



## Meeting of the Highways Committee 20<sup>th</sup> January 2009

### Report from the Director of Environment & Culture

For Information

Wards Affected:  
Mapesbury

**Report Title: Petition from residents' of Larch, Mora and Pine roads to upgrade the footway in their streets**

Forward Plan ref: 08/09-023

#### 1.0 Summary

- 1.1 This report informs members of the Highways Committee of a petition that has been received. The petition has been signed by residents of the above-named streets, on the basis that the overall condition of the footway (pavement) in their roads is in a poor state of repair and, as a result, they wish it to be renewed.
- 1.2 The petition contains 200+ signatures, and the committee is asked to consider the issue raised and the response of the Director of Environment and Culture.

#### 2.0 Recommendations

- 2.1 That the Committee note the concerns raised by the petitioners.
- 2.2 That the streets be included in the current borough wide condition surveys and, if prioritised, included in the 2009/2010 renewal programme. Until such time as renewal takes place, the streets continue to be maintained with responsive repairs.
- 2.3 The lead petitioner be advised whether these streets are included in the

2009/2010 renewal programme following the decision by the Executive in March.

### **3.0 Detail**

- 3.1 A petition was received in August. Unfortunately, the fact that it had been misplaced only came to light in late November. The petition was signed by over 200 residents of the above-mentioned streets,
- 3.2 Responsibility for the maintenance of footways in roads that have been 'adopted (which these three streets have), rests with the council in its capacity as Highway Authority. There is a revenue funded maintenance budget, to facilitate responsive repairs to minor footway defects in all adopted roads, annually.
  - 3.2.1 In addition, a capital budget is available for the implementation of major structural schemes. This facilitates a small number of footways which have been adjudged as requiring renewal, to be upgraded as part of the annual programme of major highway works.
  - 3.3.2 Each year, a number of selected streets are the subject of a footway condition survey. The basis upon which streets are selected for inclusion is primarily based on the detailed knowledge that area highway engineers possess of the condition of footways in the borough, as a result of their day-to-day involvement in carrying out inspections within the areas they administer. The streets they nominate for inclusion represent their considered and professional opinion of those which they believe have the most compelling case for a footway renewal. Nominations are also made in respect of referrals from members on behalf of residents, or complaints that have been received directly from residents or other stakeholders subject to verification by an engineer.
  - 3.3.3 The services of an independent specialist contractor are used to conduct the condition survey, following which a prioritisation listing is drawn up. This listing, accords each section of footway inspected, a score based on the incidence of certain defect types; the higher the score, the greater the proportion of these defect types. Senior highway engineering staff then scrutinise the condition of those streets within the top tier of this priority listing. This is to ascertain the cause of any damage, whether a whole street renewal is the preferred engineering option, as opposed to a partial upgrade of the worst affected areas and determine the most cost effective engineering treatment. Additionally, account is made of other important factors that were not within the remit of the condition survey (e.g. degree of pedestrian usage). In drawing up a final listing, in cases where there are streets which are similar when taking all the above-

mentioned factors into account, priority would be accorded to any streets which had been nominated by members as part of the annual consultation process. The amount of funding available in any given financial year, determines how many of the streets within the top tier of the final priority listing that has been arrived at, can be selected for a footway upgrade.

- 3.4 It is widely accepted throughout the UK, that there is a national maintenance backlog of carriageways and footways which would benefit from upgrading. In recent years the council have increased the levels of capital funding that have been allocated according a higher degree of priority to improving the boroughs network and this has resulted in some 90 major footway renewal improvement schemes being implemented between 2004/2005 and 2008/2009.
- 3.5 However, it is the case that there are still a sizeable number of streets, where the footways are reaching the end of their design life. Although from an engineering perspective they are fit for purpose, given the number of improvement schemes that have taken place in recent years, many residents are requesting that the footway is upgraded in there street as opposed to patch repairs taking place. Increasingly, aesthetic factors are being cited by residents' as justification for seeking a footway upgrade. Whilst understandable, the present level of funding for the maintenance of all our adopted footways, will not sustain the repair of paving simply for cosmetic purposes e.g. although a paving stone may be cracked, this would not automatically result in it being replaced with a new one unless it posed a trip hazard meeting our intervention level of +/- 25mms in residential streets.
- 3.5.1 With the current levels of capital funding available the general condition of the boroughs network continues to improve, however, it will be several years before all the streets that have been identified at present as, ideally, requiring an upgrade, will benefit from a footway renewal.
- 3.5.2 The most recent independent condition survey was carried out in November 2008 and the findings of this survey will be used by senior highway officers to compile a final priority listing in early 2009. The level of funding allocated for footway upgrades for 2009/2010, will determine how many of the streets at the top end of the final priority listing; can be chosen for an upgrade. Details of the next financial years programme will be included in the report titled; Environment & Culture, Capital Spend; Highways Major Works Programme 2009/2010, which will be presented to the Executive for approval in March 2009.
- 3.5.3 Given the depth of feeling as to the condition of the footways in these three streets, as evidenced by the number of signatories to the petition, the view was taken by officers that they should be included in the last condition survey and therefore they will be considered for inclusion in the footway renewal programme for 2009/2010. Their inclusion will of course depend on the findings of this

independent condition survey.

#### **4.0 Financial Implications**

- 4.1 There is no capital budget provision available to finance the cost of renewing the footways in any of these streets this financial year, 2008/2009
- 4.2 The programme of renewals for 2009/2010 will be brought to the March meeting of the Executive, at which Members will be requested to approve the priority listing having regard to the available capital funding.

#### **5.0 Legal Implications**

- 5.1 The Council has a legal responsibility under Section 41 of the Highways Act 1980, to maintain and keep in good repair, the public highway. The council would be liable in damages for failing to maintain it in a fit condition. The Council's duty, however, is limited to maintaining this footway to a safe and satisfactory standard for the purposes of ordinary pedestrian usage

Aesthetic factors are not a key element in determining whether councils have satisfied their legal responsibility under section 41. The annual maintenance budget is not intended to finance remedial works purely for cosmetic reasons. Often, requests are received from residents and other stakeholders, for purely aesthetic reasons e.g. seeking the replacement of unsightly cracked paving. Unless such paving also poses a trip hazard that meets our intervention level criteria there is no legal responsibility to replace it.

#### **6.0 Diversity Implications**

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

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

Planned and responsive maintenance is authorised by staff employed within the Highway Engineering section of the Transportation Service Unit. Should a decision be made to upgrade the footway in any / all of these streets, it would not have any staffing / accommodation implications.

## **8.0 Environmental Implications**

Planned and responsive maintenance, plus footway renewal schemes, enhance the overall street scene. Additionally, all improvements to the condition of the footway network, will help improve safety, and help reduce the likelihood of claims for personal injuries / damage.

### **Background Papers**

Petition from residents received August 2008.

### **Contact Officers**

Any person wishing to inspect the above papers should contact:

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