

Scrutiny Services

**REPORT OF THE SCRUTINY REVIEW OF  
REPAIRS TO HIGHWAYS AND FOOTPATHS**

March 2006

	Table of Contents	Page
<b>1.0</b>	<b>Introduction</b>	3
	Terms of reference	4
	Membership of the Panel	4
<b>2.0</b>	<b>Recommendations</b>	5
<b>3.0</b>	<b>Executive summary &amp; Background</b>	7
	Key Haringey Statistics	7
	The Role of Transport for London	7
<b>4.0</b>	<b>Repairs &amp; Maintenance of the Highways &amp; Footpaths</b>	9
	Inspections	9
	Actions for reported defects	9
	Planned Maintenance Programme	11
	Funding the Programme & Value for Money	11
	Cause of damage to local unclassified roads.	12
<b>5.0</b>	<b>Next Day Fix Pilot Scheme</b>	14
<b>6.0</b>	<b>Transport for London</b>	16
	TfL's policy regarding buses which run on residential roads in Haringey	17
	Plans for new bus routes in Haringey	18
<b>7.0</b>	<b>The Role of Utility Providers</b>	19
	Collaborative Working	20
<b>8.0</b>	<b>Communicating with residents</b>	22
	Community Volunteer Wardens – Case Study	24
	Reporting defects by the public and turnaround time for repairs	25
<b>9.0</b>	<b>The Role of Elected Members</b>	27
<b>10.0</b>	<b>Managing risks and Insurance</b>	28
<b>11.0</b>	<b>Section 106 Planning Agreement in respect of Highways and Footpaths</b>	30
<b>12.0</b>	<b>Other issues considered by the Scrutiny Review Panel</b>	32
	Drains network in Haringey	32
	Alternative sources of funding – Prudential Borrowing	32
<b>13.0</b>	<b>Conclusion</b>	
	Appendices	

## **1.0 INTRODUCTION**

- 1.1 The “making up” and maintenance of the footpaths and roads is one of the oldest duties that any parish, Borough or County Council undertakes. Pavements and streets that are well laid and maintained are one of the signature notes of a well run and efficient local authority and residents rightly use the state of the roads as a way of assessing their Borough.
- 1.2 The 33 London Boroughs are the highway and planning authorities for the majority of roads in London. It is each borough's responsibility to ensure that their roads are properly maintained and that development control decisions do not compromise the safety and efficiency of the transport network.
- 1.3 Transport for London is responsible for 580km network of main roads in London, and 15.4 km in Haringey.
- 1.4 Over the past twenty-five years the pressures on our roads have increased with the sheer volume of traffic and the increased axle loads of our heaviest vehicles. The privatised Utilities seem continually to be excavating and filling in holes to leave an unsightly patchwork of fixes and make goods.
- 1.5 All local authorities must respond to these challenges: this Scrutiny Review will look at Haringey's response and how this might be improved.
- 1.6 The intention of the inquiry is to focus on resources, repairs; maintenance and communication issues affecting the Highways Service. This includes looking at the role of Ward Members and the level and type of information they receive at the various stages of work on the highways.
- 1.7 Linking into the theme of performance, the Panel set out to determine how the Highways Department identified and integrated best practice, particularly through piloting innovative methods of highways maintenance.
- 1.8 In addition to consultation and communication with Ward Members the Panel intend to review how members of the public were informed and the methods currently used to provide up to date information, particularly for road users where there were potential traffic delays caused by road works.
- 1.9 In terms of the service delivery, the review set out to look at the balance between reactive and preventative maintenance and the life span of repairs. This included discussions on the relationship between the Highways Department and other agencies involved in works on the highways such as Utilities.

## **Terms of reference**

1.10 The Panel established the following terms of reference for the review:

- To carry out a review of the repair and maintenance of pavements, highways and roads across the Borough. The review will take account of a wide range of aspects of the service and make recommendations for improvement.

### **Objectives:**

#### Resources

- To examine the allocation of resources used for repairs maintenance and to examine the balance between capital and revenue expenditure on highways maintenance.
- To establish the scale and reasons for the current backlog of highways maintenance; to benchmark this with the performance of neighbouring authorities and to review the Council's approach to tackling the backlog.
- To consider how the Council deals with insurance claims arising from accidents to pedestrians on the footpaths.

#### Repairs/maintenance

- To examine the balance between reactive and preventative maintenance and the life span of repairs.
- To examine the methods, procedures and priority rating system used to prioritise schedule for repairs.
- To consider the role and responsibilities of Utilities in the repairs and maintenance of the highways and footpath, including enforcement issues for Utilities and others causing damage to the highways and footpaths.

#### Communications

- To review how members of the public are informed of major works and the methods currently used to provide up to date information, particularly for road users where there are potential traffic delays caused by repairs to the highways.
- To examine the role of ward Members and the level and type of information they receive at the various stages of work on the highways, particularly when prioritising schemes.
- To examine how reports of defects from the public are collected, transmitted and dealt with and how the Council communicates with residents.

### **Membership of the Review Panel**

Councillor David Winskill – Chair

Councillor Jayanti Patel

Councillor Richard Reynolds

1.11 The Panel met between September 2005 and February 2006. During the course of the Review the Panel met with Council officers and consulted with external organisations including Utility Companies and Transport for London.

1.12 We would like to thank all those who spent their valuable time completing our questions and helping the Review Panel to reach its recommendations. Full details of witnesses can be found at appendix one.

## 2.0 RECOMMENDATIONS

### Asset Management and Long Term Funding

1. The Highways Department should ensure that the Asset Management Plan is a maintainable document and used to secure appropriate investment in the highway infrastructure.
2. The Council should explore alternative funding sources including prudential borrowing as a means of providing a source of funding for maintaining the road network in the Borough.

### Maintenance and Repairs

3. The Executive should ensure that priority is given in the Council's future budget so that long term savings and better value for money will accrue in the Department's move toward a robust system of preventative measures in the repair of the road network.
4. The Highways Department should review the practice of continually patching surfaces that might be just below the normal criteria for complete resurfacing.
5. The Highways Department should consider how the life span of highways and pavements might be increased and the financial implications of any changes in practice and use of materials.
6. Where housing projects undertaken by developers cause actual damage to pavements and roads the developers should pay for the repairs. This should be vigorously enforced.
7. Recreation Services should ensure it adopts best practice for tree management in Haringey.

### Utilities and other Statutory Undertakers

8. The Council should lobby Transport for London to secure increased funding for Haringey to finance damage caused by buses using minor and residential roads.
9. The Highways Department should explore strategies to involve Utility Companies with the aim of reaching agreement on how a co-ordinated and planned approach to repairs could be developed in order to keep disruption and cost to a minimum.
10. The Highways Department together with Thames Water and appropriate professional organisations should undertake an assessment of the main drains network in Haringey to establish its condition and the long term implications of the condition of the drains in the Borough.
11. Any Utility Company undertaking works in the Borough should leaflet households and businesses affected with details of the work, how long they are scheduled to take and a telephone hotline number to call if problems arise.

## Communication & Feedback

12. The Highways Department should review how it communicates its activities and new initiatives to elected members and residents and should consider using techniques other than printed materials and e-mail, for example, presentations at Neighbourhood Assemblies and meeting Councillors as they attend full council meetings. The Highways Department should consider how other stakeholder groups could be informed of their activities and flow of information so that the impact of road works on residents and businesses can be minimised.
13. A review of the channel of communications between council departments should be carried out, to improve co-ordination and flow of information.
14. Consideration should be given to enhancing the role of Community Volunteer Wardens and giving them adequate training to allow them to report highways defects.
15. The Council's revised website should include provision for street defects to be reported interactively.
16. Highways Department should carry out an in-depth review of the role and responsibilities of the Business Support Section and how it interacts with other customer-focussed sections in the Council to identify any areas for improvement.

**3.0 EXECUTIVE SUMMARY & BACKGROUND**

- 3.1 For the last two years the Council has been investing a total of £1.375m annually on planned maintenance for roads, pavements and street furniture. Transport for London provides additional investment of around £800k for principal road maintenance.
- 3.2 This investment has mainly been allocated on a worst first basis, based on the results of the road condition survey. The focus initially has been on treating specific sections of highway rather than the entire length, although additional investment this year is allowing some complete roads to be resurfaced. A section-by-section approach can mean that while the worst sections of the highways may be treated in one year, other sections just below the intervention level continue to deteriorate and thus require treatment the next year.
- 3.3 The Government’s national target to resolve the current backlog of highways maintenance is 2010. The Council’s Highways Department has developed an Asset Management Plan for pavements and carriageways to address these longer-term investment needs and has established the level of financial commitment required. Initial estimates indicate the required funding should be in the region of £35m over the next ten years.
- 3.4 The table below outline some key statistics for Haringey’s road network together with the numbers and length of roads for which Transport for London (TfL) has responsibility.

**KEY HARINGEY STATISTICS**

<b>Road Classification</b>	<b>No. of roads</b>	<b>Length (Km)</b>
TfL	15	15.4
Principal	28	26.5
Classified	58	37.9
Unclassified	1019	256.2
Footpaths	1120	670

**The Role of Transport for London**

- 3.5 Transport for London is responsible for London’s major road network and The London Road Network (TLRN) and is responsible for revenue maintenance and capital renewal. The condition on the network is assessed using (DVI detailed visual inspections) of carriageways and footpaths and SCANNER (a laser type machine used on carriageways). Allocation of funding to routes is based on the condition of the road and TfL uses a management system which enables them to invest at the optimum intervention level. London Boroughs are responsible for other maintained roads in their areas. TfL contributes towards capital renewal of London’s Principal Road network. The establishment of condition and modelling system for allocation of resources is carried out in the same way as the TLRN.

- 3.6 The surveys assess the condition of the network in accordance with a UK wide approved system. Condition of roads relates to a number of factors, but no road lasts forever - they deteriorate with time. Any road in London will have a working life dependant on a host of variables including the material, the workmanship, freeze/thaw action in cracks, cumulative axles loading and the number and quality of Utility reinstatements.
- 3.7 Each year, TfL announces Principal Road Renewal schemes that it will fund in each Borough using the process and criteria summarised above and detailed in Borough Spending Plan (BSP) published each year. The announcement for 2006/07 was made in November 2005. However this has to be approved by the Council Executive via The Highways Work Plan 2006, which will be presented to the Executive on 21 March 2006. Boroughs then develop more detailed project plans for the schemes, obtain specific approval from TfL to go ahead, implement the project and claim the costs from TfL. These schemes include footpaths. The BSP also include schemes that require TfL funding for local area treatments such as traffic calming and which will inevitably involve some repairs to local roads and footpaths. BSP Guidance, published annually, provides further information (accessible via the TfL Boroughs Extranet – [www.tfl.gov.uk](http://www.tfl.gov.uk)).



## 4.0 REPAIRS AND MAINTENANCE OF THE HIGHWAYS AND FOOTPATHS

- 4.1 The Panel heard from the Head of Highways and colleagues from the Highways Department who described how the Council managed the road network.
- 4.2 The Council has a responsibility under The Highways Act 1980 to maintain its carriageways and footpaths in a safe condition. It is not required to repair every defect, of which it becomes aware, but must undertake regular inspections and have in place a clear maintenance policy. The Council's approach is in line with the National Code of Practice as drawn up by the Local Government Association ([www.lga.gov.uk](http://www.lga.gov.uk)).

### Inspections

- 4.3 Routine walked safety inspections are carried out to all footpaths and carriageways in the Borough at predetermined intervals of between 1 & 12 times per annum (dependent on the category of highways) as follows:

TYPE OF ROADS	FREQUENCY OF INSPECTION
Principal Roads	Once a month
Classified Roads	Once every six months
Unclassified Roads	Once every six months
Principal Shopping Areas	Once a month
Public Footpaths	Once every six months

- 4.4 Ad-hoc inspections of defects reported by members of the public and Councillors are undertaken within 24 hours.

### Action for reported defects

- 4.5 To ensure effective management of its budget, the Highways Department bases its assessment on the severity, nature and location of defects to establish how urgently the repairs must be done. Defects will only be repaired urgently if they are regarded as hazardous or serious. So that consistent standards are maintained a clear set of categories known as '**Intervention Levels**' are used.

### Intervention levels

The following intervention levels applied for 2004/05.	
<b>Footpaths</b>	
Classified Roads	20 mm (trips/rocking slabs)
Unclassified roads	20 mm (trips/rocking slabs)
Shopping Areas	19 mm (trips/rocking slabs)
Public Footpaths	19 mm (trips/rocking slabs)
<b>Carriageways</b>	
Principal Roads	40 mm (Potholes)

Classified Roads	50mm (Potholes)
Unclassified Roads	60 mm (Potholes)
Shopping Areas	40 mm (Potholes)
<b>Other routes</b>	
Areas where defects may be particularly hazardous to pedestrians/cyclists (such as pedestrian crossing, road junctions and in or adjacent to kerbs and channels).	40 mm (Potholes)

- 4.6 When it has been decided to repair a defect a 'Works Order' is prepared and sent to the contractor. The urgency of the repairs and how quickly it must be done depends upon the severity, nature and location of the defect as follows:

Priority	Severity of defect
Emergency Works Order (with 24 hours) defects	Hazardous
Small Works Order (within 7 days) defects	Serious
28-Day Order	within Intervention levels

- 4.7 The Panel recognises that the Highways Department is working towards a more robust system of preventative maintenance and away from reactive maintenance and asks that priority is given in the Council's future budget so that long term savings and better value for money will accrue.
- 4.8 Potholes in the roads were the most common complaint received from the public. The Panel discussed how these might be repaired in a way that is both cost effective and long lasting. The Panel learned that 'patching' an area when potholes appear is a temporary measure to assure continued serviceability of the carriageway. However, due to insufficient resources there can be a delay between pothole reinstatement and planned carriageway resurfacing or reconstruction.

**Recommendations:**

- Highways Department should ensure that the Asset Management Plan is a maintainable document and used to secure appropriate investment in the highway infrastructure.
- The Executive should ensure that priority is given in the Council's future budget so that long term savings and better value for money will accrue in the Department's move toward a robust system of preventative measures in the repair of the road network.

## Planned maintenance programme

- 4.9 The Highways Department described Haringey's rolling programme for planned resurfacing works. The locations to be resurfaced are listed in the annual Highways Works Plan that is approved by the Executive of the Council in March each year. These locations are selected based on the results of surveys conducted using the UKPMS (*United Kingdom Pavement Management System*). The criteria for selection are based on Condition Index Values that detail rate of deterioration of the highway.
- 4.10 However the Panel noted that some roads appear to be a mass of patches and that complete resurfacing seem to the layman to be long overdue. It was felt that having roads in this condition contradicts the aim of the Better Haringey Programme.
- 4.11 The Panel took evidence from a representative of John Crowley (Maidstone) Ltd who currently hold the contract for planned maintenance work in the Borough and learned that the company is in the third year of a three-year contract. The annual work programme is agreed between the Highways Department and the contractor at the beginning of each year. With regards to maintenance of the road network, the representative informed the Panel that in their opinion:
- Overall the Council is doing a good job in commissioning repairs and maintenance of the highways.
  - Significant improvements have been noted especially in the heart of the Borough.
  - The Council has picked up on all the major problems affecting the road network and tackled them effectively.

### ***Recommendation:***

- The Highways Department should review the practice of continually patching surfaces that might be just below the normal criteria for complete resurfacing.

## Funding the programme and Value for Money

- 4.12 Funding was clearly an issue for the Highways Department and early in their discussion Members were keen to ascertain the level of funding enjoyed by neighbouring authorities. The table below demonstrates that Haringey's highways maintenance budget is considerably below that of neighbouring authorities. There are reasons for this disparity. For example some boroughs seem to use more expensive and durable materials and construction techniques which have the effect, for example, of increasing the lifespan of repairs.

## How Haringey compares with other neighbouring authorities:

Borough	Annual Capital and Revenue budget (showing planned and actual expenditure on road maintenance (reactive and planned maintenance))	Is road maintenance budget ring fenced?	Method of reporting defects by Members and the public
Haringey	£2,400,000	Not ringfenced	Corporate contact centre
Camden	£5,600,000	Not ringfenced	Corporate contact centre but working on new software to take on the task
Islington	£7,800,000	Not ringfenced	Corporate contact centre
Enfield	£8,915.078	Not ringfenced	Corporate contact centre

4.12 The Panel discussed in detail the balance between reactive and preventative measures and the life span of repairs. The Panel felt that it is desirable to move towards undertaking more preventative maintenance than reactive maintenance.

4.13 The Panel was pleased to learn that Transport for London is in the process of undertaking trials on new more durable materials for use in future road construction and repairs.

### **Cause of damage to local unclassified roads.**

4.14 Several witnesses confirmed that the local road network is subject to increasing wear and tear. A representative from the contractor, John Crowley of (Maidstone) Limited listed the main cause of damage as:

- Damage to minor roads is caused mainly by buses and other heavy vehicles. These roads were not constructed for use by heavy vehicles.
- Increase in the number of bus lanes also put more pressure on the highways. It was noted that the Highways Department is in the process of reclassifying some roads that are now used by buses. Extra funding is provided by London Bus Priority Network. (Muswell Hill Road is an example of where additional funds are allocated for road improvements).
- Street tree and roots were also identified as a major problem causing damage to footpaths.

- 4.15 Remedial tree works is carried out by the Recreation Service under a Service Level Agreement. The Panel notes that the cost of tree works will form part of the budget bid from the department for next year. More frequent pruning would reduce the damage caused by tree roots.
- 5.16 Trees in Haringey are rightly a matter of civic pride. So that our exposure to insurance claims and maintenance costs are kept to an acceptable level, we should investigate and adopt best practice for tree management in Haringey.

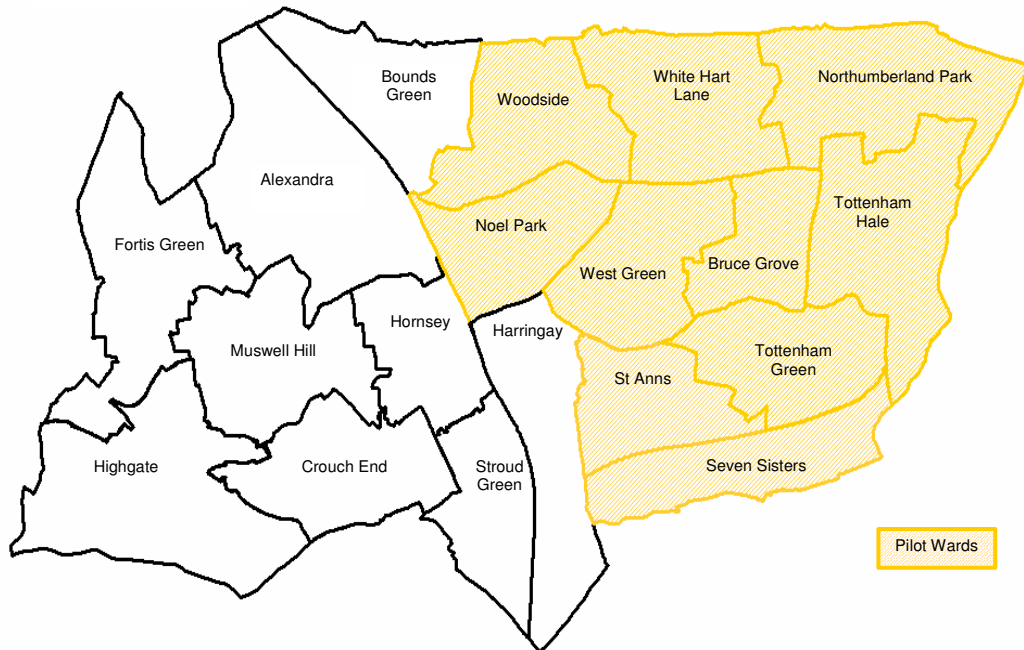
**Recommendations:**

- The Highways Department should consider how the life span of highways and pavements might be increased and the financial implications of any changes in practice and materials.
- The Council should lobby Transport for London to secure increased funding for Haringey to finance damage caused by buses using minor and residential roads.
- Recreation Services should ensure it adopts best practice for tree management in the Borough.

## 5.0 NEXT DAY FIX PILOT SCHEME

- 5.1 Through discussions with the Highways Department the Panel learned of the Council's proposal to introduce 'Next Day Fix' service throughout the Borough, (initially piloted in the east of the Borough) for road and pavements repairs. This includes potholes, badly cracked pavements, and broken street furniture.
- 5.2 The Panel was supportive of the concept of Next Day Fix, which aimed to ensure a much faster response to repairs and improve the quality and efficiency of the process. Over a four-month period approximately 4,500 repairs have been undertaken to the carriageways and footpaths.

Map of the Borough



- 5.3 However the adoption and extension of the scheme borough-wide was dependent on the evaluation of the pilot scheme being positive and on a successful bid for additional funding in 2006/07. The evaluation was positive, although teething problems around quality and monitoring systems were identified as areas for improvement this was borne out by anecdotal evidence gathered by the Scrutiny Review Panel on the quality of some repairs in the small number sampled in the Northumberland Park Ward.
- 5.4 The Panel felt that the main advantages of the scheme are:
- The opportunity it presents for better budget management and forward planning on the part of both the department and the contractor.
  - Advance work programme allowed better and steady workload management for both the department and the contractor.
  - The method of inspection and repair on the same day helped to improved residents' perception of the highways.

- Significant increase in the number of repairs carried out in the east of the Borough (the pilot area) when compared to the west due to efficient use of contractor resources.

5.5 During the Scrutiny Review an e-mail was sent to all Councillors within the pilot area requesting their views of the scheme. Although the response was limited it was clear that many Councillors were unaware of its operation.

5.6 Unfortunately the bid for additional funding was not successful in this budget round and therefore the scheme will not be adopted in the near future.

**Recommendation:**

- The Highways Department should review how it communicates its activities and new initiatives to elected members and residents and should consider using techniques other than printed materials and e-mail, for example presentations at Neighbourhood Assemblies and meeting Councillors as they attend full council meetings. The Highways Department should consider how other stakeholder groups could be informed of their activities and flow of information so that the impact of road works on residents and businesses can be minimised

5.7 The Panel believe that the delivery of planned maintenance coupled with the Next Day Fix Service could have a significant positive impact on the Borough and would recommend that consideration is given to introducing the scheme Borough-wide ensuring that the lessons learned from the pilot are incorporated into any future plans to develop and implement such a scheme.

## 6.0 TRANSPORT FOR LONDON

- 6.1 The Panel is grateful to Transport for London (TfL) for contributing to the findings of this Review. Detailed below is a statement from TfL who wish to preface its response to our questions with the following statement:

*“An important principle that TfL would wish to make clear is that the delivery of transport services and infrastructure in London is a partnership. Most relevantly to your scrutiny, this involves operators / contractors, boroughs (as Highway and Traffic Authorities) and TfL as a regional Transport Authority. Broadly, TfL provides services on borough roads and to locations for which the local authority are responsible. The nature of this is that there are benefits and consequences that arise - and looking only at the impacts of, say, increasing bus services on borough roads, does not correctly reflect all the actual circumstances, for example, better accessibility, lower congestion.*

*A Borough's LIP (Local Implementation Plan) has by statute to include a number of proposals designed to deliver the Mayor's Transport Strategy locally. This provides an opportunity for the borough to set out the delivery of transport and arising statutory targets in a multi-modal, cross-borough manner that has not existed to date. Haringey's draft LIP was received by TfL in August and TfL's report on that draft is due very soon (and has been delayed for a number of reasons).*

*TfL would be concerned that important borough roads could not structurally support buses given the level of other heavy traffic that must use most of them. Similarly, we would be keen to explore implications that there might be significant lengths of local roads technically incapable of supporting buses and therefore, presumably, waste management vehicles, removal and delivery lorries”.*

- 6.2 In response to a question from the Panel about its relationship between the Council and other Utility providers, TfL informed us that under the New Roads and Streetworks Act Utilities must notify highway authorities of start and finish dates of utility works in accordance with the Codes of Practice. TfL's stewards monitor whether the Utilities complete their work in accordance with the notified dates on the TLRN. Again in line with the Code of Practice, sample audits and coring of reinstatements are carried out to ensure compliance. Prosecutions can take place if necessary.
- 6.3 TfL works closely with Utility Companies (and boroughs) in terms of the new Traffic Management Act legislation, for which the relevant Code of Practice has yet to be published. Most of the major Utility Companies are working with TfL to log advanced programmes of work on TfL's London Works system for long term planning. Permitting will be a requirement of the Act in the future, but presently TfL are working with Utilities to put in place a voluntary permitting system. Boroughs are involved usually through their Traffic Manager.



6.4 On Borough roads, where traffic signals or bus shelters require disconnection / connection, work can only be carried out by the Utility Company. They treat it as low priority, instead prioritising residential and commercial needs, long timescales can be needed to move or complete such projects. It is to be hoped that greater co-operation and involvement as a result of the TMA will result in TfL and Boroughs seeing better Utility performance and behaviour.

**TfL’s policy regarding buses that run on residential roads in Haringey.**

6.5 Under the Highways Act, highway authorities have a duty to maintain the highway infrastructure or protect it as necessary. Bus services are introduced in line with demand, which may change due to, amongst other reasons, land use planning changes (local authorities are the planning authority). TfL require objective evidence of cause and effect in regard to claims that roads could not take buses and that damage was caused by buses, and not attributable to other vehicles.

6.6 It is anticipated that the forthcoming TMA will afford greater powers to local authorities in their contact with Utility Companies, and that this may have implications in regard to how the Council deal with them in the future. Some authorities who have experienced problems with Utility Companies have established charters with the various providers thus enabling guidelines to be agreed regarding periods of notice of works, quality of work and reinstatement of the highways, points of contact etc. The Panel is in agreement that the Highways Department should consider producing similar charters in Haringey between the Council and each utility provider, ensuring that such charters have the support of senior managers on all sides and that regular meetings are attended by relevant managers in order to monitor the success of the agreements and to highlight any problem areas. This should not be a token gesture, but should be a meaningful and effective way of improving relations with the utility providers and should be closely monitored to ensure success.

6.7 TfL's Service Planning Guidelines state that London Buses aims to provide a safe, high-quality, comprehensive and passenger-led network, which is well integrated with other services. To meet the needs of Londoners, the bus network is developed with stakeholders, including boroughs, and should be:

<b>Comprehensive:</b>	Providing service to all areas and recognising the needs of local people from all sections of the community.
<b>Frequent:</b>	With adequate capacity for the peaks.
<b>Simple:</b>	Easy for passengers to understand and remember, and well-integrated with other public transport.
<b>Reliable:</b>	Providing even services intervals when frequencies are high and running to time when they are low.

## **Plans for new bus routes in Haringey**

- 6.8 The Panel heard from TfL that London buses continually reviews the bus network in line with policy, planning guidelines, passenger requirements and stakeholder comments, including and importantly those from the borough/s involved. Therefore the bus network is never static. Within Haringey at the moment TfL are re-introducing the W4 into Broadwater Farm Estate in response to local requests. This would potentially remove the bus from some 'residential' roads. TfL regularly receive requests for buses to serve areas considered remote from the bus network. An example within Haringey is the Campsbourne estate area.
- 6.9 It is the view of the Panel that there is a need for good communication between all Utility Companies with the Council acting as a conduit and champion for local people.

## **7.0 THE ROLE OF UTILITY PROVIDERS**

- 7.1 Utility Companies own and operate networks which are buried beneath the highway. They carry out works to the highway as part of the process of maintaining their assets and to provide services for their customers. They have a right to excavate the highway as well as a duty to give notice as to what they are proposing to the local authority.
- 7.2 The New Roads and Street Works Act 1991 (NRSWA) make Utility Companies entirely responsible for the management of their street works. One of the key aims of the Act is to improve co-ordination of road works to the benefit of road users and residents. The legislation gave Local Highway Authorities the responsibility for this co-ordination. Local Highway Authorities are also empowered to charge Utility Companies for inspections that they carry out to monitor their performance. Haringey employs 8 full time inspectors (4 Routine Safety Inspectors and 4 NRSWA Inspectors), whose responsibility includes inspection and monitoring of repair works.
- 7.3 There is major concern by some Members and the public over the relationship with the various utility providers who carry out work across the Borough. The main problems are:
- Poor communication
  - Length of time taken to complete the works
  - Inconvenience caused to residents and businesses.
  - Storage of plants and materials on highways and pavements
  - Issues with the quality of some of the work.
  - Lack of co-ordination of planned works
- 7.4 Some Utility Companies provide the Council with details of their planned work programme for the coming financial year, which is open to negotiation and alteration if any proposed works coincide with planned Council works or other works. There is no requirement for such communication between Utility Companies, so that on completion of one excavation a separate company will then request commencement of separate works. The effect of poor communications between these companies are far reaching and include the digging-up of newly-laid roads; inconvenience to members of the public and resulting enquiries to the Council; a negative perception of the Council who is seen as responsible for all road works within the Borough regardless of who is carrying them out and surfaces not being restored to their former condition.
- 7.5 The Panel discussed in detail the role and responsibilities of Utilities in the repairs and maintenance of the highways and footpaths, including enforcement issues against Utilities and other organisations causing damage to the network.

7.6 In a written response to questions from the Review Panel, the National Grid (formerly Transco) informed us that planned works are discussed through quarterly co-ordination meetings with the department in order to try to co-ordinate major streetworks and reduce inconvenience to road users. Attempts have been made to produce a long term (five-year) plan however these are fluid and rather vague due to the fluctuations in 'risk-ranking' (partly based on a number of transient factors). The National Grid believes that their relationship with Haringey is very good and productive. Contact with other Utilities is however, at a local level, cordial but infrequent as there is often no cause for communication between them.

### **Collaborative Working**

7.7 The Panel is aware that the Draft Code of Practice on Co-ordination urges that traffic managers should seek every opportunity to programme street and road works together. Trench sharing can minimise street disruption, both street authorities and Utilities should proactively encourage it. The emphasis must be on mutual co-operation between interested parties in order to derive the obvious benefits for the travelling public and Utilities customers.<sup>1</sup> However, according to Graham Chafer (Project Engineer) of The National Grid the reality is that: *"There is often a misinformed belief that we can all share common trenches and work in streets together. Whilst I appreciate that, where practicable, this should be done, it must be recognized that every Utility has its own business objectives and operation policy and procedures"*.

7.8 Much of Haringey was developed in the late 1800s and early 1900s, consequently the bulk of our utility services (water, gas and electricity) are now coming to the end of their useful life and over the next few years may need to be reviewed and replaced.

7.9 The Panel agrees with the National Grid that Utilities' relationship with the Council can be improved through:

- A mutual appreciation of what each operator is trying to achieve on behalf of their customers and shareholders would help to improve their relationship with the Council.
- A realisation by governing bodies that much of London's infrastructure is old and its replacement is a vital part of its evolution.
- A review of NRWSA to give clearer guidelines about Section 74 fines and notices.
- Improved communication, in particular when notices are sent to a local authority, all Council departments must be notified. The National Grid have a single point of contact through the Electronic Transfer Of Notice (ETON) system but apart from Highways Department Housing, parks, drainage, resurfacing construction etc should be informed through the provision of contact details, as National Grid often receive comments that they are not told about their work.

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<sup>1</sup> Draft Code of Practice on Coordination

- 7.10 The Panel heard similar views from Thames Water in taking on board the guidelines outlined in the NRSWA also that the Council is given the opportunity to attend regular liaison meetings when planned works or capital works are undertaken.
- 7.11 However capital works currently in progress have highlighted some problems between Thames Water and the Council. They are keen to meet with officers to discuss these issues. Thames Water also acknowledged that both parties need to promote a better understanding of the ways that both parties work.
- 7.12 With reference to improving the relationship between the Council and the Utilities, Thames Water states that ongoing consultation and communication at all levels, particularly senior level, both officer and members, with the local authority and Thames Water, all parties seeking opportunities to air issues and share longer term objectives and concerns.

**Recommendations:**

- The Highways Department should explore strategies to involve Utility Companies with the aim of reaching agreement on how a co-ordinated and planned approach to repairs could be developed in order to keep disruption and cost to a minimum.
- A review of the channel of communications between council departments should be carried out to improve co-ordination and flow of information.
- Any Utility Company undertaking works in the Borough should leaflet households and businesses affected with details of the work, how long they are scheduled to take and a telephone hotline number to call if problems arise.

**8.0 COMMUNICATIING WITH RESIDENTS**

8.1 One of the objectives of this Review is to consider how members of the public are informed of major works and the methods currently used by Highways Department to provide up to date information, particularly for road users where there are potential traffic delays caused by repairs to the highways.

8.2 The Panel learned that in an attempt to improve public perception of the highways the department conducted a survey to gauge residents’ perception of roads and pavements. The survey covered the following issues:

- Condition of roads and pavement overall
- Reporting faults
- The repair process

8.3 The results showed 34% of people were satisfied with the condition of the highway and 50% were dissatisfied.

8.4 55% of residents who had reported a defect were satisfied overall with how their enquiry was handled.

8.5 A summary of the results is illustrated in the table below. Results are based on 492 interviews of members of the public.

Issue	Feedback	Feedback	Comments
Condition of roads and pavements	34% satisfied	50% dissatisfied	Pavement faults are the main reason for disaffection
Reporting faults and defects	Of those interviewed only 13% have reported faults to LBH	Those who haven’t reported faults either had lack of knowledge of reporting faults or believed no action would be taken or it took too long to get through on the phone.	Frequency reported faults relate to footways, carriageways and gullies.
Repair process	55% satisfied	35% dissatisfied	Residents in west of the borough were more likely to be dissatisfied.

8.6 In addition, the Panel took evidence from local residents who felt that much more could be done by the Council and Utility Companies to improve the quality of repairs to the 'public realm'. A representative of Living Streets Haringey told us of the following:

- Unsightly piecemeal repair works.
- When major repairs are undertaken safe re-routing for pedestrians should be a priority.
- There is a need for better consultation for major works and phasing of traffic lights etc.
- General failure to ensure that there is a dropped kerb where people with disabilities are directed from the path due to streetworks.

8.7 The Council is generally the first point of contact for public complaints. It is important that Utilities give advance information and warning to affected users not only about disruption to their services but also if their access is to be affected for any length of time. Details of alternative access arrangements or any other form of mitigating action to be taken by the Utilities should be supplied to local residents.

8.8 The perception of the public is that more can be done to reduce the impact of the disruption caused as a result of street and highway works. Residents told us that in their view:

- There is a need for a strategic overview of pavements and footpaths across the Borough.
- There is a need for good communication between Utility Companies with the Council acting as a champion for local people.
- Quality of services – the Utilities failing to act in a timely fashion.
- It is important to ensure that a holistic approach is taken to highway repairs.
- Lack of adequate signage, protection and illumination around repairs and re-routing for pedestrians.
- There is a need for a 'walking officer' whose main responsibility should include overseeing the pavements and to carry out a review of all pavement condition to ensure a systemic approach is taken by the Council.

8.9 The Council and Utilities should endeavour to ensure that their works are planned in such a way as to minimise inconvenience to all road users including disabled people and other vulnerable members of the community. This has implications for the timing of works, the way in which they are carried out and programming of Utilities projects.

**Community Volunteer Wardens - Case Study**

8.10 The Community Volunteer Wardens network have been successful in checking designated areas and reporting problems to the Council. The wardens are very active in the Borough and it was felt that their role could be enhanced to include reporting of highways and footpaths issues. However, there is a need to ensure that the activities of the volunteers was carefully organised to ensure that they dealt with issues of key concerns and that reporting systems within the Council was operating effectively in order to deal with the likely increase in reported problems which would arise.

8.11 The Panel interviewed a representative of the Community Volunteer Wardens who related her personal experience of tripping on the pavement, and raised concerns about loose, cracked and uneven and defective pavements. She was unaware of how to report the accident and who to contact in the Council, eventually she raised the incident with her MP. Her injuries resulted in the need for dental treatment that she was unable to pay for as she is a pensioner. Her experience highlighted possible difficulties faced by the elderly and other vulnerable members of the community who, after experiencing falls and accidents might experience confusion and unable to report accurately the time and location details of their experience as a result in many cases (and in this particular case) they will not be eligible for insurance compensation.

Broken and uneven surfaces can be dangerous for the elderly and vulnerable residents



8.12 Poorly maintained footpaths can create difficulties for most pedestrian. They are a particular danger for the elderly and disabled – It is the Panel’s view that officers need to ‘go the extra mile’ in helping and supporting vulnerable residents who have experienced falls and accidents as a result of unsafe footpaths and paving stones.



**Recommendation:**

- Consideration should be given to enhancing the role of the Community Volunteer Wardens and giving them adequate training to allow them to report highways defects.

8.13 The public can play an important part in developing a more effective street service by reporting problems. We also considered how members of the public can be kept fully informed of where and when works are due to take place and felt strongly that a good starting point for flexible communication is the internet. This could provide an up to date source of information of repair works across the Borough, allowing road users to plan journeys accordingly. Additionally, the use of local media and 'Haringey People' magazine would be beneficial particularly where major works are disrupting traffic and where delays are expected. It was felt that in order to enable more effective reporting system for the service, the Council should develop a single point of contact to receive such comments and pass them on to the appropriate service. The detailed issues concerning the development of such a contact point would need further consideration.

**Reporting defects by the public and turnaround time for repairs**

8.14 Defects on the public highway are reported to the Highways Maintenance Team through any one or a combination of the following methods of communication:

- Email
- Letter
- Telephone
- Defects Card
- Via Neighbourhood Wardens
- Via the London Borough of Haringey website ([www.haringey.gov.uk](http://www.haringey.gov.uk)) on the fault reporting page.

8.15 The Panel spoke to the Business Support Manager (Street Scene) who stated that her team is responsible for the co-ordination of the complaints listed below. There are four members in the Business Support team that was established initially to manage reports just for the Highways Service; however this has evolved overtime to include most complaints. It was clear to the Panel that the scope of the team had changed significantly.

- Waste complaints
- Recycling
- Highways defects and enforcement
- Highways infrastructure
- Licensing
- Traffic and road safety
- Parking
- Street lighting faults
- Complaints about Utilities – what's gone wrong when works are taking place.

- 8.16 The team act as a conduit for most complaints received from elected Members and the public. CONFIRM – Street Works Management data system is used for recording telephone reports of defects. Calls received after working hours are directed to the emergency out of hours team.
- 8.17 The table below give us an indication of the volume of calls and method of communication used in one month.

Reporting Defects by the pubic June 2005 (Typical month)		
Method of communication	Number received	Percentage of total
Telephone calls	251	75.4
Defect cards	5	1.5
Emails	48	14.4
Letters	29	8.7
Totals	333	100

- 8.18 Specific e-mailboxes are provided for reports by elected Members in addition to street scene e-mailboxes for reporting by the public. It was noted that even though some residents requested feedback regarding their complaints, this was not possible due to the limited capacity within the team. It is the view of the Panel that feedback should be provided to those who request it; residents who take the trouble to report defects must feel they are making a difference.
- 8.19 Better co-ordination of action taken once a complaint about street scene problems was received depended on effective tracking of that complaint and having appropriate systems to record and monitor progress.
- 8.20 One of the main disincentives to residents reporting highways defects is the lack of acknowledgement of reports and information on how their report is progressed through the system.

**Recommendation:**

- Highways Department should carry out an in-depth review of the Business Support Section and how it interacts with other customer-focussed sections in the Council to identify any areas for improvement.
- The Council’s revised website should include provision for street defects to be reported interactively.

## **9.0 THE ROLE OF ELECTED MEMBERS**

- 9.1 Elected members are often the first contact for residents when information is needed. The Panel discussed the extent of consultation with Ward Members regarding repairs in their wards and highlighted the need for them to be kept informed of works, particularly where there is potential disruption to traffic and pedestrians. The Panel believe that it is important that members are notified in good time before works are due to commence as a matter of routine. The Panel is also keen to highlight the potential role of Members in ascertaining whether repairs have been done to a satisfactory standard and reporting the quality and visual appearance back to the department. This type of feedback will enable the department to enforce a higher quality of repairs.

## 10.0 MANAGING RISKS AND INSURANCE

- 10.1 Third party insurance refers to the process of insuring and defending claims made against the Council by a third party. With highways claims, the claimant is likely to be a motorist, cyclist or a pedestrian. During a formal discussion with The Risk and Insurance Manager we learned that local authorities have been given new powers under Section 58 of the Highways Act 1980. This relates to special defence in action against a highway authority for damages for non-repair of highway. It is a requirement for the Local Authority to maintain records of regular highways inspection provide full detailed inspection reports so that they can demonstrate that they are aware of the condition of the roads.
- 10.2 It is a relatively new phenomenon that we are becoming a litigious society. Insurance claims against local authorities are increasing.
- 10.3 Concerns regarding insurance claims have been generated by national and local trends. Nationally claims against local authorities are increasing, costs are rising and as a result money is being diverted away from providing services to residents. In Haringey the average payments run into tens of thousand of pounds.
- 10.4 The Panel considered how the Council dealt with insurance claims arising from accidents to pedestrians on the footpaths.
- 10.5 It is the view of the Risk & Insurance Manager that the Council is very proactive in defending claims; the process was robust and fair – the Council was not a 'soft-touch' and as result of improved record keeping is in a good position to vigorously defend most third party claims.
- 10.6 The rising number of claims made against the Council for trips and falls could be attributed to a number of factors, including:
- The deterioration overtime of the highways network
  - An increased public awareness of potential compensation
  - Solicitors offering their services on a no win no fee basis
  - An increase in solicitors and other companies 'ambulance chasing' clients with highway-related claims.
- 10.7 The Panel learned that insurance claims can be defended if they meet the following conditions:
- The defect which caused the accident was less than the legal intervention limit.
  - The area was inspected under the authority's approved inspection regime.
  - The highways inspectors could not find evidence of a defect in the location.
  - The defect is not the responsibility of the Council.
  - Identified defects are repaired within the defined timescale.

10.8 The Panel was informed that an Insurance Fund has been in place since 1996, from that time approximately 12000 cases have been closed – 1,200 closed without payments.

- Insurance excess has risen from £100,000 to £150,000 for public liability claims.
- Highways and Housing Services generated the highest claims.
- Claims of up to £150,000 were considered to be small claims.

Compensation for accident claims over the last three years					
Claims received since 01/04/02	Claims closed with no payments made	Claims settled with payments made	Compensation to date (£)	Outstanding estimate on claims (£)	
794	503	173	300,000	1,700,000	

10.9 The Panel was informed that although the outstanding estimate on claims has been set at £1.7m, it must be noted that this is a reserve figure furnished by the insurers based on different categories of accidents or injuries and in most case claims are settled for lesser amounts than the reserve figures quoted.

10.10 The Panel learned that monthly meetings are held with the Insurance Section and Highways Department to develop and review strategies to manage risks to combat compensation claims.

10.11 The Panel acknowledge that a culture is developing within the Council leading to a broader understanding and acceptance of risk management within services and departments. This in turn led to better controls, procedures and reduces claims. For example this means improving the inspections regime (highways and street scene) and keeping up to date documentation would enable the authority to repudiate a number of claims. The consequences of a more effective system should be a safer highway network and the reduction in the number of successful third party insurance claims. This will ultimately save the Council money.

10.12 The main cause of damage to the highways and footpaths which results in insurance claims are as follows:

- Footpaths – due to tree roots lifting paving stones.
- Highways – due to high volume of traffic.
- Damage done to the pavements was mostly caused by vehicles parking on pavements.

## **11.0 SECTION 106 PLANNING AGREEMENT IN RESPECT OF HIGHWAYS AND FOOTPATHS**

- 11.1 Part of the Panel's discussions relates to how building developers can be made more accountable for damage caused during development works.
- 11.2 The importance of ensuring that potential external funding is maximised wherever possible. For example the Panel asked how the Highways Services Department dealt with new developments and consequence highways related issues; how Section 106 Planning Agreements will be negotiated in the future and whether the Council will be proactive in order to get Section 106 funds from developers working in the Borough. The Panel acknowledges that general wear and tear on the highway as a result of increased traffic created by developments is to be expected and repairs in such circumstances remain the responsibility of the authority. However the Panel felt that where projects undertaken by developers result in actual damage to pavements and roads the Council should ensure that developers pay for the repairs by vigorous enforcement of Section 106 Agreement.
- 11.3 The Assistant Director, Environment Services (Planning & Environment Policy) informed us that Section 106 Agreements (also referred to as planning obligations) are legally binding contracts between the Council and developers, which include matters linked to a proposed development that has planning permission. They are used to mitigate the adverse impact that a development may cause.
- 11.4 The power to enter into a S106 Agreement is contained in the Town and Country Planning Act 1990. Such agreements are negotiated through the development control process at the planning application stage, and must comply with the strict tests set out in the Government Circular. These ensure, amongst other things, that they are necessary, reasonable and related directly to the proposed development. Where appropriate to the consideration of any planning application, S106 Agreements are negotiated to help facilitate improvement works to highways and footpaths.
- 11.5 The Panel is pleased to note that in negotiating S106 Agreements, the Council will have particular regard to the relevant policies contained within the Adopted and Revised Unitary Development Plans (UDP), and the Council's Supplementary Planning Guidance (SPG). Both the SPG and UDP's contain a list which outlines broadly the type of benefits the Council wishes to secure from different types of development. The list includes traffic calming and highways safety, improvements to cycling and pedestrian routes and facilities, but is not exhaustive and is subject to negotiation.
- 11.6 The Council actively monitors the negotiation and implementation of S106 agreements. This records the heads of term and amount of financial contribution, the date when the money is received, spent and when the work is completed. Essentially, this is to ensure the agreed funds are received from developers and spent in the defined manner.
- 11.7 In this Financial Year, some of the Council has received a total of £150,000 in respect of Section 106 contributions for four schemes. These funds will be available for the Council Street Scene Services.

- 11.8 In addition, Haringey Council in its role as the highways authority can enter into a Section 278 Agreement with developers under the Highways Act 1980. This is a legal agreement, which is undertaken in respect of highways improvements. It enables the Council to build new access roads, make improvements to junctions etc that relate directly to a proposed development and without which planning permission would not be granted.
- 11.9 There is a subtle difference between the two types of legal agreement; the use of Section 106 is to mitigate the impact of a development, whereas Section 278 is to facilitate a particular development. In any case this allows the Council to negotiate funds for improvements to the highway.
- 11.10 In the Panel's view efforts should be made to ensure that maximum funding from developers be obtained wherever this is possible in order to fund related repairs and maintenance of the highway and any improvements which are required as a result of new developments in the Borough. It is important that Highways Department continue to feed into the planning process in order to allow a wider picture to be considered at the planning application stage.
- 11.11 It is the Panel's view that the attractiveness and hence marketability of a housing development is partly influenced by the state of the immediate surroundings. If roads and footpaths are in need of repair and refurbishment the Council should explore ways of working with the developer to affect these works. In practise for such a system to work there must be an improved dialogue between Planning and the Highways Department

**Recommendation:**

- Where housing projects undertaken by developers cause actual damage to the pavements and roads, the developers should pay for the repairs. This should be vigorously enforced.

## 12.0 OTHER ISSUES CONSIDERED BY THE SCRUTINY REVIEW PANEL

### Drains network in Haringey

- 12.1 It is beyond the scope of this Review to provide detailed information regarding the drains and sewage network which is also identified by the contractor as one of the most serious issues affecting the long term condition of the highways in Haringey. It is the view of the Panel that unless the condition of the drains is improved, long term improvements to the highways will be impossible to achieve.

#### **Recommendation:**

- The Highways Department, together with Thames Water and appropriate professional organisations should undertake an assessment of the main drains network in Haringey to establish its condition and the long term implications of the condition of drains in the Borough.

### Alternative sources of funding - Prudential Borrowing

- 12.2 One of themes of this Review is to encourage long term sustainable solutions that will improve the Boroughs' road network. We understand that discussions are ongoing between Highways Department and the Director of Finance to explore alternative funding sources, including prudential borrowing, and recommend that these should be prioritised and examined as a means of providing adequate funding for the road network in the Borough.
- 12.3 The Local Government Act 2003 sets out a new financial borrowing power for local authorities to use unsupported prudential borrowing for capital investment. Prudential capital plays a key role in capital finance for local authorities. It helps local councils to determine their own programmes for capital investment in fixed assets that is central to the delivery of quality service. The Local Government Association in its recent paper 'Using Prudential Borrowing: One Year On,' highlights examples opportunities and a number of benefits of using prudential borrowing. <sup>2</sup>It can help to smooth capital programmes and free up revenue. Some authorities are using prudential borrowing to improve footpaths, which has a dual benefit of improving the street scene and also reducing a number of insurance claims that the council pays due to accidents on footpaths. For example Manchester City Council has used prudential borrowing in its replacement footpaths programmes. Eventually savings on maintenance and compensation claims will render the proposal self financing, at the same time achieving immediate improvement to the quality of footpaths in the target areas. Salford City Council is also using prudential borrowing for investments in its highways. It recognised that the state of the highway network in the city of Salford was poor and there was a chronic shortage of funds available to rectify the situation.

#### **Recommendation:**

- The Council should explore alternative funding sources including Prudential Borrowing as a means of providing a source of funding for maintaining the road network in the Borough.

<sup>2</sup> Local Government Association : Using prudential borrowing: one year on



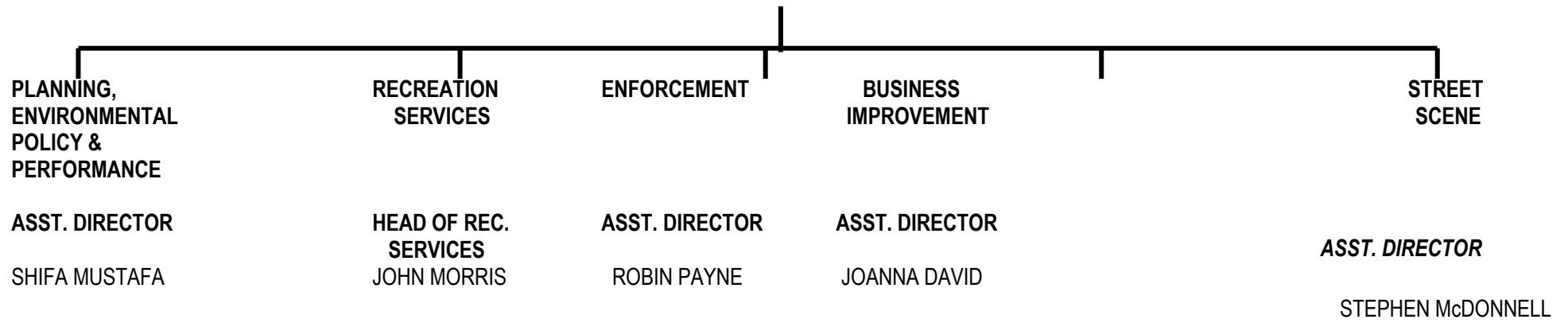
## 13.0 CONCLUSION

- 13.1 There are many recommendations in this report signposting how Haringey can address day to day problems that arise as in the reporting of faults the response to faults and their relationship with TfL and the Utilities
- 13.2 However, even if all of these initiatives were to be taken up Haringey is ultimately engaged in a game of 'catch-up'. The main recommendation therefore must be that Haringey reaffirm its commitment to long term planning for the future of one of our most significant capital asset – our highways and pavement network. Unless adequate finances is obtained and set aside for investment we will never be able to be in a position to simply undertake planned maintenance but continually fire-fighting in an effort to keep the traffic moving.

## LIST OF WITNESSES:

Alex Constantinides – Head of Highways, Street Scene	Haringey Council
Laurence Pratt – Team Leader, Highways Management Group	Haringey Council
Councillor John Bevan	Elected Member
Eugene Buckley	John Crowley (Mainstone) Ltd
Richard Carter	Gabriel Contractors
Trudie Eagle, Risk & Insurance Manager	Haringey Council
Marian Cooney – Business Support Manager	Haringey Council
Ms Unger	Local Resident
Tunji Oladejo Head of Highways Maintenance Group	Haringey Council
Peter Munday - Engineer	Transport for London
Jill Sterry	Thames Water
Michael Cavanagh, Regional Communications Adviser	National Grid
Mark Bennett – Head of Borough Funding Borough Partnerships	Transport for London
Fyi Faderin – Technical Officer, Highway Engineering	London Borough of Camden
Rebecca Aldred – Highway Services	London Borough of Enfield
Richard Stanford-Beale – Interim Highways Maintenance Manager, Street Management Division	London Borough of Islington
Paul McKay	Living Streets Haringey
Dick Muskett – Neighbourhood Manager	London Borough of Haringey
Pam Moffat	Local Resident
Shifa Mustafa - Asst Director Planning + Environmental Control	Haringey Council

ANNE FISHER



- Building Control
- Development Control
- Planning, Policy & Development
- Regeneration
- Transportation Policy

- Recreation Strategy
- Leisure
- Sports Development
- Parks
- Grounds Maintenance
- Trees
- Allotments
- Conservation
- Cemeteries & Crematorium

- Environmental Health
- Trading Standards
- Housing
- Commercial
- Direct Response

- Service Improvement
- Business Planning and Performance Monitoring
- Complaints and MEs
- Special Projects

- Highways Management
- Highways & Traffic Engineering
- Road Safety
- Parking Control & Enforcement
- Waste Management & Waste Disposal
- Transport Fleet & Passenger Transport
- Project Management of Better Haringey