

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

20 MAY 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET/COUNCIL DECISION

Regeneration & Transport – Lead Cabinet Member – Councillor R Cook

WINTER DAMAGE – HIGHWAY REPAIR STRATEGY

1. Summary

The prolonged winter weather and the successive action of freezing and thawing has caused severe damage to the highway network. Most of the damage that has occurred is visible in the form of potholes whilst elsewhere damage to the foundations of the roads has remained unseen but is continuing to appear and will do for months to come.

The purpose of this report is to update Cabinet of the impact the severe winter weather has had on the Borough's highway network, highlight the action plan in place to deal with the impact and request additional funding of £300K to address the inordinate number of repairs required across the Borough..

2. Recommendations

It is recommended that:

1. Cabinet note the impact on resources as a result of the prolonged winter period.
2. Cabinet note the £208,700.00 grant from central Government as the Council's share from the national allocation of £100M and ring fence the funding towards highway repair operations.
3. Council approve the release of £300,000.00 from Council's balances to supplement the Government grant to ensure that the additional repairs can be completed.
4. Authority be delegated to the Acting Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport to agree the final programme of works and ensure the appropriate communications, under the 'Passionate about Roads' banner are put in place to keep residents informed of progress.
5. The Acting Head of Technical Services comply with the condition from DfT that a report be published by October 2010 indicating where the additional funding has been spent. This should consist of a report on the Council's web-site together with a copy to the DfT.

3. Reasons for the Recommendations/Decision(s)

The effective use of additional resources will assist in addressing the damage caused to the highway network as a result of the prolonged freezing conditions during the last winter period. The use of additional resources will enable the Authority to maintain a safe highway for road users and meet its statutory duty to maintain the highway. The efficient use of additional resources will help reduce accident claims and the potential additional costs that may ensue.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

AGENDA ITEM

REPORT TO CABINET

20 MAY 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET/COUNCIL DECISION

WINTER DAMAGE – HIGHWAY REPAIR STRATEGY

SUMMARY

The prolonged winter weather and the successive action of freezing and thawing has caused severe damage to the highway network. Most of the damage that has occurred is visible in the form of potholes whilst elsewhere damage to the foundations of the roads has remained unseen but is continuing to appear and will do for months to come.

The purpose of this report is to update Cabinet of the impact the severe winter weather has had on the Borough's highway network, highlight the action plan in place to deal with the impact and request additional funding of £300K to address the inordinate number of repairs required across the Borough..

RECOMMENDATIONS

It is recommended that:

1. Cabinet note the impact on resources as a result of the prolonged winter period.
2. Cabinet note the £208,700.00 grant from central Government as the Council's share from the national allocation of £100M and ring fence the funding towards highway repair operations.
3. Council approve the release of £300,000.00 from Council's balances to supplement the Government grant to ensure that the additional repairs can be completed.
4. Authority be delegated to the Acting Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport to agree the final programme of works and ensure the appropriate communications, under the 'Passionate about Roads' banner are put in place to keep residents informed of progress.
5. The Acting Head of Technical Services comply with the condition from DfT that a report be published by October 2010 indicating where the additional funding has been spent. This should consist of a report on the Council's web-site together with a copy to the DfT

DETAIL

1. Freezing conditions are a regular occurrence on UK roads throughout most average winter periods and usually the freeze/thaw periods last a few days at a time, meaning that the extent of any damage is minor and manageable. However, the prolonged severe conditions from mid December 2009 to the end of January 2010 meant that this damaging cycle continued for longer than normal and when the bad weather abated. The resulting damage has not only received national media attention but as, would be expected, generated many local complaints from residents and road users. The Council has responded to ensure that the priority for action has been to repair potholes to ensure the safety of road users. This placed a burden on routine maintenance budgets. We continue to identify damage caused as a consequence of the winter weather.
2. The funding for highway repairs normally comes from two sources, Capital funding from the Local Transport Plan and revenue funding from Council resources. These are summarised below:
 - 2010/11 **£1.668M** Capital funding – this should be used on Principal and Non-principal roads only (A, B and C roads). The condition of these roads is assessed annually and reported through national indicators (NI 168 and NI169).
 - 2010/11 **£2.201M** Council revenue support - this is used for programmed schemes and unscheduled maintenance on both roads and footpaths.
 - **£150K** Council Capital - short term additional funding, due to end in 2011/12, used against the original Find n Fix brand.
 - In the medium term, provided current levels of funding are sustained from both Capital and Revenue sources, approximately **£11.6M** will be invested in highway maintenance over a 3 year period.
3. The SBC Capital funding was first introduced after the 2006 MORI poll results which showed a nett dissatisfaction with road and footpath condition. Since 2007/08, the Council has invested an additional £1.3M into this initiative. The 2008 MORI poll showed a significant improvement in nett satisfaction with both road and footpath condition.
4. As previously stated, the Council's performance on highway maintenance is measured using National Indicators. These are NI168 Condition of Principal Roads (2%) and NI169 Condition of Non-Principal Roads (3%). For the year 2009/10, Stockton's performance was reported as being in the top quartile nationally for road condition.
5. The improved MORI results, current investment profile and National Indicator performance all tell the story that the overall condition of the Borough's road network is a comparatively high standard nationally. Applying the correct engineering solution to address the deteriorating condition of highway network has resulted in improved satisfaction levels and condition surveys.
6. Although the baseline was high as a result of positive investment, the recent weather has exposed weak areas on the Borough's highway network. In effect, the coming years maintenance demands have been brought forward for us by nature. In the main, the ongoing investment in Classified roads using LTP funds and on Unclassified main roads using revenue support has protected many of these routes. However, despite this, there are still many sections of the highway network that have suffered damage. Many of these are on the unclassified residential estate roads that haven't had the benefit of the LTP funding.
7. Officers have been working since January of this year using inspection regimes, communication with Ward Councillors and public reports to identify the additional maintenance needs. To date, the cost to repair the damage from winter weather alone is in the region of £500K.

8. Officers are forming an accurate picture of the maintenance needs and will prioritise this funding to maximise the benefits to road users.
9. In terms of Stockton's £500K winter backlog, it is estimated that there is a need for both a combination of full and partial resurfacing of carriageways together with a programme of structural patching. Current assessments show that an approximate 50/50 split of £250K full resurfacing and £250K structural patching would be needed to provide an effective solution.
10. In order to respond to the many complaints that have been received and to ensure highway safety is maintained, Direct Services have continued to carry out responsive repairs over and above their usual maintenance activities. This has led to a pressure on the existing maintenance budgets in the year 2009/10.
11. Recognised as a national problem in the Government's budget statement of March 2010, £100M of additional support was announced for Local Authorities to aid repairs as a result of the winter weather damage. The allocation to each Authority was based on the formula used to determine capital maintenance allocations, which is predominately factored on road lengths. For Stockton-on-Tees, this equates to £208,700.00 grant to be made available this financial year 2010. The grant comes with some conditions, which include:
 - The monies must be ring-fenced and spent on the highway network.
 - A brief public statement be issued by 31 October 2010 on how the money has been spent. This should be published on the Council's web site with a copy to DfT.
12. In order to effectively deal with the winter backlog, further resources in the region of £300K would need to be made available to meet the estimated £500K demand. Any opportunities for further Government support are not available through discussions with Government Office North East. The existing commitments to highway maintenance from LTP capital, SBC capital and revenue remain in place to contribute to the ongoing programme for 2010/11. Therefore there are three options that Cabinet could consider:
 - i. Divert existing funding streams into the pothole backlog, meaning that programmed works would have to be reduced and reactive maintenance repairs would have to significantly increase. This may have an adverse impact on the public perception, opinion polls and potentially on national indicators.
 - ii. Only carry out pothole repairs to the value of the grant offer of £208K, leaving nearly 60% of the backlog to be either dealt with using existing funding streams as above or untreated. The risk associated with this may also have an adverse impact on the public perception, opinion polls and potentially on national indicators. Moreover, failure to discharge a statutory duty to maintain the highway will inevitably result in an increase in insurance claims. The Authority will be unable to repudiate the claims resulting in an increase in liability and escalating costs to the Authority.
 - iii. Provide an additional 'one off' resource for 2010/11 to the value of £300K, to enable the winter backlog to be dealt with as it is currently understood. This will also allow existing highway maintenance programmes to continue and contribute towards a continued high public perception and a good return on national indicators throughout 2010 and going into 2011.
13. Whatever level of funding can be made available, the Acting Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport, will work with the Head of Communications to ensure that the use of resources is effectively branded and communicated to the Borough's residents and road users, using all opportunities for written, electronic and visual media.

FINANCIAL IMPLICATIONS

14. Financial approval has already been received for the LTP Structural Maintenance allocation and Revenue budgets. An additional £300k is being sought from the Council's Managed reserve to address the maintenance backlog.

LEGAL IMPLICATIONS

15. The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain the highway. Failure to do so may leave the Council liable for any claims against it.

RISK ASSESSMENT

16. This is considered to be a medium level risk to the Council. Failure to maintain the roads under the Highways Act 1980 may result in personal injury and/or accident claims against the Authority.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

17. This additional funding will assist with addressing the structural damage caused by the recent prolonged winter period.

Safer Communities

18. Well maintained highways provide safe passage for users.

EQUALITIES IMPACT ASSESSMENT

19. This is a Borough wide strategy to repair the highway network and it potentially affects all residents. An Equality Impact Assessment is not required in this instance.

CONSULTATION INCLUDING WARD/COUNCILLORS

Ward Councillors are requested to report any concerns they may have about the condition of the highway network to the Acting Head of Technical Services. These will be considered in the overall strategy for prioritising repairs to the highway network.

A Members Seminar will be held in the following months to provide an update on the programme of works and to share with Members the approach that is being adopted to ensure consistency in the way that pot holes are filled or patched.

Name of Contact Officer: Brian Buckley

Post Title: Highway Network Manager

Telephone No. 01642 - 526703

Email Address: brian.buckley@stockton.gov.uk

Education related?

No.

Background Papers

None.

Ward(s) and Ward Councillors:

All Ward Councillors

Property

N/A.