

Cabinet Member for Highways, Transport and Economic Growth Decisions

24 March 2025

Procedural Matters – Public Questions

Question 1 (AF)

Question

What enforcement powers can the Council exercise towards 3rd party road works, including those associated with large housing projects, and what responsibilities does the Council have when issues occur with them (health & safety, traffic impact)?

Response

As the Highways Authority for Surrey, we work closely with utility companies who supply power, water and telecoms to our communities. Regular meetings are held with each utility company to review their performance and discuss any issues.

Everyone who wants to carry out activities on Surrey's roads must apply through the [Surrey County Council Permit Scheme](#). This ensures a fair, regulated and co-ordinated approach that minimises disruption.

The New Roads and Streetworks Act 1991 allows Highway Authorities to conduct a specific number of inspections on utility companies' reinstatement works. For each of these inspections, regardless of the outcome, the Highway Authority can charge a fee of £50.

These inspections occur at different stages including during the works, within six months of completion, and within three months before the end of the guarantee period.

Surrey County Council officers may also visit sites at any time in response to reports about substandard workmanship. They carry out thousands of these inspections each year to make sure all works meet the highest standards.

We use the Department for Transport's 'Street Manager' IT system to record any defective reinstatements which sends an alert to the utility company involved. They have 27 days to fix the problem but can request more time to avoid work 'clashes'. A further inspection is then carried out.

If these timings are not met, our senior officers raise it with senior managers at the utility company. If a resolution is not found, we can use our own contractors to complete the works and charge the utility company.

If a utility company consistently fails to meet the required standards, additional rechargeable inspections may be conducted, accompanied by an intensified escalation and discussion process.

Frequent performance assessment meetings will be held until the inspection results demonstrate acceptable levels of conformity. The utility company will be expected to develop an action plan outlining how they will improve their practices.

There is no specific legislation in place to impose fines on utility companies solely for poor reinstatement quality. Whilst not a 'fine' we raise charges to recover officer time spent inspecting reinstatements that do not meet standards.

In extreme cases where a defective reinstatement poses an immediate danger to individuals or damage to property, the Highway Authority can prosecute the utility company under Section 71 of the New Roads and Street Works Act (NRSWA).

Any fines imposed by the courts are returned to central government, rather than to Surrey County Council, and contribute to the overall operation of the court system.

Where a permit to work is granted and there is a breach of the conditions placed upon the permit, the penalty amount is set at £120 (£80 if paid early). If a utility company conducts work without a permit, the fine is £500 (£300 if paid early). If the utility company's works continue beyond the permit end date and no additional time-period is granted, a daily charge is imposed.

The daily charge varies according to the works' type and the status of the road and serves as a deterrent to prevent over-running works and ensure compliance with permit regulations. Charges applied here could be up to several thousand pounds. For more information, see our [Surrey County Council Permit Scheme](#) web page.

NB Following a consultation by the Department for Transport in 2024 the level of fines will be doubling in the summer of 2025 and additionally penalties and daily charges will also be able to be charged at weekends and bank holidays from Summer 2025.

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