

BRIEFING NOTE FOR SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - 21 NOVEMBER 2012

UPDATE ON SERVICE LEVEL AGREEMENT BETWEEN WIRRAL BOROUGH COUNCIL AND UNITED UTILITIES GROUP PLC

A report was submitted to Members of the Sustainable Communities Overview and Scrutiny Committee on 23 November 2011 [Minute 52 refers] advising Members of the progress being made with United Utilities (U.U.) on improving their response times to reports of defective apparatus (manholes covers and frames) from the Council by way of a Service Level Agreement (S.L.A.).

The purpose of the S.L.A. is twofold, to improve the Council's reporting procedures by using U.U.'s unique asset number to identify defective apparatus and then categorising it for priority response purposes as dangerous or non-dangerous. This new procedure will both reduce the number of abortive visits by U.U. contractors to defective apparatus and the resulting delays in completing repairs. It will also allow them to prioritise their response to repairs based on the category of the defect.

It was agreed that the defect locations and priorities would be sent to U.U. monthly in the form of a spreadsheet, with a maximum number of 35 manholes to be repaired per month and then following receipt of that spreadsheet U.U. would advise the Council when they would be undertaking the repairs. The Council could then monitor their performance and report back to them if their response times did not comply with the requirements of the SLA.

Accordingly three spreadsheets were sent from the Council to U.U. between April and June 2012 notifying them of 51 locations of defective apparatus. Despite representations from the Council none had been repaired by July and a further 16 that were reported in July and August have still not been repaired. As an example of previous performance by U.U., for the year from 1st April 2009 to 31st March 2010, 185 defective covers and frames were reported and approximately 106 were repaired. During the same period in 2010/11, 179 were reported and approximately 115 were repaired.

Unknown to Council officers, U.U. had undertaken a restructuring of their local staffing resource early in 2012 and the network management staff who were involved in the discussions for the introduction of the S.L.A. have been moved to other duties.

New network management staff were appointed and it appears that none were aware of the existence of the S.L.A. or the negotiations between the Council and U.U. that took place over an 18 month period to reach agreement over the contents of the document.

Consequently a meeting was held with the newly appointed Street Works Manager on 23 October 2012 to advise her of the contents of the S.L.A. and to discuss with her U.U.'s failure to repair the reported defective apparatus and their proposals to progress the repairs. She was also advised that U.U. were currently in breach of their statutory obligations under Section 81 of the New Roads and Street Works Act 1991 and unless a programme of rectification works was provided to the Council before the

end of November 2012 the Council would consider instigating legal action for each item of defective apparatus.

For a short period at the end of 2011 when the S.L.A. was trialled operationally the U.U. response times to 15 defects and the quality of the repair work undertaken was excellent. However during 2012 their response to reported defects has markedly declined and quality has not been an issue because none of the 67 reported defects have been repaired.

Possible enforcement action - U.U. has a statutory duty to maintain its apparatus in the highway. The Council must ensure that this duty is discharged and the new reporting process contained within the S.L.A. will assist both U.U. in undertaking their statutory duty and the Council in ensuring compliance. As referred to in paragraph 1.7 the Council can instigate legal action for each item of defective apparatus not repaired within the timescales set in the draft S.L.A.

Committee should note that officers will continue to meet with the new U.U. network management staff to progress either the existing S.L.A. to completion or agree a new S.L.A. in line with U.U.'s performance agreement with their contractor to ensure they comply with their statutory duties within an achievable timescale set by the Council. What is not negotiable is the timetable for the repairs not previously undertaken this year which must be submitted to the Council before the end of November 2012 with the repairs commencing in December 2012. If U.U. do not undertake the repairs the Council can repair any defect it considers to be dangerous and recover the costs from U.U.

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