

Report to	Scrutiny Committee for Economy, Transport and Environment
Date	17 March 2014
Report By	Director of Communities, Economy and Transport
Title of Report	Footway Maintenance Policy
Purpose of Report	To enable Scrutiny Committee to consider whether it wishes to recommend the adoption of a tighter intervention standard for the footway maintenance policy.

RECOMMENDATION: The Scrutiny Committee is asked to consider whether to recommend the adoption of a tighter intervention standard for the footway maintenance policy and changes as appropriate.

1. Financial Appraisal

1.1 The table below summarises the level of expenditure on footway maintenance in recent years:

	2011/2012	2012/2013	2013/2014
Category 1 (Revenue)	£63,899	£95,027	£83,736 to date
Category 2 & 3 (Revenue)	£426,480	£292,088	0
Category 2 & 3 (Capital)	0	0	£195,607 to date
Preventative maintenance (Capital)	£713,600	£734,000	£787,300 to date

1.2 The table below summarises the number of footway claims together with the level of expenditure over recent years:

Financial Year	No. incidents	No. incidents upheld	Value of upheld payments
2010/11	117	-	£133,703
2011/12	121	-	£449,319
2012/13	133	-	£461,883
2013/14 to Jan 2014	94	25	£289,427
Average per year	116	25	£333,583

**Please note: Payments are those made during the year and do not necessarily relate to the claims received in the same period.*

2. Supporting Information

2.1 The types of defect that are recorded by the Highway Steward during their routine inspections are as follows:

- Category 1a Emergency works: action required within 2 hours to make safe.
- Category 1b Emergency works: action required within 5 days to make safe.
- Category 2 Planned works: action required within 6 months or by time of next inspection, whichever is the sooner.
- Category 3 Planned works: action required within 12 months or by time of next inspection, whichever is the sooner.

2.2 Category 2 or 3 footway defects are below the standards for Category 1 but are judged that they may deteriorate to those levels before the next Inspection is undertaken.

2.3 The intervention levels in our policy for footway trips are outlined below:

PRIMARY AND SECONDARY WALKING ROUTES

Cat 1a *no intervention defined for this response category*

Cat 1b where a difference in level is greater than 20mm

Cat 2 where a difference in level is greater than 15mm but less than 20mm

Cat 3 *no intervention defined for this response category*

LINK FOOTWAY AND LINK ACCESS FOOTWAY

Cat 1a *no intervention defined for this response category*

Cat 1b *no intervention defined for this response category*

Cat 2 where difference in level is greater than 25mm

Cat 3 where difference in level is greater than 15mm but less than 25mm

2.4 Over the past 12 months a total of 457 Category 1 footway defects have been repaired and 3,411 Category 2 defects. Of the 3,868 footway defects that have been identified and repaired in 2013/14, 94 have had incidents leading to a claim, of which only 25 have been upheld. This indicates that 2.43% of defects have resulted in a claim of which 0.64% are upheld.

2.5 If County Council were to adopt a tighter intervention standard to address all 15mm trips, this would add an estimated increase of 25% to the existing footway maintenance budget, approx. £266,660.

2.6 The impact of changing the Council's maintenance policy to address a tighter standard of intervention would mean the Council would be one of the only authorities taking this approach and would be out of line with code of practice. This could result in our insurers not being prepared to pay out on defects deemed unsafe according to our policy, but that are considered safe as outlined with best practice.

2.7 The Code of Practice for Highway Maintenance allows the Stewards to escalate repairs to defects that would be considered a danger to the public based on the location and anticipated deterioration rate. It doesn't allow us to differentiate between areas by introducing and implementing a different service standard. We would be opening ourselves up to legal challenge by not applying a consistent approach in line with our policy. Our current Policy is in line with the Code of Practice for Highway Maintenance and aligns with our neighbouring authorities.

3. Comments/Appraisal

3.1 The County Council maintenance policy ensures a consistent approach to maintenance is applied to all users and to all parts of the County. This policy is in accordance with best practice, neighbouring authorities and is reflective of available maintenance budgets.

3.2 Trips and falls are treated seriously by the County Council and it does all that can be done to reduce the likelihood of their occurrence. However, it must be recognised that they form a very small percentage of the overall identified footway defects, with 2.43% resulting in claims and 0.64% in claims that are upheld.

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BACKGROUND DOCUMENTS:

None