

## 2. APPROVED DRAINLAYER REGISTRATION SCHEME

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The purpose of this report is to gain approval for the implementation of an “Approved Drainlayer” scheme for identified drainage works in roads, and some other works carried out on our sewer system.

### BACKGROUND

The Christchurch City Council owns and maintains the sewer mains in the roads, and especially on the hills, through private property, but it does not own the sewer laterals laid from these mains within the legal road and up to the boundary of the property that they serve. Because of the requirement to keep record plans of all services laid in roads, City Water & Waste as network operator have blanket approval to maintain their services in roads, the Council maintains the structural integrity of these sewer laterals laid in legal roads. This means that if a blockage on one of these sewer laterals is caused by a structural problem in the road, the Council pays for the repair. The procedure for this is that the property owner calls a drainlayer when they have a sewer blockage and he tries to unblock the lateral. If during this work he believes that the blockage is caused by a fault on the street (such as collapse under traffic wheel loading) he will take a video of this if possible and then call the Council to inspect. If there is no evidence of a fault in the street the property owner pays for all work, but if there is a fault on the street the Council pays for all work including the correction of the fault. Traditionally this repair work is done by the drainlayer called by the property owner.

When the Council is paying for the work, it is classed as the “Principal” under the Health & Safety in Employment Act and as such has certain obligations under the act to ensure the safety of all of the people involved in the work, including the public using the road. Under the new Transit Code of Practice for Temporary Traffic Management, which the Council has encompassed for its roads, a Traffic Management Plan is required for all such work on roads, and those controlling the work site are required to attend appropriate training for this. Further to this there are issues of Insurance cover for the drainlayer, protection of the integrity and life of the drainage system, and works standards. Because of the constant traffic loadings and the vulnerability of the laterals to damage from others excavating in the roadways, the Council, in its capacity as owner of the roadway, requires that the drainage works conform to a higher standard than would otherwise be required on private land. Also in many cases the repair required on the lateral can include work on the junction to the main, which is a regular cause of faults. This can lead to our system being vulnerable if the work is not carried out appropriately.

Often the drainlayers called by the property owners are not aware of these standards, or used to working on the road, and this has caused considerable problems at times with drainlayers using substandard materials not approved for this work and substandard methods not acceptable to the Council. Further problems are caused when the drainlayers use inadequate road signage and safety practices on the site, which can lead to danger for the public and road users. Also no check has been done to ensure that the drainlayer has adequate Public Liability and other insurances needed when carrying out this work on the roads.

Many similar problems relate to work carried out as part of Building Consents, which can involve laying of new laterals in roads and relaying of public sewer mains on private property. Up until now these works have been controlled by notification from Environmental Services to Drainage Contract Supervisors. However, with the advent of private certifiers into this field of work, many of these are not being notified as they should be. The result is that they are being laid to varying standards, and they are not being supervised or recorded, which will lead to increased costs for maintenance of these by the Council in future years.

### REGISTRATION PROPOSAL

It is planned that City Water & Waste introduces a scheme to control the present problems caused by these works and to protect the Council from possible claims as principal under the Health & Safety in Employment Act.

The planned scheme requires all drainlayers who wish to carry out this work to register with the Council. As part of this registration the drainlayers would be required to provide the Council with adequate information regarding their knowledge of the required standards for the work and their ability to carry out the work to these standards.

They need to have the appropriate insurances in place, and know that Council is to be notified by them before the work starts. A Company Health & Safety Management Plan will be required and they will need to have a generic Traffic Management Plan in place for emergency work such as sewer lateral repairs, and ensure they have appropriately trained staff to work on the road, and adequate resources to carry out the work.

The scheme is not designed to restrict anyone from carrying out this work but what it is designed to do is ensure that those carrying out the work are aware of the requirements involved. As part of the scheme there are also provisions for the removal of drainlayers from the list if they fail to carry out the work to the required standards, or fail to meet Health & Safety requirements. The Council would maintain a list of 'Approved Drainlayers', which would be available to the public.

For sewer lateral repair works the property owner would still call any drainlayer if they have a blockage, but if a problem was found on the road any repairs required would have to be done by an 'Approved Drainlayer'.

For works which are the subject of a building consent and which involve work on the road not paid for by the Council, a list of 'Approved Drainlayers' would be attached to the building consent with the explanation that the work on the road can only be carried out by a drainlayer from the list. This will not restrict the consent holder from using a drainlayer of their choice for drainage work inside the property boundary.

The documents prepared include flow charts for the various works so that the drainlayers know exactly what is required for all works.

A similar scheme introduced by North Shore City Council has been running successfully for the past two years. Other areas of Council works, especially those involved with protecting the integrity of the water supply, have shown an interest in this scheme with the thought of introducing similar schemes for their work if this one proves successful.

The Council's solicitors have considered the proposed system and have concluded that it will not breach the provisions of the Commerce Act 1986 provided:

- (a) The standards set by the Council are reasonably obtainable by competent drainlayers;
- (b) The cost of obtaining registration is reasonable;
- (c) An appeal process is available if registration is declined;
- (d) The power to cancel registration is exercisable only upon reasonable notice and for appropriate grounds

#### **SUMMARY**

The City Water & Waste Unit wishes to put in place a scheme for registering 'Approved Drainlayers' to ensure that Council is protected from faulty workmanship and inadequate Health & Safety standards on identified drainage works in roads and private property. This scheme is not designed to restrict anyone from carrying out this work but is designed to ensure that drainlayers meet Health & Safety and work standards, and follow appropriate procedures.

Other areas of the Council wish to introduce similar schemes for their areas of work, and this could ultimately lead to only approved contractors being used for all of the Council's capital and maintenance works.

**Recommendation:** That the Council introduce the registration scheme described in this report in respect of foulwater drainage, subject to the Council's solicitors approving the documentation relating to the scheme, and subject to a further report in due course on the standards, costs and processes defined above as provisions (a)-(d).

#### **APPROVED DRAINLAYER REGISTRATION - STANDARDS, COSTS AND PROCESSES**

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The purpose of the report is to clarify issues raised by the City Services Committee at its meeting on 11 September 2001 regarding the above scheme. Note that this supplementary report represents the further report referenced in the Committee's recommendation.

## **THE INFORMATION REQUESTED**

Extra information about the proposal was requested in the following areas:

1. The standards set by Council are reasonably obtainable by competent drainlayers
2. The cost of obtaining registration is reasonable
3. The appeal process is available if registration is declined
4. The power to cancel registration is exercisable only upon reasonable notice and for appropriate grounds
4. The Council is not imposing onerous conditions on drainlayers which could affect their business

## **THE PROPOSAL**

Each Approved Drainlayer shall be required to put or have the following in place before they will be eligible to be approved under the proposed scheme:

- Insurances – each Approved Drainlayer shall supply Council evidence that they have sufficient public liability insurance cover in place and that it is in the joint names of the Drainlayer and the Council. There is also an extension to this cover for vibration and loss of support.
- Traffic Management – City Streets Unit have adopted the new Transit code for Temporary Traffic Management for all Council streets therefore all contractors wishing to work on the road have to comply with this. As part of this they have to have one staff member appropriately trained to control the site. This involves attendance and passing a two day course. The cost of this course is approximately \$350. The code also requires a Traffic Management Plan to be drawn up and approved for each work site, which shows the layout of the signs. For emergency work a Generic Traffic Management Plan amended as necessary to fit in with each site is also required.
- Company Health & Safety Management plan – the Health & Safety in Employment Act requires that all companies have one of these in place.
- Quality Assurance – the Drainlayer is required to put in place a simple quality assurance checklist for each job which sets out the important procedural aspects of the job signed off as they are completed. This is to be given to Council at the completion of each job. This is to act as a reminder to the drainlayer of the aspects that are considered important by the Council.
- Work experience – the Drainlayer is required to supply with his application a brief outline of his experience in the type of work involved, together with any references, and the resources he has available. The reason for this is that for work on roads it is important to get the job done as soon as possible to keep disruption to a minimum.

The above requirements, apart from insurance notification, are all done by good drainlayers carrying out this work now. The scheme is designed to bring all drainlayers up to this standard, which is considered to be the minimum. The matter of insurance is to ensure that the Council is not placed at risk should there be a claim against the drainlayer on any job.

Other matters also included in the proposed scheme:

- The document sets out the procedures to be used for each job, what contact and information the Council requires, and what aspects of the job the Council wants to observe before backfilling is done.
- It is a requirement from City Streets that the repaired trench be maintained for 12 months following completion of the restoration. This has been made a requirement for the drainlayer to encourage good compaction and reinstatement.
- Many drainlayers work to the standards set out in the Building Act for most of the work they do. Hence when they get involved with work in the roads and on the Council's drains they are not aware of the higher standards required by the Council. This document sets out these standards so that there is no confusion.

- An appeal process can be put in place if that is what is deemed necessary by the Council's solicitors. The Council will however be working with applicants to explain any shortcomings with their applications and set out what is required to gain registration.
- The power to cancel registration is set out in the document, and this would only be exercised for serious and continued breaches of the requirements of the scheme. Some changes to the wording of the documentation in this area is recommended by the Council's solicitors to make this clearer.
- There is a proposed fee of \$100.00 for processing each application, which is non refundable.

It is proposed that applications can be made at any time, and that there would be a maximum eight weeks processing time for applications by Council.

A draft copy of the documentation was sent to the Drainlayers Association and the Contractors Federation for comment, and they gave the scheme a favourable response. All known local drainlayers were also notified of Council's intention to introduce the scheme and were asked to advise any concerns they had. Very few comments were received and no major concerns were expressed.

At the present time not all drainlayers want to carry out work in this area as they don't want the hassles of traffic management, working around other services in the roads, and the greater depth of these drains in roads, which can lead to more difficult ground conditions. The proposal simply tidies up the requirements for the work in this area so that all people who want to carry out this work are aware of what is involved, and it puts some procedures and controls in place which will enable it to be administered easier.

- Recommendation:**
1. That this information be read in conjunction with the original report requesting approval for implementation of the scheme.
  2. That the registration scheme for Approved Drainlayer Registration as described in the two City Services Committee September 2001 reports be approved.