



**HIGHWAY AUTHORITIES & UTILITIES COMMITTEE**

## **Advice Note No. 2012/03**

### **Guidance Note on Un-attributable Works**

This advice note is written as a new section for inclusion within Chapter 12 of the Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters.

Reference to HAUC(UK) Advice Note 2012/02 will be superseded by reference to section 12.2 of the Code of Practice once revised.

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## **Chapter 12.9 – Un-attributable Works**

### **1.0 Definition.**

- 1.1 Un-attributable works are defined as street works carried out within the public highway that cannot be ascribed to a promoter's notice / permit recorded on an authority's Street Works Register.
- 1.2 Un-attributable works include;
- Undertakers' apparatus
  - Reinstatements – carried out by undertakers and section 50 street works licensees
  - Unidentified works found in progress
- 1.3 Likewise un-attributable works can also be associated with New Roads and Street Works Act 1991 (NRSWA) section 81 which also refers to undertaker apparatus previously installed in the public highway under the Public Utilities Street Works Act 1950. In such circumstances neither the authority nor the undertaker are able to ascribe the works to a particular works reference within the Street Works Register.

### **2.0 Background & Scope**

- 2.1 There is sometimes a need for a highway / street / permit authority (authority) to identify the owner of un-attributable works. The Electronic Transfer of Notices (EToN) Technical Specification (Version 5.0.1) describes the mechanics for the issuing and receiving of un-attributable work notifications. This document sets out a process for the street works community to administer these notifications using the EToN system.
- 2.2 This process is used by authorities or relevant bridge or transport authorities to notify promoters of works for which they do not currently have a promoter works reference. The un-attributable works transaction may be used in conjunction with other notifications to meet specific requirements under NRSWA, e.g. it can be used in conjunction with an inspection to report defective apparatus or reinstatements.
- 1.3 The following verb forms are used throughout this Advice Note to express requirement, recommendation, permission, possibility and capability:
- 'Must' indicates a legal requirement.
  - 'Shall' indicates a mandatory requirement for compliance with this guidance document
  - 'Should' means "it is strongly recommended".

- 'May' indicates an option that could be taken depending on the specific circumstances.
- 'Promoter' refers to NRSWA undertakers and section 50 licensees and other relevant authorities.

### **3.0 Promoters Operational District (OD):**

- 3.1 Note 4 of Chapter 5.2.19 of the EToN Technical Specification states *"The authority issuing the Un-attributable Works notice must decide which district within the intended recipient organisation it should be sent to. This would normally be selected from the same set of districts that would be considered for restrictions and section 50 licences, but this is ultimately at the discretion of the authority."*
- 3.2 Each promoter should allocate the unique OD to its un-attributable works for administrative purposes, however the EToN Technical Specification gives the authority permission to choose a utility OD if necessary.

### **4.0 Process**

- 4.1 In all circumstances the authority should use its best endeavours to identify the promoter. By exception, where the promoter cannot be established after appropriate investigation, it is recommended that the authority enters into discussion with some / all of the known apparatus owners in that authority's area. Formal notification procedures should only commence via EToN when the authority is confident that it has established the promoter of the works.

It is essential that both a clear site location and grid coordinates are provided by the authority to the promoter.

#### **4.2 Undertakers' apparatus (Section 81)**

- Where apparatus is found to be defective the authority should complete a Work Inspection Report (WIR) and together with any other relevant information send to the assumed apparatus owner (as described within HAUC(UK) Advice Note 2012/02 – Guidance Note for Defective Apparatus (S81)).

#### **4.3 Reinstatements by undertakers and section 50 street works licensees:**

- Where a reinstatement is discovered and found to be compliant the authority shall notify the assumed promoter requiring them to register the works.
- Where a reinstatement is found to be defective the authority shall notify the assumed promoter requiring them to register the works and should

also complete a Work Inspection Report (WIR) and together with any other relevant information send to the assumed promoter.

#### 4.4 Unidentified works found in progress:

- Where works are found in progress and are compliant the authority shall notify the promoter requiring them to register the works.
- Where works are found in progress and are non-compliant the authority shall notify the promoter requiring them to register the works and should also complete a Work Inspection Report (WIR) and together with any other relevant information send to the promoter.

4.5 When defective reinstatement or apparatus has been identified it is important that the authority reports quickly but accurately to the identified owner including the level of severity of the problem. It is also equally important that the responsible owner / promoter responds quickly to the authority regarding the identified issues. This can be achieved initially by a logged telephone call where appropriate, subsequently detailing all relevant information on the EToN un-attributable works notification (see also the Code of Practice for Inspections and HAUC(UK) Advice Note 2012/02 – Guidance Note for Defective Apparatus (S81)).

### 5.0 Promoter responses

When receiving an Un-attributable Works notification the recipient promoter shall respond as Accept or Decline according to the result of their investigations within the timescales discussed with the authority relative to the severity of the issue.

#### 5.1 Where Promoter accepts:

- The promoter must issue their own notification cross referencing it to the authority's Un-attributable Works notification. If the authority's notification included details about a defective reinstatement the promoter should follow the procedures outlined within the Code of Practice for Inspections.
- If the authority's notification included details about unsatisfactory apparatus the undertaker should follow the procedures outlined within HAUC(UK) Advice Note 2012/02.

#### 5.2 Where Promoter declines:

The promoter shall contact the authority giving reasons why.

- Should a notice / permit be found that relates to the works of the un-attributable notification then the Un-attributable notification will be

declined with a comment. The Un-attributable notification should then be cross referenced to the actual notice / permit reference by the authority.

- If there is no cross reference to an existing notice / permit then the authority must then re-investigate to establish responsibility and where appropriate re-issue a further Un-attributable notification.

Where there is a need for an auditable dialogue between the promoter and the authority the 'Comment' option within EToN should be used. The authority should clarify and / or acknowledge the promoter comment.

This option can also be used as appropriate for an undertaker's response regarding a non-registerable works activity (e.g. replacing a missing or damaged cover).

## **6.0 Promoter fails to respond:**

- 6.1 Where the promoter fails to respond, it is essential that clear and effective communication between the authority and the promoter takes place. If the notification specifically relates to either defective reinstatement or defective apparatus the authority may elect to carry out a follow-up site visit to determine if remedial works have been carried out. The authority may then consider whether or not to take appropriate action dependent on the site circumstances.
- 6.2 Where the authority takes action the promoter should be informed of the action taken with confirmation sent by the end of the next working day by EToN.

It is recommended that any telephone communications are logged.

**END**