

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY

COMMITTEE – 23 NOVEMBER 2011

SUBJECT:	SERVICE LEVEL AGREEMENT BETWEEN WIRRAL BOROUGH COUNCIL AND UNITED UTILITIES GROUP PLC
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF TECHNICAL SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARRY SMITH, STREETSCENE AND TRANSPORT SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise Members of the progress in formalising the working arrangements between the Council and United Utilities for the identification and correction of defective manhole covers and frames in Wirral.
- 1.2 A draft Service Level Agreement is being prepared by the Council based on a generic agreement United Utilities have with other Authorities, but with specific conditions in relation to their apparatus in Wirral and their obligations under the New Road and Street Works Act 1991.
- 1.3 It is anticipated that the Service Level Agreement will be finalised early in the New Year subject to continuing negotiations with United Utilities with the new working arrangements commencing in April 2012.

2.0 RECOMMENDATION/S

- 2.1 Members are requested to note the contents of this report and the proposal to enter into a Service Level Agreement with United Utilities.

3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 The Council is responsible for the maintenance of 1185 kilometres (741 miles) of roads across the Borough. This road length comprises of the classified network of A, B and C roads which amounts to 219 kilometres (137 miles) and the unclassified network of 966 kilometres (604 miles).
- 3.2 Within this network United Utilities Waste Water Division has many thousands of kilometres of foul sewers, surface water sewers and combined sewers with manholes located at regular intervals for access and inspection purposes.
- 3.3 Section 81 of the New Roads and Street Works Act 1991 states that as an undertaker United Utilities has a duty to maintain its apparatus to the reasonable satisfaction of the street authority i.e. Wirral Borough Council. For this purpose maintenance includes the carrying out of works, and renewal where appropriate, to keep the apparatus in efficient working order.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 The existing process the Council uses for notifying United Utilities of defective apparatus is by e-mailing a spreadsheet detailing the deficiencies identified. The information recorded is compiled from defects identified by highway inspection staff, Council Members and the general public.

Between 1st April 2009 and 31st March 2010, 185 defective covers and frames were reported to United Utilities of which approximately 106 were repaired.

During the same period in 2010/11, 179 were reported and approximately 115 were repaired.

The repair figures for both years are estimated and based on highway inspections as there was at that time no facility for United Utilities to report completed work figures to the Council.

- 4.2 In order to improve the Council's reporting procedures, and to enable United Utilities to provide accurate repair figures, the spreadsheet and reporting process have been amended following consultation with United Utilities. Additional information is required on the spreadsheet and United Utilities are required to populate certain fields and return the form to the Council.

This will provide details of repairs and the date the statutory street works notice is applied for which in turn will inform the Council of the actual dates for the scheduled works.

The amended spreadsheet has provision for identifying apparatus by referring to United Utilities unique asset number; the Council now holds a complete listing of asset identification data. This will eliminate the problems of identifying a particular defective apparatus at road junctions where there are many existing manholes. This will reduce abortive visits by United Utilities staff to incorrect locations and subsequent delays in completing repairs.

Prioritisation will also be improved as highway inspection staff will apply the agreed process for categorising the apparatus as dangerous or non-dangerous. This will ensure that dangerous defective apparatus receives an immediate response (i.e. within 2 hours).

5.0 RELEVANT RISKS

- 5.1 The Council has a statutory duty to maintain the highway and this is achieved in part through consultation with statutory undertakers.
- 5.2 The correction of defective statutory undertakers apparatus and effective reinstatement procedures reduces the Council's exposure to potential public liability, highway related insurance claims.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 Possible enforcement action, United Utilities has a statutory duty to maintain its apparatus in the highway. The Council must ensure that this duty is discharged, the new reporting process will assist both United Utilities in undertaking their statutory duty and the Council in ensuring compliance.

7.0 CONSULTATION

7.1 Meetings have been held and are continuing between staff from the Technical Services department and United Utilities to formalise the working arrangements into a Service Level Agreement between Wirral Borough Council and United Utilities Group PLC.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 This report has no impact on such groups.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 All repairs and renewals to defective apparatus are undertaken by and financed by United Utilities.

10.0 LEGAL IMPLICATIONS

10.1 The Council as Highway Authority has a legal responsibility to maintain the road network in a safe condition.

11.0 EQUALITIES IMPLICATIONS

11.1 There are no such implications within this report.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? No

12.0 CARBON REDUCTION IMPLICATIONS

12.1 Identification of defective apparatus using United Utilities unique asset number will reduce abortive visits by United Utilities staff and repeat inspection visits by Council highway inspection staff.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no planning implications arising directly from this report.

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APPENDICES

None

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Notice of Motion	April 2010