

Report Title:	<b>Proposed revisions to the Highways Maintenance Management Plan – 24 hour pothole response</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing
Meeting and Date:	Cabinet – 30 May 2019
Responsible Officer(s):	Hilary Hall, Interim Director of Adult Services and Deputy Director Strategy & Commissioning
Wards affected:	All

## REPORT SUMMARY

1. Following the local elections, the administration is now intent upon delivering its key manifesto commitments of investing more than £50m in our highways and pavements over the next four years, fixing every reported pothole within 24 hours and introducing an inspection regime for every road every year. This report outlines how the pledge of potholes repairs is proposed to be implemented.
2. Within the current Highways Maintenance Management Plan, a carriageway pothole requiring a repair within two or 24 hours is defined as ‘a defect over 40mm on a high speed or strategic route (category 2 or 3(a))’. On a footway, an actionable defect is over 25mm and in a town centre or footways with high footfalls, these are also repaired within 24 hours.
3. It is proposed that the policy is changed to enable every carriageway pothole over 40mm or footway defect over 25mm to be repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. Retaining the existing definition of an actionable pothole, and at the same time extended the application to all categories of road, will enable the enhanced service to be delivered and still enable the council to defend any insurance claims.
4. This policy change will require a change to the contract with VolkerHighways to provide an additional gang with appropriate supervision at an additional annual cost of up to £450,000.

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATION:** That Cabinet notes the report and:

- i) **Approves a revision to the Highways Maintenance Management Plan to enable every carriageway pothole over 40mm, or footway defect over 25mm to be repaired within 24 working hours regardless of the category of road, at an additional annual cost of £450,000.**

## 2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Current policy

- 2.1 The Royal Borough has a statutory duty to manage and maintain the public highway network. To do this efficiently and effectively, a suite of asset management plans and policies have been adopted. These include:
- Highway Asset Management Strategy (HAMS) – high level strategy focused on carriageways and footways.
  - Highway Maintenance Management Plan (HMMP) – policies, standards and methods for maintaining all highway assets, based upon the Code of Practice and good practice guidelines published by the Department of Transport.
  - Highway Safety Inspection Manual (HSIM) – determines where inspections are needed and where interventions are required for all highway assets.
- 2.2 It is this suite of policies that are considered when Government provides funds for highways – in 2018-2019, this totalled £2,968,000 for the Royal Borough.
- 2.3 The Royal Borough is committed to inspecting all roads every year. Data on the roads is taken using vehicle mounted SCRIM and SCANNER surveys, SCRIM relating to skid resistance and SCANNER relating to condition such as profile, rutting and cracking. Surveys are completed annually on all the borough's A, B and C roads. In addition, all streets are subject to at least an annual visual site inspection - frequency is dependent on their category.
- 2.4 Currently, an actionable carriageway pothole is defined in the policy as '*a defect over 40mm on a high speed or strategic route (category 2 or 3(a))*'. These potholes are fixed within two or 24 hours. On a footway, an actionable defect is 'over 25mm' and in a town centre or footways with high footfall, these also are repaired within 24 hours.
- 2.5 The HMMP contains a Defect Assessment Risk Matrix, see Appendix A, which provides guidance to inspectors on the evaluation of particular defect types and locations. The matrix illustrates the types of defects and the policy timescales to respond, which is fundamental when defending claims. A carriageway pothole over the intervention level of 40mm in a high traffic road would be classed as an actionable pothole and would be repaired within 24 hours. An actionable defect that appears on a lesser trafficked road would not attract the same priority and so would be repaired within a longer timeframe.
- 2.6 For comparative purposes, other Berkshire and neighbouring authorities have adopted policies which include the following intervention levels triggering a response within 24 hours. The proposed revisions to the policy means the Royal Borough would be offering a better response.

**Table 1: Comparison with neighbouring authorities**

Authority	Carriageway	Footway
Reading	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm
Bracknell	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm

Authority	Carriageway	Footway
Slough	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm
West Berkshire	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway depth 20mm depth over an approx. area of 300mm by 300mm
Buckinghamshire CC	No intervention level specified – risk based approach based on area inspector judgement	
Surrey CC	Carriageway 40mm depth (except cycleway and crossing points which are 25mm) over 150mm diameter within five days	Carriageway 20mm depth which are over 100mm diameter within five days.
Wokingham	No intervention level specified – risk based approach based on area inspector judgement	

### Performance Data

- 2.7 Key performance indicators in the VolkerHighways contract require a two hour or 24 hour response time for all actionable defects including potholes and 2018-2019 performance is set out in table 2 below

**Table 2: Performance 2018-2019**

Indicator	Target	Q1	Q2	Q3	Q4
Percentage of 24 hour orders that were responded to on time within the reporting period	98%	100%	92.9%	90%	100%
Percentage of emergency two hour orders that were responded to on time within the reporting period	98%	100%	98.3%	100%	100%

- 2.8 Table 3 shows the number of pothole claims received in comparison with the number settled in the last four years. For context, analysis of insurance trend data for the last 10 years shows that the current policy is robust in protecting the Royal Borough against potentially high insurance pay-outs, of which the Royal Borough meets the cost up to the first £750,000 of any claim. The total estimated cost of settling all the pothole claims over this period is £715,000, whereas the actual cost of settled claims was £203,000, including a single (largest) claim of £90,000 relating to a severe injury arising from a pothole accident. Given that in 2018-2019 only 4% of claims were settled, any changes that are made to the policy need to take into account the ability to continue to defend claims which means that published performance levels must be met.

**Table 3: Pothole claims 2015-2019**

	2015-16	2016-17	2017-18	2018-19
Total number of pothole claims received	18	26	48	53
Number of settled claims	4	3	3	2
Percentage of settled claims	22%	12%	6%	4%
Cost of claims settled	£3,649.06	£1,430.51	£2,332.05	£696.19

- 2.9 Table 4 shows how many enquiries which were described as potholes were logged between January and March 2019. It also shows how many were classified according to the categories in the matrix at Appendix A and of those, how many were classified against policy as requiring a two or 24 hour repair.

**Table 4: Pothole reports, January to March 2019**

<b>Potholes</b>	<b>January 2019</b>	<b>February 2019</b>	<b>March 2019</b>
Number of enquiries reported as potholes on Confirm	133	148	159
Number of potholes classed as actionable and fixed within 24 hours (policy categories P1 and P2)	50	27	23
Number of potholes classed as actionable and fixed within seven days (policy category P3)	36	15	9
Number of potholes classed as actionable and fixed within 14 days (policy category P4)	1	2	0
Number of potholes classed as actionable and fixed within 25 days (policy category P5)	20	28	14
Number of potholes classed as actionable and fixed within three months (policy category P6)	0	0	0

### **Customer satisfaction**

- 2.10 In parallel with technical factors, it is critical to understand customer perceptions and satisfaction to deliver a high quality service. In addition to the residents' survey, the Royal Borough has participated in the annual National Highways and Transport (NHT) Benchmarking Survey since 2013. 113 local authorities participate and detailed questions are asked of 3,300 Royal Borough residents, thereby allowing highway authorities to measure and compare service performance on a common and consistent basis and to learn from one another by sharing good and innovative practice.
- 2.11 A summary and comparative details of the Royal Borough's performance for 2017 is set out in table 5. This indicates that the Royal Borough performs very well compared to other local authorities, ranking 8th out of 113 authorities.

**Table 5: Customer satisfaction, National Highways and Transport Benchmarking survey**

	<b>% overall satisfaction to highway maintenance</b>	<b>Rank of a total of 113 Authorities</b>
Bracknell	61	3
<b>RBWM</b>	<b>57</b>	<b>8</b>
Wokingham	55	33
West Berkshire	55	34
Reading	53	54
Surrey CC	52	68
Buckinghamshire CC	49	104
Slough	No information available	No information available.

2.12 By making a commitment to fix potholes in 24 hours, it is very important that this is clearly defined and delivered, otherwise unmet customer expectations will reduce satisfaction.

#### **Current additional approaches**

2.12 Since August 2018, the Royal Borough, through VolkerHighways, has employed an additional gang to pilot a 'Find and Fix' scheme. This was to explore the viability of improving responsiveness and quality, by providing dedicated resources to deliver an enhanced service within high profile areas e.g. town centres.

2.13 The aim was not to deal with emergency defects but to improve the aesthetic appearance of high profile areas and reduce the 'lead in' time for works in these areas to be completed. This approach has proved extremely successful and allowed the Royal Borough to accelerate works in these areas without detrimentally affecting the timescales in fixing hazards or other routine works.

2.14 Another approach has been to focus on a geographic area, whereby dedicated funding is approved for a specific area, for example, Dedworth. This has enabled a targeted approach to repair defects and deliver aesthetic improvements over and above policy interventions which has again proved very successful.

#### **Future delivery and mobilisation**

2.15 It is critical to manage expectations and understand the intention and extent of any revision to the policy. The new standard must be clearly defined for the residents, the council and its contractors.

2.16 It is, therefore, proposed to revise the policy to define a carriageway pothole over 40mm and footway defect over 25mm being repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. The implications of this policy revision for the contract are:

- The requirement for an additional gang to deal with the increased workload, including appropriate supervision and additional call centre capacity.
- An additional annual cost of up to £450,000 which will be subject to contract pricing uplifts in the future.
- A commitment to keep the intervention levels and response times consistent in order to continue to successfully defend claims. It will impact claims if parameters are changed frequently.
- The requirement for a contract variation with the term contractor.

2.17 It is equally important to ensure the quality of any repair. Where it is considered, in the professional view of the inspectors, that the road requires resurfacing due to the nature of the defect(s) rather than simply repairing the pothole, this will take priority over timeliness. The resurfacing works will then form part of the highways capital programme.

2.18 In order to enable VolkerHighways to secure the required resource, it is proposed that the revised policy is implemented with effect from 1 September 2019. This will allow time for recruitment and training and for the accompanying communications and changes to the system to be implemented.

## Options

**Table 6: Options arising from this report**

Option	Comments
To revise the Highways Maintenance Management Plan to define a carriageway pothole over 40mm and a footway defect over 25mm being repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. <b>This is the recommended option</b>	This revision will enable the commitment to be met and an enhanced service delivered to residents, whilst at the same time protecting the council in terms of future insurance claims.
Make no revisions to the policy and retain the existing approach to actionable carriageway pothole repairs restricted to high speed or strategic routes (category 2 or 3(a))	This does meet the commitment.

### 3. KEY IMPLICATIONS

3.1 The key implications are set out in table 7.

**Table 7: Key implications**

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Percentage of actionable potholes fixed within 24 working hours of the reported time (excluding weekends and Bank Holidays).	Below 100%	100%	N/A		1 September 2019

### 4. FINANCIAL DETAILS / VALUE MONEY

#### Financial impact on the budget

4.1 The financial implications are set out in table 8 and the revisions to the policy will require additional annual revenue funding of up to £450,000. This funding will form a contract variation with the term contractor and will be subject to contract pricing uplifts in the future.

**Table 8: Financial impact of report's recommendations**

<b>REVENUE COSTS</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Additional total	£450,000	£450,000	£450,000
Reduction	£0	£0	£0
Net Impact	£450,000	£450,000	£450,000

**5. LEGAL IMPLICATIONS**

- 5.1 The council has a duty under the Highways Act 1980 to maintain the roads in good order. This duty covers all roads which the council is obliged to maintain, including public rights of way.

**6. RISK MANAGEMENT****Table 9: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Funding is insufficient to deliver the initiative	Medium	Budget estimates prepared; contractor rates confirmed; fixed prices secured where possible and robust financial governance in place.	Low
24 hour commitment cannot be achieved and customer satisfaction declines	Medium	Resources levels are identified and secured with contingency in place.	Low

**7 POTENTIAL IMPACTS**

- 7.1 None.

**8. CONSULTATION**

- 8.1 Consultation on the proposed revisions to the policy has taken place with VolkerHighways.

**9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 Implementation date if not called in: Immediately'. The full implementation stages are set out in table 10.

**Table 10: Implementation timetable**

<b>Date</b>	<b>Details</b>
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Date	Details
June to August 2019	Mobilisation including recruitment of additional gang, supervision and call centre capacity.
July to August 2019	Development and launch of communications campaign
	Amendments to system to accommodate policy revision.
1 September 2019	Launch of enhanced service

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Defects assessment matrix from the Royal Borough’s Highways Maintenance Management plan.

## 11. BACKGROUND INFORMATION

11.1 This report is supported by one background document:

- [Highways Asset Management Plan](#)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Lead Member for Infrastructure, Transport Policy and Housing	13/05/19	14/05/19
		19/05/19	20/05/19
Duncan Sharkey	Managing Director	13/05/19	14/05/19
Russell O’Keefe	Executive Director	19/05/19	
Andy Jeffs	Executive Director	19/05/19	20/05/19
Rob Stubbs	Section 151 Officer	19/05/19	
Elaine Browne	Interim Head of Law and Governance	19/05/19	
Nikki Craig	Head of HR and Corporate Projects	19/05/19	
Louisa Dean	Communications	19/05/19	20/05/19
Kevin McDaniel	Director of Children’s Services	19/05/19	
Hilary Hall	Deputy Director Strategy and Commissioning	13/05/19	14/05/19
		19/05/19	20/05/19

## REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision: 25 April 2019	No	No
Report Author: Ben Smith, Head of Commissioning – Communities, 01628 796147		



# Appendix A

## Risk Response matrix

Potholes and general surface defects						Verge erosion	Depressions	Manholes, stopcocks covers. Gullies
Recognised pedestrian areas, footways and marked cycle lanes.			Carriageway					
Risk of interaction with pedestrians (f/way)	>= 25mm	< 25mm Likelihood of worsening in short term e.g. advanced local crazing likely to pothole.	Risk of interaction with vehicle (c/way)	>= 40mm	<40 mm Likelihood of worsening in short term. Advanced local crazing likely to pothole.	Road edge breaking away so as to be potentially actionable.  >100 mm depth adjacent to f/way edge  >150 mm depth adjacent to c/way edge	Sunken bowl type defect with no defined edge determined on a case by case basis.  Investigatory levels are  >50mm depth and <300mm in width.	If not RBWM, these are referred to the utility companies with P1 and P3 made safe in the meantime.
Extreme. In a town centre or a main footfall area Cat 1a	<b>P2</b>	<b>P4</b> Inspector discretion for repairs where there is evidence of short term deterioration	Extreme. In line with vehicle path of very high traffic flow. Cat 2	<b>P2</b>	<b>P4</b> Inspector discretion for repairs where there is evidence of short term deterioration.	<b>P3</b> Inspector discretion for repairs where there is evidence of short term deterioration	<b>P4</b>	<b>P1</b> Cover missing/dislodged
Major. Adjacent to main areas of footfall in vulnerable areas. Cats 1 & 2	<b>P2</b>		Major. Adjacent to vehicle path in area of very high traffic flow. Cat 3(a)	<b>P2</b>				<b>P2</b> broken cover
Moderate. Most other footway areas. Cat 3	<b>P4</b>	<b>P5</b> Inspector discretion for repairs...	Moderate. Most other carriageway areas. Cat 3(b) and 4(a)	<b>P3</b>	<b>P5</b> Inspector discretion for repairs...	<b>P4</b>	<b>P5</b>	<b>P4</b> loose or uneven covers
Minor. Negligible risk of interaction, particularly obscure or unused locations. Cat 4	<b>P5</b>	<b>P6</b> Inspector discretion for repairs...	Minor. Negligible risk of interaction, particularly obscure or unused locations. Cat 4(b)	<b>P4</b>	<b>P6</b> Inspector discretion for repairs...	<b>P5</b>	<b>P6</b>	<b>P5</b> cracked or noisy covers not providing an immediate danger

### Risk score matrix

Risk score	Low	Low/Medium	Medium	Medium/High	High	Extreme
Defect category	2	2	2	2	1	1
Response category	P6	P5	P4	P3	P2	P1
Priority response	Within 3 months.	Works to be repaired within 28 calendar days	Up to 14 calendar days	Up to 7 calendar days	24 hours. Make safe or repair.	3 hours. Make safe or repair.