costs are recoverable from the regulator. A major part of the SWM's job is stakeholder engagement, for example, with council officers about 'street works', and the regional and national bodies and groups.

The company's policy relating to 'street works' is set out in its Street Care Charter, which was launched some years ago. The Charter contains 10 elements to drive behaviour and improvements:

1. Safety
2. Communication – informing those that might be affected by the works
3. Co-ordination – with highway authorities and other utilities
4. Training – of staff
5. Planning – of works and durations
6. Environmental – keeping sites tidy. Inspection under the random sample regime are measured under this category because 'street works' are in the public environment
7. Courtesy
8. Inspections – carried out by own inspection team
9. Equipment – the right equipment to do the job
10. Innovation – around fault work and the accuracy of locations to minimise the number of excavations and to reduce durations, and introducing new equipment

These policies and strategies are developed 'bottom-up' because the directors do not have the same detailed knowledge as the SWM. The SWM gives presentations to senior managers on legislation that is coming up and they then are able to put their steer on things. With the Street Care Charter mentioned above, the SWM had a free hand in what went in. Senior managers did want to know, with regard to the 10 elements, how they would be implemented, how they would be measured, and how things would be corrected if not going right. Senior managers give support and also strong challenges, so reports cannot just be a few words written on a piece of paper, and the directors take a strong interest in 'street works'.

A while ago the distribution company had several "improvement notices" [an improvement notice is served on a utility company by a local authority where the company's performance as measured by the sample inspections falls below

90% compliance] against them and did not seem to be able to turn the situation around. Business managers within the company were burdened with issues that they could not resolve on their own – there were collective behavioural issues. The chief executive officer gets a weekly report – the “400 Report”, which contains 400 items – and will invariably come back with questions – “...which is good because it means that you’re not just writing a report for the sake of it”. The report also goes across to America for them to comment on, but as long as the company is on target to meet their required rate of return then “...they tend to stay out of it”. However, the SWM noted that the American owners “...did not like being in court and do not like their name brought into disrepute [because] they have strong ethical values”.

The company has a 10 year plan, looking for strong returns, and has an operating plan with key priorities that focus on the five-year regulatory period and funding available. The company also has an annual operating plan, which includes ‘street works’, particularly inspections performance under “Environmental” and compliance levels, which are currently set at greater than 90%.Other targets are set by directors for things such as Traffic Management Act compliance, including Fixed Penalty Notices.

The SWM was asked about the role played by the industry regulator, Ofgem, and replied that there were a number of measures relating to ‘street works’, mainly around performance and penalties. When new legislation was introduced which would impact on the business, they will agree with the regulator what is an acceptable level of performance, for example, when Fixed Penalty Notices (FPNs) were first introduced, the regulator was persuaded that 100% compliance was not achievable unless a lot of money was thrown at it, and that 95% compliance would be an acceptable level. However, this did not mean that 95% compliance was expected because not every council was giving FPNs to the extent that they could but, just in case, the business had to invest in more people, and better systems and processes, and sought to get to 95% compliance. To get over and above that was seen as something that could be

claimed from the regulator but there has been no drive to do this at this time. The company cannot budget for failure, and the regulator would not allow that, but 95% compliance was seen as a good level of service.

The regulator looks across the industry at how different companies are performing and so can benchmark everyone. The SWM was currently doing the annual report, including reporting on the numbers of notices served, penalties incurred, defects received, overrun (Section 74) charges, and permits applied for.

The SWM stated that there had been "...a lot of debate last year about how much would be allowed for permits but this was eventually taken out as there was too much uncertainty". Some distribution companies had put in "worst case" scenarios, where a permit scheme would cover all streets and all works types, meaning more staff would be required. The regulator said that they would look again once companies had full year's costs if permits are introduced in their area, so companies would need to spend the money first but then claim it back. Permits are an example of a genuine operating cost to the business, not a failure, particularly where that cost can't be passed onto a customer. An FPN is considered by the regulator to be a failure to operate correctly, and so the cost cannot be passed onto the customer, but if company was operating at over 95% compliance then the regulator might make an allowance for operating a "gold" service. Where a permit scheme operates then the permit fee would have to be passed onto the customer. However, for asset replacement or repair works, there is no customer, and so the cost is part of managing the network.

Other than the regulator, the other areas that drive the company's polices and strategies were identified by the SWM as being any customers or stakeholders, including highway authorities.

When asked about the company's targets and performance measures with regard to 'street works', the SWM identified inspection results, including the Random Sample inspections and the company's own internal signing and

guarding and quality inspections, where inspectors walk the jobs after they have been finished. Members of the company's management team are even required to themselves carry out a number of on-site checks per year, and all service providers also carry out their own checks. The SWM expects that all of the audits should align, taking out any subjectivity from either the inspections carried out by the highway authority or their own checks, so if one view is out of line then the company can look at why – they had found that some individuals were putting defects right and not reporting it but the company wanted the leaning points, not looking to blame people. By looking at sites critically, performance dropped initially to about 40% compliance but quickly recovered and is now about 80-85% against an internal target of 95%.

The SWM identified that sample size for inspections with a local authority was a factor with regard to reporting performance because if it was small then one or two failures could affect the percentage performance. Different authorities were giving different results, highlighting issues of consistency in the way that inspections were carried out by highway authority inspectors, but it was presumed that the same method of inspection within that authority would be used for all utility inspections in that area. The SWM felt that performance reporting at the regional HAUC was seen as being an important factor in driving improvements in utility performance.

With regard to the consequences for the company in failing to achieve targets, the SWM identified the potential for highway authorities serving an improvement notice issue on the company, noting that "...the impact of this is minimal compared to the internal "aggravation" because the CEO and the Americans would be straight onto it – would be seen as a failing". The SWM felt that this was not a bad thing because it then helped to get the ears of business managers from other areas, to "...nudge someone 'upstairs' to get support.

Failure to achieve targets also raised issues with service providers, because they were being paid to provide a quality service. The SWM said that it was not

so easy to get rid of poorly performing contractors because of the way that contracts are written, and so were looking to get into partnering which was considered to be "...a better way than fighting with each other".

Other specific areas where failure had a consequence were overrun (Section 74) charges and FPNs, which were seen as failure somewhere in the process and so all of them were investigated to see if they could have been planned-out earlier in the process. The company had formed an Exceptions Team to deal with anything that costs money, including defects, Section 74s and FPNs. This was not just about the money ("...because it's not much and can often be passed onto the contractors") but it is a failure somewhere in the process and it therefore impacted on the company's reputation. The company had been in court in other areas, and had been formally cautioned in others, and these were seen as being more of an issue than financial penalties because the business was quite protective of its reputation and did not want it damaging.

When asked about the extent to which they felt that they could influence the company's policies and strategies relating to 'street works', the SWM felt fortunate that they were in a position to be the influencer on policies, and has the director's ear and the CEO's ear if required. The problem tended to be the "boy who cried wolf" when briefing senior managers on upcoming issues, for example, when Section 74 first came in there was a potential liability to the company of £9m, then FPNs then TMA, and "...if I'd have said we need additional staff to deal with [only] 81 FPNs then they'd say goodbye to me"

The same was identified when looking at permit schemes. The company needed to be ready but then nothing happened; no authorities in the area introduced a permit scheme. The SWM had identified significant investment in IT and staff training required, built this into the business plan but then slips and managers started asking "...when's it going to happen? Is it still going to happen? Do we need to be bothered?" The SWM felt that, in some ways, this

was a good thing because it meant that the "...worst case hasn't happened", and why it was important to watch what was happening in the industry.

The SWM identified that the London-centric view of 'street works' gives an idea of the worst-case scenarios and behaviours and of "...what can kick off", and that what goes on in London is a major influence on how we do things here. As a consequence the utilities had recently joined together the North of England and Yorkshire JUGs (joint utilities groups), looking to develop business plans and strategies to look at local issues, what affected people on the ground where they operated, not just driven by what was happening in London.

8.3.1.3.3 Gas utility

The NRASWA Delivery Manager (NDM) was asked about their organisation's policies and strategies relating to 'street works' and identified that they had "internal processes that we adopt to comply with all the different legislations, so internally we've built processes for the defect side, to make sure we doing the meetings that we need to within the timescales, and these are issued to our contractors for them to comply with as well".

There are policies for site audits, which involves a safety team checking on site when jobs are in progress, and internal processes within the department for dealing with signing, lighting and guarding and defects.

The organisation's strategy is that "basically...we want to be one of the top utilities, achieve good performance and reduce our costs. So this is based around achieving compliance and performance issues".

The NDM was asked about how policies and strategies were developed and replied that the organisation was constantly reviewing its performance, what issues they had, what needed to be addressed looking at legislation that is coming in, any changes to existing legislation, and anything from the regulator

that might drive a difference through the business and could have a knock-on effect.

Changes that come from the regulator, and changes in how the business is going forward, such as changes to gas main replacement policy, are driven from the ‘top-down’.

With regard to how ‘bottom-up’ changes from teams might come about, issues would go in the first instances to the relevant supervisor, to see if it potentially required a change to a process or if there were just training issues.

The NDM said that the policies and strategies were not documented anywhere but that processes were.

Other than the regulator, the main factors that drive polices and strategies relating to ‘street works’ were identified by the NDM as being mainly the street authorities and complying with legislation; any non-compliance was identified through the management information being fed back from authorities. The company’s directors do get involved, and at the moment are becoming involved with a proposed permit scheme that is due to be implemented to make sure that the company is prepared and that it will be able to comply. There is no single director associated solely with ‘street works’ compliance.

The NDM said that awareness of ‘street works’ was being raised within the company. From 16 December [2011] there will be a meeting with the chief executive officer at least every month, which is something that has not been done before, looking at all the management information. If there are issues, the meeting could go to fortnightly or weekly. Because there have been issues with things like signing, lighting and guarding in some authority areas, and with permits coming in with potential costs and changes, the ‘street works’ area is something that the chief executive officer, who is relatively new, has picked up on.

The NDM said that their industry regulator, Ofgem, had" quite a significant influence on what we do". As at November 2011, the company is currently going through its pricing strategy at the moment and has submitted its business plan for the next price control formula. The NDM said that what comes back from the regulator can drive changes in the business, for example, the changes in the policy on 8" cast-iron main replacement, which came initially from the Health & Safety Executive, has an impact on how much workload the company is going to do and how much it invests in different types of work. The regulator sets an allowance for how much the business can spend on certain types of work and the company needs to deliver efficiencies at doing that work to reduce the costs against what has been received.

When asked about the organisation's targets and performance measured with regard to 'street works', the NDM replied that performance was measured internally through management information and key performance indicators, from feedback from highway authorities, and from performance information from the regional HAUC.

The NDM was asked about the extent to which they as an individual felt that they could influence the organisation's policies and strategies relating to 'street works', and replied that "I can probably influence it quite a lot because I know how we are doing in terms of performance and where we are complying, and it's my role to bring that awareness to our asset operations managers... A joint approach is needed but I do think that me and my team can have a big impact on that because we are the ones that will see the root causes, or can provide the information on the root causes such as signing, lighting and guarding".

8.3.1.3.4 Telecommunications utility

The NRASWA Compliance Manager (NCM) was asked about their organisation's policies and strategies relating to 'street works', and gave these as: "...maximising compliance and minimising expenditure, and working together to deliver tomorrow's network of choice".

The policies and strategies are developed at general manager level with input from team members who make suggestions about operational issues, such as ideas about handling defects, and these are then looked at by Compliance Managers with regard to costs and benefits. If adopted, the team members are then rewarded. Issues relating to legislation come from the 'top-down' to the Compliance Managers, who understand the implications, for implementation. There is a separate regulatory team that looks at legislation but they tend not to understand the detailed implications of it and have a lot of other issues to deal with.

According to the NCM, other than the industry regulator, the main areas that drive the organisation's policies and strategies relating to 'street works' are finance and the company's "scoreboard", which operates at different levels within the company, including general manager level, looking at compliance, and the regional compliance managers feed into this, looking at issues such as noticing compliance. The managers in the area teams feed into compliance mangers, looking at specific metrics such as noticing, overrun charges, and reinstatement defects, and this management information is intended to be used by them to drive down charges from authorities. These metrics are also mirrored at contractor level. There are weekly telephone discussions at general manager level about issues such a signing, lighting and guarding and noticing compliance.

The "scoreboard" also covers service delivery, for example, the number of new high-speed broadband cabinets that have been "lit up", and staff bonuses are also tied into scores.

The NCM said that he was not close enough to policy decisions to be able to comment of how the organisation's activities were influenced or affected by the industry regulator, Ofcom.

The organisation's targets and performance measures for 'street works' were described earlier by the NCM by reference to the "scoreboard". The consequences for failing to achieve targets mentioned by the NCM include, for staff, coaching plans and potential loss of bonus; for the company, it could mean involvement by the regulator. There are also remedies in the contract that the organisation has with its main contractor, in that they have to pay money back if targets are not met.

When asked about the extent to which, as an individual, they felt that could influence the policies and strategies of the organisation, the NCM felt that "it depends on the situation". For example, when permits first started they were in the south of England (London and Kent) and the Midlands (Northamptonshire) but they are now moving north into DP's area, e.g. Yorkshire, St. Helens and Liverpool).

Within the company there are compartmentalised arrangements for dealing with areas such as permit schemes, overrun charges and fixed penalty notices, and the NCM said that information does not flow easily between the compartments. Every instance of non-compliance has an associated cost, including the cost of having people to deal with it; so compliance brings savings. But it might need extra staff to get that compliance and so managers need convincing of the need. Within the company, the number of staff has gone down and non-compliance has gone up. There have been 4 posts lost in the NCM's team, and this makes it difficult to deal with non-compliance at the same time as workloads to contractors are increasing.

8.3.1.3.5 Summary of Yorkshire area Utility Company Policies and Procedures

The utility interviewees in Yorkshire were asked about their company's policy drivers, and performance measures, with regard to 'street works' and these are summarised in Table 8.5 below:

Table 8.5 Yorkshire area – Utility Policies and Performance Measures

Utility	Policy Stance	Policy Drivers	Targets/Performance Measures
Water	Compliance with legislation; company aim "to be the best".	Regulator (Ofwat) requirements, including financial penalties; Drinking Water Inspectorate; Environment Agency; Health & Safety Executive	(i) Highway authority random sample inspection results; (ii) Balanced scorecards; (iii) Contractual arrangements
Electricity	Compliance with legislation; looking to make "self-regulation" work.	Regulator (Ofgem) requirements, including financial penalties; Street Care Charter	(i) Highway authority random sample inspection results; (ii) Internal inspection results; (iii) Reputational impacts; (iv) Contractual arrangements
Gas	Compliance with legislation; company aim to be a top utility, achieve good performance and reduce costs	Regulator (Ofgem) requirements, highway authority requirements	Management information and KPI, including feedback from highway authorities
Telecommunications	Maximise compliance and minimise expenditure	Regulator (Oftel) requirements; finance; "scoreboard"	(i) "Scoreboard"; (ii) Contractual arrangements

In the interviews, the utility company representatives were asked about the extent to which they felt that they could influence their organisation's policies relating to 'street works', and about the extent to which company directors were "interested" in 'street works' issues in order to compare with the level of political "interest" in local authorities. The details are summarised in Table 8.6 below:

Table 8.6 Yorkshire area – Utility Policy Involvement

Utility	Director Involvement	individual Ability to Influence Policy
Water	Yes	Very influential, including within the company, within the region HAUC, and nationally
Electricity	Yes	Yes, supported by the director and CEO as required; also attends national forums
Gas	Yes	Quite a lot
Telecommunications	Yes	Depends on the situation and circumstances

8.3.1 Inter-organisational and Regional Relationships

8.3.1.1 Street Authority

8.3.1.1.1 Kirklees

Looking the nature of the relationship between the Street Works Team and the authority's works promoting units, there has been a shift since the introduction in the Traffic Management Act (TMA) of the requirement for authorities to give notice for their own works to the same standards as that required of utility companies, meaning that the council's own works needed to be co-ordinated along with utility works.

The co-ordination of the authority's own 'roadworks' is influenced by a number of factors, including the amount of time available from the design stage to getting the works carried out on site. This can be affected in turn by factors such as when the budget-holders, who are sometimes the local ward councillors, decide on which schemes to fund. Additional funding is also made available late

in the financial year, such as when central Government has provided money to local authorities to deal with damage caused to the road network by following recent severe winter weather. Another factor influencing co-ordination is the requirement to keep a stream of work available for the Service's direct labour organisation. From the outset of the changes introduced by the TMA, the Street Works Team has adopted a parity approach to the co-ordination of the authority's own works by providing performance measures to allow comparison between its own works promoting teams and utility companies.

This relationship can have an impact on the council's service delivery, particularly where the delivery of schemes have to be delivered within a specific time period. The TMA changes have helped to raise internally within the Service's works promoting and construction teams an awareness about the need to co-ordinate the works within the wider perspective of authorities' network management duty, and the level of information provided for co-ordination and attendance by officers at co-ordination meetings has improved since 2008, when the changes started to come into effect.

By adopting the parity approach, the Street Works Team is able to establish principles for the management of all 'highway works', to ensure that they are carried out with the minimum delay to journey times and disruption to highway users, and that all works promoters see that the requirements are applied equally to the council's own works as well as to utility works. For the council's own works, this means more consideration is given at both planning and construction stages to the likely impact of works and what can be put in place to mitigate that impact. The 'cost' of this approach is the additional effort that does now have to be put in, and balancing this against the need to deliver schemes as economically as possible.

The relationship between the council as street authority and utility companies has, historically, tended to be one based on an appreciation by the council that the utilities' works have to be carried out in order to maintain and provide the

services required by residents and business, but that the works need to be co-ordinated where possible, and carried out in a way that minimises delay and disruption to highway users. Empirical feedback received from utility companies is that the council's Street Works Team is regarded as having a good understanding of 'street works' legislation, and is fair in its interpretation and application. In a number of key areas, including charges where works overrun the agreed duration (known as Section 74 overruns) and the application of fixed penalty notices, where an undertaker has failed to comply with their administrative requirements under NRASWA, the Team has adopted a "shadow" charging approach at the outset, to provide information about potential offices and discuss this with each utility company in order to help them to identify issues likely to result in charges and adapt their processes and procedures accordingly.

By adopting this approach the council has potentially lost out on recovering some charges that it could have applied to utility companies, but is consistent with the council's approach of understanding that utility works need to be carried out and looking to work with the utility companies to help them improve in the way that their works are planned and carried out. Within the Street Works Team, the project officers and inspectors tend to have good relationships with their counterparts in the utility companies. This means that they are able to meet on site or discuss issues over the telephone in order to deal with problems that have arisen or site or to deal with the planning and co-ordination of upcoming works.

Relationships with utility companies can change depending on their levels of performance, mainly with regard to how a utility's works are managed and monitored. Issues of concern for the Street Works Team can be categorised as either site-specific, where there are problems with a particular set of works or project, or systematic, where there are issues with certain aspects of a utility companies exchanges information with the council. Site-specific issues can be dealt with immediately, either by the inspectors or project officers on site and

both site-specific and systematic issues are addressed at the quarterly performance meetings, where the Street Works Team officers provide management information to utility companies in advance of the meeting, issues are then discussed and action plans agreed. Part of the management challenge is maintaining effective relationships between council officers and utility company representatives.

The charters that had previously been agreed with the water and gas utility companies appear to have been superseded by a move to standardising reporting arrangements across the regional HAUC area. There is no evidence that the charters are still in use.

8.3.1.1.2 Regional HAUC, Highways Chair's Authority

When asked about the nature of the relationship between the GL's team, as the street authority, and other units within the council that promote works on the highway, the GL identified the need for team work and partnership, where as soon as works were on a programme the promoting units should come to the street works team to look at how the job was going to be done. The GL felt that management do need to be firmer in implementing outcomes from such meetings because internal departments had been working on some schemes on major routes that had not been done when they ought to have been done, for example, done in winter but should have been done in the summer when days were longer, and so more working hours/shorter overall duration, but there were other pressures to do certain things in certain areas. The co-ordination relationship with the works promoting departments did not affect council performance and service delivery as there was a service delivery plan to make sure that targets were met – "...but getting there could be easier".

When asked about the nature of the relationship between the council and utilities, the GL described it as a positive one "...because it's a two-way street with utilities". Where the council undertakes highway improvements schemes and needs the utilities to divert their apparatus, it needs the utilities to be

flexible, and utility companies have also amended their programmes to suit highways schemes. The GL said that the only way is to work with utilities – "... [we] can't be working against them because they have services that they need to provide, which means digging the road up".

The GL identified two main benefits to the council of adopting that partnership approach: it gets the works done in an organised and efficient manner with less disruption to the public, and keeps works in the highway to a minimum and ensure that they are done to standard. This can mean that staff can be involved in discussions but a strict, rigid approach to enforcement would also take time.

When asked whether the nature of the relationship with individual utilities change depending on their performance, the GL replied "clearly, yes. There are some good performers and some bad performers". It can get frustrating when the bad performers are not prepared to come on board and understand that they need to improve their performance. The council's role was seen as being to monitor utility performance, not to supervise their works, but this did effectively happen with poor performers but at a cost to them. "Human nature means that if someone is obstructive with you then you're not as keen to agree to their request, for example, for early starts or revised durations or assistance". Where someone was willing to change, it was easier to work with them.

Looking at the regional HAUC, the GL was asked about the key factors that affect the relationship between authorities and utilities. The GL thought that it should be easier to work across Yorkshire with utilities but that some utilities were national organisations who did not want to sign-up to the "local" agreements that YHUAC wanted to implement, citing "...that's not in the national code of practice so we're not doing it". That to the GL was not collaborative working, where members should be looking through YHAUC as to what was best for the public: organisations should be looking for arrangements that were the best for both sides but utilities were private companies and so their instructions come from their board of directors.

The GL did think that through YHAUC authorities and utilities have shared or mutually beneficial objectives, which were for minimum disruption to the highway – get off the highway as quickly as they can, and do a first-time reinstatement if they can.

When asked whether highway authorities should have to enforce legislation on utilities, the GL considered it better if they did not have to do it because then it would mean that utilities would be doing the job properly, but if utilities were not doing the job correctly then legal action would have to ensue. However, national legislation has never been clear cut about what authorities are entitled to do if a utility company is not performing. A national performance scorecard might "name and shame" poor performers but there are costs associated with taking utilities to court that "...really should be spent on the highway network".

When asked for their view as Highways-side chair of the regional HAUC of utility performance, the GL identified a gradual improvement over last 5 to 10 years, due to performance measures brought in at YHAUC and "naming and shaming" poor performers. With the information in a league table, you can see who is performing and who is not. The information also shows what the problems are and whether they are regional or local to a particular authority area. Quarterly performance indicated around 90% compliance by utilities, and standards of signing and guarding were now acceptable. The problem now is not with 'street works' but rather with the condition of the highway network.

When asked to what extent as Highways-side chair they had influenced and direct these changes, the GL felt that they had a great influence on changing policies – "I think that people respect what I say and I'm fair-minded person who appreciates that we've all got issues". The GL is conscious of resources and that not everyone has them to the same extent and so looking for shared or common practices helps to get there. The works have to be co-ordinated but they do have to be done ("...can't not do them, we all want gas, electricity and water, and we all want highway improvements and maintenance of highways to

be done”). But people want information about why it has to be done and to keep it to a minimum.

8.3.1.1.3 North Yorkshire County Council

When asked about the nature of the relationship between the street authority and units within the council that promote works, the Highway Asset Manager characterised it as being “confrontational, intentionally so” because the authority would not accept a solution that would allow the Street Works Team to be autonomous and manage the network, “which in many respects would be an ideal response, i.e. to challenge everybody that wanted to work on the network”. Due to the Street Works Team having a lot of performance-related data associated with the utility company activities, and with works promoter colleagues in the council’s Operations teams being told they had to issue notices for works on the highway, “we were then in a position to compare their performance with utilities”.

The Operational Management Group (OMG) within the authority comprises the County Council, the engineering consultant and the works contractor, and they are responsible for delivering the service on the ground, and performance in terms of noticing is discussed by OMG. If they do not perform satisfactorily, they are asked to explain why and then identify what they are going to do to sort it out – “so there is an element of antagonism”.

In terms of the authority’s approach to its duty to co-ordinate works for road purposes, the HAM identified two tiers: (1) an external co-ordination activity, where the authority publishes it highway programme as best it can so that there is a top-level identification of potential conflicts and co-ordination, which is done through the Street Works Manager’s (SWM) team at County Hall; and (2) local network co-ordination, done by the area offices, where key participants are the local street works inspectors, which brings an element of conflict because it dilutes the inspectors’ role and time. The SWM noted that inputs tended to vary between areas, meaning that some inspectors had a heavier co-ordination

workload compared with areas where the area office staff take a bigger interest and have a bigger input into co-ordination issues.

According to the SWM, there are occasions where his team gets overruled, although “generally the system works quite well”, and the factors that might cause a decision to be overruled generally comes down to the council’s own works: where they have not got the noticing together, where there has been little in the way of forward planning and potentially impact on other proposed works.

When asked whether the relationship with individual works promoting departments change depending on their level of performance, the SWM said that “if their performance is poor the relationship is going to change to some extent: putting heavier demands on them, inspecting at a higher level. So it must change to some extent although generally we are considered to be fair in 99.9% of situations. We tend to get compliance because of that”.

Looking at the relationship the between the street authority and the utility companies, the SWM felt that the authority was generally “... seen to be fair and comply with the legislation. On the occasions where we ask them to do things outside the requirements of the legislation, they tend to comply and understand why we’re requesting it”.

In approaching its duty to co-ordinate the activities of utility companies, the SWM mentioned the Network Management Duty, which dictates that authorities should keep as much of the network available for users as possible. The authority generally looks at least a year ahead, and where it is feasible, to pull utility works forward to enable the council’s own works to take place last. The SWM considered that “so long as you’ve been consulting with them reasonably well in advance” then utility companies were generally amenable to moving their programmes around to facilitate this. However, very short notice could cause

them problems where utility companies already had gangs, equipment, etc. committed

Looking at regional HAUC relationships, and the key factors that affect, either positively or negatively, relationships between street authorities and utility representatives, the HAM mentioned that the authority was a member of two HAUCs. Officially, they are members of Yorkshire HAUC but because the authority has a large boundary to the north they are also members of the North of England HAUC. “So we are quite lucky and we sit as a buffer between the two. Without a shadow of a doubt there is a difference in the underlying philosophy of both of those HAUCs”.

The HAM identified that the areas to the immediate south were more dense conurbations than in North Yorkshire, which only has about 600,000 people living within the county. Immediately to their north there is Durham and Cumbria, and from the Tees Valley authorities. The HAM said that the authority “...probably had greater affinity with the likes of Cumbria, Durham and Northumberland than with the urban authorities to the south”.

The urban authorities “are, we feel, generally more prone to dictat than ourselves who feel that we ought to be sitting down at the table and having a perpetual dialogue”. The basic requirements of the authority’s networks were seen to be different: in North Yorkshire how traffic affects the network is different and “therefore, both in terms of ‘street works’ and the network management duty, our underlying philosophy and ethos is different to those that have very heavily used networks. Command and control can’t be achieved by dictat in North Yorkshire, and we need to go back to the underlying philosophy of perpetual dialogue, and I think there are people on the Yorkshire HAUC and North of England HAUC who are at the opposite end of that spectrum”. The SWM noted that “because the requirements are so different, it’s bound to engender differences in how you’re going to undertake and achieve potentially the same result” and cited permit schemes as an example of this, where there

are more authorities in the West and South Yorkshire areas going for a permit scheme than there are in the North East/North of England area ("currently, the number in the North of England is zero". But the SWM said that these areas have different requirements and different traffic problems to the more urban areas.

When asked about the differences between the two HAUCs, the SWM identified that "...primarily, the Yorkshire HAUC is driven to a greater extent by the larger urban authorities, e.g. Leeds, which has totally different traffic problems to North Yorkshire's. On a day to day basis, getting around Leeds is going to be different to getting around North Yorkshire, even including Harrogate. The sheer volume of people and traffic causes its own problems, never mind throwing in 'street works'". The SWM said that the NYCC network tends to be different and the people visiting tend to be different, tending to drive at slower speeds and, to a greater extent, because they are in a "...slower frame of mind, the fact that they are delayed for 10 minutes by a set of works is probably of no consequence to them. A person in Leeds delayed by 10 minutes is going to be thumping the steering wheel and shouting at everybody, particularly those that happen to be at the end of the telephone, either a utility or more likely the council". So this drives different needs and different requirements, and probably drives different views on whether Permits will work or not and, potentially, lane rental. There's probably a greater requirement for that type of legislation in the more urban areas than there is in rural areas, where there isn't the same type of problem on the same scale.

When asked whether within the two regional HAUCs authorities and utilities shared objectives, the SWM had identified that, because of the different mind-sets in the different authorities, the utility companies also needed a different mind-set, and this was "...down to the way in which people react and work". Potentially, in North Yorkshire, there might be more time to think about things, whereas in a city centre. An example was given using a 16" water main burst which would cause major problems in a city centre that would need to be

addressed straight away but in North Yorkshire it would not have the same impact. There would have to be thought put into dealing with the impact but using a different mind-set – “not necessarily easier but approached differently”.

The SWM also identified that the way in which the two regional HAUCs worked was different, with a more legislative emphasis in the YHAUC area than in NEHAUC, due to the different issues they encounter, and the urban areas tended to resource ‘street works’ quite heavily compared to the more rural areas. Also in the NEHAUC areas, highway authorities’ street works teams tended to be smaller in size, meaning that implementing fixed penalty notice and increased inspection regimes would not be as feasible for those authorities, and so they who have to look more closely at what they were going to do and how they were going to do it, “...which is why they possibly take a more “relaxed” view because they know they can’t go in hard because they don’t have the resource to do it and get the information together.”

The SWM noted that Durham County Council was still prosecuting on a number of instances but felt that this was “not necessarily achieving any greater performance improvement with utilities, and it can sometimes wind utilities up so that their performance doesn’t improve. It depends on the authority’s policies and on who dictates them. Durham’s could be a completely different regime to North Yorkshire’s. It might be led by members rather than the officers who actually understand the legislation”.

According to the HAM, what NYCC wants to get out of the regional HAUCs is consistency with regard to two specific issues: (1) accreditation of suppliers for materials used in reinstatements, which “would help everyone, not just utilities but also the SME [small and medium size enterprises] suppliers or providers of recycled materials”; and (2) to resolve the issue of publishing authorities information onto the internet to comply with Government requirements to publish ‘highway works’ information regionally. In addressing this, the HAM queried how many people would actually use such websites, and considered

“the figures quoted appear over estimated. People use motorway matrix information or [traffic reports] on radios – any difficulties are well signposted. For local diversions, people don’t use the web. Is all the debate about which system to use actually worthwhile?”

When asked about the current legislation relating to ‘highway works’, the HAM felt that it was “fit for purpose” with “sufficient latitude for authorities to make up their own mind how they want to deliver through both NRASWA and TMA”. The HAM noted that there were no national standards for the delivery of highway maintenance “so, in reality, why should other highway-related legislation impose a defined, national standard?” The current situation allows for service levels to be set locally “to a certain degree” about how and what is delivered. The SWM felt that “if there had been full implementation of NRASWA from the beginning by all parties, and buy-in from the utilities, I don’t think we would have got the TMA. A lot of authorities didn’t buy into ‘street works’ fully and a lot of utilities tried to shy away from their requirements under it.”

8.3.1.1.4 Summary of Yorkshire Authority Inter-organisational Relationships

The street authority representatives were asked about the relationships with the works-promoting department, and implications for the authority's service delivery, and relationship with utility companies, and Table 8.7 below summarises the responses:

Table 8.7 –Yorkshire area – Street Authority Relationships

Authority	Relationship with own works promoting teams	Implications for council service delivery	Relationship with utilities
Kirklees	Changed since the introduction of TMA requirements; issues in being able to co-ordinate works	Balancing duty to co-ordinate works with need to keep work flows/scheme delivery	Feedback from utilities is good; authority seen as being reasonable
Regional HAUC, Joint Chair's Authority	Needs partnership and team-work	Making sure service delivery plan is met	Needs to be positive in order to be effective
North Yorkshire	Confrontational in order to compare and drive performance	Using the same performance measures for own works as for 'street works'	Seen as being fair; acceptance that 'street works' have to be carried out

8.3.1.1.4.1 Regional HAUC Relationships

The street authorities' representatives in the Yorkshire were asked about relationships generally between authorities and utility companies at their respective regional HAUCs.

In discussing the role of the regional HAUCs, the interviewees identified a number of common elements, including: members being open and honest, members being knowledgeable about the legislation, and providing a forum for discussing interpretations of the legislation and regulations. The findings also identified that different region HAUCs prioritise different aspects of 'highway

works', and that this may be related to the type of authority area, i.e. the extent to which they are urbanised or rural, and the consequential implications for the demands on the road networks.

Because street authorities are only one half of a regional HAUC, the findings will be summarised more fully below in section 8.3.1.2.6 after the findings for utility companies have been examined.

8.3.1.2 Utility Companies

8.3.1.2.1 Water Utility

When asked about the nature of the relationship between the company and street authorities, the CM characterised it as being "...proactive, one of honesty". The CM believes that the company is reasonable, friendly to deal with and are influential, because they believe that this approach benefits not only the company and local authorities but also the general public since "...we do everything together in their interest [and] without the honest approach we haven't really got anything".

The company's approach to its duty to comply is that "...it will always endeavour to comply and to engage with street authorities to resolve problems". It would go beyond a "basic minimum" where there was a driver to do that, for example, where it is economically beneficial to do so. The CM cited the example of working to improve performance against the random sample inspection regime, where going beyond 90% compliance had no huge additional cost but was beneficial to do so. The business would not go beyond compliance at any cost – "...like any business, there is a cost influence". Achieving 90% compliance "...doesn't set you apart as a business but achieving 97% does because it "puts you up there among the best – or *the* best".

The company does have to make a certain level of return – it has owners who expect a return on their investment. The price to customers is determined by Ofwat but, from that, the company needs to think about innovation and being

more and more efficient, which is the way that the business can “maximise” the return to its owners.

The CM was asked about whether the business’ service delivery was influenced by the relationship with street authorities. From the company’s perspective, service was driven by meeting the needs of the customer, and this could sometimes be in conflict with ‘street works’ requirements, for example, the noticing regime might conflict with the priorities of a customer. Key to this for the CM was recognising the needs for proactive co-ordination and communication between utility and authority, and applies to both major schemes (for co-ordination) and reactive works (for communication). Because the company is focussed on the customer there needs to be some “give and take” in order to meet customer needs, and there can start to be problems where the relationship means it is not possible. This “give and take” does exist because there is trust in the relationship – “...not trying to pull a fast one, need to work together to sort things out” – and this avoids confrontation which neither “side” wants.

When ask whether there were any local authority areas the company worked in where the authority insisted on a strict compliance only approach, and would prosecute otherwise, the CM replied that some years ago the answer might have been “yes” but that this was no longer the case. One thing that has caused the change is the Traffic Management Act, because local authorities are now “...living the experience” that the utilities have had for years and are recognising that “...this is tough”. From the company’s perspective, things are not as confrontational as they used to be.

The CM identified a number of benefits to the company from a “give and take” relationship with the local authority. Where there was an open relationship, it was possible to talk freely about new ideas, for example, the work currently being done by the company on the way that we want to do the co-ordination, and the response to it from Kirklees. Without the positive relationship, the

company probably would not have sent it to Kirklees because they would not have felt comfortable doing that. The open relationship breaks down barriers to thinking about doing things differently and kicking new ideas about.

Talking to each other also perceived by the CM as helping to add value – by talking about performance it helps to increase it, and standards have improved because "...we have learned things from [highway authorities]", "...understood [highway authority] needs better and the importance of things to you", and "... [highway authorities] are seen as being part of the utilities' performance" – you get loads of contacts and complains, so we're helping each other". The CM felt that "...we're stronger together because we can do things together and be more influential on both a local and national level".

The company does not measure the "cost" of the relationship with authorities. The street works team goes at least quarterly to each local authority to talk about the relationship anyhow things are going, which is "...time consuming, but it's so important". The service partners are encouraged to the same thing and that is not "costed" either. The costs are not segregated out because to do so might drive the wrong behaviours, and then people might start thinking from the perspective of "...what value do we get for it and is there a potential for saving?"

When asked whether the relationship with street authorities changed depending on the level of performance of your organisation, the CM hoped that the relationship would not change in terms of the honesty, fairness and reasonableness between the organisations. Where they saw performance deteriorating then there would be a greater level of engagement with authorities, and the company would become far more proactive, so performance meetings might become far more regular depending on the severity of the performance gap. The CM did recognise that if a utility continued to under-perform then the relationship with the authority would come under strain. The CM identified recent changed in legislation that had helped to develop relationships because

“...we’re now all behind a common purpose – doing our best for the travelling public”.

With regard to the key factors that influenced relationships between utilities and street authority representatives at the regional HAUC (YHAUC), the CM identified having a sense of purpose, and cited the YHAUC business plan as an example where there were initiatives to work on. There was, however, a need for a good debate to resolve common issues but that it was sometime difficult to get that debate going because people are sometimes reluctant to participate “...which, as the chair, I find frustrating and negative sometimes, and it does appear to be the same people that do participate”. This was thought to be possibly down to the pressure of that person’s role within their own organisation, that they simply have not got time to invest in something that others would see as a benefit. Also, the regional HAUC, when all the members attend, is a big group and participation does depend on the subject matter – people are passionate about different things. Working groups have brought members together to develop relationships and betterment, and there have been quite a number of these over the years. The meetings do highlight where individual authorities might have issues with the approach taken by a utility or utilities.

The regional JUG (joint utilities group) is exploring a more extensive balanced scorecard, of which the random sample inspection performance is still part, but will also cover items such as co-ordination and safety. This will give the regional JUG an improvement purpose which will help to drive performance improvements through ranking the participants.

Looking at whether utilities and street authorities within the regional HAUC had shared or mutually beneficial objectives, the CM thought that YHAUC provided a positive environment for utilities and authorities to work together, whether or not they all wanted to contribute. The shared objectives were identified as being around compliance with ‘street works’ legislation and codes of practice;

minimising disruption through co-ordination and communication; safety at ‘street works’; developing and implementing sustainable good practice solutions; influencing local and national ‘street works’ issues for the benefit of all; and resolving common issues. Performance measures include the quarterly performance information and, for the regional JUG, the new balanced scorecard, looking at utility self-monitoring, where not all measures were necessarily visible to highway authorities.

At one time it had been envisaged that YHAUC would have a reporting “dashboard”, based on a common format for authorities and utilities. The CM recalled that some work was done on this a couple of years ago but were waiting for the regional JUG performance measures that were currently being developed, so it got “...put on the back burner”. However, that approach has gone into the North of England JUG thinking anyway. The CM reflected a personal view that it was difficult trying to get all utilities signed up to something like the performance management “dashboard”, possibly because they don’t want to expose themselves as to where they are in terms of performance, because they are so bad at it.

When asked about the extent to which as an individual they felt that they could influence or direct these objectives at the regional HAUC, the CM felt that “...as chair, highly effective because if I can’t...”. The CM did consider that it was time to review the regional HAUC objectives to realise a different sense of purpose, to get the group back together again, so that it is achieving something again. The permit scheme and getting ready for it was thought to have tied up a lot of time.

8.3.1.2.2 Electricity Utility

When asked about the nature of the relationship between their company and street authorities, the Street Works Manager concluded that it was generally “...pretty good ... and [we] do try to go in there if there are problems”, although there were problems communicating with some authorities, and the company

was currently developing a customer service plan for each authority, based on work that had been done in America with key account customers of the owner's other companies.

The company does try and avoid having different processes in different authority areas, and work has been done through the regional HAUC to get common approaches, but to improve the customer service side there will be issues specific to individual local authorities, possibly geography or some other area. The SWM felt that it was easier to do this where there were regular performance meetings held with an authority, but with some authorities it was difficult to "get a foot in the door" – "...they say that they've got no issues but then at the next HAUC meeting they [raise an issue]". The SWM identified that Kirklees were heavily engaged in some of the work that goes on and communicate and are involved in working groups, but some authorities only raise issues at regional HAUC, saying "...this is a blight on the industry", rather than raising it direct with the company when it happened.

When asked whether the nature of the relationship affected how the company approached their duty to comply with legislation, the SWM said that it did, and that the company would go over and above requirements sometimes and work in a more co-operative and collaborative way, even if might cost more money. If relationships were to break down then people would revert to legislation and the SWM felt that this would be a great loss and damaging "...because the legislation doesn't cover everything". Reverting to legislation would not have a massive impact on the company's service delivery for customers as there are statutory obligations to allow the company to do what it needs to do, and there are not too many areas where these obligations conflict with 'street works' regulations.

The SWM stated that even in areas ("... Kent, Devon and Cumbria") where there are perceived breakdowns in relationships, colleagues from other distribution network operators have said that the work still gets done, it is just

more difficult and awkward for each other, and probably costs more because the companies are having to go and have meetings with highway authorities and are under the microscope.

When asked about the benefits their company got from having a collaborative and partnership approach, the SWM identified the main benefit as being that they have the site meeting with the highway authority and sort things out and address potential problems before they arise. Where there was a good relationship, "...you can keep talking to each other and gain a better understanding of what each other requires and why. Highway authorities and utility companies are both serving the same people, and where they were seen to be working together then that "...keeps everyone happy and reduces complaints, although we'll never get too much praise".

The SWM said that there might be additional financial costs associated with collaborative working ("...because you might be doing things over and above what you'd normally want to do"), but the payback on that could be jointly providing a better service and jointly avoiding any customer service issues that might arise.

The SWM did not think that the relationship with street authorities changed depending on their company's performance. Performance issues tended to be around signing and guarding where there was face to face contact between the operative and highway authority inspector. The company had concentrated on "...raising the bar" which meant behavioural changes and which takes time. Some highway authorities were keener to look at certain aspects in more detail, and this was where the customer service plan would help to understand why.

When asked about how prosecutions and cautions affected the relationship between the company and highway authorities, the SWM concluded that some authorities choose to go down the prosecution route and the statutory undertaker has to accept responsibility even though it is a contractor doing the work. The company cannot watch all jobs "24/7" and, where the company were

prosecuted, the offences were serious enough ("...bang to rights") and the councils had been reasonable in their approach.

Looking at the regional HAUC, the SWM was asked about the key factors that affected relationships between authorities and utilities. Negatives included highway authorities that would not say anything in HAUC, and that would not have open discussions, but would criticise utilities in a forum that could be damaging, tarring everyone with the same brush, when they had not looked in depth at the issues they had identified. Positives included opportunities for discussions and to have working groups looking at problems and sharing information, where utilities could learn from each other, and highlight differences in the ways that authorities inspect. This happened in YHAUC and lead to authority training packages being developed. The SWM felt that there was a need to engage people in organisations that could take decisions to make things happen. The SWM said that YHAUC was proactive in looking ahead, where other HAUCs were more reactive, and was an excellent forum for sorting out the grey areas in legislation and agreeing common approaches but could "...be frustrating where there isn't positive input from everyone".

When asked whether highway authorities and utilities at the regional HAUC had shared and mutually beneficial objectives, the SWM identified the mix and experience of members, both from highway authorities and utility companies, as helping to deal with anything "outlandish" from either side. Anything not mutually beneficial is likely to be in legislation so cannot be changed anyway. HAUC is a good forum for the way in which authorities apply legislation "...because utilities won't do things they don't need to – human nature".

When asked whether the 'street works' legislation worked for their company, the SWM said that, to a large extent, it did. When new legislation comes along, utilities look at it in the national and regional JUGs (joint utilities groups) and say "...if we do that then there must be some benefit", which might include making the company more productive. The SWM did feel it was "galling" where the

Department for Transport's impact assessment for new regulations under-estimate the cost of changes to the utility companies, for example, saying that they only need an additional 1.5 people or it will only cost £25 per vehicle to put chevrons on vans.

The SWM discussed a perceived misconception regarding the time that utility companies take to complete works, saying that that while ever their operatives were out there taking longer than people think it should take, it was costing the organisation money, so operatives were not out there longer then they needed to be. The issue was that the company was just not communicating why they are there as long as they need to be. Sometimes things will go wrong and teams have had to go onto another job but the organisation wants their people being productive, not standing around. Communication is a big issue and all parties need to get better at that.

8.3.1.2.3 Gas Utility

When asked about relationships between the company and street authorities, the NRASWA Delivery Manager (NDM) identified that relationships were "…different with each street authority. From the street authorities' point of view, all utilities probably operate differently, but from a utilities point of view we communicate with 24 highway authorities, and each of those work in different ways". There are differences in processes at lower levels, for example, with regard to how the company requests a revised duration extension, where each authority might require this in a different way. "It's a case of trying to balance everybody's requirements and build up a reputation and relationship with them".

The NDM noted that authorities focus on different aspects of the legislation, for example, some authorities may be more focussed on defects and coring, some focus on S74. For the utility, "…it's trying to understand your customer and trying to get that balance of working to achieve the right standard with everybody and address everybody's issues that might be different, whilst still maintaining compliance".

Relationships can also be dependent upon the performance level within an authority's area as "... where we are performing badly in an area this can cause a strain on the relationship".

When asked about how the company approached its duty to comply with the legislation, the NDM said that they make sure that they train all staff so that they are fully aware of the requirements, whether that be the field engineers and having the correct accreditation, or whether in the office, including ensuring awareness of the legislation and standards expected in order to achieve compliance.

The NDM was asked whether their organisation's service delivery was influenced, either positively or negatively, by the relationship with authorities. The NDM noted that where there was a good relationship between a utility and street authority this meant better communication between both parties, and this often meant better service delivery to the customer through joint approaches. Where relationships were not as positive, this could mean that service delivery suffered whilst time and effort were put into challenging the authority or responding to challenges from the authority. The likely outcome of such deliberation was that no involved parties actually benefited from this.

8.3.1.2.4 Telecommunications Utility

The NRASWA Compliance Manager (NCM) was asked to characterise the nature of the relationship between their organisation and street authorities, and noted that the company uses a highway authority perception survey where the output from the 'scorecard' would identify any authority-specific issues.

With regard to how the company approached its duty to comply with street authorities, according to the NCM the company is a national organisation and so needs a strict compliance approach in order to ensure that the company's processes are followed nationally. However, "…staff can use common sense if there's a benefit". Issues in some authority areas have highlighted different

perceptions, and addressing the issues involves breaking down barriers and is starting to move away from strict compliance.

The NCM noted that there had been a high “churn” in senior managers across the company, meaning that they are not able to build on knowledge of legislation or of the potential consequences arising.

The NCM felt that relationships with street authorities had gone down since the introduction of S74, which introduced an additional financial cost to utilities and the perception that some authorities were using it as way of generating income. This meant that utility companies now have to look at ‘street works’ issues and ask “…is that going to cost us money”.

Looking at how the company’s service delivery was influenced, either positively or negatively, by the relationship with street authorities, the NCM identified that service delivery could be affected depending on the relationship with authorities. On the positive side, a good relationship, for example, made it easier to get early starts without having to wait the full notice period. Internal issues between the company and their main contractor, for example, “…lack or slow resolution to S74s” can have a negative effect on relationships.

8.3.1.2.5Summary of Yorkshire-area Utility Inter-organisational Relationships

The findings relating to utility company relationships in the Yorkshire area with street authorities, and the drivers for them, are set out in Table 8.8 below:

Table 8.8 Yorkshire Area – Utility Relationships with Street Authorities

Utility	Relationship drivers	Implications of relationship on utility service delivery	Drivers for "going beyond" the legal minimum
Water	Utility aim: to be reasonable, friendly to deal with, and influential. Positive and proactive relationships with authorities.	Business driven by meeting customer needs. Good communication with authorities is essential.	Where economically beneficial to do so - cost is an influence.
Electricity	Developing a customer service plan for each authority. Generally good relationships but problems communicating with some authorities.	No massive impact - there are still statutory obligations that allow works to be done.	Providing better customer service and reducing (all) customer complaints.
Gas	Different relationships with different authorities - due to differing authority priorities. Poor performance can strain relationships.	Positive relationships allow company to provide better customer service; poor relationships take up resources in addressing them.	Better customer service; meeting targets.
Telecommunications	Use of highway authority perception survey; authority-specific issues can then be identified.	Positive relationship makes service delivery easier; negative relationship can result in greater scrutiny by authorities and increased charges for non-compliance.	Meeting service delivery targets.

8.3.1.2.6 Summary of Yorkshire-area Regional HAUC relationships

In sections 8.3.1.1.4 and 8.3.1.2.5 above, the inter-organisational relationships between street authorities and utility companies were discussed. This was in the context of the direct relationships between the two organisations. There is a further level at which relationships between the organisations can be examined, and this is the regional HAUC forum. The individuals interviewed in the Yorkshire area were the people from the respective organisations that attended the regional HAUC on behalf of their organisation. The findings from the interviews are summarised in Table 8.9 below:

Table 8.9 –Yorkshire area – Regional HAUCs

Authority/Utility	Positive Factors	Negative Factors	Shared Objectives
Kirklees	(i) High level of knowledge and experience amongst members; (ii) Working groups as a knowledge-bank and common procedures.	(i) Large number of attendees; (ii) Different authority priorities.	(i) To improve levels of compliance and performance; (ii) Sharing and promoting good practice.
Regional HAUC, Joint Chair's Authority	(i) Agreements for common procedures should help all authorities and works promoters;	(i) Resistance by some organisations against agreements;	(i) To minimise disruption from works.
North Yorkshire	Different mind-sets by authorities in the two regional HAUCs attended, so utilities need different mind-sets. More emphasis in YHAUC on legislation than in NEHAUC - differences relate to the nature of the network. Authorities in urban areas tend to resource their street works teams more heavily than rural areas because there are different levels of requirements.		
Water	(i) Sense of purpose; (ii) Business plan with initiatives; (iii) Resolving common issues; (iv) Use of working groups to look at specific subjects.	(i) Reluctance for some members to participate (depends on the topic); (ii) Large group.	(i) Provides a positive forum for authorities and utilities to work together; (ii) Compliance with legislation; (iii) Identifying and sharing good practice; (iv) Developing common procedures; (v) Reducing disruption and delay at works.
Electricity	(i) Opportunities for discussion; (ii) Working groups looking at problems and sharing information; (iii) Understanding each other's needs.	(i) Authorities not willing to discuss issues in the forum but highlight problems outside; (ii) Authorities not engaging in discussions with utilities.	(i) Participation in working groups shows that authorities and utilities have shared objectives; (ii) Utility understanding of authorities' view of legislation drives utility performance.
Gas	(i) Helps to keep good communication; (ii) Allows joined-up approach.		(i) To ensure compliance with legislation; (ii) To minimise disruption from works.
Telecommunications	(i) Open discussions; (ii) Pragmatic: (iii) Accepting that differences of opinion do occur.		

8.3.1.2.7 Attitudes to Prosecution

One of the aims of this research was to study different approaches to 'street works', including an examination of approaches involving prosecutions of utility companies for offences under NRASWA. The findings from the interviews carried out in Yorkshire are summarised in Table 8.10 below:

Table 8.10 Yorkshire area – Views on Prosecution

Authority/Utility	Views on Prosecution
Kirklees	The option to prosecute remains but is seen as a last report. It has been used previously where works had resulted in a danger to the public.
North Yorkshire	Court action seen as being a failure by council officers in delivering the 'street works' service - there are other means available in getting improvements in utility and contractor performance.
Water	Because of TMA, authorities are now "living the experience" of utilities and realising that "this is tough". Situation with most authorities is not now as confrontational as it used to be.
Electricity	Some authorities choose to go down the prosecution route - so raises issues of consistency. Utility company has to accept responsibility even though the works have been done by contractors.

8.3.1.2.8 Views on the Legislation

Although not part of the original semi-structured questions, at the end of the interviews when asked if there was anything that they would like to add that had not already been discussed, a number of the interviewees offered their views as to the "fitness for purpose" of the current legislation and what might be the next for legislation in terms of 'highway works'. The views from the Yorkshire interviews are summarised in Table 8.11 below:

Table 8.11Yorkshire Area – Views on Legislation

Authority/Utility	Views on Legislation	Possible Next Steps
Electricity	(i) Current legislation works; (ii) New legislation is an opportunity for utilities to engage; (iii) Need to look for the benefits and costs.	(i) Communication about works is a big issue - need to explain why works are taking place; (ii) Need to explain that utility companies dig holes for a purpose.
Gas	(i) How codes of practice are written makes them not easy to follow; (ii) Regulations are open to different interpretations by authorities.	
Regional HAUC, Joint Chair's Authority		(i) Need to be better at explaining to the public about works and when they will start/finish.
North Yorkshire	(i) Current arrangements allow authorities to set standards locally; (ii) If there had been full implementation of NRASWA from the outset, TMA would not have been required.	

8.4 Chapter Summary

The findings from the Yorkshire area suggest that political involvement and direction within local authorities tends more towards 'policy-maintenance' than

‘policy-making’, with interest from members about ‘highway works’ being specific, i.e. in order to deal with works causing a problem at a location, rather than general. This enables officers to have more discretion to develop and implement policies. However, the situation within utility companies appears to be slightly different, and company directors take more of an interest and this provides direction to managers, but managers are still able to use their discretion in shaping policy implementation.

The findings have identified that local authorities maintain street works teams to administer their responsibilities for managing ‘highway works’, and that these teams are structured along bureaucratic lines, where staff have defined roles and are managed within a hierarchy. The functions of the teams are also similar, being based around the maintenance of the local Street Works Register, with notices for works being received and co-ordinated, and inspection of works carried out in order to ensure compliance with regulations by works promoters.

The findings also suggest that the regulations relating to ‘highway works’ is open to interpretation but that this is viewed as both a positive, in that it allows an authority to adapt the regulations to suit their local circumstances, and a negative, in that utility companies in particular have difficulties in developing consistent procedures across their whole business as they need to be able to adapt to local variations. The findings also raised the issue of the “London-centric” nature of ‘highway works’ regulations and whether the extent and nature of the regulations was always appropriate outside the capital.

The findings have highlighted the significance for both authorities and utility companies in the need to measure and monitor performance, with organisations reporting against a range of metrics. The findings show that performance information is used similarly in local authorities and utility companies: in authorities it is used to monitor utility and, increasingly, their own workforce’s performance in order to drive improvements, and to report to their own elected members and to central Government in order to demonstrate that action is

being taken to reduce delay and disruption arising from ‘highway works’; in utility companies, information is used in order to improve performance, and so reduce instances where poor performance could attract financial penalties from authorities, to demonstrate to their regulators that their business is operating efficiently, and to minimise the need for further regulation within the industry sector.

At a regional level, the findings identified a commonality of approach between authorities and utility in companies as a consequence of identifying that they are serving the same customers. However, the findings also indicated that relationships between authorities and utility companies are influenced by local issues, which take into account factors such as the traffic flows and patterns around an area, which then have an effect on the type of relationship. So, areas of larger daily traffic volumes may tend towards a relationship based upon stricter compliance with regulations, where in areas with smaller daily traffic volumes the relationship is more likely to be based on discussion between the authority and utility companies.

The findings relating to authority views on prosecution suggest that legal action is seen as a last resort and indication that other remedial measures have failed. From a utility perspective, decisions by authorities to prosecute (or not) are seen as a further demonstration that there is a lack of consistency between how different authorities apply the legislation.

Chapter Nine – Devon-area Interview Data Analysis

9.1 Introduction

This chapter will analyse the data from the interviews carried out in Devon County Council (DCC), and with the joint chairs of the regional 'highway authorities and utilities committee' for the South West of England, within which DCC operates, and the finding will then be discussed in chapter 11.

For the Devon area, interviews were carried out with:

- An officer responsible for the management of' highway works' in Devon County Council; and
- The joint chairs of SWHAUC (South West HAUC).

In order to have a consistent approach to the interviews carried out in Yorkshire, the research had also intended to include an interview with the lead member for highways at DCC and representatives of the utility companies. With regard to the lead member, numerous approaches were made by the author but the councillor involved would not respond. With regard to utility company representatives, the author spoke to the secretary of SWHAUC and an item on this research was tabled but no representatives agreed to be interviewed.

For the interviews that were carried out, the interview templates described in chapter 8 were used to allow for data to be collected about:

- The roles and responsibilities of the interviewee;
- The organisation's policies relating to 'highway works'; and
- The nature of the relationship between the interviewee's organisation and highway authorities and utility companies, depending on whether that organisation was a highway authority or utility company.

9.2.1 Roles and Responsibilities

9.2.1.1 Street Authority

9.2.1.1.1 Devon County Council

The officer interviewed at DCC was the Senior Highways Co-ordination Officer (SHCO), whose main role was to manage six co-ordination officers who were responsible for co-ordinating all activities – not just 'highway works' – on the highway. This co-ordination function is one of three parts of the overall work of the Traffic Management Unit, the other two parts being *enforcement*, including a prosecution officer and nine enforcement officers (inspectors), who also deal with builders' skips, scaffoldings, A-boards advertising on the highway, and the *Highway Operation Control Centre*, which deals with traffic management, including where the highway is affected by road traffic collisions, and adverse weather, for example, co-ordinating winter maintenance operations.

The co-ordination function at DCC links to the work of the traffic policy team, which deals with civil parking enforcement, special events and road closures, and is able to feed into policies relating to those activities, with the Traffic Management Team taking a strategic overview across the county.

9.2.1.1.2 Regional HAUC, Highways Chair's Authority

An interview was carried out with the highways-side chair of SWHAUC, who was also the Street Works Manager (SWM) within the authority. The Streetworks Team comprises the Street Works Manger, a Compliance Officer (dealing with Section 74 and defect invoices, and the IT-side of noticing), four Road-space Co-ordinators and five Inspectors. The Team sits under a traffic manager (who is one step down from the director). In the same Unit are Major Projects (any scheme over £500k) and Traffic Signals.

The main role of the Streetworks Team was identified as being "...to protect the county council's highway asset, which is the biggest asset that the council owns." The duties of the SWM are to deal with all notices that come in from utilities and the authority's works departments, chair the local co-ordination

meetings, and deal with pre-works and pre-site meetings relating to major schemes, and managing income from inspections to ensure that it is maximised

9.2.1.1.4 Summary of Street Authority Roles and Responsibilities

The interviews with street authority representatives from the Devon area are set out in Table 9.1 below:

Table 9.1 Devon Authorities –Street Authority Roles & Responsibilities

Authority	Streetworks Team (Y/N)	Functions	Officers
Devon	Y	Street Works Register functions Co-ordination of all highway activities *Inspection of works** *Enforcement**	Senior Highways Co-ordination Officer; Co-ordination officers **Prosecution Officer; Inspectors (working within a separate part of the Unit)*
Regional HAUC, Joint Chair's Authority	Y	Street Works Register functions Co-ordination of all 'highway works'	Streetworks Manager: Compliance Officer; Co-ordination officers; Inspectors

9.2.1.2 Utility Company

9.2.1.2.1 Regional HAUC, Utility Chair Company

An interview was carried out with the Major Projects Manager (MPM) for an electricity distribution company operating in the south west of England. The MPM was also the utility-side chair of the regional HAUC (SWHAUC). The company deals with approximately 12 different highway authorities.

The interviewee made reference to their “day job” – indicating that their wider ‘street works’ role was an additional function in their role as a senior manager – as being the major projects manager for the northern part of the South West region, which meant looking after higher voltage networks for construction projects and maintenance and fault restoration. Managers within the company have a “...prime role with a few extra duties tacked on”, one of which for the MPM is ‘street works’ where the objective is to integrate ‘street works’ into normal day to day business. The company wants “...everyone working out there” doing new connections and repairing faults to understand what they need to know about ‘street works’ to get the job done efficiently and not contravene any rules, to make sure the correct notices are served to comply with legislation, and so the company is trying to make ‘street works’ an integrated part of the business rather than a separate department. The MPM noted that the problem with a separate department was that they would know all about ‘street works’ and no-one else would.

The MPM has both strategic and policy roles. The MPM leads a small team on the ‘street works’ side that decides on both forward-looking and day-to-day bases how the company manages its ‘street work’s activities. Key to this is a centrally-based street works team, which look after sending all the notices, and an IT team looking after IT systems. The MPM looks at what the company needs to do in order to comply with legislation, and how to integrate it, and the IT team provides the technical support to make sure things happen. The street works team take the information in order to send the notices to manage jobs, and liaise with contractors doing the excavation and works in the street. There are similar arrangements in the southern Wales part of the business.

Nominated operational managers then have a role in attending regional HAUCs and liaising with their counterparts in local authorities. The company needs to make sure that “...complying with legislation is a natural part of how they do things”.

The MPM noted that "...it would be handy if all authorities and utilities were using the same software...even though there's a common specification, systems don't always talk to each other". According to the MPM, one of the problems for everyone involved in 'street works' was the constant changing of legislation and introduction of new systems – "...something new will be brought in, there might be doubts about the regulatory impact assessment, and whether the extra costs will have benefits, but before there's a chance to evaluate that it's on to the next change initiative". Example cited included new codes of practice, changes to the noticing regime, fixed penalty notices, permit scheme, increased overrun (Section 74) charges, and "lane rental".

9.2.1.2.2 Summary of Utility Company Roles and Responsibilities

The interview with the utility company representative in the Devon area is set out in Table 9.2 below:

Table 9.2 Devon area – Utility Roles & Responsibilities

Utility	Interviewee's Role	Streetworks Responsibilities
Electricity	Major Projects Manager; Regional HAUC joint chair	Managing the Streetworks team; Ensuring compliance with legislation across the business; Performance monitoring/reporting

9.2.2 Policies and Influence

9.2.2.1 Street Authority

9.2.2.1.1 Devon County Council

The Senior Highway Co-ordination Officer (SHCO) reported that DCC had recently gone through a self-auditing process to review their policies and that their policies currently included a number of policies for internal guidance for staff. With regard to' street works' they had an "A-Z guide" for internal staff that contained operational and procedural guidance. Although not a written policy, the SHCO commented that, for co-ordination purposes, the promoters of the authority's own 'roadworks', their term contractor, and utility companies and

contractors promoting ‘street works’ were treated the same The Service also had specific policies on Winter Maintenance, Network Management Duty, and Local Transport Plan (LTP).

DCC encourage “information feeding”, where works promoters keep Elected Member informed about ‘highway works’. Contact between Members and officers tend to be at the level of the Traffic Manager and head of highways, although local contacts are made at area offices where Members might direct any queries.

With regard to ‘street works’, DCC use random sample compliance at the three set categories of inspection (A – signing, lighting and guarding; B – the reinstatement within six months of completion; C – the reinstatement at the end of the guarantee period) as a performance measure, and the Traffic Manager’s Unit have developed their own performance measures document, but this does not sit at a corporate level. They give feedback to utilities on a quarterly basis, looking at the level of noticing compliance, co-ordination compliance, and feedback on the results of inspections. They have no set tolerances, unlike Cornwall Council, which have set tolerances for performance and failure then leads, for example, to the issuing of Fixed Penalty Notices (FPNs). DCC use a number of tools – “...not always the stick” – including speaking to the works promoter to get an agreed improvement. However, continued poor performance does lead to DCC giving FPNs. The last resort is prosecution, where they would first apply the “public interest” test.

DCC also uses core-sampling of reinstatements as a performance measure. They have had a coring programme in place for about 8 years, with cores taken from footway as well as carriageway reinstatements, and compliance levels currently have 55-60% passing, with failures due particularly to poor compaction and air voids within the reinstated layers. When asked how contractors explained this poor level of performance, the SHCO considered that all utilities “...buy-into the need for “best practice” to look at all aspects of ‘street works’”

but, for DCC, the big one is the need to concentrate on reinstatement where "...people think that if it's flat, black and shiny it's OK". There is an issue with the "Specification for the Reinstatement of Openings in Highway", in that it is an end-performance specification, i.e. "...it doesn't tell you how to do it, just what it should be like at the end". Utility companies in the South West are now producing a DVD to help their contractors, who "...are more twitchy than utilities as they get penalised by their client [for failures]" The SHCO concluded that, with regard to the problem of poor reinstatements, it was all about training – people can get their accreditation after 5 days training with no prior knowledge or experience.

The SHCO also identified staff turnover at the utility companies and contractors as a contributor to poor performance, with turnover being high at ground level but not so much at office/planner level. This high level of turnover was thought to affect performance due to the loss of experience and knowledge. In dealing with poor performance, prosecutions by DCC were the norm to address poor performance in signing, lighting and guarding, and this was identified as leading to improvements. Core sample failures are now being considered for prosecutions as a last resort.

When asked about the extent that as an individual they felt that they could influence policy, the SHCO identified that communication links within the council had improved and so everyone could input to policies that did not need to go through committee. DCC have developed a "stepped approach" to 'street works', based on the experience and involvement of a lot of long-standing officers. Historically, DCC had prosecuted rigorously and routinely for breaches of street work regulations, which resulted in improvements in some areas but not in others. However, this was not a directive from corporate policy – as long they get compliance they can use the appropriate tools. DCC do not do so many prosecutions now. About 5 years ago they were prosecuting utility companies for failures to comply with signing, lighting and guarding requirements at 'street works' sites, and this approach was felt to have led to an

improvement in the level of compliance by utility companies and their contractors.

When asked about whether prosecuting affected the nature of the relationship between the utility companies and their contractors and the council, the SHCO felt that "... it must have an effect but not necessarily negative – it's about the professionalism of the utility company and the council". By the time companies are in court "...it's the last resort, so if you've got to that point there's a problem". Companies would have previously been informed about poor performance and discussions held with the intention of "... let's get it right next time". Utility companies were thought to have respect for DCC's traffic management team because they were direct about how they expected things to operate and the tolerances. DCC supports a "best practice" forum and had a training event for the new reinstatement specification where 70 people attended, learning together to get a consistent approach.

In addition, DCC demonstrate that they are open about what they are doing and being reasonable, including having the same approach for their own 'roadworks' term contractor. Where there is a failure to comply by the term contractor, the head of highways and head of term maintenance contract sit together in "tribunal" as if they were magistrates and give fines. The resulting "virtual money" sits in "virtual account" to be used in a number of areas, including other highway schemes or for purchasing PPE (personal protection equipment such as high-visibility clothing and safety boots. This not only benefits the public and provided better tools for Unit's inspectors, it has also helped with utility side to show that there is complete parity of treatment between promoters of 'roadworks' and 'street works' and that the rules apply equally to both sides

The issue of dealing with the council's own works promoting departments was further explored, and the SHCO identified that there had initially been a massive culture change over the previous 30-40 years of divisional surveyors saying "this is my area and I can do what I want". When the new team set up in DCC,

people perceived that here was a new team, who were not their necessarily engineers, "...looking over shoulders and telling them what to do". Where this relationship was initially negative, it is now perceived to be a good relationship. Everything that the 'roadworks' promoter wants to do goes through the Traffic Management Team, including early starts and estimates for extending the duration of works. "...Some people are OK with it, some not" but the benefits of co-ordination have been identified, including avoiding having works dug-up by utility companies and getting all works done under one road closure, thereby saving money, work, consultation time, and a joint approach to town councils and elected members. However, utilities do not always have funding available to do schemes before or at the same time as DCC, so the council's works might have to be deferred, so there needs to be some flexibility and this can have implications for the authority's finances and budget carry-overs.

9.2.2.1.2 Regional HAUC, Joint Chair's Authority

When asked about the authority's policies regarding 'highway works', the Street Works Manger (SWM) commented that "... written down, we probably haven't". There is an expectation that the council's own 'roadworks' should be noticed in accordance with the requirements of the Traffic Management Act, and this is included in the contract with their term contractor, and compliance is included in their Key Performance Indicators, so failure to perform noticing-wise means that the term contractor loses part of their bonus.

Regarding 'street works', there are "...different agreements with different people over time but then they refer back to legislation", so, for example, SWHAUC have a coring policy, and there are documents which set out principles, but there are no local agreements.

When asked about the influence or impact that Elected Members have on how the authority deals with 'highway works', the SWM commented that "they do come to us if they are complaining and they are not always as positive as they could be. You tend to deal with an elected member when there's an issue.

Members tend not to be interested until there is something in the local press about ‘highway works’ that is negative or that people have complained about”.

Elected Members are briefed on large schemes by the authority’s works department on their capital programme. They are informed when there are going to be major utility works in their area but still perceive them to be bad, asking “... why have you let them do it like that, why are you letting them close that road?”.

With regard to any annual reports on ‘street works’, the Street Works Team report on their coring programme, where core samples are taken from a reinstatement in order to assess whether the materials used and compaction of the layers of material comply with the national specification, and annual reports go to the Cabinet and council which “...might have a few lines in about ‘street works’”.

The SWM’s authority does not see themselves as one that would prosecute for ‘street works’ offences, in contrast to Devon who, according to the SWM, are “...very rigorous prosecutors of S65 [signing, lighting and guarding] offences”. They try instead to negotiate and “...almost shame them into improving by photographic evidence”. They have rigorously served Fixed Penalty Notices in order to improve notice quality, and report that most of the utilities that they deal with are up to 98-99% compliance.

The SWM has identified a need for additional staff in order to deal with utility companies and their contractors – not co-ordinators but inspectors, to be on site to deal with quality issues relating to reinstatements and remedial works. The Road-space Co-ordinators deal with enquiries from members of the public and requests from works promoters for early starts and revised durations.

When asked about the extent they as an individual could affect policies and strategies relating to ‘highway works’, the SWM replied that “...it’s up to me

really". Examples of initiatives introduced by the SWM include starting a coring programme, introducing the use of hand-held inspection devices, and approving different types of materials for reinstatements. The Director works on the next landing and the SWM has access to the Director via meetings and e-mails.

As a member of national working groups, people seek advice from the SWM, leading to a conclusion that different areas have different ways of dealing with 'street works'. Nationally Scotland, Wales and NI all have their own, devolved legislation. English authorities are all working to the same legislation but all authorities seem to do things differently.

Looking at the relationship between the departments that promote 'roadworks' on behalf of the council, the SWM admitted that the relationship was "...a bit of a roller-coaster", with people saying that "...your team is costing us money because you're imposing conditions on us" and complaining about the conditions.

The Street Works Team is part of the authority's Integrated Transport Unit, and so have a duty to the public transport operator, who gets funding from the council to pay for providing bus services, to prioritise getting busses through 'roadworks' sites. The SWM reported that the authority's work promoting department as saying that without TMA-compliance a job would cost £2k but with TMA would cost £2.2k.

The authority has defended its use of TMA to keep traffic moving and better approach to jobs more professionally than just turning up to do a job. The SWM feels that the council's performance has been influenced by the need for TMA compliance. At the inception, the authority's works contractor saw TMA as a nuisance but their people who deal with performance saw it as a way of saying "we need to do this to comply". The term contractor started off doing badly but has improved recently and things seem to be coming together more successfully because they can see the benefits of TMA through better planning.

Looking at the benefits and costs of the relationship, the SWM commented that financial costs are an issue, where compliance can add considerable costs to a scheme. Current noticing arrangements for 'highway works' was perceived by the SWM as being an "...administrative nightmare – if you get the systems right it's OK but setting the systems up can be difficult, as can getting contractors to use the systems".

9.2.2.1.3 Summary of Street Authority Policies and Procedures

The policies adopted by the street authorities interviewed in the Devon area in relation to their policies on utility 'street works' and authorities' 'roadworks', and targets and measures, and the findings are summarised in Table 9.3 below:

Table 9.3 Devon area – Street Authority Policies & Performance Measures

Authority	Street Works Policy	Policy on Authority's own Roadworks	Targets/Performance Measures
Devon	Operational and procedural guidance available to staff	Parity of treatment with 'street works'	(i) Random sample inspection results for 'street works'; (ii) Results supplemented by a programme of coring reinstatements
Regional HAUC, Joint Chair's Authority	(i) Legislative requirements; (ii) Supplemented by operating agreements with utility companies	Compliance with legislation, and this is written into contracts	(i) Random sample inspection results for 'street works'; (ii) Reinstatement coring results; (iii) Key performance indicators for 'roadworks'

9.2.2.1.4 Summary of Street Authority Policies and Procedures

The interviewees were asked about (a) the level of political involvement in their regarding 'highway works' and (b) the extent to which they were able to influence their organisation's policies relating to 'highway works'. The main points are set out in Table 9.4 below:

Table 9.4 Devon Authorities - Policy Influence

Authority	Level of Political Involvement	individual Ability to Influence Policy
Devon	(i) *Street authority - members want to be kept informed about works/road closures that might affect their ward*	Council's approach to 'street works' is based on experience of long-serving officers; all officers can input into the development of procedures.
Regional HAUC, Joint Chair's Authority	(i) *Highway authority* - members are briefed about major works; (ii) *Street authority* - reports to members on quarterly performance and reinstatement coring; also responding to specific enquiries.	Officer develops procedures for most aspects relating to 'highway works'.

9.2.2.2 Utility Company

9.2.2.2.1 Regional HAUC, Utility Chair Company

The Major Projects Manager (MPM) was asked about policies or strategies within the company relating to 'street works'. They have a suite of policy documents that detail how various bits of legislation are dealt with, setting out who does what, so when there are changes to legislation if anyone wants to know what they should be doing they can look at the suite of documents.

The company also have a set of performance monitors to give them feedback on how they are doing, including a monthly summary provided by the street works team. They also provide information to the National Joint Utilities Group (NJUG). The MPM said that had been concern nationally that there were assumptions and projections being made about the performance of utility companies, and so the utilities had decided to pool their information, "...so if

people are saying that too many jobs overrun then utilities can say “here’s our data” showing how many jobs were done, how many overran, how many didn’t and how many were extended”. The hope is that this information will help utilities to quantify where things are going well or not well.

Managers get monthly key performance indicators, including the numbers of faults and interruptions to customers, because the company is incentivised by the regulator to reduce these, and information on noticing performance, including potential Fixed Penalty Notice offences to look at “...how we can stop that happening”.

Policies and strategies within the business are normally developed via the MPM, as they have the delegated the responsibility for ‘street works’. The MPM attends SWHAUC and Energy Networks Association (ENA), which has a ‘street works’ group made up of representatives from other electricity companies. The MPM feels that this is a good network to have: it allows formal and informal communications and is helpful because there are different interpretations to ‘street works’ by different authorities. The MPM explained that a team could do four jobs in a day, working in four different authority areas, with the authority’s inspectors having different views as to how the job should be done. The ENA is an opportunity to share best practice, looking at legislation that is coming through and “...how we are going to deal with it”, and what the ENA can do to represent the businesses at NJUG in dealing with National HAUC.

The MPM also attends national HAUC meetings, along with the highways-side chair, and they both do this on behalf of the South West region. The two have agreed to both speak on behalf of the South West, not just a utility or highway authority representatives, and are trying to have a combined approach and common view across all authorities and utilities in the region when it comes to major issues. The MPM did say that the two joint chairs can argue about “...the little stuff and day-to-day issues” but wanted to have a common approach to things like fixed penalty notices, and cited the example of where NJUG and

JAG(UK) had both produced their own separate documents, there was now a combined HAUC(UK) document.

The MPM was asked what the main areas were that drove the company's 'street works' policies and strategies. The company wants to be a world-leading company proving the best customer service at the best price, which applies to everything they do, so if they were not complying with 'street works' legislation then it would impact on the customer. In order to achieve this, people within the company need to do what they do well, and do it right first time, which applies to 'street works' noticing as much as it does to carrying out the works. The objective is to integrate 'street works' requirements into jobs to make it easy for them. IT systems can deal with a lot of the detail, so the notice can be validated in the background by the systems with people checking it before it goes out.

The MPM identified Fixed Penalty Notices (FPNs) as helping to drive improvement in noticing performance for the company and other works promoters. Discussions about interpretations of potential FPN offences have also resulted in improvement. However, "technical" FPN's, for example, where a notice might have only been sent a few minutes late, were not helpful. The MPM was trying to get consistency across highway authorities on interpretation of FPN offences, because this has a consequence for the noticing procedure and processes.

The company has been in discussion with the regulator about a price review for the next five years, and 'street works' legislation was part of that discussion. The company needed to make clear to the regulator that, for example Permit schemes would bring unavoidable costs because, unlike with overrun(Section 74) charges which could be avoided by "...doing things right", permit fees relate to how many jobs were done. So the regulator needs to be aware that the permit fee will be added to connection fee, and the company's income comes solely from the customer.

The MPM said that there were inconsistencies between the regulator's timescales and noticing requirements, noting that there was no "joined-up" Government, with one branch of Government producing regulations for roads and transportation and another that regulates businesses down to minimum cost, and if for better transport there is a cost it should be coming back through the regulator. The regulator wants people to be able to get a supply within a certain timescale but the timescales do not always match up to 'street works' noticing timescales.

When asked about the extent to which as an individual they felt that they could influence the company's policies and strategies relating to street works, the MPM felt that this was the case "...to a very large extent because the input on 'street works'" was focussed through them. It was the MPM's job – using their experience of the business – to act as that focal point to evaluate all the things that were coming through from the 'street works' area, how it was going to impact on the business and how best to shape the business to best deal with that and continue to operate efficiently and well on behalf of the customer. This has led to the development of good systems for managing work and integrating 'street works', and being set up for the future in terms of things that can be foreseen, where systems might need to be modified but still keeping a good service for the customer.

If anything looks like coming along that would impact badly on the customer then MPM would "...make a fuss" through senior managers, and make representations to the regulator and pressure groups such as NJUG, HAUC, to try and do something about it.

9.2.2.2.2 Summary of Utility Company Policies and Procedures

The utility interviewee in Devon was asked about their company's policy drivers, and performance measures, with regard to 'street works' and these are summarised in Table 9.5 below:

Table 9.5 Devon area – Utility Policies and Performance Measures			
Utility	**Policy Stance**	**Policy Drivers**	**Targets/Performance Measures**
Electricity	Compliance with legislation; company aim to be a world-leading company proving the best customer service at the best price	Regulator (Ofwat) requirements	Management information and KPI

9.2.2.2.3 Policy Influence

In the interview, the utility company representative was asked about the extent to which they felt that they could influence their organisation's policies relating to 'street works', and about the extent to which company directors were "interested" in 'street works' issues in order to compare with the level of political "interest" in local authorities. The details are summarised in Table 9.6 below:

Table 9.6Devon area – Utility Policy Involvement		
Utility	**Director Involvement**	**individual Ability to Influence Policy**
Electricity	Yes	Yes, including within the company and within the region HAUC. 'Street works' compliance was the focus of their role

9.2.3 Inter-organisational Relationships

9.2.3.1 Street Authority

9.2.3.1.1 Devon County Council

With regard to relationships with the council's own works promoting departments, the Senior Highway Co-ordination Officer (SHCO) did not feel that there were any areas where there was a big enough extreme for performance to affect relationships with the Traffic Management Unit.

With regard to ‘street works’, the SHCO felt that there was a fairly good relationship, although the difficulty now is that utilities contract-out so much of their work. So while relationships with utility companies are good, DCC are now looking to get good relationships with contractors, who are the organisations that on a day-to-day basis that are achieving, or are failing to achieve, performance. The SHCO will have meeting with utilities where there is a statutory obligation involved, for example where fines or charges are to be discussed, and will never allow utilities to devolve that responsibility, but is happy to speak to contractors about day-to-day operations.

When asked about whether the relationship with utility companies and their contractors changed depending on performance, the SHCO considered that it depended on the utility company. Some companies get information to say that their performance has dropped and make certain changes, and want to speak to DCC and work with them to resolve the problems. Other companies are given information and DCC never hear from them, and “...with a couple of utilities it does have a negative effect. It depends on the culture of the organisation”.

Looking at the key factors influencing the regional highway authorities and utilities committee, (SWHAUC), the SHCO said that it “...depends on who you get round the table, and who wants to buy into the process and improve” and that it was “...a culture thing for the company – some want officers to have a big involvement, some don’t”. The SHCO felt that SWHAUC works well and has been better over last 12 months with new people attending and better feedback and involvement from national JAG (Joint Authorities Group) and HAUC.

SWHAUC were looking to improve performance on ‘highway works’ by focusing on the quality of reinstatements, trench-sharing agreements, and reducing the need for repeat visits. Reinstatement coring is standard agenda item. Everyone’s opinion is listened to and delegates are given the opportunity to contribute, but “...stronger voices fair a little bit better”. The regional joint chairs attend national HAUC, which can be used as a forum for raising issues, with an

improved ability to communicate regional issues, and feedback on national issues is better.

9.2.3.1.2 Regional HAUC, Joint Chair's Authority

The Street Works Manager (SWM) characterised the relationship between the council as street authority and the utilities as being "...pretty good". Even where there were issues then they could meet to discuss them. The SWM recognised that "...each side can make the other's life difficult – that's why they need to come together to talk". Utility companies were seen by the SWM as being good at "...trying to get people on side, trying new things, explaining about new developments", for example, demonstrating a new barrier system where the utility invited an authority's inspector to go and have a look, and this was also a chance for utility inspectors to meet highway inspectors.

The SWM mentioned that the water utility did more excavations than other utility companies but their standards of reinstatement and working practices were very good because they had listened to what officers had said. They had been prosecuted in past for safety breaches and they were horrified – "...if [the authority] are going to prosecute us then everybody is" but they came round and there has been a marked improvement.

When asked whether the relationship with individual utilities changed depending on their level of performance, the SWM said that it did and cited the introduction of Fixed Penalty Notices (FPNs), where"...they didn't like that at the start but it did cause an improvement in noticing performance". People working at the utilities tend to have been there a while so they know the authority's expectations. The SWM considered that "...this job is all about relationships. If you find you work well with people you'll tend to be a bit more forgiving if you can see that they are trying" but some people on the utility side were "to the letter" – no flexibility.

When asked about whether personal relationships had changed as a consequence of issuing FPNs or prosecutions, the SWM said “No. They see you’re being serious about an issue. It focuses their minds and shows you’re not going to ignore things”. The electricity utility has a Street Works Relationship Manager, demonstrating how seriously they take it and the importance of having people as a point of contact.

Looking at the regional HAUC (SWHAUC), and the key factors that influence relationships between authorities and utilities, the SWM concluded that the forum was not as effective as they could be, with issues being raised that were not appropriate, for example, “...in 1993 you didn’t send a notice for...” or just saying to a utility “...you’re rubbish”.

The SWM identified a number of mutually shared objectives at the regional HAUC, including being open and honest in order to come to a resolution about an issue, for example, the way in which FPNs are dealt with. Also, in looking for improvements penalties from the street authorities were not always the right way but “...money is the only way to drive improvements in this industry – it’s the only way to get people to listen, e.g. S74, FPNs, (repeat) defects”.

The SWM identified that the people who attended the regional HAUC had been involved for a long time, which could lead to increasing inflexibility (“...more so on the highways side”) because the utility representatives tended to move more frequently, because for them their job in ‘street works’ was more likely to be a stepping-stone position and would be moving on. For the highways-side representatives there was the technical detail to get involved with, which draws people in.

As the chair of a national working group, the SWM also sees things from a national perspective. With regard to ‘street works’ regulations, the Department for Transport (DfT) does not help either side, although is seen to be more focussed on helping highway authorities than utilities. The DfT tend not to

advise on legislative problems, which leads to letting the courts decide (which is "...not helpful"), leading to additional legislation. The way in which civil servants move around departments means that at the DfT there is little or no continuity. The SWM felt that the DfT writes legislation which is then subject to interpretation and second-guessing when disputes or queries arise. At the moment, interpretation tended to come from London-centric organisations such as Transport for London (TfL), but the issues in London were not the same as for authorities and utilities outside London. As a way forward, the SWM said that practitioners, through JAG, JUG and HAUC (UK) should be involved in writing regulations for the DfT to comment on and then issue. The SWM also felt that there was a need to get the legislation that is already in place working rather than getting new legislation.

9.2.3.1.3 Summary of Devon-area Authority Inter-organisational Relationships

The street authority representatives were asked about the relationships with the works-promoting department, and implications for the authority's service delivery, and relationship with utility companies, and Table 9.7 below summarises the responses:

Table 9.7–Devon – Street Authority Relationships

Authority	Relationship with own works promoting teams	Implications for council service delivery	Relationship with utilities
Devon	"Massive culture change" over the years; parity of treatment with both own works promoters and utility companies; no issues of concern	Non-compliance results in "virtual fines"	Fairly good with utility companies, now looking to develop with utility contractors
Regional HAUC, Joint Chair's Authority	TMA requirements driven parity regarding noticing; perception that parity was costing money	Financial implications for authority's term contractor for non-compliance	Need to be able to discuss issues; needs to be effective

9.2.3.1.3.1 Regional HAUC Relationships

The street authorities' representatives in the Devon area were asked about relationships generally between authorities and utility companies at their respective regional HAUCs. Because street authorities are only one half of a regional HAUC, the findings will be summarised more fully below in section 9.2.3.2.3 after the findings for utility companies have been examined.

9.2.3.2 Utility Companies

9.2.3.2.1 Regional HAUC, Joint Chair Company

When asked about the nature of the relationship between their company and highway authorities, the Major Projects Manager (MPM) felt that it was "...pretty good" but did vary between highway authorities, with some being more keen to be co-operative, and some more keen to be directive. The differences, said the MPM, were due to the "...character of the people who are in charge at any one time. People have personalities and different characters and the world is richer for it". On the whole, there were thought to be very good working relationship around the South West – "...but we have our moments and our disagreements, but who doesn't"?

When asked further about the strict compliance in some authority areas and more collaborative and co-operative approach with others, the MPM said that at the moment there was a "best practice" group working in the Devon and Cornwall area, so it includes Devon and Cornwall, and the utilities and contractors working in the area. The group has been focussing on reinstatements and reinstatement standards, involving reinstatement contractors as well. Highway authorities also attended and brought information from their contractors because "…we're all working out there on the highway", and, whilst the legislation is aimed at the utilities "…there's good practice out there that highways are doing so let's bring that in, and there's good practice that utilities are doing so let's bring that in, and that might help the highways do a bit better as well".

Within the South West "…everyone acknowledges that the focus on reinstatements has improved performance". Devon Council had produced some coring results. Their approach for years had been very much "…if you step out of line we'll prosecute [and] ...if you don't come up to scratch we'll prosecute". For years they had "…been beating [utility companies] over the head until we improve and things haven't really improved that much". Their coring results had shown a 50-60% success rate, with the last set of coring results showing a 75-88%% pass rate – "…the best figures we've had". According to the MPM, the conclusion that people were drawing was that working together was better than "…beating someone over the head with a big stick" but it was accepted that there was a need to get to the root cause of problems.

When asked what it was like working with an organisation that "beats you over the head" and prosecutes, the MPM said that it was "…frustrating at times but [their company was] not hit often". Each utility had its own characteristics. For example, most of the MPM's company apparatus was in the footway, and the bulk of its work is either new connections for customers or repairing cable faults. Other utilities, such as gas and water, have replacement programmes and their work was in the carriageway. The MPM believed that the highway authority focus was more on work in the carriageway because that was where most of the disruption arose. Devon had prosecuted a lot over the years but was possibly now more targeted.

When asked whether it affect relationships with individuals if an authority prosecuted, the MPM felt that "…it's bound to a little bit but all our people in the business are professionals and it's not personal, it's business. Same from highway authority point of view. If it's an offence we'll agree it's an offence". The utility point of view was that working together co-operatively to improve things was always going to be the better way than the confrontational approach. The MPM noted that everyone in the South West was working together co-operatively.

Looking at the regional HAUC level, the MPM identified a number of key factors that influenced the relationship between utilities and authorities. These included an appreciation by all attendees – “more so in recent years” – that everyone was attending for the same reason: that highway authority and utility attendees were both passionate about ‘street works’. There was increased realisation that, as group they were trying to achieve the same things, and it was about attendees influencing others in the utility companies and highway authorities to also act in the same way.

There was a particular concentration on reinstatements in a street. Whether it was done by highway authorities or utilities, it involved asking for a hole to be dug and filled in again, and sometimes the same contractor worked for both sides but the focus was different – utilities are subject to fines if they overrun but it is essentially the same type of work being done in the same way. Both sides want good reinstatement because of the long-term health of the highway, “…so anything we can learn from each other is beneficial”.

The MPM said that SWHAUC was working towards a co-operative approach through the “good practice group” and initiatives being signed-up to, such as the agreement on FPN’s. The spotlight had been on the financial side of ‘street works’ involving costs to contractors, with authorities and utilities talking about charges and fines rather than focussing on what was going on in the highway.

The MPM had mentioned that the joint chairs speak jointly about South West issues. The reasons for this included HAUC(UK) realising that they were detached from the regions, in that people would meet and talk about things but they would be the same people (’street works’ specialists), prompting them to ask what impact was this was having on the ground in the regions and what influence the regions were having on the centre. This identified that there were issues that were important to the regions. The regional joint chairs now attend HAUC(UK) meetings, each feeding back what going in their patch, and DfT representatives also attend the meetings. HAUC(UK) is now producing more

advice notes – so co-operative as HAUC rather than separate JAG and JUG advice notes, which "…gets people singing off the same song sheet". Utilities see the benefit of getting involved on the "ground floor" in order to be able to influence ("…hopefully for the better") 'street works' issues.

When asked whether, at a national level, utilities felt picked-on by the DfT and Government, and whether there was an appreciation of what utilities have to do to maintain their networks, the MPM said that it was true, with the situation being "… a bit one-sided" - both highway authorities and utilities did work on the highway but the focus seemed to be on utilities but the public makes no distinction between who is doing the work. The MPM considered that 'street works' legislation was fairly indiscriminate and ended up applying to every single 'street works' job. However, they had "…to get on with it – if we can improve, let's improve".

9.2.3.2.2 Summary of Utility Inter-organisational Relationships

The findings relating to utility company relationships in the Devon area with street authorities, and the drivers for them, are set out in Table 9.8 below:

Table 9.8Devon area – Utility Relationships with Street Authorities

Utility	Relationship drivers	Implications of relationship on utility service delivery	Drivers for "going beyond" the legal minimum
Electricity	Varies between authorities - some are keen to be co-operative, some to be directive.	No job-specific issues but need to avoid getting to confrontational situation.	Collaborative approach to identifying "best practice" has helped improve performance.

9.2.3.2.3 Discussion about Regional HAUC relationships

The inter-organisational relationships between street authorities and utility companies were discussed. This was in the context of the direct relationships between the two organisations. There is a further level at which relationships

between the organisations can be examined, and this is the regional HAUC forum. The individuals interviewed in the Devon area were the people from the respective organisations that attended the regional HAUC on behalf of their organisation. The findings from the interviews are summarised in Table 9.9 below:

Table 9.9Devon area – Regional HAUCs

Authority/Utility	Positive Factors	Negative Factors	Shared Objectives
Devon	(i) Depends on the people attending; (ii) Newer people starting to attend.	(ii) Some organisations want their representatives to have a big involvement, some don't.	(i) Improving performance, including reinstatements; (ii) Coring performance is a standard agenda item.
Regional HAUC, Joint Chair's Authority	(i) Open and honest discussions; (ii) Good practice group;	(i) Issued raised not always appropriate for the forum; (ii) Tendency to look back at past problems rather than being forward-looking; (iii) Finance as the only way to drive improvements.	(i) Need to resolve issues; (ii) Need to look for areas of improvement.
Electricity	(i) Shared purpose; (ii) Moving towards a more co-operative approach based on shared good practice.	(i) Focus had been on the financial side - fines and charges - rather than on the works.	(i) Everyone is trying to achieve the same outcomes; (ii) Getting the reinstatements done properly.

9.2.3.2.4 Attitudes to Prosecution

One of the reasons for selecting Devon County Council for research was their approach to 'street works' which involved a considerable number of prosecutions of utility companies for offences under NRASWA. This was in contrast to the situation in Kirklees where there had been no recent

prosecutions. The findings from the interviews carried out in the Devon area are summarised in Table 9.10 below:

Table 9.10 Devon area - Views on Prosecutions	
Authority/Utility	**Views on Prosecution**
Devon	Not doing as many as were being done a few years ago for signing and guarding failures - did lead to improvement.
Regional HAUC, Joint Chair's Authority	Prosecutions have driven improvement, not with reinstatements but with safety
Electricity	People have to go to court and pay the fines but it doesn't help to improve performance

9.2.3.2.5 Views on the Legislation

Although not part of the original semi-structured questions, at the end of the interviews when asked if there was anything that they would like to add that had not already been discussed, a number of the interviewees offered their views as to the "fitness for purpose" of the current legislation and what might be the next for legislation in terms of 'highway works. The views are summarised in Table 9.11 below:

Table 9.11 Devon area–Views on Legislation		
Authority/Utility	**Views on Legislation**	**Possible Next Steps**
Electricity	(i) Legislation is indiscriminate - applies equally to all types of works on all roads; (ii) Authorities also carry out works but the focus is always on utility works.	
Regional HAUC, Joint Chair's Authority	(i) Legislation open to interpretation; (ii) Lack of clear direction from DfT	(i) The 'community' needs to make the legislation work that it already has rather than getting new legislation.

9.3 Chapter Summary

The findings indicated that authorities in the South West of England also structure their officers into ‘street works teams’, with roles and responsibilities based around maintaining the local Street Works Registers, the co-ordination of works, and the inspection of works to monitor compliance with regulations by works promoters. In addition, DCC make reference to a ‘prosecution officer’ role.

The findings indicated that within authorities officers have discretion to develop policies and procedures, based upon their experience within the sector, and that elected members tend to prefer to be kept informed rather than wanting to direct policy. Similarly, within the utility company a manager was tasked with ‘street works’ responsibilities and given the discretion to develop policies and procedures to enable their company to comply with ‘highway works’ regulations.

The findings show that authorities and the utility company rely on performance management information in order to drive performance information and, for the utility company, to further ensure compliance with regulations and so avoid either legal action or financial penalties as a consequence of failures to comply.

The findings demonstrated, for both authorities and utilities, that legislation and regulations were ambiguous and open to interpretation, with implications for business processes on both sides. The findings also re-iterated issues with the “London-centric” focus of ‘highway works’ regulations.

At a regional level, the findings identified that in the past the focus had been on financial aspects of ‘highway works’, including additional costs to utility companies in doing business, but that this was giving way more recently to identifying shared performance concerns and developing and sharing good practice to drive improvements.

Looking at attitudes to prosecutions, the findings demonstrated a difference in views as to whether legal action by authorities helped to improve utility performance.

Chapter Ten – London Interview Data Analysis

10.1 Introduction

This chapter will analyse the data from the interviews carried out in London, and the finding will then be discussed in chapter 11. Interviews were carried out with:

- An officer dealing with transportation policy issues at the Greater London Authority; and
- An officer from Transport for London (TfL) with responsibilities for "surface interventions".

The interviews with authority officers in London were prompted by two main factors: (1) interviews already carried out for this study had indicated the significance of the management of 'highway works' in London in shaping national legislation, and (2) the high-profile nature of the current Mayor of London in having 'highway works' as a policy priority, as demonstrated by the early application for, and commencement of, a permit scheme for 'roadworks' and 'street works'.

The interviews that were carried out were undertaken using the "Street Authority" interview template to allow for data to be collected about:

- The roles and responsibilities of the interviewee;
- The organisation's policies relating to 'highway works'; and
- The nature of the relationship between the interviewee's organisation and highway authorities and utility companies.

10.2 Roles and Responsibilities

10.2.1 Greater London Authority

The officer interviewed at the Greater London Authority (GLA) is based in the Transport Team as a senior policy officer (SPO), whose role is to support the deputy mayor for transport on a number of briefs, including congestion and smoothing traffic flow, and a sub-component of this is the way the GLA

manages road works. The current deputy mayor for transport has been in post since May 2011 and one of her four main priorities is "...managing road works as best as we can working with a range of stakeholders, so, internally, with TfL and also the Boroughs, who also have their own highway authority responsibilities, and also, crucially, with the utilities".

TfL is an agency of the Greater London Authority, and is responsible for the Transport for London Road Network (TLRN), which is about 5% of the roads in London but carries about 30% of traffic in the city, and also has about 10% of the road works. The TLRN roads are "key arteries and so have huge intrinsic importance to the way in which goods, services and people are moved across the city, and that's why we are aware of the impact that road works can have in terms of unnecessary disruption and also how road works can contribute to "severe" and "serious" disruption".

10.2.2 Transport for London

At Transport for London (TfL), the person interviewed was the Head of Planned Intervention (HPI), with responsibility for the co-ordination of 'roadworks' and 'street works' throughout the TfL road network, i.e. the strategic roads, also known as the "red routes". The HPI has responsibility for three teams: one that that does works co-ordination and permitting, one that that does inspection and enforcement, and then one looking at works compliance, i.e. imposing fines and overrun charges. The HPI also has responsibility for an operational analysis team, who look back at what has done to ensure that "...we learn the lessons", as well as a forward planning team, who are looking forward in terms of schemes generated by TfL and major utility works, how they can be best co-ordinated, and using techniques such as "heat maps" to identify areas that in two or three years are likely to be quite contentious in terms of trying to get works done but which would also put additional demand on the network. There are about 90 members of staff in all of these teams

10.2.3 Street Authority Roles and Responsibilities

The interviews with street authority representatives in London are summarised in Table 10.1 below:

Table 10.1 London – Street Authority Roles & Responsibilities

Authority	Streetworks Team (Y/N)	Functions	Officers
Transport for London	Y	Street Works Register functions Co-ordination of all 'highway works' Inspection of works initiation of charges Reviewing previous activities Identification of future works	Works co-ordination and permitting team Inspection and enforcement team Works compliance team Operational analysis team Forward planning team

10.3 Policies and Influence

10.3.1 Greater London Authority

When looking at the policies and strategies that apply to the 'highway works' in London, the Senior Policy Officer (SPO) noted that "...things have been improving for a number of years, and that started with the introduction of the London Permit Scheme and also the "code of conduct". These were seen as being the two elements that enabled the Authority to improve the amount of joint working between works promoters and to improve the way they manage the works themselves on the road. The SPO went on to say that "... we need to evolve [these] tools and take them to the next level, so things like "lane rental" gives us much more influence than perhaps under permitting, which, in the same way, gave us more influence than under noticing. So, it's that continual progress, and that's what I'm working on and what [the deputy mayor for transport] is leading on".

London's "code of conduct" sets out a number of areas where utility companies and authorities could demonstrate "best practice" in terms of managing road works, and relevant targets such as setting an aspiration for the level of joint working between works promoters and the number of days saved through joint working, and this is tied into the 'cap' on works that has also been introduced. The 'cap' was introduced and then tightened by 10% in 2011, and "do we want to tighten that again".

The main drivers on policy for 'street works' and 'roadworks' in London were identified by the SPO as being "... a political dimension, a press and media perspective, a business perspective, and ordinary people, and these are all different forms of stakeholder". 'Highway works' is a top issue for high-profile shopping areas where presentation is very important, where there is already constrained road space and people have to detour around sites to get into shops. This does not give a good impression, and has a reputational impact that costs businesses in their "bottom line", and so businesses make it clear that road works have an actual impact on the way in which they conduct their business. More generally, businesses and the lobby groups are aware of the impact of congestion and journey-time reliability, which is a key thing for deliveries of goods and services.

There is then the way in which these are "...reflected through the prism of the media". Going back to some of the decision-making about introducing the 'cap', internal discussions reflected external dialogue in the press, where, in a particular month, there was a peak in the number of works as utility companies were trying to complete works before their financial year end. People noticed the increase and there was a sense of "enough's enough".

The SPO noted that, when looking into the specific reports, the road works are uncoordinated and that "the utilities at the moment do set the agenda, and we can do much more to make it a more efficient process to reduce disruption, which has real economic costs, to make Londoners' lives better". When asked

in what way he thought that utilities set the agenda, the SPO highlighted that the utilities are in “an incredibly powerful position at the moment in terms of the changes to the legislation that there have been”, including the number of utilities that are allowed to dig up the road, the circumstances in which they can, and the very limited circumstances in which highway authorities can refuse to allow ‘street works’. The SPO considered that “the playing field is skewed towards an assumption that road works have to happen. Yes, they do but can we do more to plan?” One way proposed by the SPO for doing this was for utility companies to have forward plans for three or four years’ time, and then “solidify them and get them out” so that highway authorities can co-ordinate works and get joint working. The SPO recognised that there were problems associated with getting this level of advance information, and that the process can get complicated, but that the problems should be outweighed by the benefits – benefits to road users in terms of having the road dug up only once and benefits to utility companies in terms of cost saving.

However, the SPO did say that the policy agenda for ‘highway works’ in London was also driven by politicians “in terms of changes to the status quo” because “if the mayor and deputy mayor were not pushing the issue there would be no changes”. When the current Mayor was first elected in 2008, it was on a clear manifesto of “smoothing traffic flow, and as a policy area there has been a lot of thought and focus to make that something concrete, tangible and real”. According to the SPO, London’s permit scheme “code of conduct” and the ‘cap’ to limit the number of works, show that the political impetus has resulted in change which has begun the process of improving the status quo, and that the mayor has demonstrated his personal commitment to the issue of ‘highway works’.

The SPO also noted the “political with a small ‘p’ dialogue” between Londoners and their elected representatives, to then take policies and shape the way that organisations like TfL approach their management function, and utilise their

relationships with utilities, and that this “has brought a beneficial impact with regard to managing ‘street works’”.

The issues for London with regard to ‘street works’, and links to other policy areas, highlighted by the SPO include the Olympics, which will be held in London in 2012. TfL will be operating the Olympic Route Network, to make sure that specific routes are kept clear. This will involve managing the number of works including banning planned works and doing intensive management of emergency works. There is also an agenda for smoothing traffic flow and what can be done to manage the 25% of congestion relating to ‘highway works’ to works to manage the situation. With regard to smoothing traffic flows and effective capacity, the SPO noted that London operates on “an historic, often medieval, road layout. Compared to large cities in other counties, it has relatively narrow streets, doesn’t have a grid pattern so there is less in-built redundancy in the network, so if there’s disruption at a particular point it can have severe ramifications”. That awareness and sensitivity of the network shapes the importance and political priority given to road works. The SPO posed the question as to whether it was “the most appropriate use of the road space to hand it over to road works? No. So, what do we do? We know the works have to happen but can we make them happen in a smaller envelope, can we make them happen much quicker and less frequently by promoting co-ordination and joint working”.

The SPO noted that there were some stakeholders “who are a bit more resistant and taking longer to bring along” because “every organisation has limited resources and has different priorities, and you rarely get a perfect alignment of priorities and resource. It’s about going out and explaining to people why it’s important – to you and them – and what the benefits in their own terms might be. Part of the argument for joint working isn’t just that it causes less disruption for road users; it’s also in the long-term it will be a saving for utilities”.

The “code of conduct” mentioned earlier was a voluntary code agreed by the GLA, the London Boroughs and by the six main utilities. It was negotiated initially with “London Councils”, which is an umbrella organisation for the 32 London Boroughs, the City of London and the GLA/TfL. Currently, 20 of the Boroughs are signed up to the code of conduct plus the six main utilities.

When asked how did they had managed to get the utilities to sign up to the code, the SPO noted that “TfL, because of its size, its resources, and its strong political links through the Mayor’s Office at quite a high level, has much more influence over the utilities”. They have regular meetings and have built up relationships at high levels, including chief executive, and so have been able to influence the thinking in the utility companies and persuade them that this was “a good thing to come on board with”. The SPO acknowledged that “the London-wide organisations have in-built advantages”. Feedback from the Boroughs to TfL has included that the utilities are perceived to do what TfL wants, give them the best gangs, and have the communication links, for example, telephone contacts with organisation’s chief executives, but this was not the same for the Boroughs. The Mayor is currently looking at how the influence he has can be used for the broader benefit for all of the different authorities in London, and for the relationships between the Boroughs and utilities.

The SPO was asked about feedback from utility companies about how the different requirements for working, for example, increased requirements for evening working in order to comply with the “code of conduct” and the permit scheme, fit in with the need for them as private companies to maximise profits. The SPO acknowledged that this was a key debate with “lane rental”, where the big concern was that all that would happen would be that the charges would just be passed on to the consumer. So, in addition to working with utilities, “we’ve now started a separate track of work to work very closely with the regulators, to explain what we’re doing, what we expect from the utilities, and why there are different charges in place, including the cost of permits, penalty charges for

non-compliance or working without a permit, and, in future, lane rental charges. We've explained why we're introducing them and that lane rental is a targeted, flexible scheme that applies at certain times at certain key parts of the network, and trying to make the case to the regulators to not allow these costs to be passed on because utilities are being inefficient and having a huge impact on the road network, and the only way for us to influence over them and have leverage is if they have to absorb these costs into their "bottom line". If they can just pass them on, they have no incentive to change their behaviour".

The SPO was asked how much scope or influence they had on policies and strategies, and replied "a lot, I would say" and that this reflected how the deputy mayor for transport empowered people: "she wants you to go out there and find out what's going on, to come with ideas, to go and talk to people at TfL and influence things. Then, of course, you have to bring them back to her as the decision-maker and, with other decision-makers, there needs to be a discussion. Having a "seat at the table", attending key meetings along with senior TfL officers, the deputy mayor and others, you have an influence and an equal voice and you stand on the merits of your ideas, your arguments or the evidence that you bring to the table".

The SPO was asked whether the additional measures described earlier, i.e. the 'cap' and the "code of conduct", suggest that the national legislation did not suit London's situation. The SPO commented that the 'cap' was made under the Mayor's network management duty but that there are other powers that the utility regulators held which allowed utilities to undertake certain types of work and they have the right of access to their assets, meaning they have the right to dig up the roads. So there was a potential conflict between the two types of legislation which might limit the extent to which improved work practices, joint working, good practice and innovation could be promoted, and getting away from the assumption that works had to be done according to the utilities' schedule and so take into account the needs of other road users and to minimise disruption.

The SPO noted that there was willingness in the utility companies, especially amongst their senior management, to do better because “it’s good for them in terms of PR and customer management engagement. They don’t want their reputations damaged by being seen as the people who continually dig up the roads, so we’re pushing on an open door”. The complexity comes in where utility companies have existing processes and, like any organisation, there is inertia regarding change and “you need the right people in the organisation to be told and then follow through to behaviours. So just because you convince the chief executive doesn’t mean that it’s going to improve overnight but that’s a very important part of the picture but it’s about changing the approach throughout the company and embedding it in their DNA, and then it goes right to the bottom to the site manager and the person digging the hole ...It’s about main-streaming the approach but the consistency isn’t there yet, and that’s the next part”.

When asked about any consequences if road works targets are not met, the SPO said that there were consequences in terms of the overall network management duty because “if we don’t properly manage road works then we lose one of the tools for managing congestion on the road network, and the road network is such a delicate ecosystem, which is under increasing pressure that we can’t “drop the ball” like that. If we did then, in addition to the real-world, economic impact for London, and the impact on the different kinds of road users, there would be a political impact for the occupant of City Hall. An effective Mayor is one who has a good handle over all the different policy levers available to him to being about the best management of the road network. The reality is that it’s incredibly complicated and everyone makes it sound easy and it’s not. It’s all about a lot of difficult choices”.

10.3.2 Transport for London

When asked about the policies and strategies that TfL had with regard to ‘street works’ and ‘roadworks’, the Head of Planned Interventions (HPI) identified their overriding policy as being to mitigate the disruption caused by those works on

their network. The current Mayor has a policy of smoothing traffic flow and this feeds down to TfL in terms of a “road works pledge”, which was launched on 21 September 2011, which contains “basic tenets that we follow”, such as: keeping sites safe and tidy; have the works take-up a little space as possible; make sure that there is always activity on site and if there is not activity then explain why, for example, concrete curing; ensure that works are done as efficiently as possible, so 24-hour working where possible and, if there are residents in the vicinity of the works, liaising with the environmental health department.

TfL measure congestion on the Transport for London Road Network (TLRN) by reference to “serious” and “severe”: “serious” is essentially three minutes of queuing without any movement, and “severe” is five minutes of queuing without movement. This is over and above the norm for that street, and some parts of the network, for example, the Blackwall Tunnel usually already has three minutes queuing.

In 2009, the London Mayor launched a voluntary “code of conduct for road works”, which includes both ‘streets works’ and ‘roadworks’, and this code was signed up to by five of the six major utilities and TfL in April 2009. There was an updated version in February 2010 and the sixth major utility joined in at that time. This means that approximately 95% of works on the TLRN are covered by the code.

When it was first launched, the “code of conduct” described working towards a permit scheme, and the London Permit Scheme is now in effect, but the code also addressed other issues such as sharing good practice, sharing coring results, promoting first-time reinstatements, increasing the number of collaborative works, and having more works carried out outside peak hours.

The HPI identified the “code of conduct” and the permit scheme as being “key tools in our armoury to drive down disruption caused by road works”. A potential future tool is “lane rental”, where TfL in November 2011 had just finished a

consultation, working closely with the DfT, and are “very keen to be a pioneer for an avoidable and targeted “lane rental” scheme”. There was a “lane rental” scheme operated in 2004 – in two authority areas, Camden and in Middlesbrough – “but [the scheme] was neither targeted – it included every single road – and it wasn’t avoidable – it applied 24 hours a day”. The TfL “lane rental” proposal would cover approximately 57% of the TLRN and then only at certain times of the day. The proposed TfL “lane rental” scheme is data-driven, in that they have analysed their network and identified those stretches of road and pinch-points that are most susceptible to disruption by road works.

The HPI was asked about how political oversight worked between TfL and the London Mayor, and said that TfL was an agency of the Mayor’s office. The Mayor has a team around him for different areas, including a transport advisor, who is also a deputy mayor. TfL came into existence in 2000, and brought together a number of predecessor organisations, including London Underground, London buses, transport control systems, parts of the Highways Agency and a number of disparate organisations. The current TfL commissioner is driving for there to be “one TfL”, and it wants to connect with their customers, who are anyone that lives in London or visits London”.

Political oversight in TfL is on a daily basis through conversations with the Mayor’s office and regular, weekly meetings where ‘highway works’ issues are discussed. There are also network tours on a regular basis, which involves officers and politicians going out in a mini-bus, with the chief operating officer. There are 23 “corridors” on the TLRN and a different one is done each month. The HPI commented that “It is challenging but at the same time you know that you’ve got their support. If there’s a problem, they can just pick up the phone to the utility company’s chief executive”.

The HPI was asked about how TfL’s policies fitted in with the national legislation, e.g. NRASWA and TMA, and whether he saw a need to go beyond what’s in the legislation. It was felt that although the legislation a good platform

to work from, the London Mayor felt that he needed something extra, which was the start of the work on the “code of conduct”. Then, in 2010, the London Permit Scheme was brought in. In March 2010, London experienced an increase in the number of works being carried out within a 4-week reporting period. This was picked up by the press and the Mayor said that he wanted a ‘cap’ on the number of road works, i.e. to reduce the number of works by 20% in any 4-week period. The high-point figure in London in March 2010 was 5,212 works and this was reduced by 20% in April 2010 by informing all works promoters, including TfL’s own, of the ‘cap’. The utility companies had some issues with the introduction of the ‘cap’ and cited their own legislative and regulatory requirements, but were informed that, in London, there would be no more than 4,170 works in any 4-week period on the network. The ‘cap’ was developed under the network management duty placed on authorities under the TMA to ensure that traffic moves “expeditiously” and has not been challenged by utility companies. Since its introduction, TfL have never had to refuse a permit to a utility on the basis of the ‘cap’. In October/November 2010, TfL’s own promoters were asked to put back to the next period a very few number of their non-essential works.

According to the HPI, what was absolutely key in dealing with managing works under the ‘cap’ was “having a strong [Street Works] Register and a strong analysis team, who produce statistics at about 2.30/3.00 pm every day, which goes out to all the co-ordination officers and all internal work promoters, broken down by area and by TfL and utility works, and the ‘cap’ is also broken down by week and by area”. The information goes to the TfL internal works promoters and so has helped to change their behaviour. Utilities do not get to see this internal information but they would be informed if they were anywhere near their individual level under the ‘cap’. In September 2011, to coincide with the Mayor’s road works plan, the ‘cap’ was reduced by a further 10%, and so is now 3,753 works in a 4-week period.

The MPI noted that the ‘cap’ had enabled TfL to manage the “hockey stick” profile of works on the highway where utility works fall off at Christmas and then pick up again in the new year. TfL said to their own works promoters not to plan works in January, February and March but to bring them forward, and they have done. TfL have also tried to get more work done in the summer holidays, when traffic reduces by about 10%, and are also trying to challenge the strongly-held belief that organisation cannot do any works over Christmas period, taking into account moratoria in shopping and residential areas, where this might be easier on the TLRN because TfL have fewer residents per kilometre than other local authorities. The HPI reported that the actual number of works had not reduced by a huge amount but the arrangements put in place in London allow them to be spread out over the year, so the number in any 4-week period has reduced by the ‘cap’ level of 20%.

TfL meet with the utilities every month at director-level, chaired by the TfL chief operating officer, with meetings occasionally attended by the Mayor’s transport advisor and representatives of the London Boroughs. The HPI noted that there had been a change of attitude from works promoters. Works durations and working methods had been challenged, the number of works was subject to the ‘cap’, and promoters make sure that the Planned Interventions team “are happy with what they are doing”. As an example of this change of attitude, the HPI stated that all surfacing works were now done at night “except the ‘noisy’ parts”, which are done during the day. There is a cost to doing this but it means that Londoners don’t suffer the social cost of the congestion that would be engendered if the works were done during the day. Most utilities and authorities think “what’s the easiest way for me to do this work” not “what’s the best way for me to do it and keep the road open”. This is about pedestrians as well as vehicles. “It’s a different mind-set”.

This change of mind-set was considered by the HPI to be a combination of the introduction of the “code of conduct” and the permit scheme. The “code of

conduct" was voluntary, so "it wasn't in the forefront as it might have been, but the permit scheme really did focus minds and it made them think".

According to the HPI, the "code of conduct" set a platform which the permit scheme built on, and "lane rental" is proposed to build on that even more. Lane rental will be another change in the way in which they treat the works and approach the works.

10.3.4 Summary of Street Authority Policies and Procedures

The policies and procedures identified in the London interviews in relation to utility 'street works' and authorities' 'roadworks', and the targets and performance measures adopted, are summarised in Table 10.2 below:

Table 10.2 London - Street Authority Policies and Performance Measures

Authority	Street Works Policy	Policy on Authority's own Roadworks	Targets/Performance Measures
Transport for London	(i) London Permit Scheme; (ii) Code of Conduct; (iii) Road works Pledge	(i) London Permit Scheme; (ii) Code of Conduct; (iii) Road works Pledge	(i) Random sample inspection results for 'street works'; (ii) Congestion measures; (iii) Road works 'cap'

10.3.5 Policy Influence

The interviewees were asked about (a) the level of political involvement in their regarding 'highway works' and (b) the extent to which they were able to influence their organisation's policies relating to 'highway works'. The main points are set out in Table 10.3 below:

Table 10.3 London - Street Authorities - Policy Influence

Authority	Level of Political Involvement	individual Ability to Influence Policy
Transport for London	Involvement of the London Mayor and the deputy mayor for transport.	Both officers interviewed described their influence.

10.4 Inter-organisational Relationships

10.4.1 Greater London Authority

The Senior Policy Officer was asked about how the relationship with the Department for Transport (DfT) worked and replied that everyone had their relationships at different levels and everyone had to play their part. So, for example, with the recent “lane rental” consultation, the mayor and deputy mayor could liaise with the DfT’s special advisors and the minister because they had that relationship and, by doing this, it made it easier at other levels. The DfT recognise that “London and TfL in particular often has a bit more resource, a bigger problem, and often because of the size of the problem you need a bigger solution which you can then adapt and trial in other part of the UK. So, we’re a natural laboratory and it’s a positive relationship with a lot of back and forth”.

When asked whether works promoters and authorities in London have shared values about ‘highway works’, the SPO felt that “increasingly, they are converging”. There are issues with the culture of the gangs doing the works in terms of working practices, for example, ensuring that some of the teams on site keep working during permitted hours, rather than all going for breaks at the same time. Similarly, with regard to the traditional Christmas “shut-down”, where works stop for two or three weeks. Over Christmas, the motorway network might be busy as people travel to visit family but other parts of the London road network are less disrupted, giving opportunities to do works and have less disruption on people. These are examples of works being structured and phased around the people carrying them out. Another of the SPO’s areas of responsibility is the London Underground, where all the engineers and the people doing maintenance work there work at night, with shift patterns for weekend working, and they are rewarded for that in their terms and conditions, and this reflects the “working reality of the Tube where you can’t be doing maintenance between 8.00 am and 4.00 pm”. This was highlighted by the SPO as an area where there is still a misalignment between what a highway authority might want and what works promoters and their contractors, and specifically the crews and gangs, want.

Other than the utilities and authorities own works, the other key stakeholders with regard to 'highway works' identified by the SPO included underground asset managers, i.e. those organisations that owned underground assets, "which is about 40 organisations, so it's a broader community than just the utilities"; those who use the road space; and those who are "disadvantaged by road space constraints, so retailers, cyclists and pedestrians; the Boroughs; contractors who do the works. It's a broad stakeholder community. We have a very passionate and increasingly influential cycling and pedestrian community in London".

The SPO was asked whether the developments in legislation showed that the previous legislation had not worked, and concluded that "it's not that it hasn't worked, it's a continual evolution. The need for the "lane rental" regulations was a recognition that under the previous legislation there had been the shift towards the default assumption that it was always for those owning underground assets should always be able to dig them up whenever they needed to". When asked about future policy areas after "lane rental", the SPO commented that the current "lane rental" proposals were "relatively small scale, and there will be an evolution with more schemes done by the Boroughs which, over time, would squeeze utilities on when works can take place, and this would mirror an evolution in working practices. There are also things like "keyhole cutting" and quicker drying concrete". The" big solution" identified by the SPO was about technology and the need to think more about "utility corridors" underground, which means that workmen can access it from the pavement, and with major new developments that should be as standard so that over a period of time you have an improving network with less disruption.

The SPO identified other, potential legislative tools, such as requirements for new developments to phase their connection works so that they are all done in one go rather than doing it on a schedule that reflects the needs of the developer or the utility. Also noted by the SPO was the need for a better understanding of who actually owns underground assets, and one way of

reducing disruption in the future may be by having better underground mapping, which would reduce confusion as to who owns an asset and where it is located.

10.4.2 Transport for London

When asked about how in London the utilities had come to a position where they would sign up to the “code of conduct”, the Head of Planned Interventions (HPI) identified that there had been lot of liaison with them at a strategic level, at director level, and with the National Joint Utilities Group (NJUG). There had been a realisation that there was a groundswell of feeling from the public about road works and their impact. In London, some 98-99% of the utilities tend to be under the roads, sometimes under the pavement, so any works are disruptive. A key part of bringing the utilities along was identified by the HPI as saying that arrangements would also apply to authorities’ works, evidenced by the fact that the only works moved under the ‘cap’ were TfL’s own works, utility works were not touched. The HPI identified that there had been a “...real level of trust build up between TfL, the utilities and NJUG”.

At the end of November 2011, the London Mayor was due to meet with the utility company chief executives to talk about the “road works pledge” and to talk about more things he wants from them, including a commitment to doing things more efficiently. As an example, the HPI noted that some works that could be done in one day take four days: utilities have a gang that comes along and excavates and puts barriers around, the next day their specialist comes and does the connection or repair, and then on the fourth day the reinstatement team comes along and reinstates. These activities could all be done in a day but it is not the most efficient, economical way for the utility to do it, and the utility companies “...are beholden to their shareholders not to the users of the London network. So that’s where there’s a disconnect – it’s getting into the minds of the chief executives that they can get good publicity and good news stories, and there already have been some”.

TfL works promoter colleagues complained initially about the parity requirement but if found working without a permit then they are fined in the same way as with utility works. The chief operating officer for TfL had a meeting with the managing directors of all the contractors, told them what was happening, and they all agreed that they would pay fines. TfL works promoters are currently writing a contract the takes account of lane rental charges.

The HPI noted that while the message had filtered down to lower levels, e.g. to the local co-ordination meetings, it had not fully filtered down to utility sub-contractors.

When asked about whether, despite all the good work and good relationships, there were still situations where TfL had to prosecute a utility, the HPI confirmed that this did very occasionally happen ("...a handful of occasions") when utility works had cause specific disruption and where utilities fail to pay FPNs or overrun charges.

Looking at wider relationships, the HPI said that TfL meet with the DfT every month but, now that the lane rental consultation has closed, they will be meeting with them every week until they submit their proposal. The HPI noted that it was "...probably easier for [TfL] to get those links in and forge those relationships than it would be for other authorities, but we try to share with the London Boroughs any messages we get back from the DfT, and if there's anything the Boroughs want we try to feed that back to the DfT, although they do have their own channels. But by the nature of the strategic authority that we are we probably are treated differently."

10.4.3 Summary of Inter-organisational Relationships in London

The street authority representatives were asked about the relationships with the works-promoting department, and implications for the authority's service delivery, and relationship with utility companies. It should be noted that this is an area of difference in questioning between the Yorkshire and Devon area

representatives and the interviews in London. The reason for this is that the interviewees in Yorkshire and Devon were selected on the basis that they attended the regional HAUCs on behalf of their organisations, and this would enable comparisons to be made. The interviewees from London did not attend their regional HAUC and so the questions in these interviews were intended to mainly explore the strategic implications of 'highway works' arrangements in London. Table 10.4 below summarises the London responses:

Table 10.4 London - Street Authority Relationships

Authority	Relationship with own works promoting teams	Implications for council service delivery	Relationship with utilities
Transport for London	TMA requirements, London Permit Scheme, code of conduct have all driven greater compliance	Under the road works 'cap', the only works affected have been authorities' works by re-scheduling	Effective communication from director-level down; significant trust-building

10.5 Views on the Legislation

Although not part of the original semi-structured questions, at the end of the interviews when asked if there was anything that they would like to add that had not already been discussed, a number of the interviewees offered their views as to the "fitness for purpose" of the current legislation and what might be the next for legislation in terms of 'highway works. Views from the London interviews are summarised in Table 10.5 below:

Table 10.5 London – Views on Legislation

Authority	Views on Legislation	Possible Next Steps
Transport for London/GLA	(i) Additions to legislation show the process as evolving; (ii) Recent developments, e.g. "lane rental", shifting the balance of the relationship away from utility presumption.	(i) Current Coalition Government has a "one in, one out" approach to new legislation; (ii) Use of technology to "map" the location of underground assets and to develop less-intrusive methods of working.

10.6 Chapter Summary

The findings in this chapter identified similar arrangements for the highway authority with regard to having a ‘street works team’, still based around maintaining the local Street Works Register, undertaking co-ordination and inspection of works. The findings also identified a higher-level management view than was obtainable in chapters 8 and 9 regarding how the team was integrated into a wider management structure, demonstrating a significantly greater availability of resources.

The findings supported earlier finding relating to the use of management information to report on performance and drive performance, but also gave an insight into the wider collection and use of information through mechanisms not reported in the Yorkshire and Devon areas. Additional tools were reported in London, including road works ‘caps’ and “codes of conduct”.

The findings also highlighted a difference in political involvement, where the current London Mayor takes a direct interest, including day-to-day through a deputy mayor and commissioner, in ‘highway works’, resulting in a greater level of direction than was reported in the other two geographical areas. This involvement was also translated to higher-level discussions between the London Mayor and the directors of the utility companies, in order to agree and secure performance improvements.

In developing the additional tools available in London, the findings highlighted the importance of developing trust between the authority and utility companies, based upon evidence that the same standards and expectations were being applied to the authority’s own works as with utility works.

When looking at the existing regulation, the findings demonstrated the extent to which TfL, with its availability of resources, was able to carry out additional research into ‘highway works’ and, working with the DfT, help to set the agenda for the development of future legislation.

Chapter Eleven – Discussion of Findings

This chapter will discuss the findings from the in-depth interviews carried out in chapters 8, 9 and 10, and from the document analysis in chapter 7. There were 12 interviews carried out across three geographical areas in England – Yorkshire, Devon, and London – and they were semi-structured to enable qualitative data to be collected to explore the role and contribution of individual "actors". This thesis reviewed the literature on local government in England, the legislation relating to the management of 'highway works', and inter-organisational relationships, and the implications of the findings from this study will be examined against the existing literature.

Three distinct but related interview templates were developed to collect data from elected members, local authority officers, and utility company representatives. The interviews allowed for data to be collected in the following areas:

1. The roles and responsibilities of the interviewee.
2. The organisation's policies relating to 'highway works', and the extent to which the interviewee could influence them.
3. The nature of the relationship between the interviewee's organisation and highway authorities and utility companies, depending on whether that organisation is a highway authority or utility company.

The interview findings will be discussed below against each of these areas, and will then be discussed with reference to the existing literature. In addition, an analysis of documents was undertaken in order to triangulate the interview findings, and the findings will be included in the discussion.

11.1 Roles and Responsibilities

11.1.1 Discussion about Elected Member Roles and Responsibilities

It was not possible to carry out interviews with elected members in the other geographical areas included in this study in order to make comparisons. The interview with the Kirklees councillor confirmed that there was political oversight

of the ‘highway works’ function within the authority and that decision-making can be devolved to officers.

The councillor at this part of the interview identified their role in terms of how they engaged with the public (and the extent to which the public wanted to be engaged) and how performance information was used within the authority to help determine spending priorities. The interview highlighted the importance to the councillor of proving information to people about the council’s performance, and about how this performance information was particularly important when, as now, the council was going through a period of budget cuts, with the consequential dilemma for elected members about how budgets should best be allocated, with options including either equal amounts across all wards or targeting areas of most need.

11.1.2 Discussion about Street Authority Roles and Responsibilities

The interviews with street authority representatives highlighted a number of similarities and differences in the ways in which authorities approach their duties. These are set out in Table 11.1 below.

The finding show that authorities have ‘street work’ teams’, comprising council officers operating within a bureaucratic structure, i.e. with managers and staff including co-ordination officers and inspectors, whose responsibilities include maintaining the individual authority’s Street Works Register, in which details of all ‘highway works’ are registered, and undertaking activities to co-ordinate ‘highway works’. In addition, ‘street works teams’ deal with the inspection regime which enables individual authorities to monitor the level of compliance by utility companies with the relevant national codes of practice. This monitoring of compliance links to an authority’s enforcement role in having legal powers to prosecute for offences under the New Roads and Street Works Act and Traffic Management Act. DCC specifically mentioned having a ‘prosecution officer’ as part of their enforcement activities.

Table 11.1 - Street Authority Roles & Responsibilities				
Area	**Authority**	**Streetworks Team (Y/N)**	**Functions**	**Officers**
Yorkshire	Kirklees	Y	Street Works Register functions Co-ordination of all 'highway works' Inspection of works initiation of charges	Streetworks Manager; Co-ordination officers; Inspectors; Business Support officers
	Regional HAUC, Joint Chair's Authority	Y	Street Works Register functions Co-ordination of all 'highway works'	Establishment not specified
	North Yorkshire	Y	Street Works Register functions Inspection of works initiation of charges	Streetworks Manager; Co-ordination officer; Inspectors
Devon	Devon	Y	Street Works Register functions Co-ordination of all highway activities *Inspection of works** *Enforcement**	Senior Highways Co-ordination Officer; Co-ordination officers **Prosecution Officer; Inspectors (working within a separate part of the Unit)*
	Regional HAUC, Joint Chair's Authority	Y	Street Works Register functions Co-ordination of all 'highway works' Inspection of works initiation of charges	Streetworks Manager: Compliance Officer; Co-ordination officers; Inspectors
London	Transport for London	Y	Street Works Register functions Co-ordination of all 'highway works' Inspection of works initiation of charges Reviewing previous activities Identification of future works	Works co-ordination and permitting team Inspection and enforcement team Works compliance team Operational analysis team Forward planning team

These findings demonstrate that local authorities are still structured along "traditional" bureaucratic lines, with officers having defined roles and responsibilities within 'street works teams' and reporting to managers. The functions of the 'street works teams' are fairly consistent, dealing with the statutory requirement to maintain the authority's Street Works Register, co-ordinate works, and undertake inspections to monitor compliance by works promoters with regulations.

11.1.3 Discussion on Utility Company Roles and Responsibilities

The interviews with the utility company representatives highlighted that there was a greater degree of commonality of approach than was evident with street authorities. Details are set out in Table 11.2 below:

Table 11.2 Utility Roles & Responsibilities

Area	Utility	Interviewee's Role	Streetworks Responsibilities
Yorkshire	Water	Contracts Manager; Regional HAUC joint chair	Writing legislative requirements onto contracts; Leading the Streetworks team; Performance monitoring/reporting; Stakeholder engagement; Driving innovation
	Electricity	Street Works Manager	Responsible for Compliance Team; Legislative awareness; Performance monitoring/reporting
	Gas	NRSWA Delivery Manager	Dealing with all noticing and compliance issues; Performance monitoring/reporting
	Telecommunications	NRSWA Compliance Manager	Ensuring that the organisation is compliant with legislation (covering the North of England)
Devon	Electricity	Major Projects Manager; Regional HAUC joint chair	Managing the Streetworks team; Ensuring compliance with legislation across the business; Performance monitoring/reporting

A feature of the utility interviews was that the interviewees tended to have a strategic role within their organisation, with the ‘street works’ responsibilities forming part of their overall portfolio of duties.

A key element of the interviewees’ role with regard to ‘street works’ was the need to ensure compliance with the various regulations and codes of practice set out under legislation, and a significant part of this element involved the interviewees in ensuring that the software and hardware required to operate the electronic noticing system were in place and were compliant, and that there were procedures in place for users to operate the systems correctly.

As well as ensuring compliance from a ‘top-down’ perspective, interviewees were also dealing ‘bottom-up’ with non-compliances identified by individual local authorities where there was a potential for a financial cost or prosecution against the utility. These non-compliance issues were either with regard to works overrunning the agreed duration, known as “Section 74” overruns, or fixed penalty notices (FPNs) in the event of non-compliance with the noticing requirements set out in NRASWA.

The bureaucracy surround the operation of ‘highway works’ legislation was also common to the interviewees regarding (a) the need to keep abreast of developments and changes to regulations, the potential impact of new legislation; and (b) that there was no consistent approach by authorities in applying or interpreting the legislation, and so there was a requirement for utility companies to have different procedures in place for dealing with the authorities in their area of operation.

11.2 Policies and Influence

11.2.1 Discussion of Elected Member view of policies and influence

The interview with the councillor reinforced findings in the literature that the changes to the structure of councils, including moving away from the old

committee system to cabinet and leader models, have had implications for the level of knowledge of members and on the nature of relationships between councillors and officers. The findings also identified that, in the case of London, a directly-elected mayor can have a significant interest in a council function and provide a higher degree of political direction.

The councillor's view of 'highway works' was as an overview – an awareness that utility 'street works' had to be carried out in order to provide the utility services that people needed, and was informed about the plans for the authority's own 'roadworks' – and that elected members wanted to be kept informed about any works that might cause delay in their wards.

There was, however, no identified linkage between what works were being carried out and the council's wider objectives, and there appeared to be no evidence of widespread interest from the public to councillors about 'highway works' in general, other than specific works that might cause delay or disruption. This can be contrasted with the situation in London, discussed below, where the current Mayor has 'highway works' as one of his three top priorities and the consequences of this for the way in which street authorities and utilities operate.

11.2.2 Discussion about Street Authority Policies and Procedures

The policies adopted by the street authorities interviewed in relation to utility 'street works' and authorities' 'roadworks', and the targets and performance measures adopted, are set out in Table 11.3 below:

Table 11.3 Street Authority Policies & Performance Measures				
Area	**Authority**	**Street Works Policy**	**Policy on Authority's own Roadworks**	**Targets/Performance Measures**
Yorkshire	Kirklees	(i) Ensuring compliance with legislation; (ii) Maintain the highway asset	Written "Highway Maintenance Plan"; roads identified for treatment based on surveys and member input	(i) Random sample inspection results for 'street works'; (ii) National performance indicators for 'roadworks'
	Regional HAUC, Joint Chair's Authority	(i) Ensure that all works are co-ordinated; (ii) Works are well-managed on site, including the provision of information	Links to the council's policies for attracting new businesses and developments into the borough	(i) Random sample inspection results for 'street works'; (ii) For both 'street works' and 'roadworks', keep job durations and delay to a minimum
	North Yorkshire	The legislation is the policy, i.e. NRASWA and TMA	Statutory and non-statutory requirements	(i) Random sample inspection results for 'street works'; (ii) Parity measures for 'roadworks'; (iii) 'Roadworks' performance affects contract payments
Devon	Devon	Operational and procedural guidance available to staff	Parity of treatment with 'street works'	(i) Random sample inspection results for 'street works'; (ii) Results supplemented by a programme of coring reinstatements
	Regional HAUC, Joint Chair's Authority	(i) Legislative requirements; (ii) Supplemented by operating agreements with utility companies	Compliance with legislation, and this is written into contracts	(i) Random sample inspection results for 'street works'; (ii) Reinstatement coring results; (iii) Key performance indicators for 'roadworks'
London	Transport for London	(i) London Permit Scheme; (ii) Code of Conduct; (iii) Road works Pledge	(i) London Permit Scheme; (ii) Code of Conduct; (iii) Road works Pledge	(i) Random sample inspection results for 'street works'; (ii) Congestion measures; (iii) Road works 'cap'

11.2.2.1 Policies

With regard to ‘street works’, the findings show a general consensus amongst authorities that organisational policy is the application of the national legislation, and specifically ensuring that the utility companies comply. This is supported by the use of the random sample inspection results in order to monitor and report on levels of compliance.

The interviews, particularly with NYCC, highlighted the distinction made by authorities between ‘policies’ and ‘procedures’, with ‘policies’ being approved by a council and ‘procedures’ being officer-led ways for dealing with the day-to-day working. This links to the earlier discussion in the literature review about local government being “policy maintainers” rather than “policy makers” where individual local authorities adopt the national legislation as their policy, and this policy is then implemented at a local level by the officers involved. This is further supported by the findings that describe the ways by which authorities have local discussions with the utility companies about how works might impact on the highway network, taking into account factors such as the geography of the authority’s area and the type of traffic using the highway network, and also how these factors might have an impact on the ways in which the utility company’s works are undertaken.

The situation in London appears to demonstrate, with the development of their “code of practice” and introduction of a ‘cap’ on the number of works at any one time, a move beyond adoption and implementation of national legislation. Many of the elements in London are common with the other organisations interviewed, such as the operation of a street works register and use of random sample inspection information to monitor performance, but the findings indicate that the differences are a result of the political direction from the London Mayor.

With regard to policies for authorities’ own ‘roadworks’, the findings indicate an overlap between an authority’s dual functions of *street authority*, i.e. being responsible for co-ordinating all ‘highway works’, and *highway authority*, i.e. as

a promoter of works for road purposes. On the *highway authority* side there are likely to be either written policies identifying the criteria for assessing roads and identifying which roads will get what type of treatment, ranging from patching to full reconstruction, or links that set out how the council's policies for maintaining their highways connect with wider council policies. In addition, *highway authority* policies are also driven by national performance indicators as to road condition. *On* the *street authority* side, there was a general expectation of 'parity of treatment' in that the authority's own works promoting departments were expected to comply with legislation in the same way as the utility companies. The findings also indicated that this 'parity' requirement was also being formalised by writing it into contracts being agreed with contractors working on behalf of authorities.

London was an "early adopter" of the option to operate a permit scheme, and the findings show that demonstrating to the utility companies that an authority's own works were to be treated in the same way, with the same expectations surrounding giving notice of works and performance, was a key element in building up trust and getting agreement to sign-up to the "code of practice" and 'cap'. This 'relationship-building' approach was also evident in NYCC.

11.2.2.2 Policy Influence

The interviewees were asked about (a) the level of political involvement in their regarding 'highway works' and (b) the extent to which they were able to influence their organisation's policies relating to 'highway works'. The main points are set out in Table 11.4 below:

Table 11.4Street Authorities - Policy Influence			
Area	**Authority**	**Level of Political Involvement**	**individual Ability to Influence Policy**
Yorkshire	Kirklees	(i) *Highway authority* - members set budgets which affects the volume of work; (ii) *Street authority* – 'ad hoc' reports and specific information requests/provision	Can suggest and implement changes to procedures for dealing with 'highway works'
	Regional HAUC, Joint Chair's Authority	(i) *Highway authority* - ward panels identify priorities, including highway works; (ii) *Street authority* - quarterly utility performance reports	As regional HAUC joint chair, awareness of developments in legislation.
	North Yorkshire	(i) *Street authority* - members want to be kept informed about works/road closures that might affect their ward	Procedures were developed by officers interviewed.
Devon	Devon	(i) *Street authority* - *members want to be kept informed about works/road closures that might affect their ward*	Council's approach to 'street works' is based on experience of long-serving officers; all officers can input into the development of procedures.
	Regional HAUC, Joint Chair's Authority	(i) *Highway authority* - members are briefed about major works; (ii) *Street authority* - reports to members on quarterly performance and reinstatement coring; also responding to specific enquiries.	Officer develops procedures for most aspects relating to 'highway works'.
London	Transport for London	Involvement of the London Mayor and the deputy mayor for transport.	Both officers interviewed described their influence.

With regard to political involvement, the findings in both the Yorkshire and Devon areas indicated that members tended to have more of an interest from the *highway authority* perspective in identifying, funding and choosing schemes to be undertaken by the authority. From the *street authority* perspective, members might receive quarterly reports about 'street works', they were more likely to be interested in knowing about specific works that might have an impact in their ward, for example if the works were likely to cause delay or disruption, so that they were aware of the works before they started and could deal with enquiries from their constituents. These findings supported the interview finding with the Kirklees councillor, who discussed his role in making choices about which council 'roadworks' scheme to approve (or not), how to explain these choices to the public, and how the public tended to have an interest in 'highway works' when they were directly affected by them.

Again, a clear distinction can be made between the general experiences in the Yorkshire and Devon areas and London. The finding highlighted the higher political interest in 'highway works' in London, with 'highway works' being one of the London Mayor's top three priorities. The findings also identified a difference in the level at which discussions about 'street works' are carried out, where in London these involve the London Mayor, senior managers within the authorities, and the directors of the utility companies. This level of discussion was not evident in the Yorkshire and Devon areas. These findings support findings from interviews in the Yorkshire and Devon areas that London is, in some ways, a special case regarding 'highway works'. The local politicians in London have a mandate and powers to drive a more proactive approach, meaning that resources are made available to a greater extent in order to co-ordinate and analyse 'highway works', and so drive developments in regulations.

Looking at the extent to which the officers interviewed felt that they could influence their organisation's policies and procedures relating to 'highway works', the finding indicated more of a consensus in the Yorkshire and Devon

areas that the officers involved felt that they were able to influence the procedures by which ‘highway works’ were dealt with. However, this is probably best viewed through the discussion about “policy maintenance” versus “policy making”; where the authorities in Yorkshire and Devon are “maintaining policy” by looking at how to implement national legislation in the context of their own authority area, taking into account the geography of the area and the nature of the highway network. Whereas in London, officers are looking to both “make” and “maintain” policy, so they are taking national legislation and adding to it for London, based upon political direction from the London Mayor.

11.2.3 Discussion about Utility Company Policies and Procedures

The utility interviewees were asked about their company’s policy drivers, and performance measures, with regard to ‘street works’ and these are summarised in Table 11.5 below:

Table 11.5 Utility Policies and Performance Measures				
Area	**Utility**	**Policy Stance**	**Policy Drivers**	**Targets/Performance Measures**
Yorkshire	Water	Compliance with legislation; company aim "to be the best".	Regulator (Ofwat) requirements, including financial penalties; Drinking Water Inspectorate; Environment Agency; Health & Safety Executive	(i) Highway authority random sample inspection results; (ii) Balanced scorecards; (iii) Contractual arrangements
	Electricity	Compliance with legislation; looking to make "self-regulation" work.	Regulator (Ofgem) requirements, including financial penalties; Street Care Charter	(i) Highway authority random sample inspection results; (ii) Internal inspection results; (iii) Reputational impacts; (iv) Contractual arrangements
	Gas	Compliance with legislation; company aim to be a top utility, achieve good performance and reduce costs	Regulator (Ofgem) requirements, highway authority requirements	Management information and KPI, including feedback from highway authorities
	Telecommunications	Maximise compliance and minimise expenditure	Regulator (Oftel) requirements; finance; "scoreboard"	(i) "Scoreboard"; (ii) Contractual arrangements
Devon	Electricity	Compliance with legislation; company aim to be a world-leading company proving the best customer service at the best price	Regulator (Ofwat) requirements	Management information and KPI

11.2.3.1 Policy Stance

The findings demonstrate a commonality amongst all the utilities interviewed that their policies relating to ‘street works’ were based on a requirement to ensure that their companies are compliant with legislation.

‘Compliance’ for utility companies was identified by interviewees from two perspectives: (1) the need to comply generally with ‘street works’ regulations with regard to having systems in place for giving notice to street authorities about their works, so that the authorities could discharge their duty to co-

ordinate the works, and ensuring that the works comply with requirements relating to signing, lighting and guarding whilst the works are on-going, and comply with specifications regarding materials to be used, and standards of workmanship to be observed, in reinstating the trenches that had been excavated; and (2) dealing with specific works where authorities identify a non-compliance that may result in a financial penalty, i.e. in the case of works that overrun the agreed duration (known as “Section 74” overruns, and named for the specific section of NRASWA) or fixed penalty notices (FPNs) where an authority has identified a non-compliance regard to notices served, or even prosecution. With regard to this second area, utility companies need to validate and pay the charge, if appropriate, and, where required, recover the charge from their contractor, and deal with the consequences that might arise from a prosecution.

Both of these ‘compliance’ areas were further explored by interviewees. They highlighted that the NRASWA/TMA requirements are incredibly “bureaucratic” in that they are complex, detailed and extensive (in addition to the NRASWA itself, there are statutory instruments relating to charges by authorities for inspections, overrun charges, and fixed penalty notices, a code of practice for signing, lighting and guarding and a code of practice on the specification to be used in reinstating excavations, a detailed technical specification covering IT system requirements for the electronic exchange of notices between utilities and authorities, and a separate code of practice setting out how noticing is to be carried out. In addition, where a permit scheme is in operation, there is a separate permit scheme document, set out in a statutory instrument, detailing the operation of the scheme.

A further finding from the interviews was the view that there was a lack of consistency in how individual authorities interpreted the legislation and associated regulations, meaning that utility companies operating across authority boundaries need to understand the particular requirements of an authority, and then have procedures in place for dealing with that aspect of

‘street works’ regulation in that authority, which might require them to have several procedures covering the same function.

The findings also indicated that, being private-sector businesses, the utility companies have organisational goals (“being the best”) and reputational issues that need taking into account.

11.2.3.2 Policy Drivers

The interviews identified the significance for the individual utilities of the involvement of their respective regulator, who (i) sets their pricing strategies for customers; (ii) sets performance standards; (iii) agrees the extent of investment in replacement and new assets; and (iv) can impose penalties, including financial penalties.

In addition to the utility-sector specific regulator, the findings also identified that there are a number of other regulatory bodies whose oversight has implications for ‘street works’ policy, for example, the Drinking Water Inspectorate sets quality standards that affect water utilities’ response times and mains replacement strategy, and Health & Safety Executive (HSE) requirements have implications for safety at all ‘highway works’ sites and, in addition, can directly affect the mains replacement strategy of the gas utility where there is a need to replace cast-iron mains near properties. The involvement and oversight of these other bodies, together with the “bureaucratic” perception of ‘street works’ regulations, illustrates that, for utility companies, the ‘street works’ function is both a discrete function that is separate to the company’s main business, i.e. providing a utility service, it has to be integrated within the company’s operations in order for it to be able to carry out that main function.

Regarding performance measurement, all of the utilities identified the use of performance information reporting and that these incorporated the information provided to them by quarterly by authorities reporting their performance in the random sample inspections undertaken on signing, lighting and guarding

(known as “Category A” inspections) and on reinstatements (known as “Category B” and “Category C” inspections), these inspections usually being supplemented by the companies own internal inspections in the same categories. This performance reporting is then used at different levels, and for different levels of management, within the companies. There was also evidence from the findings that performance information was being used within utility companies as part of their staff appraisal/reward processes.

The findings also identified the significance of the relationship between utility companies and the people, often external contractors, who carry out works on their behalf. The potential consequences to utility companies of non-compliance were discussed above, and the findings from the interviews showed that the utilities needed to integrate contractor performance with their own requirements and expectations, and this was usually done by specifying the requirements (and potential penalties) in contracts. This further reinforces the findings about utility companies’ reputational concerns, where compliance is seen as a way of avoiding any negative consequences, for example adverse publicity or prosecutions that might arise from badly-managed works, particularly from the point of view of the ultimate owners of the companies.

11.2.3.3 Policy Influence

In the interviews, the utility company representatives were asked about the extent to which they felt that they could influence their organisation’s policies relating to ‘street works’, and about the extent to which company directors were “interested” in ‘street works’ issues in order to compare with the level of political “interest” in local authorities. The details are summarised in Table 11.6 below:

Table 11.6 Utility Policy Involvement			
Area	**Utility**	**Director Involvement**	**individual Ability to Influence Policy**
Yorkshire	Water	Yes	Very influential, including within the company, within the region HAUC, and nationally.
	Electricity	Yes	Yes, supported by the director and CEO as required; also attends national forums
	Gas	Yes	Quite a lot
	Telecommunications	Yes	Depends on the situation and circumstances
Devon	Electricity	Yes	Yes, including within the company and within the region HAUC. 'Street works' compliance was the focus of their role

While the findings reveal a degree of commonality, with all of the interviewees indicating that they are able to influence their organisation's policies, there appears to be a difference as to the extent to which they could exercise that influence. This is due to the level of the people interviewed, ranging from senior managers to team leaders, and the extent of their remit with regard to 'street works', with some of the interviewees having additional responsibilities at regional or national forums. This is an interesting point in itself, as all of the interviewees were identified on the basis that they represented their organisation at their regional HAUC, and this will be explored further below when looking at the findings on inter-organisational relationships.

The findings indicated that there were directors within the companies that took either a general or specific interest in 'street works', including receiving performance information reports and being briefed on developments in legislation and how they might affect the business. The directors were likely to become more interested with regard to issues affecting costs, including overrun charges and fixed penalty notices, which arise as a consequence of poor performance and so are not allowed by the regulator to be passed onto customers, and permit schemes where the utility companies will have to pay permit fees; and "reputational" issues, where performance or non-compliance might result in adverse publicity or prosecution.

11.3 Inter-organisational Relationships

11.3.1 Discussion of Inter-organisational Relationships

11.3.1.1 Street Authority Relationships

The street authority representatives were asked about the relationships with the works-promoting department, and implications for the authority's service delivery, and relationship with utility companies. It should be noted that this is an area of difference in questioning between the Yorkshire and Devon area representatives and the interviews in London. The reason for this is that the interviewees in Yorkshire and Devon were selected on the basis that they attended the regional HAUCs on behalf of their organisations, and this would enable comparisons to be made. The interviewees from London did not attend their regional HAUC and so the questions in these interviews were intended to mainly explore the strategic implications of 'highway works' arrangements in London. Table 11.7 below summarises the responses:

Table 11.7 Street Authority Relationships				
Area	**Authority**	**Relationship with own works promoting teams**	**Implications for council service delivery**	**Relationship with utilities**
Yorkshire	Kirklees	Changed since the introduction of TMA requirements; issues in being able to co-ordinate works	Balancing duty to co-ordinate works with need to keep work flows/scheme delivery	Feedback from utilities is good; authority seen as being reasonable
	Regional HAUC, Joint Chair's Authority	Needs partnership and team-work	Making sure service delivery plan is met	Needs to be positive in order to be effective
	North Yorkshire	Confrontational in order to compare and drive performance	Using the same performance measures for own works as for 'street works'	Seen as being fair; acceptance that 'street works' have to be carried out
Devon	Devon	"Massive culture change" over the years; parity of treatment with both own works promoters and utility companies; no issues of concern	Non-compliance results in "virtual fines"	Fairly good with utility companies, now looking to develop with utility contractors
	Regional HAUC, Joint Chair's Authority	TMA requirements driven parity regarding noticing; perception that parity was costing money	Financial implications for authority's term contractor for non-compliance	Need to be able to discuss issues; needs to be effective
London	Transport for London	TMA requirements, London Permit Scheme, code of conduct have all driven greater compliance	Under the road works 'cap', the only works affected have been authorities' works by re-scheduling	Effective communication from director-level down; significant trust-building

The findings indicated a general agreement amongst street authorities that the requirement in the Traffic Management Act (TMA) that highway authorities should register their own works in the same way as utilities did, i.e. by giving a notice to the relevant street authority, had an impact on the way in which authorities carried out their work. Prior to this, highway authorities had tended to plan works based on their direct labour or contractor requirement or scheme delivery deadlines.

Looking at relationships between street authorities and utility companies, the basis of the relationship is driven by legislative requirements, where the utility companies have a statutory duty to install their apparatus in the highway, and to be able to excavate in the highway to maintain that apparatus, with street authorities then having a duty to co-ordinate those works. At the moment, the utility companies exercise their rights to work in the highway by giving notice and street authorities use that notice to then co-ordinate. This is the situation currently in effect in the Yorkshire and Devon areas. In London, however, authorities have introduced a permit scheme whereby all works promoters, including highway authorities and utility companies, have to apply to the street authority for a permit to work, and this permit can be granted by the street authority with conditions attached.

The findings from London, where a number of “legislative plus” initiatives have been agreed, including the “code of practice” and ‘cap’, suggested a shift in the presumption that ‘street works’ are initiated based on utility company and their contractors’ identified requirements. London authorities have challenged this by asking the question that “the work might have to be done but does it have to be done now?” This challenging approach seeks to address wider concerns expressed by the Government about the disruptive effect of ‘highway works. The London authorities appear able to do this through a combination of additional powers under their permit scheme, which helps to fund additional staff to deal with the co-ordination elements, “legislative plus” initiatives, driven

by central and London governments and signed-up to by utility companies, and the strategic nature of the London road network and the unique pressures on it.

The findings indicate the benefits to street authorities where there is a positive relationship with utility companies, and that key aspects of securing a positive relationship include: effective communication, trust, and a demonstration of parity of treatment by the street authority in dealing with the authority's own works and those of the utility companies. This was clearly identified in the London interviews, where these key aspects were present in the high-level discussions involving the London Mayor and utility company directors. There was no indication from the interviews in Yorkshire and Devon that discussions were held at such a high level but that such discussion did take place at senior manager level.

In addition, the findings highlighted the importance of engagement with utility contractors in order to develop positive relationships.

11.3.1.2 Regional HAUC Relationships

The street authorities' representatives in the Yorkshire and Devon areas were asked about relationships generally between authorities and utility companies at their respective regional HAUCs. As mentioned above, the interviewees in London were not HAUC representatives. There were three regional HAUCs included: in the Yorkshire area there are YHAUC and NEHAUC, and SWHAUC in the Devon area.

In discussing the role of the regional HAUCs, the interviewees identified a number of common elements, including: members being open and honest, members being knowledgeable about the legislation, and providing a forum for discussing interpretations of the legislation and regulations. The findings also identified that different region HAUCs prioritise different aspects of 'highway works, and that this may be related to the type of authority area, i.e. the extent

to which they are urbanised or rural, and the consequential implications for the demands on the road networks.

Because street authorities are only one half of a regional HAUC, the findings will be discussed more fully below when the findings for utility companies are discussed.

11.3.2 Discussion about Inter-organisational Relationships

11.3.2.1 Utility Relationships

The findings relating to utility company relationships in the Yorkshire and Devon areas with street authorities, and the drivers for them, are set out in Table 11.8 below:

Table 11.8 Utility Relationships with Street Authorities				
Area	**Utility**	**Relationship drivers**	**Implications of relationship on utility service delivery**	**Drivers for "going beyond" the legal minimum**
Yorkshire	Water	Utility aim: to be reasonable, friendly to deal with, and influential. Positive and proactive relationships with authorities.	Business driven by meeting customer needs. Good communication with authorities is essential.	Where economically beneficial to do so - cost is an influence.
	Electricity	Developing a customer service plan for each authority. Generally good relationships but problems communicating with some authorities.	No massive impact - there are still statutory obligations that allow works to be done.	Providing better customer service and reducing (all) customer complaints.
	Gas	Different relationships with different authorities - due to differing authority priorities. Poor performance can strain relationships.	Positive relationships allow company to provide better customer service; poor relationships take up resources in addressing them.	Better customer service; meeting targets.
	Telecommunications	Use of highway authority perception survey; authority-specific issues can then be identified.	Positive relationship makes service delivery easier; negative relationship can result in greater scrutiny by authorities and increased charges for non-compliance.	Meeting service delivery targets.
Devon	Electricity	Varies between authorities - some are keen to be co-operative, some to be directive.	No job-specific issues but need to avoid getting to confrontational situation.	Collaborative approach to identifying "best practice" has helped improve performance.

The findings with regard to utility company relationships with street authorities suggest that: (1) utility companies generally seek to have a positive relationship with street authorities; and (2) that utility companies are looking to understand the particular priorities and approach to co-ordination of the street authorities with which they deal.

Positive relationships tend to be expressed by utility companies in terms of effective communication, both generally with regard to maintaining relationships, and also with regard to specific jobs where site meetings might be required in order to discuss traffic management at the site of proposed works, or where a temporary road closure might be necessary. The reasons that utility companies want a positive relationship are that it brings benefits to the company in enabling them to meet their customer service timescales which might differ from the noticing timescales in NRASWA.

The findings also highlight a potential area of tension between utility companies and street authorities, in that, whatever the nature of the relationship, the works can still go ahead under the utility companies' statutory powers to install and maintain apparatus in the highway. The NRASWA/TMA legislation deals only with the co-ordination and regulation of how the works are carried out.

Although no utility company representatives were interviewed in London, the findings from the authority interviews identified the "legislation plus" initiatives that had been put in place, and described how all works promoters had got to a position where they were able to sign-up to these. The interviews in Yorkshire and Devon areas explored the factors that might result in a utility going beyond the current, basic legislative requirements, and the findings identified that improved customer service as a main factor, with customer service being looked at both from the point-of-view of the utilities' customer and the highway authorities' customers, i.e. the road users. These findings link to those discussed previously about the "reputational" concern that utilities have about the implications of poor performance or negative publicity.

11.3.3 Discussion about Regional HAUC relationships

The inter-organisational relationships between street authorities and utility companies were discussed above in the context of the direct relationships between the two organisations. There is a further level at which relationships between the organisations can be examined, and this is the regional HAUC forum. The individuals interviewed in the Yorkshire and Devon areas were the people from the respective organisations that attended the regional HAUC on behalf of their organisation. The findings from the interviews are summarised in Table 11.9 below:

Table 11.9 Regional HAUCs

Area	Authority/Utility	Positive Factors	Negative Factors	Shared Objectives
Yorkshire	Kirklees	(i) High level of knowledge and experience amongst members; (ii) Working groups as a knowledge-bank and common procedures.	(i) Large number of attendees; (ii) Different authority priorities.	(i) To improve levels of compliance and performance; (ii) Sharing and promoting good practice.
	Regional HAUC, Joint Chair's Authority	(i) Agreements for common procedures should help all authorities and works promoters;	(i) Resistance by some organisations against agreements;	(i) To minimise disruption from works.
	North Yorkshire	Different mind-sets by authorities in the two regional HAUCs attended, so utilities need different mind-sets. More emphasis in YHAUC on legislation than in NEHAUC - differences relate to the nature of the network. Authorities in urban areas tend to resource their street works teams more heavily than rural areas because there are different levels of requirements.		
	Water	(i) Sense of purpose; (ii) Business plan with initiatives; (iii) Resolving common issues; (iv) Use of working groups to look at specific subjects.	(i) Reluctance for some members to participate (depends on the topic); (ii) Large group.	(i) Provides a positive forum for authorities and utilities to work together; (ii) Compliance with legislation; (iii) Identifying and sharing good practice; (iv) Developing common procedures; (v) Reducing disruption and delay at works.
	Electricity	(i) Opportunities for discussion; (ii) Working groups looking at problems and sharing information; (iii) Understanding each other's needs.	(i) Authorities not willing to discuss issues in the forum but highlight problems outside; (ii) Authorities not engaging in discussions with utilities.	(i) Participation in working groups shows that authorities and utilities have shared objectives; (ii) Utility understanding of authorities' view of legislation drives utility performance.
	Gas	(i) Helps to keep good communication; (ii) Allows joined-up approach.		(i) To ensure compliance with legislation; (ii) To minimise disruption from works.
	Telecommunications	(i) Open discussions; (ii) Pragmatic: (iii) Accepting that differences of opinion do occur.		
Devon	Devon	(i) Depends on the people attending; (ii) Newer people starting to attend.	(ii) Some organisations want their representatives to have a big involvement, some don't.	(i) Improving performance, including reinstatements; (ii) Coring performance is a standard agenda item.
	Regional HAUC, Joint Chair's Authority	(i) Open and honest discussions; (ii) Good practice group;	(i) Issued raised not always appropriate for the forum; (ii) Tendency to look back at past problems rather than being forward-looking; (iii) Finance as the only way to drive improvements.	(i) Need to resolve issues; (ii) Need to look for areas of improvement.
	Electricity	(i) Shared purpose; (ii) Moving towards a more co-operative approach based on shared good practice.	(i) Focus had been on the financial side - fines and charges - rather than on the works.	(i) Everyone is trying to achieve the same outcomes; (ii) Getting the reinstatements done properly.

11.3.3.1 Regional HAUC Relationships, Yorkshire area

The interviews in the Yorkshire area were carried out mainly with people attending the Yorkshire HAUC (YHAUC), although NYCC are also members of the North of England HAUC (NEHAUC). The findings showed that both authorities and utilities saw the positive factors of YHAUC in terms of it providing a forum for discussing interpretations about the legislation and coming to common agreements and procedures, where possible, in order to make dealing with the legislation more effective and efficient for both authorities and utility companies. Negative factors included the difficulty of getting engagement from all members, partly down to the size of the group and partly due to the differing priorities and interests of the individual members and their organisations.

There was considerable agreement regarding shared outcomes, highlighted by the participation of authority and utility members in joint working groups looking at developing common approaches, with a general recognition that there was a need to reduce delay and disruption arising from ‘highway works’.

The findings from the NYCC interview, where the authority is a member of two regional HAUCs, highlighted two issues: (1) the significance of the characteristics of the road network and demands on it with regard to an authority’s likely approach to ‘highway works’; and (2) that this approach could then have an effect on the focus of attention, with the focus of attention in YHAUC being identified as on the legislation. This is reinforced by the findings from individual interviews where legislative compliance was considered to be a key factor.

11.3.3.2 Regional HAUC Relationships, Devon area

The findings indicate recent changes in this regional HAUC, moving away from a model where the focus was on past problems and difficulties, and where compliance was driven through the use of financial penalties and charges, to a situation where good practice is shared between members. It appears that the

main focus is on the end product of the ‘highway works’ process, i.e. the completed reinstatement and the extent to which compliance and performance can be demonstrated through a systematic programme of taking core samples.

11.4 Attitudes to Prosecution

The approach taken by Devon County Council to ‘street works’ involved a considerable number of prosecutions of utility companies for offences under NRASWA. This was in contrast to the situation in Kirklees where there had been no recent prosecutions. The findings from the interviews carried out are summarised in Table 11.10 below:

Table 11.10 Views on Prosecutions

Area	Authority/Utility	Views on Prosecution
Yorkshire	Kirklees	The option to prosecute remains but is seen as a last report. It has been used previously where works had resulted in a danger to the public.
	North Yorkshire	Court action seen as being a failure by council officers in delivering the ‘street works’ service - there are other means available in getting improvements in utility and contractor performance.
	Water	Because of TMA, authorities are now "living the experience" of utilities and realising that "this is tough". Situation with most authorities is not now as confrontational as it used to be.
	Electricity	Some authorities choose to go down the prosecution route - so raises issues of consistency. Utility company has to accept responsibility even though the works have been done by contractors.
Devon	Devon	Not doing as many as were being done a few years ago for signing and guarding failures - did lead to improvement.
	Regional HAUC, Joint Chair’s Authority	Prosecutions have driven improvement, not with reinstatements but with safety
	Electricity	People have to go to court and pay the fines but it doesn't help to improve performance

The findings indicate two main reasons why authorities would prosecute for offences under NRASWA: (1) where utility works or method of working had resulted in a danger to the public, and (2) as a tool for driving performance. In the Devon area, the findings highlight a difference of opinion about the effectiveness of legal action, where the utility view is that prosecution does not help drive performance improvements and the authority view is that prosecutions have done exactly that, although possibly not in the ways intended. Devon County Council acknowledged that they were no longer doing as many prosecutions as they used to, and findings elsewhere have noted that in the Devon area their "Good Practice Working Group" has been effective in focussing attention on performance issues.

Similarly, in the Yorkshire area, performance data for the random sample inspections, looking at performance in signing, lighting and guarding and reinstatement, is collated for all of the member utility companies, and is reported at the YHAUC meetings. YHAUC also has working groups looking at performance issues and good practice in both signing, lighting and guarding and reinstatements.

The findings from London were not included in Table 11.10 but they indicated that their approach to prosecution was that it was used as a last resort or where a utility company works had caused a specific problem.

11.4 Views on the Legislation

Although not part of the original semi-structured questions, at the end of the interviews when asked if there was anything that they would like to add that had not already been discussed, a number of the interviewees offered their views as to the "fitness for purpose" of the current legislation and what might be the next for legislation in terms of 'highway works'. The views are summarised in Table 11.11 below:

Table 11.11 – Legislation			
Area	**Authority/Utility**	**Views on Legislation**	**Possible Next Steps**
Yorkshire	Electricity	(i) Current legislation works; (ii) New legislation is an opportunity for utilities to engage; (iii) Need to look for the benefits and costs.	(i) Communication about works is a big issue - need to explain why works are taking place; (ii) Need to explain that utility companies dig holes for a purpose.
	Gas	(i) How codes of practice are written makes them not easy to follow; (ii) Regulations are open to different interpretations by authorities.	
	Regional HAUC, Joint Chair's Authority		(i) Need to be better at explaining to the public about works and when they will start/finish.
	North Yorkshire	(i) Current arrangements allow authorities to set standards locally; (ii) If there had been full implementation of NRASWA from the outset, TMA would not have been required.	
Devon	Electricity	(i) Legislation is indiscriminate - applies equally to all types of works on all roads; (ii) Authorities also carry out works but the focus is always on utility works.	
	Regional HAUC, Joint Chair's Authority	(i) Legislation open to interpretation; (ii) Lack of clear direction from DfT	(i) The community needs to the legislation working that it already has rather than getting new legislation.
London	Transport for London/GLA	(i) Additions to legislation show the process as evolving; (ii) Recent developments, e.g. "lane rental", shifting the balance of the relationship away from utility presumption.	(i) Current Coalition Government has a "one in, one out" approach to new legislation; (ii) Use of technology to "map" the location of underground assets and to develop less-intrusive methods of working.

The views expressed about the legislation and regulations currently in place identify contrasting perspectives about it being “open to interpretation”. The street authority view on this is that, by being so, it enables authorities to decide which parts of the regulations to focus or concentrate on, and by doing so is able to build this in to its ‘street works’ service provision to make it appropriate and relevant to the circumstances prevailing in their area, i.e. there is no requirement for a “one size fits all”. However, the utility company view is that this “openness to interpretation” means that individual authorities choose to interpret and apply the legislation differently, meaning that they (the utility companies) are not able to have standard processes that can be used across the entirety of their business. This means that they need to develop local processes with variations for each local authority area, with the consequence that they risk not complying with an authority’s requirements and so, potentially, leaving it open to a financial penalty such as an overrun charge or fixed penalty notice.

One of the findings suggested that part of the reason for the ‘highway works’ sector being continually subjected to modified and new regulation was that authorities and utility companies had both failed to engage with and fully-deploy NRASWA when it was introduced initially in 1993.

Looking at views on future legislation relating to ‘highway works’, a number of the interviewees mentioned the need to better communicate with the public about the reason for works, including likely duration of jobs. This aligns with one of the outcomes from the Government’s “Street Works Summit” in 2009, which identified the need to produce good practice for utility and highway authorities on improving communication with road users and communities.

11.5 Discussion of Findings and Existing Literature

This thesis has revised the existing literature on local government in England; the legislation relating to the management of ‘highway works’; and inter-

organisational relationships. The findings from this study will now be discussed with regard to those areas of literature.

11.5.1 Local Government in England

11.5.1.1 Functions

From its earliest days, one of the functions of local government has been to provide a service to maintain roads and bridges. This function is described as being an amenity service (Wilson and Game, 2006) as road are a facility used at some time by most, if not all, people in some way. Within local authorities, provision of this function is carried out, either directly or by contractors on behalf of the council as a *highway authority* and has powers to carry out works on the highway for maintenance purposes. The literature tends to discuss an authority's roads function with regard to its highway authority role. This thesis has identified another function carried out by local authorities in co-ordinating the activities of an authority's own highway authority works along with the 'street works' carried out by utility companies. Within local councils this role is dealt with by the *street authority.*

11.5.1.2 Service Provision

The literature discussed the notion of a "post code lottery", whereby local authorities exercised discretion in the type and extent of services provided, which was at odds with the view that certain uniform standards should be expected in the quality of and provision of local authority services. The findings from interviews with street authority representatives indicated that although legislation relating to 'highway works' is national, there are differences in the ways in which local authorities decide to implement and apply the legislation.

An element common to all street authority service provision is compliance with the legislation and associated regulations. Differences are characterised by the specific focus of a street authority. The interview findings identified that a number of internal and external factors help to direct this focus.

Internal factors include an authority's plans and priorities, particularly where the highway asset has a contribution to make in delivering them. These plans include economic contributions, in the efficient movement of goods and services around an area to help support the local economy and regeneration; residential and business developments, where new roads or links might be required and the additional traffic flows need to be managed; social, where the highway network is a resource to enable people to move around the area; and relating to transport policies to support the use of public transport and use of non-car methods of travel.

The findings indicate that where local political interest in an authority's street authority role was low then officers develop procedures for applying the national legislation. This was the case in the Yorkshire area. Where local political interest is high then officers are directed by politicians to develop and apply the legislation in specific ways.

External factors include the geography of the area which sets constraints on the highway network. This can be characterised along an *urban-rural* continuum, where the more urban and developed an area then the more demand is placed on the highway network in terms of people and goods and services wanting to access the network; the more rural an area then less demand is placed on the highway network. The findings suggest that authorities in urban areas are more likely to take an approach to the management of 'highway works' based on legislative compliance (through performance monitoring) and enforcement (through overrun charges, fixed penalty notices or prosecution); whereas authorities in rural areas are more likely to take an approach based on communication with works promoters.

11.5.1.3 Customer Service

Chapter 2 examined the literature on Government initiatives to identify citizens as being customers who should be able to expect certain standards of service, and who would play a part in services provided by authorities. One of the

means by which this was achieved was through the use of charters, where organisations set down in writing the nature of the non-contractual relationships between them.

The findings from interviews and the documents analysed indicate that performance is measured by both authorities and utility companies, in order to demonstrate that current levels of performance comply with minimum standards and also to identify areas for performance improvements. Performance information is used similarly by authorities and utility companies: authorities share the information individually and regionally with utility companies and also report to the DfT, whereas utility companies use the information to agree levels of performance with individual local highway authorities and also as part of their discussions with their regulator in order to demonstrate efficiency of service delivery, which can have an impact on the prices that they can charge to customers.

There is some evidence that “dashboard” reporting regionally and nationally is mirroring some of the elements of charters, in that arrangements are non-contractual and are intended to provide “customers” with information about effectiveness and efficiency in providing services or functions.

11.5.1.4 Policy Making/Policy Maintenance

The findings demonstrate the distinction in the literature between local authorities as policy ‘*maintainers’* and policy *‘makers’*. In the Yorkshire and Devon area, the street authorities policies relating to ‘highway works’ were effectively the adoption of the national legislation. This is policy *maintenance* In London, the local politicians had identified a need to go beyond the basic national legislation and introduce an additional code of practice and road works ‘cap’. This is an example of policy *making*.

The findings suggest that policy making with regard to ‘highway works’ arises as a consequence of (i) *identified needs*, e.g. in London, the size of the city and

resulting high number of works, the volume of traffic flows and the need to have journey-time reliability, the need to be able to manage the highway network to ensure that national events can take place (for example, the 2012 Olympics), and (ii) *ability* to be able to drive the "legislation plus", where local politicians have responded to the concerns of stakeholders affected by the impact of works and identified tackling the problem as a policy goal, and then making resources available to deliver the new policies.

11.5.1.5 The Role of Officers

Where 'highway works' are dealt with within an authority as policy *maintenance* then the findings indicate that council officers dealing with the management of 'highway works' have scope to influence the way in which the national legislation is applied. The findings showed that in the Yorkshire and Devon areas officers reported considerable scope for developing policies and procedures that enabled their authorities to implement national legislation, ensuring that the portfolio-holder or committee was kept informed, usually via some form of annual report. In London, where there was more 'top-down' political direction and oversight, officers still had scope for making contributions to policy and procedures.

The findings indicated that engagement between officers and elected members tends to be at senior officer/director level and the councillor portfolio holder, other than specific enquiries regarding particular works.

11.5.1.6 Political Structures

With regard to the type of structures adopted by local authorities, the findings from the interviews identified experiences from both councillors and officers that the move to council leaders and cabinets, replacing the previous committee systems, has had implications on the level of knowledge and level of interest of elected members about the management of 'highway works', with ward members no longer having the opportunity to sit on "highway committees". The research findings in this thesis have also demonstrated the shift over time from

authorities having a committee identified specifically to having a committee dealing with the highway to a situation where the 'highways' function is contained within the wider remit of an overview or scrutiny committee. This also supports the findings that an authority's view of its highways function has shifted from one of maintenance to one of viewing its highway network as an asset which can play a part in the authority's wider policies.

11.5.2 Legislation Relating to Highways and 'Highway Works'

The findings in chapters 7 to 10 have recorded the current situation regarding the management of 'highway works' and the development of relevant legislation.

The Government's roads policy reflects that the use of the highway network is increasing year-on-year, and that providing additional capacity, i.e. building new roads, is neither a possibility nor a long-term solution, and so the focus is on improving the management of the network. The Government has further concluded that disruption arising from 'highway works' is at an unacceptable level and associated cost to the national economy. This is against the background of a previous Government's privatisation programme which extended the right to dig in the highway to an increased number of utility companies.

The findings in this thesis indicate that the current regulations are complex and ambiguous, and are open to differing interpretations by street authorities. This interpretation by authorities has already been discussed above in relation to authorities' discretion regarding service provision but, from a utility company perspective, this is identified in the findings as resulting in: potential uncertainties about being able to get their jobs on site in order to meet their service delivery targets, and also has the potential consequence for incurring penalties for non-compliance.

The literature review revealed that utility companies and authorities had originally begun negotiations in the early twentieth century about how to regulate ‘street works’ activities. The findings indicate that such discussions are still a feature of current arrangements, although the preference to avoid further regulation and participating in “self-regulation” is helping to drive behaviours.

11.5.3 Public Policy Implementation

The literature on ‘public policy’ and policy implementation has suggested a number of different perspectives and models for analysis. The findings have shown the way in which the legislation relating to the management of ‘highway work’ can be viewed from two perspectives: (1) ‘top-down’, where the Government has established regulations that apply nationally, and has ‘handed them down’ to local authorities for implementation; and (2) ‘bottom-up’, where implementation depends on the involvement of individuals within organisations.

The interviews in chapters 8, 9 and 10 have shown how individuals within street authorities can influence how the national policy is applied. Similarly, the findings have shown how individuals within utility companies respond to the requirements and interpretations of street authorities whilst still trying to maintain a level of consistency in order to have efficient business processes and for the purposes of compliance.

Taking a “synthesiser’s” view of policy implementation, i.e. looking for gaps between intended and actual outcomes, the findings suggest that a number of internal and external factors were discussed about that help to explain the differences in focus adopted by individual street authorities. The findings from Yorkshire highlighted the relevance of traffic flow volumes in establishing a ‘mind-set’ which authorities might adopt, suggesting that higher volumes of traffic led to authorities needing to be more prescriptive in how the regulations were applied because the consequences of failure would be unacceptable disruption and delay. This was partly supported by the findings from London,

where authorities had put significant resources into the co-ordination and monitoring of works.

11.5.4 Inter-organisational Collaborations

The findings in chapters 7 to 10 have helped to explain: (1) the inter-organisational domain in which managing 'highway works' sits, and (2) the factors that contribute to collaborations between street authorities and utility companies, and these will now be examined in more detail.

11.5.4.1 The Inter-organisational Domain

The organisations within this particular domain are linked by the problems of:

- Utility companies needing to work in the highway in order to maintain their apparatus and provide a utility service;
- Local authorities needing to carry out highway maintenance work – their *highway authority* role;
- Local authorities needing to comply with their duties to co-ordinate works and minimise delay and disruption arising from works – their *street authority* role.

A key feature of the domain is that the utility companies tend to be private-sector organisations with a need to maximise profits, and so the least-cost option would be their preferred option. However, works that are planned so as to minimise delay and disruption are likely to cost more as a consequence of having additional resources on site, to complete the works quicker, or working at night or weekends, to minimise disruption during the day, or having enhanced traffic management arrangements in order to minimise delay for people passing through the works.

Through the recent introduction of TMA Performance Indicators (TPI), the Government has set out a requirement for authorities to provide better information to the public about works and performance by utility companies and their own works.

Thus, utilities companies are, to an extent, dependant on street authorities in obtaining road-space at the time they need it in order to guarantee their service delivery; and street authorities are dependent on utility companies and highway authorities to plan their works, so that they can give notice that will enable the works to be co-ordinated, and execute the works to the minimum time possible. There is also a mutual dependency in order to avoid further regulation within the industry sector, which would likely follow if current levels of public dissatisfaction about how 'highway works' are managed and executed do not improve.

At a *micro* level, the findings have established that there are direct relationships between authorities and utility companies, and a *macro* level of relationships that involve regional HAUCs and national representative bodies.

11.5.4.2 Inter-organisational Collaboration

Huxham (2003) identified a number of features present in collaborations, and these can be used to analyse the findings.

11.5.4.2.1 Power Relationships

At the *micro* level, the findings show that street authorities have powers granted to them through NRASWA and TMA to co-ordinate works and require the co-operation of works promoters in order to do so. These powers are strengthened further where permit schemes are in operation since the works promoters need to obtain a permit to work rather than relying on the own powers to work in the highway, subject to giving the appropriate notice. The findings from London further demonstrate the significance of power relationships where authorities have been able to introduce "legislation plus".

Utility companies do have powers to work in the highway but the finding indicate that they prefer a co-operative approach in their dealings with authorities in order to be able to guarantee the availability of road-space when they need it. Adopting a confrontational approach involves both parties in additional resource expenditure in managing relationships and dealing with compliance issues.

At the *macro* level, the findings indicate that power relationships are more equal because the national representative bodies have a role in advising DfT in developing policy, and authority and utility representative are mindful of the need to work together in order to make the current legislation work. Similarly, at regional HAUCs, representatives are motivated by the need for consistency and performance standards.

11.5.4.2.2 Aims

The findings have highlighted a number of aims. These include the aims of the individual authorities and utility companies, but also the aims of the domain's wider environment which includes stakeholders such as the Government, industry regulators and the public.

At the *micro* level, these aims tend to be addressed through performance meetings between authorities and individual companies, where performance is measured and reported against random sample inspections and other measures such as the average duration of works.

The findings from London show that, at the *macro* level, there can be a convergence of aims between authorities and works promoters.

11.5.4.2.3 Trust

The findings highlighted the importance of trust between authorities and utility companies in developing an effective approach to managing 'highway works'. This was particularly evident in London where, at the *macro* level, developing that trust was a key element in enabling the "legislation plus" code of practice and road works 'cap' to be agreed and implemented. The approach in London was facilitated by relationships between very senior managers, politicians and utility company directors.

This level of exchange was not replicated in the Yorkshire or Devon areas. In discussing the role of the regional HAUCs, the interviewees identified a number

of common elements, including: members being open and honest, members being knowledgeable about the legislation, and providing a forum for discussing interpretations of the legislation and regulations. These attributes support those set out in the literature as being present in inter-organisational collaborations.

11.6 Chapter Summary

The aim of this study was to examine the way in which local authorities in England deal with the implementation of Government policy regarding the management of 'highway works'. This was to be done by looking at internal authority arrangements, stakeholder involvement (particularly utility companies), and would take into account published documents relating to 'highway works'.

The findings discussed above have reported on the situation within three geographical areas across England, looking at how the authorities are structured, how they implement 'highway works' regulations, the level of political oversight and direction, and the nature of the relationship between authorities and utility companies. Interview findings were triangulated by reference to authorities' published plans.

The literature review undertaken in chapters 2 to 5 helped to establish a framework for the research by setting out the development of local government in England up to and including those introduced by the Coalition Government of 2010; the development of 'highway works' legislation; 'public policy' and policy implementation; and inter-organisational collaborations.

The findings above have been discussed against this research framework.

Chapter Twelve – Conclusions

12.1 Contribution to Knowledge

This thesis has made a number of contributions to knowledge regarding public policy implementation, local government services in England, and inter-organisational relationships. The research question for this thesis was to examine the extent to which a partnership approach to managing 'highway works' an advantage in implementing public policy, and this was to be done by:

1. Examining alternative approaches to the implementation of public policy by local authorities;
2. Analysing and considering the use of charters in a way not previously described in the literature;
3. Provide empirical research results for a sector of public management not widely covered in the literature;
4. Address gaps in research on public policy implementation, specifically with regard to implementing central Government policy and inter-organisational relationships; and
5. Relate current practice to current policy formulation, particularly with regard to the development and implementation of schemes for "permitting" 'highway works.

12.1.1 Examination of Alternative Approaches

The findings in chapters 7 to 10 examined the approaches taken by a number of local authorities, covering the Yorkshire, Devon and London areas, in implementing the New Roads and Street Works Act 1991 (NRASWA) and Traffic Management Act 2004. The author has identified from the findings a number of common elements and differences in how authorities apply the legislation, and cross-referenced these against national policy documents and how policy-implementation impacts on the operation of utility companies. The thesis suggests that political interest in 'highway works' is generally low but where it is high it can be useful in establishing "legislation plus" approaches to the management of works.

12.1.2 Analysis and Consideration of the Use of Charters

Regarding the use of charters, the findings were not as conclusive as had been anticipated. The charters mentioned in chapter 1 between Kirklees Metropolitan Council and two utilities were found to be no longer in use. However, the findings have demonstrated that agreed performance measures are present in direct dealings between individual highway authorities and utility companies; that these figures are aggregated at regional HAUC level in order to identify wider performance issues; and that recent Government proposals identified in chapter 3 that require street authorities to provide performance information across a range of measures, for an authority's own works and utility works, in order to demonstrate improvement in performance.

12.1.3 Empirical Research Results

This thesis has provided empirical research findings for a sector of public management, i.e. the management by local authorities of 'highway works'. A search conducted on 20 February 2012 of an electronic journals database, looking for journal articles in scholarly publications containing the phrase "New Roads and Street Works Act" returned 28 results, including duplicates; the phrase "Traffic Management Act" returned 10 results, including duplicates; and for both phrases together returned just two results.

12.1.4 Address Research Gaps in Public Policy Implementation

In chapter 11, the findings synthesised the literature on public policy implementation and inter-organisational relationships through the identification in both sets of literature of the role and contribution of "actors" and "street-level bureaucrats". The findings indicated that organisation's policies relating to 'highway works' were a combination of 'top-down' – with regard to ensuring compliance – and 'bottom-up' – with regard to people developing relationships with their counter-parts in order to tailor national policy to the specific requirements of an authorities' area or, in the case of utility companies, to the requirements of the authorities in whose area the utility operated.

12.1.5 Relate Practice to Current Policy Formulation

Chapter 7 has related current practice across a number of street authorities in preparing permit schemes, identifying similarities and differences, and suggested that there is no “one size fits all” option. This helps to compare the content of the legislation as being consistent nationally but applied and interpreted individually.

12.2 Limitations

The author of this thesis was mindful from the outset of a number of limitations to the study and findings.

12.2.1 Scope

The research for the thesis would need to be carried out on a part-time basis in order to fit-in with the author’s full-time employment commitments. In order to maximise the amount of time that could be devoted to the research, the research area was developed around the author’s job and area of work, i.e. ‘highway works’. The research area was already an area of interest to the author who, having recently completed an MBA, was keen to develop the research skills learned in completing that programme. The author’s skills were supplemented by attending qualitative and quantitative seminars provided by the University of Huddersfield, as well as undertaking an “Interview Skills” taught module in order to further develop and understand the skills and techniques that would be required.

Having established the research area for the study, the author was aware of the need to be realistic about scope of the study. There are some 250 highway authorities in England, and so the research could have been developed to survey as many authorities as possible or to focus on a smaller sample and to examine these in more detail. With the resources in terms of time and money available to the author, a decision was taken to conduct an in-depth study to

compare two authority areas; one being the author's employing authority and the other being Devon County Council.

12.2.2 Access

Prior to beginning the research project, the author met with the head of Highway Service for Kirklees and agreed that the authority could be used as a case study, and that the author could speak to elected members about the research. Arrangements were also made via the regional HAUC (YHAUC) to speak to highway authority and utility representatives about the research.

Enquiries were also made at Devon, via a personal contact by the author's line manager at the time, to an officer at Devon, who was contacted and agreed to facilitate access to the authority. Unfortunately, before the research started the contact officer died. It proved difficult subsequently to identify another contact at Devon. An interview with a highway authority officer was eventually arranged and carried out. However, despite repeated telephone calls and e-mails, it has not to date been possible to arrange an interview with a relevant elected member at Devon. An approach was made to the regional HAUC (SWHAUC), and was included as an agenda item at one of their meetings, to see if utility representatives would agree to be interviewed but all of them, other than the utility-side joint chair, declined.

In order to address the lack of response from the South West region, the research plan was modified to incorporate work that was being done on permit schemes, which had been introduced by legislation since the original proposal for this thesis was approved. This, together with finding emerging from the research that had been carried out, led to interviews being carried out with authorities in London.

In addition, arrangements were made to interview officers in North Yorkshire County Council, which is a large, unitary authority in the same regional HAUC as Kirklees, and deals with the same utility companies, but which has not yet

decided to make an application to operate a permit scheme. This offered a further opportunity to compare policy implementation across authorities.

Research findings were also pointing to highlighting the role and contribution of utility contractors in the ‘street works’ community. In order to explore this, agreements were made with a utility contactor operating in Yorkshire to conduct interviews in their organisations. However, prior to the interviews being arranged, the contractor lost the contract and both the contractor and their client, the utility company, asked for the interviews to not go ahead. The utility company offered initially to re-facilitate an interview with their new contractor but this interview was not arranged before the completion of this thesis.

The extent of the difficulties in accessing people for interview had not been fully anticipated by the author.

12.2.3 Generalisations

With the research being carried out in only a small number of authority areas, in one area of an authority’s responsibility, the research findings cannot be said to be representative of all authorities or areas of responsibility. More research would be required in order to identify commonalities and disparities across authorities in England and the wider United Kingdom.

12.3.4 Future Research

As this study covered only a relatively small number of authorities, future research could be carried out in a wider number of authority areas in order to test these findings against a larger sample.

The findings in this thesis indicated the significance to the process of contractors, particularly those working for utility companies. These contractors are directly responsible for carrying out the ‘street works’ and the findings in this study indicated that they were also contractually liable for some of the financial penalties applied by street authorities in the form of overrun charges and fixed

penalty notice. In addition, it is the contractors who are being driven to reduce works duration in order to minimise delay and disruption from works. The implications of the contractual relationships, and pressures to reduce works durations, are an area for future research.

The findings also indicate that although the legislation applies equally across England, utility companies, authorities, and software developers have different interpretations of the regulations. The situation with regard to ‘highway works’ in Scotland is that there is one software provider which authorities and utility companies use in order to provide an exchange of notifications, and a Commissioner who oversees the performance of utility companies and authorities. The situation in Scotland could be examined as an area of future research.

The legislation relating to the managing of ‘highway works’ is continuing to develop. Following the introduction of regulations allowing permit schemes to be introduced there is a small number or authorities already operating schemes, with a greater number of authorities having applied to, or considering making an application to, the Secretary of State for Transport for approval to operate a scheme. The effect of these schemes is an area for future research.

If starting the research again, the author would be mindful of the time involved in utilising the chosen research strategy of in-depth semi-structured interviews to support the case studies. The interviews were time-consuming in terms of negotiating access and then travelling to and from the interview locations, as well as incurring additional travel and accommodation costs where interviews involved travelling distances. In addition, the interviews were recorded, which then required further time spending on transcribing and analysing the interviews.

The author would also follow-up earlier on the initial contact with Devon County Council, with subsequent events this time making it difficult to get access to be able conduct comparable interviews with those in Yorkshire.

12.3.5 Conclusions

The research question for this thesis was:

> **"To what extent is a partnership approach to managing 'highway works' an advantage in implementing public policy?"**

It is the conclusion of this thesis that a partnership approach is an advantage because:

The complex, and at times ambiguous, nature of the legal framework surrounding the management of 'highway works' means that utility companies need to work with authorities.

The legal framework relating to the management of 'highway works' comprises primary legislation, regulations (in the form of statutory instruments) and both statutory and non-statutory codes of practice. Utility companies need to work in the highway in order to install or maintain their distribution networks, and to enable them to provide supplies to customers. Although utility companies have separate powers that allow them to keep their apparatus in the highway, they are required by 'highway works' legislation to notify the local street authority of their intention to carry out works.

Although the legal framework applies nationally across England, the responsibility for application is between the utility company wanting to carry out the works and the individual local authority for the area in which the works are to be carried out. The interpretation that an authority puts on the legislative requirements can have implications for (a) the notice period that utility companies need to give before starting works, and (b) the way in which the authority monitors the works whilst on-going in order to check compliance against specifications for signing, lighting and guarding and reinstatement.

Utility companies want start-date certainty for their works in order to meet their service delivery targets, which are driven partly by regulatory requirements (for example, providing customer connections within a required timescale or ensuring service quality standards), as well as the commercial need to provide a workload for either their own workforce or their contractors, and this would be easier to achieve where there was a nationally-consistent approach by authorities in interpretation and application of the legislation. In the absence of a nationally-consistent approach, utility companies need to engage with individual authorities on order to ensure certainty of start-date.

The interpretation, and also extent of application, by individual authorities also has potential implications for utility companies through financial penalties for administrative errors in noticing, on-site non-compliance with codes of practice, and overrunning works. As a consequence, where authorities choose to apply charges utility companies need to investigate and deal with the charges, and also adapt their processes to eliminate or reduce future instances. Again, in the absence of a nationally-consistent approach by authorities, utility companies need to engage with individual authorities in order to reduce their exposure to financial penalties.

In addition to financial penalties, individual authorities have the power to prosecute utility companies for offences under the legislation. Utility companies are motivated to minimise their reputational exposure to negative publicity or poor performance.

Authorities need to work with utility companies in order to discharge their legal network management duty.

The legal framework surrounding the management of ‘highway works’ has placed a legal network management duty on local street authorities, meaning that they have to ensure that traffic can move expeditiously around its road network. With regard to utility company ‘street works’, this means that authorities have to ensure that the works, for which the utility companies have a

statutory right to carry out following serving of the required notices, are properly co-ordinated to minimise delay and disruption.

This means that the utility companies are a significant stakeholder an authority being able to be successful in discharging its duty. Conclusion 1 identified concerns about consistency in application of the legislation by authorities. Similarly, from the point of view of authorities, utility companies operate differently due to the nature of the operations required to support their apparatus, thus working practices for a water utility will be different to those for a gas utility. Differences are also associated with the extent of a utility company's coverage, with some organisations (such as telecommunications) having national coverage and some (such as water companies) having regional franchises.

As mentioned in the above Conclusion, 'highway works' regulations are open to interpretation, and this includes the regulations relating to noticing. In addition to the interpretation taken by the individual utility companies and authorities, the exchange of notices relies on computer software and so the software developers and their interpretation also play a part. Authorities need to engage with utility companies in order understand how the utility methods of working and individual works to be carried out will impact on the authority's road network. The electronic exchange of notices for works can only partly support this, with communication between authority officers and utility company representatives providing a vital link in the successful co-ordination of works in order to minimise delay and disruption.

In addition to discharging their network management duty, authorities are increasingly looking to maintain their highway asset in order to allow it be an efficient and effective network in order to integrate it with other council priorities and plans, contributing to the local and regional economy (in terms of the transportation of goods and services) and social (in terms of people being able to access jobs and education.)

A further factor for authorities has been the requirement for their own works promoting departments to notify their works in line with the requirements applied to utility companies. This is relatively new and serves two functions: (i) it demonstrates to utility companies' parity of treatment in driving improvements in co-ordination and reducing works durations, both of which come at a cost to the promoter, and (ii) provides the authority with an insight into the issues faced by the utility companies in complying with legislative requirements.

Utility companies and authorities need to work jointly in order to avoid the need for further legislation in an industry sector, already regarded as being heavily regulated, to address Government concerns about the disruptive effects of all 'highway works'.

As an industry sector, the management of 'highway works' has, in recent years, been subject to central Government scrutiny and additional regulation. The scrutiny has surround the perceived disruption caused to road users by utility 'street works' and authorities' own 'roadworks'. The additional regulation has been in the form of additional powers being granted to authorities to better control the activities of all promoters of 'highway works'. These additional powers include fixed penalty notice charges for noticing errors (designed to improve noticing quality), increased charges for overrun 'street work' (designed to reduce work durations), and the introduction of permit schemes (designed to give authorities the ability to place condition on the timing and carrying out of works.)

The conclusions drawn by the industry sector are that it needs to be better jointly at communicating with the public about why 'highway works' are carried out – either for 'street works' to provide the utility services that everyone expects to be able to access immediately, or for authority 'roadworks' carried out to maintain the highway network – and to explain the need for individual works to be on site for the duration required. The sector has identified that utility companies and authorities are both serving the same customers as either consumers of utility services or users of the road network, and that a joined-up

approach between the two elements of the sector will better enable communication with the public to be improved. This would avoid the need for Government to further regulate the sector, a move which could lead to additional regulation adding additional complexity for both elements of the sector.

In order to drive “self-regulation”, the national representative organisations, including HAUC(UK), JAG(UK) and NJUG, are working more collaboratively to produce advice notes on, and examples of, good practice that can be shared with authorities and utilities. This also helps to support consistency of interpretation.

The findings from this study have shown that ‘reputational’ considerations are a factor in a collaborative approach between authorities and utility companies. Utility companies in particular have identified the need to ensure that their company’s ‘street works’ are carried out efficiently in order to avoid negative publicity being attached to the company and to minimise the potential for authorities to apply additional financial changes, or initiate prosecutions, for non-compliant works.

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Appendix A – Interview Schedule – Utility

Preamble:

- Introduction
- Outline objectives of research area
- Permission to record the interview
- Permission to use the contents in the Thesis

Section 1 – Introduction

- What is your position within the organisation
- What are your main responsibilities with regard to 'street works'

Section 2 – Organisational setting

- What are your organisation's policies and strategies relating to 'street works'
    - How are these policies and strategies developed *(prompt: top-down or bottom-up)*
- Other than the industry regulator, what are the main areas that drive your organisation's policies and strategies relating to 'street works'
- How are your organisation's activities influenced/affected by the industry's regulator
- What are your organisation's targets/performance measures for 'street works'
    - How is performance measured against them
    - What are the consequences for failing to achieve targets
- To what extent do you as an individual feel that you can influence your organisation's polices and strategies

Section 3 – Inter-organisational relationships

Utility – Street Authority relationships

- How would you characterise the nature of the relationship between your organisation and the Street Authority (SA)

    - How does your organisation approach it's duty to comply with the SA *(prompt: strict compliance only or partnership approach)*
- How is your organisation's service delivery influenced (either positively or negatively) by this relationship
    - What benefits does your organisation get from the relationship
    - What are the 'costs'
- Does the relationship with the SA change depending on the level of performance of your organisation
    - *If relevant, what are the effects on the relationship following a prosecution by the SA*

<u>Regional HAUC relationships</u>

- Within the regional HAUC, what would you say are the key factors that influence (either positively or negatively) the relationship between utility and SA representatives
- Do utilities and SA within the regional HAUC have shared or mutually beneficial objectives
    - What are they
    - How are they identified and shared
    - How are they measured
    - To what extent do you as an individual feel that you are able to influence and direct these objectives

<u>Finally</u>

- Is there anything that you'd like to add?
- Thanks for your time
- Will send a copy of the interview transcript for information/comment

Appendix B – Interview Schedule – Street Authority

Preamble:

- Introduction
- Outline objectives of research area
- Permission to record the interview
- Permission to use the contents in the Thesis

Section 1 – Introduction

- What is your position within the organisation
- What are your main responsibilities with regard to 'street works'

Section 2 – Organisational setting

- What are your organisation's policies and strategies relating to 'highway works'
    - How are these policies and strategies developed *(prompt: top-down or bottom-up)*
    - To what extent are policies and strategies relating to 'works for road purposes' different to those for 'street works'
- what are the main areas that drive your organisation's policies and strategies relating to 'highway works'
- How are your organisation's activities influenced/affected by the elected members individually or as the council
- What are your organisation's targets/performance measures for 'highway works'
    - How is performance measured against them
    - What are the consequences for failing to achieve targets
- To what extent do you as an individual feel that you can influence your organisation's polices and strategies

Section 3 – Inter-organisational relationships

Street Authority – Works Promoter relationships

- How would you characterise the nature of the relationship between you as the Street Authority (SA) and units within the Service that promote 'works for road purposes'
    - How does the council approach it's duty to co-ordinate the activities of these units *(prompt: expect strict compliance only or partnership approach)*
- How is the council's service performance influenced (either positively or negatively) by this relationship
    - What benefits does the council get from the relationship
    - What are the 'costs'
- Does the relationship with individual utilities change depending on the level of their performance

<u>Street Authority – Utility relationships</u>

- How would you characterise the nature of the relationship between you as the Street Authority (SA) and the utilities
    - How does the council approach it's duty to co-ordinate the activities of utilities *(prompt: expect strict compliance only or partnership approach)*
- How is the council's service performance influenced (either positively or negatively) by this relationship
    - What benefits does the council get from the relationship
    - What are the 'costs'
- Does the relationship with individual utilities change depending on the level of their performance
    - *If relevant, what are the effects on the relationship following a prosecution by the SA*

<u>Regional HAUC relationships</u>

- Within the regional HAUC, what would you say are the key factors that influence (either positively or negatively) the relationship between SA and utility representatives

- Do SA and utilities within the regional HAUC have shared or mutually beneficial objectives
    - What are they
    - How are they identified and shared
    - How are they measured
    - To what extent do you as an individual feel that you are able to influence and direct these objectives

<u>Finally</u>

- Is there anything that you'd like to add?
- Thanks for your time
- Will send a copy of the interview transcript for information/comment

Appendix C – Interview Schedule – Elected Members

Preamble:

- Introduction
- Outline objectives of research area
- Permission to record the interview
- Permission to use the contents in the Thesis

Section 1

- What are your main responsibilities or areas of interest with regard to 'highway works'
- What are the council's policies and strategies relating to 'highway works'
    - How are these policies and strategies developed *(prompt: top-down or bottom-up)*
- What are the main areas that drive the council's policies and strategies relating to 'highway works'
- To what extent do you as an individual councillor feel that you can influence the council's polices and strategies

Section 2 – Inter-organisational relationships

Elected Member – Street Authority – Utility relationships

- How would you characterise the nature of the relationship between you and the Street Authority (SA)
- How is the council's service performance influenced (either positively or negatively) by this relationship
    - Does the relationship change depending on the level of performance by the SA or utility companies

Finally

- Is there anything that you'd like to add?
- Thanks for your time
- Will send a copy of the interview transcript for information/comment

Appendix D – Schedule of Interviews

No.	Interviewee(s)	Interview Schedule	Interview Date
1	SWHAUC Authority Joint Chair	street authority	03/02/2010
2	SWHAUC Utility Joint Chair	utility company	09/02/2010
3	Councillor (Kirklees)	elected member	26/07/2010
4	Devon County Council	street authority	29/09/2010
5	YHAUC Utility Joint Chair	utility company	01/02/2011
6	Electricity Utility (Kirklees area)	utility company	15/04/2011
7 & 8	North Yorkshire County Council	street authority	27/10/2011
9	Transport for London	street authority	16/11/2011
10	Greater London Authority	street authority	16/11/2011
11	Telecoms Utility (Kirklees area)	utility company	28/11/2011
12	Gas Utility (Kirklees area)	utility company	03/12/2011