



Councillor Rebecca Simcox

**Cabinet Member for
Highways & Transport**

Sessions House
County Hall
Maidstone
Kent
ME14 1XQ

13 August 2024

Sent via email

Reference: 50146341

Dear Ms Simcox,

Thank you for your enquiry received 1 August 2024.

Under the Highways Act 1980, utilities have a statutory right and duty to access, maintain and provide new connections to their assets within and around the highway. KCC, under current legislation set out by central government, cannot unreasonably refuse requests for works where road space is available.

As I am sure you are aware, the UKPN works that recently took place were emergency works to repair a fault to a low voltage line which was affecting a customer's supply. Both KCC and utilities also have a legal duty to ensure the safety of the public and must undertake works to resolve safety critical defects as quickly as possible to limit the risk to the public. As such KCC cannot refuse emergency or urgent works and they take priority over every other type of work on the network.

Whilst we appreciate the frustration and inconvenience of road closures they are deemed the absolute safest method of traffic management for any works on the highway. As stated, both KCC and utilities have a statutory duty to ensure the safety of public, as well as those working on the highway, at all times.

As such, while we appreciate the cost of a road closure on both the local area, its residents and businesses, as well as the work undertakers themselves, the safety of the public and the workers must come before every other consideration. In this instance UKPN were able to downgrade the traffic management after the first day of works without compromising the safety of the workers or the public. Please be assured that we will never close a road unless absolutely necessary and will always look to use lesser forms of traffic management, such as temporary lights or stop and go boards wherever it is possible to do so.

Following the update to the traffic management and its downgrading from a road closure to temporary traffic lights it is the duty of the work undertaker themselves to inform their traffic management contractors and request the removal of any redundant signage. Upon inspection of the site a high-risk defect was raised as the footway was closed and no alternative was provided leaving pedestrians to walk in the carriageway with no protection from oncoming traffic.

High-risk defects must be attended and resolved within two hours of their discovery/report by a KCC inspector. At the time of inspection, the road closure signage was still present on site however the signage was flipped to make it redundant. As stated, it would be down to the work undertaker to inform and instruct their traffic management team to collect and remove any redundant signage.

With regards to the member of staff onsite relaying the pavement refusing to move the signage himself, this will be because he was not qualified, or certified to move the traffic management. The layout and placement of all traffic management on the highway is strictly regulated by legislation as it plays a big part in maintaining the safety of the workers and general public throughout works. As such the movement of any items placed on the highway without authorisation or the correct certification is against the law.

We are sorry that you did not receive a response from the Streetworks East team regarding the issues you raised via email however these issues should have been raised following our enquiry, or report a fault, process and not directly to the team via email. Raising an enquiry or an issue should be done by either contacting our contact centre, 03000 418181, or reporting the issue online through our report a fault tool (<https://webapps.kent.gov.uk/KCC.KHSFaultsGIS.Web.Sites.Public/ReportAFault.aspx>)

Either of these methods will raise an enquiry on our system which, depending on the categories and headings chosen, will be assigned directly to the team responsible for investigating and resolving the issues. Following this process, you should receive an acknowledgement within 5 working days and a full response within 28 working days. These timeframes give our staff plenty of time to investigate and resolve any issues before providing a full response. That being said, in many cases a full response will be possible much earlier than these deadlines, despite the vast areas and workload our staff members cover.

By emailing directly it unfortunately makes it very difficult for our staff to keep track of what has and has not been sent or done as our inboxes are very busy at the best of times. On top of this, recent staff leave and illness within the Streetworks East technical support team has meant an increased workload to staff and covering areas they do not usually cover, this once again adds to the likelihood of something, such as an acknowledgement email, being overlooked by mistake. This, amongst other reasons, is why we recommend all our customers use the correct process of logging an enquiry, as these are tracked on a system for us and flagged when action is required.

Whilst we appreciate a follow up email chasing a response, in this case, where KCC members were copied in, it led to a response being further delayed. KCC members who receive email enquiries directly must get the enquiry logged officially on our system as a Member Enquiry to the relevant team. The team then have 20 working days to respond to the member enquiry. Following this process correctly also means the relevant team now cannot respond to your original email to them as the member enquiry trumps the email and the member must be a part of the response process.

In the Streetworks East team, all the member enquiries and complaints are dealt with by the Senior Technical Support Officer, whereas the enquiries and team inboxes, under usual circumstances, are dealt with mainly by the Technical Support Officers. As such, by a member enquiry being logged the matter raised by email directly is escalated from the TSOs to the Senior. This, as I am sure you can appreciate, then requires the Senior to investigate the situation themselves and provide a response to the member within the allotted timeframe. Again, whilst the deadline for these member enquiries is 20 working days a response can be received sooner in some cases, but this is highly dependent on the workload of the Senior as well as those involved in the investigation (co-ordinators, inspectors and TSO staff) and the KCC member. Once again, we are sorry for the inconvenience caused by the signage UKPN left in place but hope the above address your issues in full.

Yours sincerely,

Neil Baker
Kent County Council