



<b>Report to:</b>	Environment and Neighbourhood Committee	<b>Date:</b>	30 March 2017
<b>Report title:</b>	Release of Capital Funding for Planned Highway Maintenance in 2017/2018		
<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 and Transport, (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>	16 March 2017

## 1. Summary

- 1.1 Valued at over £725m, Sutton Council's highway network is the most visible, well used and valuable physical asset which the Council is responsible for. To meet the Council's corporate objective of providing a safe and sustainable highway network for businesses, residents and visitors will require considerable investment in these heavily used highway assets to maintain them in a serviceable condition. Consequently the highway maintenance needs have been reviewed, as set out in Appendices A and B and prioritised on a Borough wide basis.

## 2. Recommendations

The Environment and Neighbourhood Committee is recommended to:

- 2.1 Agree to incur capital expenditure of up to £1.2m proposed highway maintenance programme for footways and carriageways for 2017/18 so that the schedule of works identified under Appendices A and B can be undertaken.
- 2.2 Approve the prioritised planned highway maintenance programme for 2017/18, as detailed in Appendices A and B, with delegation to Warren Shadbolt, Executive Head of Safer and Stronger Communities, to deal with any in-year changes that may prove necessary.



### **3. Background**

- 3.1 London Borough of Sutton's public highway network is the most expensive asset which the Council owns. It is valued at £725 million and has major significance to borough residents, communities and businesses.
- 3.2 A provisional planned highway maintenance programme is drawn up each year from Council highways inspectors' safety condition reports, and road condition survey(s). This is coupled with the level of capital funding available and allows for a list of borough public highway locations which are in most need of planned maintenance to be put into a works programme.
- 3.3 All carriageway and footway locations on the provisional planned maintenance list are then prioritised using a weighting score condition assessment, which takes account the overall condition and usage of each location and incorporates feedback received from councillors and members of the public. Within this process, 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.
- 3.4 Due to current capital funding levels there are insufficient funds available to meet the full need of repair of the borough's public highway network. As such, officers have to create a prioritised list, and as a consequence, a backlog of borough roads requiring attention remains.
- 3.5 The prioritised list of roads is sent to all public utility companies 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 in to minimise the level of any disruption to the local community.
- 3.6 Local residents, and transport providers are informed on pending works through an advance letter drop in the weeks leading up to planned maintenance works taking place. The term contractor also affixes notices to lamp columns in the days preceding the works to provide information to highway users, and the bus operators then advise passengers on 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. The Depreciated Replacement Cost (DRC) of Sutton's highway assets is reported as £725 million.

### **5. Options Considered**

- 5.1 A selection of planned maintenance methods are used to carry out the works. The choice of the most appropriate method to be used is dictated by the existing condition and construction of the highway. Methods range from using materials where a full reconstruction is required (most expensive option) to thinner surface overlays (cheapest option). The option chosen is designed to give the greatest longevity to the road at the most economical cost.



## 6. Impacts and Implications

### Financial

- 6.1 The capital funding proposal is as follows and includes staff costs and contingencies for all schemes in 2017/18:

Carriageways £'000	Footways £'000	Total £'000
700	500	1,200

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 2017/18 financial year.

### Legal

- 6.2 The Highway Authority has a duty under Section 41 of the Highways Act 1980 to maintain the highways for which they are responsible.
- 6.3 If a person believes he/she has suffered damage as a result of a failure to maintain the highway, the Highways Authority has a defence if it proves that this “had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic”.
- 6.4 Any claim brought against the Council, alleging damage resulting from a breach of their ‘duty’ is subject to statutory defence under section 58 of The Highway Act 1980. This provides defence in proof that The Highway Authority had taken such reasonable care as to secure that the relevant part of the public highway was not dangerous for highway users. In considering the defence the court is required to have regard to the following matters:-
- The character of the highway, and the traffic reasonably to be expected to use it.
  - The standard of maintenance appropriate for a highway of that character and used by such traffic.
  - The state of repair in which a reasonable person would have expected to find the highway.
  - Whether the Highway Authority knew, or could have reasonably have been expected to know that the condition of the relevant highway was likely to cause danger to users of it. By undertaking a programme of maintenance work prioritised in accordance with the criteria set out above, and having had regard to Sections 41 and 58 of The Highway Act 1980, the Authority seeks to perform its statutory duty, and reduce the potential liability for insurance claims.

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



- 6.5 Letter drops to all affected residents/businesses will be carried out by our Contractor 10 working days in advance of the works commencing, advising them of the arrangements and timescale.
- 6.6 The current policy for undertaking planned highway works improves public highway user safety and takes into consideration the need to improve facilities for disabled people, pedestrians, cyclists and public transport users.
- 6.7 This aligns with the Council's corporate plan objective as 'A Green Council' to improve the borough's transport network infrastructure to support the local economy and meet the current and future needs of the borough by delivering a programme of works to maintain and repair the borough's roads and pavements.
- 6.8 If the highway network is allowed to deteriorate there will be considerable congestion caused by increased amounts of emergency responsive maintenance. Officers give careful attention to the planning and coordination of all highways works to minimise disruption and congestion.
- 6.9 However, effective maintenance of the Council's highway assets inevitably entails some impact to the network and all efforts will be made to give advance notification of implications for local residents and the general public where their travel arrangements may be disrupted.
- 6.10 Prior to footway schemes commencing, residents will be given the opportunity to apply for a new vehicle crossover or extend an existing one, if these requests meet current policies, these works will be undertaken during the footway improvement scheme. There will be a 15% discount offered for any applications received. This approach has proved beneficial in the past to all parties and is critical to ensure the integrity of the new footway is protected and does not incur any vehicle overrun to access properties.
- 6.11 Within Conservation areas, every effort is made to ensure that materials match the existing. The Council's contractor is required to use vehicles and plant that comply with the European Union's requirements. When work has to be carried out at night residents are informed at least two weeks in advance.
- 6.12 Works will be scheduled to commence as early in the new financial year as possible. However, the actual timing of scheme works will be determined and coordinated with other activities, such as statutory undertakers' planned works, school holidays and other relevant events as part of the Council's network management duties.
- 6.13 Prolonged periods of very wet, cold or hot weather can have a significant influence on the works programme and priorities. Additionally, works by statutory undertakers may result in some schemes needing to be delayed to a later year. In this event, it is proposed that the next road(s) on the prioritised list would be brought forward for implementation.

#### Risk

- 6.14 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.



- 6.15 The highways planned maintenance contract is currently being commissioned for a new fixed term. Due to this current commissioning process, commencement dates of the programme cannot be confirmed at this stage.

## 7. Appendices and Background Documents

Appendix letter	Title
A	List of carriageways to be resurfaced and investigated.
B	List of footways to be reconstructed.

Background documents
None

Audit Trail		
Version	Final	Date: 16 March 2017
Consultation with other officers		
Finance	Yes	Tony Cooke
Legal	Yes	David Fellows
Integrated Impact Assessment required?	No	N/A

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