

Title of Report:	Scrutiny Review into Management of Pothole Repair Process
Report to be considered by:	Executive
Date of Meeting:	29 November 2012
Forward Plan Ref:	EX2569

Purpose of Report: To report the recommendations of the scrutiny review into the process in place for the repair of potholes.

Recommended Action: To note the recommendations of the scrutiny review and to resolve accordingly.

Reason for decision to be taken: Recommendation from OSMC

Other options considered: n/a

Key background documentation: Pothole Review - Prevention and a better cure

The proposals contained in this report will help to achieve the following Council Strategy priority:

CSP4 – Protecting the environment

The proposals will also help achieve the following Council Strategy principle:

CSP9 - Doing what's important well

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - Tel (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	1 st November 2012

Contact Officer Details	
Name:	Mark Edwards
Job Title:	Head of Highways and Transport
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Implications

- Policy:** If approved, these recommendations will form the basis of a pothole repair policy in West Berkshire.
- Financial:** None immediately, although additional funding to implement recommendation 7 may be sought in future years. The £120,000 mentioned in this recommendation is based on a unit rate of £40 per sq.m for hand patching. It is estimated that 1 gang would complete 30 sq.m per day which equates to a cost of £6,000 per week, or £300,000 for a 50 week year. £180,000 has been secured from existing budgets leaving a balance of £120,000.
- Personnel:** None
- Legal/Procurement:** None
- Property:** None
- Risk Management:** This policy may further reduce the Council's exposure to third party claims in respect of potholes on the public highway.
- Equalities Impact Assessment:** Stage 1 EIA completed.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input checked="" type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 A scrutiny review was conducted earlier in 2012 into the process in place for the repair of potholes in West Berkshire. The review panel, chaired by Councillor Brian Bedwell, reported its findings to meetings of the Overview and Scrutiny Management Commission held on 31 July and 18 September 2012.
- 1.2 Full details of the review along with its conclusions and recommendations are provided in the report to OSMC which is included as Appendix C to this report.

2. Proposals

- 2.1 The OSMC have asked for 8 recommendations to be considered by the Executive and these are set out below, along with a response from the Highways and Transport Service.
- 2.2 The Executive are asked to approve the recommendations and to note the service comments.

3. Equalities Impact Assessment Outcomes

- 3.1 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

4. Conclusion and Recommendation

- 4.1 The OSMC completed a very thorough investigation into how potholes are reported and repaired in West Berkshire which resulted in a series of recommendations. The Executive are asked to approve these recommendations.

Executive Report

1. Introduction

- 1.1 A scrutiny review was conducted earlier in 2012 into the process in place for the repair of potholes in West Berkshire. The Task Group carrying out the review which was chaired by Councillor Brian Bedwell met on 29 March and 22 May 2012 and interviewed Melvyn May, Highways Manager and Mark Edwards, Head of Highways and Transport.
- 1.2 The Task Group reported its findings to meetings of the Overview and Scrutiny Management Commission (OSMC) held on 31 July and 18 September 2012.
- 1.3 Full details of the review along with its conclusions and recommendations are provided in the report to OSMC which is included as Appendix C to this report.

2. Proposals

- 2.1 The OSMC have asked for 8 recommendations to be considered by the Executive and these are set out below, along with a response from the Highways and Transport Service. Further details are provided in Appendix A.

Recommendation		Service Response
1.	Comply fully with the recommendations arising from the DfT report, 'Prevention and a better cure'.	The service believes that by supplementing existing practice with the scrutiny recommendations, the Council will be complying with the broad aims of this document.
2.	Develop and deliver a communications plan to engage the public in the reporting of potholes.	A Communication Plan was prepared in October 2012 incorporating best practice as set out in the DfT report and encompassing the OSMC recommendations.
3.	Arrange for the authority's approach to the handling of potholes to be explained to Parish Councils at the District/Parish Conference.	The Head of Service gave a presentation at the conference on 9 October 2012.
4.	Arrange for the authority's approach to the handling of potholes to be explained to Members of Thatcham Town Council.	Councillors from Thatcham Town Council were present at the District/Parish Conference. To supplement this, the Head of Service has written to the Town Council to ask for a slot at an appropriate committee to explain the process.
5.	Arrange for the authority's approach to the handling of potholes to be explained to Members of the Council at a member development session.	A member development session on highway maintenance, including dealing with potholes, was held on 14 November 2011.

6.	Produce and distribute to all Members of the Council guidance on the methodology in place for pothole maintenance.	Email to all members sent on 23 October 2012 with a link to the new pothole leaflet on the website.
7.	Give consideration to the introduction of a permanent 'find and fix' team to complement the existing proactive schemes already in place.	The Council already adopts a 'find and fix' approach through its hand patching operation. See Appendix A for further details.
8.	Give consideration to the Council taking part in the National Highway and Transport survey every two years, in order to monitor the public's satisfaction with the Council's pothole maintenance activities.	The Council participated in the annual NHT survey in 2009 and 2010 but regrettably there was insufficient funding available to allow the survey to continue in subsequent years. The Service supports taking part in the 2013 survey and every 2 years subsequently, budget permitting.

3. Conclusion

3.1 The OSMC completed a very thorough investigation into how potholes are reported and repaired in West Berkshire which resulted in a series of recommendations. If approved, these recommendations will form the basis of a comprehensive policy for managing potholes including improvements in communication and reporting procedures for members of the public.

4. Recommendations

4.1 The Executive are asked to consider the OSMC recommendations and resolve accordingly.

5. Equalities Impact Assessment Outcomes

5.1 A stage 1 EIA has been completed and is included at Appendix B. A stage 2 EIA is not required.

Appendices

Appendix A – Schedule of recommendations

Appendix B – Equality Impact Assessment – Stage 1

Appendix C – Scrutiny review into the process in place for the repair of potholes

Consultees

Local Stakeholders: Parish and Town Councils via - the District/Parish Conference.

Officers Consulted: Melvyn May, Corporate Board

Trade Union: n/a

APPENDIX A

Recommendation	1. Comply fully with the recommendations arising from the DfT report, 'Prevention and a better cure'.
Service response	<p>Local Authorities across England have been given advice on how to tackle the problem of potholes on their roads following the publication of a review commissioned by the Local Transport Minister. The report was published in April 2012 and is titled Prevention and a better cure. The recommendations fall into three main themes</p> <ul style="list-style-type: none"> (i) Prevention is better than cure. (ii) Right first time and (iii) Clarity for the public. <p>The service believes that by supplementing existing practice with the scrutiny recommendations, the Council will be complying with the broad aims of this document.</p>
Action to be taken	No further action required.
Target deadline	n/a
Evidence of achievement	Hand patching programme, new leaflet, presentation and discussion at District/Parish conference, fewer service requests, enquiries and claims.
Lead Officer	Mark Edwards

Recommendation	2. Develop and deliver a communications plan to engage the public in the reporting of potholes.
Service response	A Communication Plan was prepared in October 2012 incorporating best practice as set out in the DfT report and encompassing the OSMC recommendations.
Action to be taken	A leaflet describing the Council's approach to dealing with potholes was drafted in September 2012 and published on the Website in October.
Target deadline	Completed.
Evidence of achievement	Completion of plan and publication of leaflet.
Lead Officer	Mark Edwards

Recommendation	3. Arrange for the authority's approach to the handling of
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	potholes to be explained to Parish Councils at the District/Parish Conference.
Service response	The Head of Service gave a presentation at the conference on 9 October 2012.
Action to be taken	No further action required.
Target deadline	n/a
Evidence of achievement	District/Parish Conference
Lead Officer	Mark Edwards

Recommendation	4. Arrange for the authority's approach to the handling of potholes to be explained to Members of Thatcham Town Council.
Service response	Councillors from Thatcham Town Council were present at the District/Parish Conference. To supplement this, the Head of Service has written to the Town Council to ask for a slot at an appropriate committee to explain the process.
Action to be taken	Attend Town Council meeting if invited.
Target deadline	By January 2013.
Evidence of achievement	Will be recorded in minutes.
Lead Officer	Mark Edwards.

Recommendation	5. Arrange for the authority's approach to the handling of potholes to be explained to Members of the Council at a member development session.
Service response	A member development session on highway maintenance, including dealing with potholes, was held on 14 November 2011.
Action to be taken	No further action required.
Target deadline	n/a
Evidence of achievement	Completion of development session and the positive feedback received.
Lead Officer	Melvyn May

Recommendation	6. Produce and distribute to all Members of the Council guidance on the methodology in place for pothole
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	maintenance.
Service response	Email to all members sent on 23 October 2012 with a link to the new pothole leaflet on the website.
Action to be taken	No further action required.
Target deadline	n/a
Evidence of achievement	Email to Members.
Lead Officer	Mark Edwards

Recommendation	7. Give consideration to the introduction of a permanent 'find and fix' team to complement the existing proactive schemes already in place.
Service response	In 2011 the Council introduced a dedicated pothole repair team to carry out permanent repairs through a prioritised programme of hand patching. This arrangement is used to target roads with a record of plugged potholes and potholes which although not yet at intervention level, will reach that stage soon. This is, in effect, a find and fix approach as advocated by the OSMC. However there is only sufficient funding to allow the gang to provide a hand patching service for 30 weeks of the year. Unless further funding of approximately £120,000 is made available to allow all year round hand patching then we will revert to emergency pothole repairs only during the winter months. It is important to note the comments made in the review panel's findings in Para 6.1(9) when it was stated that <i>'The introduction of any such team could however never ensure that the Council would always be aware of the existence of every pothole on every road. Any expectation to the contrary is unrealistic.'</i>
Action to be taken	Consider the provision of additional funding for 2013/14 and subsequent years of £120,000.
Target deadline	n/a
Evidence of achievement	Increase in 'right first time' repairs leading to fewer service requests and claims.
Lead Officer	Melvyn May

Recommendation	8. Give consideration to the Council taking part in the National Highway and Transport survey every two years, in order to monitor the public's satisfaction with the Council's
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	pothole maintenance activities.
Service response	The Council participated in the annual NHT survey in 2009 and 2010 but regrettably there was insufficient funding available to allow the survey to continue in subsequent years. The Service supports taking part in the 2013 survey and every 2 years subsequently, budget permitting.
Action to be taken	Inclusion of £8,000 in draft budget for 2013/14 and instruction to survey organiser (MORI).
Target deadline	Surveys usually undertaken in June/July with reports available in September/October.
Evidence of achievement	Survey results.
Lead Officer	Mark Edwards

Equality Impact Assessment – Stage One

Name of item being assessed:	Pothole Scrutiny recommendations
Version and release date of item (if applicable):	n/a
Owner of item being assessed:	Mark Edwards
Name of assessor:	Mark Edwards
Date of assessment:	31/10/12

1. What are the main aims of the item?
To seek approval of the recommendations made by OSMC in relation to their scrutiny of the pothole repair process.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
All highway users but no particular strand or group.	Less potholes on the highway network.	See OSMC report.

Further comments relating to the item: N/a

3. Result (please tick by clicking on relevant box)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:
Stage Two required

Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Mark Edwards

Date: 31/10/12

Appendix C

Title of Report:	Scrutiny Review into the Process in Place for the Repair of Pot Holes
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	31 July 2012

Purpose of Report: To outline the results of the investigation into the processes in place for the repair of pot holes.

Recommended Action: That the Overview and Scrutiny Management Commission endorses the recommendations of the Task Group prior to their consideration by the Executive.

Task Group Chairman	
Name & Telephone No.:	Councillor Brian Bedwell – Tel (0118) 942 0196
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Contact Officer Details	
Name:	David Lowe
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Executive Report

1. Introduction

- 1.1 Following receipt of a Motion to Council by Councillor Keith Woodhams on 22 September 2011 on the Council's approach to dealing with potholes, the Overview and Scrutiny Management Commission (OSMC) agreed at its meeting of 22 November 2011 to conduct a review of the subject.
- 1.2 This report provides the findings and recommendations arising from the review and provides detail on its Terms of Reference and methodology.
- 1.3 For the purpose of brevity, the term 'potholes' used throughout this report includes reference to sunken drain covers.

2. Terms of Reference

- 2.1 The Terms of Reference for the task group were to review the Council's approach to filling potholes and attending sunken drain covers and in particular:
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- The systems and processes currently in place;
- Alternative operational models and practices in use elsewhere;
- The most effective method of obtaining value for money; and
- Report to the OSMC thence the Executive with recommendations as appropriate.

3. Methodology

3.1 The review has been conducted by a small, cross-party task group, working with Council officers. The members of the working group were Councillors Brian Bedwell, Keith Woodhams and Emma Webster. Councillor Bedwell was elected as the Chairman.

3.2 The task group held the meetings outlined in the table below.

Meeting date	Meeting focus
Thursday 29 March 2012	<ul style="list-style-type: none"> • Election of the Chairman • Agreement of the Terms of Reference • Presentation of Councillor Woodham's pre-review research • Briefing on the operational practice in West Berkshire (Melvyn May, Highway Manager) • Briefing on the trends for insurance claims (Ian Priestley, Chief Internal Auditor)
Tuesday 22 May 2012	<ul style="list-style-type: none"> • Follow up on the matters arising from the first meeting • Consideration of the findings from the national review of pot hole repair • Draft formulation of recommendations

3.3 The minutes from these meetings are shown at Appendices A and B respectively.

4. The national report – *Prevention and a Better Cure*

4.1 During the course of the review, a national report (*Prevention and a Better Cure*) was issued by the Department for Transport. The task group considered the findings and recommendations of this report and they were incorporated into its own work.

4.2 The recommendations arising from the Department for Transport's review are structured around three key messages:

- (1) Prevention is better than cure – intervening at the right time will reduce the amount of potholes forming and prevent bigger problems later
 - (2) Right first time – do it once and get it right, rather than face continuous bills. Guidance, knowledge and workmanship are the enablers to this
 - (3) Clarity for the public – local highway authorities need to communicate to the public what is being done and how it is being done.
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5. Acknowledgements and thanks

- 5.1 The Chairman and Members of the task group would like to acknowledge and thank all those who supported and gave evidence to the review, including Councillor Keith Woodhams for his preparatory work.

6. Findings

- 6.1 The findings of the task group are outlined below.

Background

- (1) West Berkshire Council's highway network comprises:
- 1,270 km or approximately 6 million m² of road (610km of classified A, B and C roads, and 660km of unclassified roads)
 - 850 km or approximately 1.3 million m² of footway
 - 29,000 road gullies
 - 2,800 kerb weirs.
- (2) The Council has in place a Term Contract for Highways and Bridgeworks based on the New Engineering Contract 3 (NEC3) Term Maintenance form of contract to deliver the following highway services:
- Response to emergencies
 - Routine highway and footway maintenance
 - Major highway and footway improvements
 - Cyclic maintenance (gully cleansing etc)
 - Drainage maintenance
 - Winter service
 - Bridge maintenance.
- (3) The Council's Term Maintenance contractor is Volker Highways Ltd which is a major player within the UK's construction industry. The majority of maintenance schemes are managed through this contract.

Reporting potholes

- (4) In order to identify the location of potholes, the Council employs routine highways inspections, reports from the public, elected members and officers. Non-inspection reports from members of the public play an important part in allowing the authority to understand where potholes are located outside of surveyed areas. All known pothole locations are recorded on to an electronic mapping system.
- (5) Although the authority does not actively promote the methods by which the public can report potholes, they are able to do so directly to the Council by telephone (through Customer Services), via the website, e-mail and by letter. Defects can also be reported through the websites Fix My Street, Fill That Hole and Directgov. There may however be scope for improved communication with the general public and specific groups.
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Dealing with potholes

- (6) There are four broad approaches that can be taken to the fixing of potholes. These are:
 - Resurfacing to full width sections of road greater than 100m in length, carried out as part of the Three Year Highway Improvement Programme
 - Machine patching, used to deal with targeted larger scale patches within the road where a machine planes away the defective section and a new surface is re-laid
 - Hand patching, undertaken by the Council's contractor squaring the hole, or pothole plug, cleaning, filling and compacting the material
 - Plugging the hole, used when an instant fix is required for safety purposes to enable the Council to meet its duties under the Highways Act 1980.
 - (7) The occurrence of potholes increases during periods of bad weather.
 - (8) Following the 2009 and 2010 severe winter weather events the Council introduced a dedicated pothole repair team to carry out permanent repairs to potholes through a prioritised programme. This change of approach has led to the number of potholes being reported to the Council falling year on year. In 2011/12 the number was 794, a fall from 1426 the previous year and 1842 for 2009/10. The practice of other highway authorities around the country is coming broadly into line with that in West Berkshire.
 - (9) Based on the current evidence, providing a dedicated 'find and fix' team would be difficult to justify in the current economic climate in cost /benefit terms, however, with additional funding, there could be scope for the introduction of one to supplement the proactive and reactive programmes currently in use. The introduction of any such team could however never ensure that the Council would always be aware of the existence of every pothole on every road. Any expectation to the contrary is unrealistic. It should also be borne in mind that the Council cannot repair potholes the existence of which it is unaware.
 - (10) Guidelines issued by the Department for Transport stipulate the factors that must be taken into account when determining whether action must be taken on a pothole and the time within which it should occur. They include:
 - the size and depth of the pothole
 - traffic type, speed and volume
 - road alignment
 - visibility
 - the position in relation to road width.
 - (11) If the circumstances of the pothole are assessed by highways inspectors as requiring immediate action then it will be made safe, by
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plugging, within either 2 or 24 hours. Lower risk potholes are programmed for repair as part of the planned schedule.

- (12) As the Council retains, through its contractor, control of all of the resources required for repair (plant, labour, material and traffic management), it is able to push down operating costs. The cost of addressing potholes in West Berkshire is around £40/m² which compares extremely favourably with the national average of around £75/m². This is achieved in large part by non-reliance on expensive, branded/proprietary materials.
- (13) It is assessed by Highways officers that only around 5% of pothole repairs fail and the term contract with Volker incorporates arrangements for the making good of sub-standard work identified within three months of completion. The figure highlighted at (11) above indicates that even if the cost for rework is included within the price of the contract, the Council is still achieving good value for money.
- (14) All Council officers and contractors have received appropriate training in the use of the materials and techniques used for repair that are recommended by national guidance.
- (15) As the number of pothole reports has decreased, through the combination of less severe winter weather and improved maintenance practices, so has the amount of materials needed by the Council to plug them.

Tonnes of repair material used.	2008/09 t	2009/10 t	2010/11 t	2011/12 t
Canadar	526	628	740	325
3mm Bitumen Macadam	99	158	197	68
Viafix	-	-	2.5	0.8
Instarmac	-	-	25	25
Totals	625	786	965	419

- (16) To some extent this reduction has however been offset by the introduction in June 2011 of the dedicated hand patching team, which for the part of 2011/12 during which it operated applied some 452 tonnes at a cost of £35/m². This structured, 'right first time', programmed approach to pothole maintenance has further reduced operating costs.
- (17) The Council is already complying in large part with the recommendations made by the Department for Transport in its report *Prevention and a Better Cure*. Further detail is shown as part of Appendix B.
- (18) Customer satisfaction with the Council's performance in the prevention and treatment of potholes is not monitored. This gives rise to the risk of anecdotal evidence being given undue credence.

Insurance claims

- (19) The number of insurance claims made to the Council for damage caused by potholes to vehicles is falling, after rising to a peak of 237 during 2009/10. Despite any perception to the contrary, the expenditure by the authority on the settlement of all highways claims is very modest and has reduced drastically – with a continuing downward trend – from a peak in excess of £20,000 in 2007/08 to only £260 in 2010/11 (the last full year for which figures are available). The 2007/08 figure included settlements for two personal injury claims that were unrelated to potholes. The average payout is around £250 per claim.
- (20) Comparison by the Chartered Institute for Public Finance and Accountancy (CIPFA) of West Berkshire Council data for public liability claims for highways – an element of which will encompass those relating to potholes – shows that the Council's performance is well above the average for highways authorities.
- (21) The Council is only liable for payment for damage arising from potholes if it does not have a robust maintenance programme in place or if it has been made aware of a pothole and not taken the required action within an appropriate timescale.
- (22) The administrative overhead for the processing of claims for damage caused by potholes is not significant, it being absorbed within the duties of a single member of staff.

7. Conclusions

7.1 Although anecdotally there appears to be some public concern about potholes in the district, generally the Council is dealing with them. Specifically, and in relation to the Terms of Reference:

- The systems and processes in place in West Berkshire are effective at mitigating the effect of potholes;
- Systems in operation by the Council are generally similar to those in operation in other highways authorities and in some cases in advance of them. The Council's practice is in line with the national thinking as articulated in *Prevention and a Better Cure*;
- The Council is obtaining significant value for money.

7.2 There is however, as always, scope for improvement, particularly in the Council's communication with the general public and specific groups.

7.3 *Prevention and a Better Cure*, provides a sound framework for the Council to continue to drive upwards its performance in the way that it seeks to prevent rather than cure, get it right first time and provide clarity for the public.

8. Recommendations

8.1 The Task Group recommends that the Executive Member for Highways should:

- (1) Comply fully with the recommendations arising from the Department for Transport's report *Prevention and a Better Cure*.
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- (2) Establish and promote a 'spot the pot hotline' for the public reporting of pothole locations.
- (3) Develop and deliver a communications plan to engage the public in the reporting of potholes. This might be achieved through the publication of leaflets, through the Council's website or through advertising. Any materials should be written in ways that do not required prior technical knowledge.
- (4) Arrange for the authority's approach to the handling of potholes to be explained to parish councils at the District/Parish Conference.
- (5) Arrange for the authority's approach to the handling of potholes to be explained to Members of Thatcham Town Council.
- (6) Arrange for the authority's approach to the handling of potholes to be explained to Members of the Council at a Member Development Seminar.
- (7) Produce and distribute to all Member of the Council guidance on the methodology in place for pothole maintenance.
- (8) Give consideration to the introduction of a permanent 'find and fix' team to complement the existing proactive schemes already in place.
- (9) Give consideration to the Council taking part in the national MORI survey every two years, in order to monitor the public's satisfaction with the Council's pothole maintenance activities.

Appendices

Appendix A – Minutes of the task group meeting held on 29 March 2012 (*available on the website*)

Appendix B – Minutes of the task group meeting held on 22 May 2012 (*available on the website*)
