

<b>Report to:</b>	Environment and Neighbourhood Committee	<b>Date:</b>	15 September 2016
<b>Report title:</b>	Release of Capital Funding for Planned Highways Maintenance in 2016/2017		
<b>Report from:</b>	Mary Morrissey, Strategic Director, Environment Housing and Regeneration		
<b>Ward/Areas affected:</b>	Borough Wide		
<b>Chair of Committee/Lead Member:</b>	Councillor Jill Whitehead		
<b>Author(s)/Contact Number(s):</b>	Gary Mersh, Senior Professional Engineer, Highways - 020 8770 6415		
<b>Corporate Plan Priorities:</b>	<ul style="list-style-type: none"> <li>• A Green Council</li> </ul>		
<b>Open/Exempt:</b>	Open		
<b>Signed:</b>		<b>Date:</b>	29 August 2016

## 1. Summary

- 1.1 The Council has a statutory duty under S41 of the Highways Act 1980 to maintain the highway in a safe condition for all users. The Planned Highway Maintenance Works Programme is drawn up to address the more important maintenance requirements of roads in the Borough and the prioritisation process is designed to deliver our duty of care under section 41 of the 1980 Highways Act and provide Best Value in the use of public funds.

## 2. Recommendations

The Environment and Neighbourhoods Committee is recommended to:

- 2.1 Approve the capital expenditure for the 2016/17 financial year 'Planned Highway and Pavement Maintenance Programme' as outlined in the attached 2012-16 Capital Programme.

## 3. Background

- 3.1 A provisional planned highway maintenance programme is drawn up each year from:- highways Inspectors' reports, road condition survey(s), perceived need and the amount of capital available; this is pulled together into a coherent list by the Planned Maintenance Engineer.
- 3.2 All roads on the provisional planned maintenance list are then prioritised using an agreed weighting assessment, which takes account of the overall condition, usage, location and



feedback on condition from Councillors and members of the public. Within this criterion, principal roads, bus routes and cycleways receive a higher priority, as do footways in shopping areas and those close to hospitals, schools and care homes.

- 3.3 Due to capital funding levels there is rarely enough money to meet the needs of the borough - hence the need to prioritise based upon need. This leads to a backlog of roads requiring attention.
- 3.4 The provisional list of roads is sent to all public utilities for consultation as required under the New Roads and Street Works Act (NRSWA) 1991, this allows the utilities to give notice of their future planned works and provides an opportunity for schemes to be programmed to minimise the level of delay to the wider community.
- 3.5 Residents and transport providers are informed of pending works through an advance letter drop in the weeks leading up to planned maintenance taking place. The term contractor also affixes notices to lamp columns in the days preceding the works and bus operators advise passengers of any diversions required.

**4. Issues**

- 4.1 Local authorities are now required by HM Treasury to value their transport assets in line with CIPFA’s Transport Infrastructure Code and report this annually; the Depreciated Replacement Cost (DRC) of Sutton’s highway assets was reported as £725 million in 2012/2013.

**5. Options Considered**

- 5.1 A variety of planned maintenance methods are used to carry out the works dictated by existing condition and underlying construction materials ranging from full reconstruction (most expensive option) to surface overlays (cheapest option). The option chosen is designed to give the greatest longevity to the road at the least expense.

**6. Impacts and Implications**

Financial

- 6.1 The capital estimates for planned maintenance in 2016/2017 are:

Highways £'000	Pavements £'000	Total £'000
700	500	1,200

- 6.2 Agreement is needed by the Environment and Neighbourhood Committee to incur capital expenditure for the Planned Highway and Pavement Maintenance Programme so that the

schedule of works identified under Appendices A and B can be undertaken during 2016/17 financial year.

### Legal

- 6.3 The Council, as the Highway Authority for highways maintainable at the public expense within its administrative area, has a duty under Section 41 of the Highways Act 1980 (the 1980 Act) to maintain the highway (“the Duty”). The Duty has been interpreted by the courts as requiring the highway to be maintained in such a state of repair that it is reasonably passable for the ordinary traffic of the neighbourhood without danger caused by its physical condition.
- 6.4 Any claim brought against the Highway Authority alleging damage resulting from a breach of the Duty is subject to the statutory defence in Section 58 of the 1980. This provides that it is a defence to prove that the Authority had taken such care as in all the circumstances was reasonably required to secure that the relevant the part of the highway was not dangerous for traffic. In considering the defence the court is required to have regard to the following matters:—
- (a) the character of the highway, and the traffic reasonably to be expected to use it;
  - (b) the standard of maintenance appropriate for a highway of that character and used by such traffic;
  - (c) the state of repair in which a reasonable person would have expected to find the highway;
  - (d) whether the highway authority knew, or could reasonably have been expected to know, that the condition of the relevant highway was likely to cause danger to users of it;
  - (e) where the highway authority could not reasonably have been expected to repair the relevant highway incident causing the damage, what warning notices of its condition had been displayed.
- 6.5 By undertaking a programme of maintenance work, prioritised in accordance with the criterion set out above and having regard to Sections 41 and 58 of the 1980 Act, the Authority seeks to perform its statutory duty, minimising ongoing reactive maintenance costs, and preventing damage to road users and the consequential potential liability.

### Community (including safety, localism, public health)

- 6.6 The current policy for undertaking planned highway works improves safety and takes into consideration the need to improve facilities for disabled people, pedestrians, cyclists and public transport users.

### Risk

- 6.7 The failure to fulfil our statutory duty as the Highway Authority would have legal and financial implications and be potentially harmful to the reputation of the Council.



**7. Appendices and Background Documents**

<b>Appendix letter</b>	<b>Title</b>
A	List of carriageways to be resurfaced and Investigated / Design in 2016/17
B	List of footways to be reconstructed in 2016/17

<b>Background documents</b>
None

<b>Audit Trail</b>		
Version	Final	Date: 29 August 2016
<b>Consultation with other officers</b>		
Finance	Yes	Tony Cooke
Legal	Yes	David Fellowes
Integrated Impact Assessment required?	No	N/A