

## Report to the Cabinet

Meeting to be held on Thursday, 1 February 2018

## Report of the Head of Asset Management

**Part I**

Electoral Divisions affected:  
All

### Highway Pothole Repair Policy

(Appendix 'A' refers)

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#### Executive Summary

The Highway Pothole Repair Policy sets out how potholes will be repaired when intervention levels are reached on vehicular highways and introduces revised response times in relation to carriageways, footways and cycle tracks.

#### Recommendation

The Cabinet is recommended to approve the adoption of the proposed Highway Pothole Repair Policy as shown in Appendix 'A'.

#### Background and Advice

The Department for Transport (DfT) Self-Assessment process defines the good practice required by Highway Authorities in relation to the management of the highway asset. One theme specifically concentrates on the adoption of recommendations from the national Highways Maintenance Efficiency Programme on preventing and dealing with potholes.

The attached Appendix 'A' contains a proposed Highway Pothole Repair Policy which sets out how potholes will be repaired when intervention levels are reached on vehicular highways and introduces revised response times in relation to carriageways, footways and cycle tracks. It also describes the means by which potholes are identified, methods of repair, and the measures by which pothole repair performance will be monitored.

This policy revises the intervention levels set out in the Highway Safety Inspections Policy approved in 2015 for defects requiring 1 day and 5 day response times and

introduces 10 day and 20 day response times. These revised defect response times and intervention levels are described and defined in section 3 of the proposed policy at Appendix A. In summary the response times relate to the degree of deficiency and the status of the road or footway as described in carriageway and footway hierarchies, set out in Section 6 of Appendix A, which is an extract from the April 2015 Highway Inspection Safety Policy. In essence this is a risk base approach, the busier the highway, the quicker the response will be.

Other than for 1 day responses the intervention levels depths referred to in section 3 of the policy are consistent with the April 2015 Highway Safety Inspection Policy. For 1 day responses the intervention level depth is currently 40mm, 75mm or 100mm depending upon the status of the road in the hierarchy and it is proposed to be 150 mm for all road types. This and the other revisions proposed are consistent with good practice in highway authorities across the country, provides us with a realistic prospect of achieving high performance and thereby defend against public liability claims.

## **Consultations**

Internal Scrutiny committee have been consulted on a draft of this policy.

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

Describing the response time once the levels of intervention for carriageway, cycle track and footway pothole defects have been reached and linking to the Highway Inspection Policy supports the council's Section 58 (of the Highways Act) defence used in defending claims against the authority.

The duty on the authority is to maintain publically maintainable highways so that they reasonably passable for the ordinary traffic of the neighbourhood. The defence against clams that the authority has failed in this duty states that the authority needs to show that it had taken care as in all the circumstances was reasonably required to secure that the part of the highway to which the claim relates was not dangerous to traffic. The intervention level itself is part of this reasonable requirement as is the response time and so the response times need to be reasonable to secure the required repair.

## **Financial**

This policy supports the Section 58 of the Highways Act defence which is used to rebut claims against the authority, so reducing the financial burden on the authority. It also contributes towards the evidence of good practice that supports the county council assessment of Band 3 against the DfT self-Assessment; thus allowing the authority to secure the maximum capital maintenance funding through the Incentive Fund.

## List of Background Papers

Paper	Date	Contact/Tel
Highway Safety Inspection Policy	April 2015	<a href="#">Dave Gorman</a>

Reason for inclusion in Part II, if appropriate

N/A