

Report Title	Planned Highway Maintenance Programme 2022/23		
Committee	Environment and Sustainable Transport Committee		
Meeting Date	10 March 2022		
Chair	Councillor Ben Andrew		
Report From	Spencer Palmer, Strategic Director of Environment, Housing and Neighbourhoods		
Report Author(s)	Chris Chrysostomou, Interim Team Leader, Highways Contracts and Delivery - 07802891595		
Ward(s) Affected	All Wards		
Ambitious for Sutton priorities	Being Active Citizens		
Open/Exempt	Open		
Signed		Date	24 February 2022

1 Summary

- 1.1 As part of the Ambitious for Sutton corporate plan, Sutton Council is committed to maintaining and improving the physical environment for all its residents and visitors. The Council's highway network is the most visible, used and valuable physical asset for which the Council is responsible and plays a critical role in the economic growth of Sutton. The network supports walking, cycling and public transport as well as travel by car. To support the corporate objective of the London Borough of Sutton being a great place to live, work and raise a family, investment in highway assets is required to maintain them in a serviceable condition.
- 1.2 This report provides an update on delivery of the planned maintenance programmes in 2021/22 and seeks approval of prioritised lists of schemes for 2022/23.

2 Recommendation(s)

- 2.1 To agree the capital expenditure in 2022/23 for the proposed highway planned maintenance programmes, to be funded from approved budgets as follows:
- Carriageways - £725,000
 - Footways - £513,000
 - Street Lighting Column Replacement - £400,000.
- 2.2 To delegate authority to the Strategic Director of Environment, Housing and Neighbourhoods, in consultation with the Chair of the Environment and Sustainable Transport Committee, to make in-year changes to the prioritised planned highway maintenance programme to facilitate effective delivery, and to respond in-year to emerging priorities or unforeseen events.

3 Background and Key Information

- 3.1 The London Borough of Sutton highways network has a gross replacement value of £877million, as per the valuation certificate issued by the Department for Transport in November 2020. The network is made up of the following:
- 415 km of borough roads
 - 615 km footways and footpaths
 - 14,927 street lights
- 3.2 On planned highway maintenance, a provisional five year priority list is prepared and this list is updated each year from Council highways inspectors' safety condition reports and road condition surveys. This list also includes roads recommended by councillors and members of the public throughout the year, including petitions.
- 3.3 The worst conditioned carriageway and footway roads on this five year list are prioritised using a weighted score condition assessment, which takes account the overall condition and usage of each location. Under this process, strategic roads, bus routes and cycleways receive a higher priority, as do footways in shopping areas and those close to hospitals, schools and care homes. This process creates a prioritised list, which coupled with the available level of capital funding, determines the proposed programme of borough public highway locations to receive planned maintenance. The proposed programme for 2022-23 is set out in Appendix, and a borough map of the planned works at Appendix D.
- 3.4 The list of street lighting columns identified for replacement has been prepared based on their age and condition, under a prioritised programme of replacement of concrete columns with more modern and longer lasting metal columns, complete with high quality LED lanterns. The proposed programme for 2022-23 is set out in Appendix B.

- 3.5 Appendix C lists all carriageway and footway schemes delivered as part of the 2021-22 programme, with dates of completion.
- 3.6 The commencement of the street lighting column replacement programme for 2021/22 has been delayed. This is due to the exceptional circumstances of the current economic situation, including the pandemic's impact on manufacturing and supply of materials. These have led to an increase in LED prices and the Council has been renegotiating the lantern prices over recent months with contractors and their suppliers. Agreement on the lantern prices is anticipated shortly which would allow the column replacement programme to recommence in the coming weeks. However, if it proves necessary, works will continue to complete the current year programme into the next financial year and the relevant funding will be carried forward.
- 3.7 The Council's annual highway investment programme uses capital funding to finance the planned highways maintenance programme for local (non-principal) roads. The agreed allocation for 2022/23 is made up of the following:
- £725,000 for carriageways
 - £513,000 for footways
 - £400,000 for street lighting
- 3.8 The prioritised list of roads across the whole programme is sent to all public utility companies for consultation, as required under the New Roads and Street Works Act 1991. This allows the utilities to give notice of their future planned works and provides an opportunity for footway, carriageway and street lighting schemes to be programmed in to minimise the level of any disruption to the local community. The Council is responsible for coordinating and monitoring all roadworks carried out within the Borough.
- 3.9 A selection of planned maintenance methods are used to carry out the planned carriageway works. The choice of the most appropriate method to be used is dictated by the existing condition and construction of the highway. Methods range from full-depth reconstruction (most expensive option) to thinner surface inlays or overlays (cheapest option). A whole life costing approach is undertaken where the option chosen is designed to give the greatest longevity to the road at the most economical cost.
- 3.10 All works are published through appropriate media, including the Council's website and social media channels. Local residents, businesses and transport providers are also informed of pending works through an advance letter drop in the lead up to planned maintenance works taking place, advising of arrangements and timescale. Letters are usually delivered at least 10 working days in advance of work commencing. Copies are also sent to ward councillors. When work has to be carried out at night, residents are informed at least two weeks in advance. Notices are also affixed to lamp columns in the days preceding the works, to provide information to highway users, and the bus operators also advise passengers about any diversions

required.

- 3.11 Prior to footway schemes commencing, residents will be contacted and asked if they would like to take the opportunity to apply for a new vehicle crossover or extend an existing one, if sites meet the current Vehicle Crossover Policy (2020 Policy), and these works can be undertaken during footway works. Otherwise this service is provided on a demand basis. This approach has proved to be beneficial in the past to all parties, and is critical to ensure the integrity of new footways is protected.

4 Benefits to Sutton and its Residents

- 4.1 The Council's public highway network is the most valuable asset the Council owns and has a major significance to borough residents, communities and businesses. A well-maintained network is critical to the way that the borough is perceived and provides one of the bedrocks underpinning the 'Ambitious for Sutton' agenda. As described in the Capital Strategy, key rolling programmes for the Council include highway asset maintenance, pavement improvements and resurfacing, and street lighting works. It is also a requirement of the national "Well Managed Highway Infrastructure" Code of Practice to develop planned maintenance programmes.
- 4.2 Undertaking planned highway and street lighting works improves the safety of all public highway users and takes into particular consideration the need for facilities for disabled people, pedestrians, cyclists and public transport users. This aligns with the Council's corporate plan theme "Being Active Citizens" which aims to maintain and improve the physical environment.

5 Implications

- 5.1 If the highway network is not sufficiently well maintained there will be considerable congestion caused by increased amounts of responsive maintenance. The Council develops a prioritised list of proposed footway and carriageway interventions to maintain assets in a safe and serviceable condition and minimise the need for less cost-effective reactive maintenance works.
- 5.2 There is an option of doing nothing. This option has been disregarded as unrealistic, as this will have a significant negative impact on asset condition and on revenue budgets, as assets will require more ad hoc reactive maintenance.
- 5.3 The major outcome of doing nothing is the potential for vehicle damage and personal injury, leading to liability claims against the Council.
- 5.4 Works will be scheduled to commence as early in the new financial year as possible. However, the actual timing of scheme works will be determined and coordinated with other activities, such as statutory undertakers' planned works, school holidays and other relevant events as part of the Council's statutory network management duties.

- 5.5 Prolonged periods of very wet, cold or hot weather can have a significant influence on the planned works programme. Additionally, works by statutory undertakers may result in some schemes needing to be delayed to a later year. In this event, it is proposed that the next road(s) on the prioritised list as it stands at that time would be brought forward for implementation.
- 5.6 The failure to fulfil the Council's statutory duty as the Highway Authority would have legal and financial implications and be potentially harmful to the reputation of the Council.

Equalities Implications

- 5.7 The proposed maintenance list will have a positive impact on people with protected characteristics, under the Equality Act 2010, by creating smooth surfaces on the network and replacing dropped kerbs at the corners of junctions. Also, by improving the levels of lighting in the Borough the Council is improving personal safety and access for everyone, including those with protected characteristics.

6 Finance and Legal Commentary

Finance Comment

- 6.1 The capital programme includes the following budgets for 2022/23:
- Carriageways: £725,000
 - Footways: £513,000
 - Street Lighting: £400,000
- 6.2 Agreement is needed from the Environment and Sustainable Transport Committee to incur capital expenditure for the proposed planned works, as set out in Appendices A and B. The schedule of works includes staff costs and contingencies for all schemes proposed for 2022/23.

Financial Risks

- 6.3 Failure to maintain highway assets adequately increases the potential for significant liability claims for vehicle damage and personal injury.

Legal Comment

- 6.4 The Council as the Highway Authority for its administrative area has a duty of care through section 41 of the 1980s Highway Act for those highways maintainable at public expense.

- 6.5 Any claim brought against the Authority, alleging damage resulting from a breach of their 'duty of care' is subject to the above statutory defence under Section 58 of the 1980 Act. In considering the defence, the court is required to have regard to the following matters:
- (a) The character of the highway, and the traffic reasonably to be expected to use it;
 - (b) The standard of maintenance appropriate for a highway of that character and used by such traffic;
 - (c) The state of repair in which a reasonable person would have expected to find the highway;
 - (d) Whether the Authority knew, or could have reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway;
 - (e) where the highway authority could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed.
- 6.6 By undertaking a programme of maintenance work prioritised in accordance with the criteria set out above, and having had regard to Sections 41 and 58 of the 1980 Act, the Authority seeks to perform its statutory duty, and reduce the potential liability for insurance claims and therefore costs to the local authority.
- 6.7 With regards to the provision of lighting on the highway as Highway Authority the Authority has discretionary power under Section 97 of the 1980 Act to provide street lighting on roads for which it is responsible. However in exercising its powers as to the extent, nature, maintenance and operation of street lighting the Highway Authority must act reasonably and in the interests of road safety. Consideration should be given to the implications of Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) and the potential impact on lower light levels on crime and disorder. Consideration should also be given to the Council's equalities duties under the Equalities Act 2010.

Legal Risks

- 6.8 As per Legal Comment.

7 Appendices and Background Documents

7.1 Appendices

Appendix Letter	Appendix Title
A	List and plan of carriageways and footways to be resurfaced
B	List of roads in the street lighting column replacement programme
C	List of carriageways and footways resurfaced in year 2021/22
D	Borough map of planned schemes 2022/23

7.2 Background Documents

Date of Expiry	Background Document
N/A	N/A

8 Consultations

Consultees	Yes/No	Officer	Date of Comments
Finance	Yes	Tony Cooke Senior Finance Lead: Capital	01/02/2022
Legal	Yes	George Chesham South London Legal Partnership	24/02/2022
Others	No	N/A	N/A
EQIA	No	N/A	N/A

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