

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ECONOMIC AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT PLANNING & TRANSPORT COMMITTEE		
DATE:	14 MARCH 2022	AGENDA ITEM:	9
TITLE:	HIGHWAY ASSET MANAGEMENT - ADOPTION OF CARRIAGEWAY SAFETY DEFECT INVESTIGATORY CRITERIA		
LEAD COUNCILLOR:	COUNCILLOR A PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	ENVIRONMENTAL & COMMERCIAL SERVICES	WARDS:	BOROUGH WIDE
LEAD OFFICER:	SAM SHEAN	TEL:	0118 937 2138
JOB TITLE:	HIGHWAY & TRAFFIC SERVICES MANAGER	E-MAIL:	sam.shean@reading.gov.uk

1.0 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report seeks to inform the Committee on the outcome of the 6-month trial to lower the investigatory level safety defect criteria in relation to highway carriageway defects.
- 1.2 This report seeks Committee approval to formally adopt the lower Investigatory level safety defect criteria in carriageways following the successful 6-month trial.

2.0 RECOMMENDED ACTION

- 2.1 That the outcome of the 6-month trial to reduce the highway investigatory level safety defect criteria in the carriageway be noted;
- 2.2 That proposed change to the highway investigatory level safety defect criteria in the carriageway, as set out in section 4 of this report, be approved.

3.0 POLICY CONTEXT

- 3.1 To secure the most effective use of resources in the delivery of high quality, best value public service.
- 3.2 To make travel more secure, safe and comfortable for all users of the public highway.
- 3.3 To provide a public highway network as safe as reasonably practical having due regard to financial constraints and statutory duties.

4.0 PROPOSED CARRIAGEWAY SAFETY DEFECT INVESTIGATORY LEVEL CRITERIA

- 4.1 Reading Borough Council prior to the 6-month trial classed an actionable carriageway defect as having a minimum of 50mm depth over an approx. area of 300mm x 300mm. The Highway Inspector can also action defects of a smaller size if they are concerned that leaving that defect would pose too great a risk when taking into account various criteria including the location within the highway, traffic and pedestrian volumes and the classification of the road.
- 4.2 The Highways Team reviewed their inspection and repair regime 3 years ago. Service improvements include the introduction of an electronic system allowing inspections to be carried out by handheld tablet with the defects being sent electronically to the Highways & Drainage Works Manager who then assigns them to the repair gangs directly on their tablets. This has shown an increase in efficiency of the process and repair response times have improved significantly.
- 4.3 It should be noted that the Council's £9M Capital Investment into residential roads and pavements over 3 years (2020/21 to 2022/23) is addressing the residential roads in most need. Associated with this programme is an extensive pre-patching regime in advance of surfacing, which is addressing defects of a lesser depth and increasing the structural integrity of the carriageway prior to surfacing. This programme has reduced the demand on pothole repairs, which, along with the service improvements mentioned above, enabled the transition to addressing defects of a lesser depth manageable. This improved efficiency provides an opportunity to review our current safety defect investigatory level criteria. By amending the investigatory level criteria to anything over 40mm depth over an approx. area of 300mm x 300mm, then in theory the Council should be able to improve customer satisfaction, road safety and improve on an existing good record of successfully defending public liability claims, as we would be treating some 'defects' earlier than we currently do. Analysis of our performance compared with our standard defect repair times has shown that the Highway Works Team are exceeding the performance standard for repair times, (defects are being repaired quicker than required), which shows that there is currently capacity to continue with this lower investigatory level criteria.
- 4.4 Benchmarking has shown that there is a variation nationally in what councils define as a defect (although 40mm is now more widely used). It should be noted that the code of practice requires the inspection and repair regime to be developed based on a risk assessment and provide a practical and reasonable approach, so it does not automatically follow that if others do something, the Council needs to do it too. The Council does need to review processes and check that they consider them reasonable and that any change to the intervention levels criteria would not affect deliverability nor adversely affect the risk to the Council.
- 4.5 **Options to consider:**
- Option 1 - Maintain the 'pre-trial' investigatory level criteria of 50 mm over an approx. area of 300mm x 300mm. This has provided a robust defence against claims over the last two decades.
- Option 2 - Amend the investigatory level criteria to anything over 40 mm depth over an approx. area of 300mm x 300mm following the successful 6-month trial.

- 4.6 The recommendation is to approve Option 2 and formally adopt the carriageway safety defect investigatory level criteria to over 40 mm depth over an approx. area of 300mm x 300mm, which will address defects earlier thereby improving customer satisfaction and reducing risk to the Council.
- 4.7 The Highway Inspectors, as part of the risk-based approach, are able to raise repair orders on defects of a lesser depth in areas where they consider appropriate. These additional defect repairs have been accommodated within the current budgets and there has not been a repair time pressure in dealing with these additional defects.
- 4.8 Due to a proactive residential roads & pavement surfacing programme, there has been a manageable number of potholes requiring repair during the 6-month trial period resulting in actionable potholes repaired remaining comparable to previous years, (except for during 2020 when Covid 19 lockdown measures were in place), the table below refers:
- There were 3,664 potholes repaired during 2021
 - There were 2,813 potholes repaired during 2020*
 - There were 3,863 potholes repaired during 2019
 - There were 3,116 potholes repaired during 2018
 - There were 5,020 potholes repaired during 2017
- * Reduced number predominately due to Covid 19 lockdown measures with reduced traffic volumes and mild weather during 2020.*
- 4.9 The Highway Works Team are repairing the statutory pothole safety defect repairs within repair timescales and the vast majority of 28-day repairs orders are being completed within the first week of issue. This has created capacity within the team to not only manage the statutory repair work, but also take on additional income generation opportunities.
- 4.10 Residential unclassified roads receive a cyclical highway safety inspection every 18-months. There was an expectation of increased pothole defects numbers requiring action due to the lowering of the investigatory level from 50mm depth to above 40mm depth, and that this increase would last for an 18 months period when the next cycle of safety inspections was to be undertaken. The assumption was that once a full 18-month inspection cycle had passed the lowered investigatory level would become the standard action and there would be no further increase or surge in pothole safety defect numbers requiring action.
- 4.11 Year- 1 & 2 of the £9M Residential Road Programme has contributed significantly and will continue to assist the Highways Team in managing the expected number of actionable carriageway defects / potholes, as more roads are surfaced during Year- 3 of the programme, which will further reduce potholes forming in the first place.
- 4.12 It is noted that the initial expected surge in defects requiring repair during the 6-month trial, (when investigatory level was lowered from 50mm depth to above 40mm depth), has not materialised and is now no longer expected to be a concern for the foreseeable future. Performance Indicator monitoring of actionable defects are provided quarterly and this will flag up any increase should this current position change.

4.13 The Highway Asset Management Board (HAM Board) has reviewed the outcome of the 6-month trial to lower the investigatory level safety defect criteria in relation to highway carriageway defects and recommended that formal approval be obtained at Strategic Environment Planning & Transport Committee to adopt the new investigatory criteria.

5.0 CONTRIBUTION TO STRATEGIC AIMS

5.1 Reading Borough Council's vision is:

To help Reading realise its potential - and to ensure that everyone who lives and works here can share the benefits of its success.

5.2 The Highway Asset Management Policy, the Well Managed Highway Infrastructure: A Code of Practice and the Adopted Lower Investigatory Level Safety Defect Criteria in relation to highway carriageway defects will contribute to the Council's Corporate Plan 2022/2023 objectives of:

- Healthy environment - Keeping the town clean, safe, green and active
- Inclusive economy - Enabling the infrastructure to continue to support the economy
- Thriving Communities - Remaining financially sustainable and to ensure everyone has an equal chance to use the public highway

5.3 TEAM Reading values:

Together - Collaborative working approach between the Council, contractors and the public

Efficiency - Continue to explore efficiency savings within the Highway Asset Management Plan

Ambitious - Investing into the public highway

Make a Difference - Providing a safe inclusive public highway for all users

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a climate emergency at its meeting in February 2019 and as such recognises the need to minimise the climate impacts of its decisions. To this end, Council on 15th October 2019 formally adopted of the 'Unite Construction Charter' where the Authority supports the 'Get Britain Building' campaign, which is aimed at supporting and sustaining the British construction industry. All relevant construction contracts will be required to comply with the Authority's Sustainable Buying Standard for Highways and Construction Materials, which requires structural steel and other relevant materials to be covered by BES 6001 Responsible Sourcing of Construction Product certification, or equivalent.

6.2 The Highway Asset Management Plan assists the Highways Team by annually reviewing and making efficiency savings to improve productivity and reduce our Environmental Implications.

6.3 The Highways Team also need to reduce carbon and improve sustainability within their works programmes by ensuring that there is a reduction in the amount of carbon used to produce the materials at source, using recycled materials and lower temperature bitumen's, reducing the uncontrolled waste in the environment to

reduce pollution of the natural environment, as well as electrification of our fleet, plant and hand tools.

- 6.4 The Reading Climate Emergency Strategy, which was endorsed by the Council in November 2020, highlights the importance of adapting to climate impacts as well as reducing the emissions which are driving climate change.

7.0 COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

- 7.2 The public can report highway defects to the Council, including road and structures condition concerns, which are assessed and included within the annual review of the highway assets that inform the 'Annual Status Option Reports' (ASOR) with the proposed high priority schemes brought to Committee for consideration and approval should they meet the assessment criteria.

- 7.3 The Highway Asset Management Policy includes managing community expectations about how the Council manages its Highway Assets. As progress is made on implementation of Asset Management new policies and standards will be made available on the Council's website once approved by the Highway Asset Management Board.

- 7.4 The Highway Asset Management Policy is also available on the Council's website.

8.0 EQUALITY IMPACT ASSESSMENT

- 8.1 In addition to the Human Rights Act 1998 the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 The Highway Asset Management Policy and Well Managed Highway Infrastructure: A Code of Practice are part of procedures to maintain the Council's existing public highway network. The lowering of the investigatory level safety defect criteria in relation to highway carriageway defects will reduce risk to all users of the public highway. There is no overall reduction to service delivery at this time only how those service requirements are met. Should any future updates/amendments be required, which result in service delivery changes, an equality impact assessment will be carried out.

9.0 LEGAL IMPLICATIONS

- 9.1 The Council, as Highway Authority, has a duty under the Highways Act 1980 to carry out highway maintenance and maintain public highway structures.

10.0 FINANCIAL IMPLICATIONS

- 10.1 The proposed Highway Asset Management Programme as determined by the Highway Asset Management Policy will be fully funded by the Council's Highways & Traffic Services revenue budget for 2022/2023. The proposals set out in this report are a result of the investment in the repair of roads and from efficiencies and service improvements.
- 10.2 If the adoption of the new investigatory policy in relation to carriageway safety defects as set out in this report results in higher repair costs these will and must be met within the existing Revenue budgets, plus other pothole Department for Transport (DfT) grants for this purpose that may be confirmed for 2022/23.

12.0 BACKGROUND PAPERS

- 12.1 Well-managed Highway Infrastructure: A code of practice
- 12.2 Highway Asset Management Policy
- 12.3 Highway Maintenance Manual
- 12.4 Highway Asset Management Update Report to Strategic Environment Planning & Transport Committee March 2021.