

## Scrutiny Review Terms of Reference Document

<b>Scrutiny Review</b>	Scrutiny Review of Pothole Management
<b>Responsible Committee</b>	Place Scrutiny Committee
<b>Author</b>	Martin Jenks
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### Background

The Place Scrutiny Committee and its predecessor the Economy, Transport and Environment Scrutiny Committee have previously carried out scrutiny reviews on Road Repairs and Highway Drainage. Both reviews made recommendations to Cabinet to improve the condition of highways and protect the Council's investment in the surfacing of roads and pavements in the County.

However, residents continue to be concerned about the number of highway defects in the County's roads and in particular the repeated repair of potholes in the same location and the repair of clusters of potholes. Despite improved communications, residents do not consider the Council's approach to repairing potholes represents best value.

This is especially the case when only potholes that meet the Council's intervention standard are repaired and other potholes developing around the original repaired pothole appear not to be tackled. Although repeated visits do not cost the Council more money under the lump sum pricing arrangements of the highway maintenance contract, residents see this as inefficient and a waste of resources.

The repair of these clusters of potholes remains one of the issues most often raised with Councillors by residents, despite the additional Council funding for the patching programme to address this.

Councillors have also highlighted their view that the Council's current intervention policies and defect reporting system might not sufficiently take into account other vulnerable road users such as cyclists, motorcyclists, wheelchairs users and pedestrians, who may be at risk from defects that would otherwise not meet the current intervention criteria.

### Scope of the Review

#### **The scope of the review is to include:**

1. Alternative pothole intervention levels and costs;
2. Quality of pothole repair works;
3. Alternative pothole repair techniques and costs;
4. Review of current policies to take into account vulnerable road users (cyclists, pedestrians, wheelchair users, and motorcyclists) and promotion of Active Travel and alternative methods of travel; and

5. Review of budgets for pothole repairs and safety defects
6. Review of the effectiveness of the Council's patching programme.

**The lines of enquiry of the review are:**

1. Alternative pothole intervention levels and costs:

- Are the current pothole intervention policies, the policy on advisories, and the council's patching programme sufficient to tackle sections of road heavily affected by potholes?
- What are the existing intervention levels and costs, and how would they change if different criteria were to be adopted?
- How do the condition surveys and the red, amber, green road condition classification feed into the planned maintenance programmes and priorities for maintenance?

2. Quality of pothole repair works:

- Does the quality of pothole repairs meet the service specification and what measures could be taken to improve the quality and longevity of repairs?
- Why is the surfacing around highways drains and utility service covers prone to failure, who is responsible for repairing potholes and defects around utility service covers and who pays for them?
- Are there issues with the quality of the sub-base of roads and the development of sink holes where the sub base has failed?

3. Alternative pothole repair techniques and costs:

- Are there alternative techniques to repair potholes that our contractor could adopt, how effective are they and what would they cost?

4. Review of current policies and risk assessment to take into account vulnerable road users and promotion of Active Travel and alternative methods of travel:

- Do the intervention policies and the defect reporting system need to be modified to take better account of a range of defects and their location in the highway that affects vulnerable road users such as cyclists, motorcyclists, wheelchairs users and pedestrians?

5. Review of budgets for pothole repairs:

- What are the current budgets for repairs and resurfacing? Is there sufficient budget allocated for pothole repairs and advisories / wider patching repairs?
- What are the outcomes of the visibly better roads programme?

6. Review of the effectiveness of the Council's patching programme:

- What have been the outcomes from the patching programme in terms of the number of defects/potholes fixed, value for money, impact on road condition and the geographical spread of the work?

### **The desired outcomes of the review are:**

- To improve the repair of potholes and tackle pothole clusters;
- To have a visibly better highway network; and
- To ensure the needs of vulnerable road users are taken into account in the defect reporting system and when carrying out repairs.

### **Areas outside the scope of the review.**

The review will not look at the management of highways vegetation, utility reinstatement work and highways drainage. Although these topics are also important the scoping board decided to focus on the management and repair of potholes as this appeared to be the area of most concern to residents and councillors. The other topics can be considered for later reviews, including shorter 'task and finish' style reviews.

### **Review methods**

It is anticipated that the Review Board will review documentary evidence, question witnesses and undertake research in order to gather evidence to inform its recommendations.

The following list is not exhaustive and will change and develop as the review progresses. As part of the review the Board members will:

#### 1. Alternative pothole intervention levels and costs;

- Examine with officers and contractor staff the existing intervention policies and criteria together with the existing costs of pothole repairs. (e.g. where the 40mm depth standard comes from, how widely is it used, and are there examples of other local authorities who use different standards).
- Take evidence on the use of alternative intervention levels and what this would mean in terms of cost to the authority.
- Examine the Highways Asset management approach and how this is applied to the County's roads for planned maintenance works.

#### 2. Quality of pothole repair works;

- Review with officers and contractor staff the current quality control measures and quality inspection regime for pothole repairs and the contractor's performance against the contract specification. Examine the changes that will be introduced with the new contract and explore potential changes to the quality control mechanisms and the impact on the cost of the contract.
- Examine the issue of the surfacing failing around utility covers to understand what can be done about this, who is responsible and who should be bearing the cost of any repairs.

- Examine with officers the causes of sub-base failure and identify if there is more ESCC can do to tackle this issue (e.g. through enhanced reporting to Water companies where sewer and water leaks may be responsible; links to highways drainage; preventative maintenance techniques?)

### 3. Alternative pothole repair techniques and costs;

- Review existing techniques and costs, and what the contract requires.
- Meet with the new contractor, Balfour Beatty to hear what their plans are for pothole repair techniques and any innovation they can bring to the new contract.
- Examines case studies of alternative pothole repair techniques being used or trialled by other local authorities e.g. Kent CC.

### 4. Review of current policies and risk assessment to take into account vulnerable road users (cyclists, pedestrians, wheelchair users, and motorcyclists) and promotion of Active Travel and alternative methods of travel.

- Explore with officers the work that is underway that is looking at potential changes to the defect reporting system and intervention policies to support vulnerable road users and promote Active Travel/alternative travel methods.
- Establish the potential costs and affordability of any changes with officers.

### 5. Review of budgets for pothole repairs.

- Examine the current level of revenue and capital budgets for pothole repairs and re-surfacing works, and how these budgets are prioritised.
- Speak to officers and Chief Finance Officer about financing options and sustainability e.g. could we increase the capital programme and what would that cost? Is there scope to increase the revenue budget for Highways maintenance through the RPPR process?

### 6. Review of the effectiveness of the Council's patching programme

- Examine the outcomes of the work by speaking to officers and Members to seek their views.
- Review the outcomes of the Visibly Better Highways work programme and in particular the impact for the additional £2.5m for patching work (advisories) to see if there is a case for further investment.

#### Documents and research:

Asphalt Industry Alliance annual report.

Highways intervention policies

Highways Asset Management Plan

## **Review Organisation and Responsibilities**

### **Review Board**

The Review Board is comprised of: *To be confirmed* – Councillors Matthew Beaver, Ian Hollidge, Eleanor Kirby-Green and Philip Lunn, plus other Committee members.

The Chair of the Review Board is: *To be confirmed* – Cllr Ian Hollidge.

The Review Board is responsible for:

- Making decisions regarding the scope and direction of the review;
- Monitoring and control of the overall progress of the review;
- Agreeing where Board members will undertake evidence gathering activities as required by the review;
- Considering and providing challenge to all evidence presented to it; and
- Developing and agreeing the final report, including the findings and recommendations of the review.

### **Scrutiny Review Support**

Support for the review will be provided by the Policy Team to:

- Manage the review process;
- Undertake research as agreed by the Board;
- Draft the final report

The Lead Officer who will support the review from the Policy Team is Martin Jenks, Senior Scrutiny Adviser. Their role is to manage the review, ensuring its aims and objectives are met and that the final report is delivered to the Place Scrutiny Committee within the agreed timescales.

### **Scrutiny Review Completion**

When the review has been completed the Lead Officer will co-ordinate the production of a final report outlining the findings and recommendations for agreement by the Review Board. Once agreed, the Review Board will present this to the Place Scrutiny Committee for it to agree the recommendations.

The report will then be presented to Cabinet for comment and County Council for approval. Progress updates on how the recommendations are being implemented by the department will be presented to the Place Scrutiny Committee in due course (usually six and twelve months after the review has been approved by County Council).

## **Review Timetable**

Based on the initial scoping of the review, the Review Board aims to submit the final report to the Place Scrutiny Committee at the meeting to be held on 23 November 2023 (tbc).

An initial timetable of the meetings and activities required to complete the review is outlined below. [*The number of review board meetings is not fixed and there can be more or less depending on the nature of the review. The Review Board should agree the number and content of the meetings and review activity*].

<b>Activity</b>	<b>Timescale/Date</b>
<b><u>Review Board Meeting</u></b> <ul style="list-style-type: none"><li>• Consider initial evidence</li><li>• Review lines of enquiry/terms of reference</li><li>• Agree further evidence gathering/requirements.</li></ul>	Late May onwards
<b><u>Review Board Activity/Meeting</u></b> <ul style="list-style-type: none"><li>• To be agreed.</li></ul>	To be agreed
<b><u>Review Board Activity/Meeting</u></b> <ul style="list-style-type: none"><li>• To be agreed.</li></ul>	To be agreed
<b><u>Review Board Activity/Meeting</u></b> <ul style="list-style-type: none"><li>• To be agreed.</li></ul>	To be agreed
Draft scrutiny review report and finalise findings and recommendations of the review.	To be agreed
<b><u>Final Review Board Meeting to agree Report</u></b> Review Board meeting to agree draft report, findings and recommendations with input from key officers.	October 2023 (to be agreed)
Deadline for Report Dispatch	15 November 2023
<b><u>Report to Place Scrutiny Committee for agreement</u></b>	23 November 2023 – To be confirmed
<b>Report to Cabinet</b>	To be agreed
<b>Report to Council</b>	To be agreed