



**Highways Committee  
17 July 2012**

**Report from the Interim Head of  
Transportation**

For Action

Wards Affected:  
Kenton

**Petition for the renewal of the whole of the footpath in  
Regal Way in the 2012/13 Highways Major Works  
Programme.**

**1.0 Summary**

- 1.1 This report informs members of the Highways Committee of a petition received from some of residents of Regal Way, Kenton regarding the poor condition of the pavements from Westward Way to Shaftesbury Avenue, following the programmed upgrade of Regal Way from Westward Way to Preston Hill.
- 1.2 Petitioners would like the Council to upgrade the entire length of Regal Way, rather than only the section prioritised in the 2012/13 programme.
- 1.3 The petition contains in excess of 50 signatures, and Committee is asked to consider the request and the response by the Head of Transportation.

**2.0 Recommendations**

- 2.1 That members of Highways Committee note the content of the petition.
- 2.2 That members note that the Highways Major Works Programme was approved at the Executive meeting of 23 April 2012.
- 2.3 That members note the methodology used to determine which streets are prioritised, and the reason why the whole of Regal Way was not included.
- 2.4 That members agree the decision by the Interim Head of Transportation not to include the whole of the footway in Regal Way in this year's highways programme.

2.5 That members note that the condition of the section of footway in Regal Way from Westward Way to Shaftesbury Avenue will be included in the next annual condition survey, for consideration of inclusion in a future programme.

2.6 That members note that the Council will continue to maintain this footway in a safe condition, in accordance with the Councils intervention levels.

### **3.0 Detail**

3.1 A letter was received from Councillor Colwill on 21st May 2012, enclosing a petition signed by 61 residents of Regal Way. See appendix 1.

3.2 The petition stated the following: - "Regal Way runs from Preston Hill to Shaftesbury Avenue BUT resurfacing is being done from Preston Hill to Westward Way only. We feel this is unfair to the residents of Regal Way living between Westward Way to Shaftesbury Avenue. We would like the Council to resurface the whole of the Regal Way footpath."

3.3 Following receipt of the petition a safety inspection was carried out by the area maintenance engineer, several localised footway defects were noted that reach the Council's intervention level for repair (a minimum 25mm trip hazard for this category on the footway). These defects have been programmed for repair.

3.4 The report approved by Executive on 23 April 2012, titled Highway Major Works Programme 2012/2013 agreed the capital budget allocation of £2,920k and listed the schemes prioritised and explained the methodology used. The budget allocation for the major renewal of footways in the borough was £1120k, and the estimated cost of the Regal Way footway upgrade scheme is £147k.

3.5 Streets are prioritised on the basis of data provided by specialist independent condition survey carried out each year.

3.6 Carriageways and footways that require structural maintenance are recorded over the course of the year for inclusion in the annual condition survey. Streets that are included in the survey are those that have been identified by;

- Engineering staff (undertaking responsive and routine inspections),
- Councillors (including the results from the annual questionnaire),
- Members of the public (subject to verification by engineering staff),
- Accident investigations.

3.7 All streets identified for inclusion in the annual condition survey are subject to a Course Visual Inspection (CVI) in accordance with the United Kingdom Pavement Management System (UKPMS) visual survey manual. This company undertake similar surveys for Transport

for London (TfL) and other Local Authorities. Principal roads are surveyed and are prioritised by TfL as part of their London wide survey.

- 3.8 The survey results list all the footways and carriageways in order of priority based on a defectiveness rating. Senior engineering staff then carry out a final survey of the prioritised streets that could be included within the budget provision, and then decide on the most economical and suitable engineering solution.
- 3.9 Accident claim records are also used to identify 'hot spots'. Higher risk areas are generally footways where there is a high pedestrian usage e.g. town centres, shopping areas, local amenities, (schools, libraries, sports and leisure centres). According to our records in the last 10 years there has been 1 claim against the Council for a trip on the footway in Regal Way, on this occasion the claimant was not successful.
- 3.10 Each scheme is prioritised using a weighting factor which takes into consideration its structural condition, safety implications, proximity to local amenities, pedestrians and vehicular usage, and high routine maintenance costs due to repetitive damage.
- 3.11 From the results of our last condition survey carried out in November 2011 the section of Regal Way from Westward Way to Preston Road (432m length) received an overall deficiency score (av.37.75) sufficient for it to be included in this year's programme. The defectiveness score for the section of Regal Way from Westward Way to Shaftsbury Avenue (490m length) returned a significantly lower score (av.23.35) and was therefore not included as other footways in the borough returned higher scores.
- 3.12 Therefore, the budget allocation of £147k only includes the section prioritised and there is no budget available to upgrade the pavement in the whole street.
- 3.13 To optimise resources and target the streets in most need, it is usual practice not to upgrade the whole of the footway or carriageway in longer streets in consideration of condition and cost.
- 3.14 Although the level of capital funding has been maintained this year (and is set to increase next year), the Council can only prioritise and renew approximately 12 footways and 40 carriageways each year throughout the borough, so there will be some streets that we recognise are in poor condition that will need to be considered in a future programme.
- 3.15 Over the course of the year various short sections of footway sites throughout the borough that need strengthening due to on-going maintenance costs are identified by engineering staff and upgraded. However, there is only a small percentage of the highways budget available for this work circa £100k.

- 3.16 The general condition of the footway has been noted, and the section of Regal Way from Westward Way to Shaftesbury Avenue will be included in the next condition survey this year.
- 3.17 Subject to its condition compared to other streets in the borough and funding availability, if prioritised, this section of Regal Way will be included in a future major works programme.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications arising from this report. The cost of responsive maintenance will be funded by the 2012/13 revenue budget for highway maintenance works.

#### **5.0 Legal Implications**

- 5.1 The Highways Act 1980 places a duty on the council to maintain the public highway under section 41. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain it. There is also a general power under section 62 to improve highways. The Council's duty however is limited to maintaining this footway to a safe and satisfactory standard for the purposes of ordinary pedestrian usage but not further or otherwise.

#### **6.0 Diversity Implications**

This report has been screened by officers who have assessed that there are no specific diversity implications arising from this report.

#### **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 There are no staffing or accommodation implications arising from this report.

#### **8.0 Environmental Implications**

- 8.1 There are no environmental implications arising from this report.

### **Background Papers**

Appendix 1; Letter from Councillor Colwill and petition from the residents Regal Way received on 21<sup>st</sup> May 2012.

### **Contact Officers**

Any person wishing to inspect the above papers should contact:

Sandor Fazekas

Assistant Head – Highways and Civil Engineering  
Transportation  
Ext.5113

David McKibbin  
Interim Head of Transportation  
Ext.4970

**Cllr Reg Colwill**  
**Conservative Councillor**



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21 May 2012

Sandor Fazekas  
Head of Highways  
Brent Council  
Brent House  
349-357 High Road  
Wembley  
HA9 6BZ



Dear Sandor,

**Re: Regal Way Footpath Re-surfacing**

I write with reference to your recent letter informing me that the footpath in Regal Way was going to be updated. I was extremely pleased at this news as I have been working hard to ensure this happens for many years.

However, I was dismayed to note that only a part of the footpath is actually going to be re-surfaced in the area from Preston Hill to Westward Way. I have spoken to residents about this and many are rightly furious that only a partial segment of the road will be resurfaced when clearly it is the whole length of the pavement that is in urgent need of attention.

I enclose a copy of a petition that has been signed by many Regal Way residents calling on the Council to resurface the whole of the footpath of Regal Way in its entirety for you to action.

I simply cannot understand why the Council has chosen to only resurface a part of the footpath and I would be grateful if you could please reconsider this decision and ensure that the entire pathway in this road is resurfaced.

I look forward to hearing from you.

Yours sincerely

**Cllr Reg Colwill**  
**Deputy Leader of the Conservative Group**

FAO: Cllr. Reg. Cllr.

### **FOOTPATH RESURFACING IN REGAL WAY.**

Regal Way runs from Preston Hill to Shaftesbury Avenue BUT resurfacing is being done from Preston Hill to Westward Way only. We feel this is unfair to the residence of the Regal Way living between Westward Way to Shaftesbury Avenue.

We would like council to resurface the whole of the Regal Way footpath.

House No.	Full Name	Signature	Date
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