

	Cabinet 5 February 2024
	Report from the Corporate Director of Resident Services
	Lead Member - Cabinet Member for Environment, Infrastructure and Climate Action (Councillor Krupa Sheth)
Highways Footway Maintenance Programme 2023-26	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix A: Highways Footway Programme for 2023/26 (Please note this appendix has been marked as "To Follow" and will be circulated in advance of the meeting)
Background Papers:	None
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1.0 Executive Summary

- 1.1. This report sets out recommendations for Brent's 2023/26 footway Maintenance programme through prioritised programmes of footway reconstruction, and following further ward councillor discussions on ward priorities

- 1.2. This follows on from the 16th October 2023 Cabinet report which set out recommendations for Brent's 2023/24 Carriageway Maintenance programme through prioritised programmes of major road resurfacing and preventative maintenance, which includes injection patching. It also set out budgets for asset condition surveys and analysis, improvements to highway structures & drainage, improvements to the public realm and renewal of road markings.

2.0 Recommendation(s)

- 2.1 That Cabinet approves the 2023/26 Planned Footway Maintenance Programme as set out in Appendix A of this report (Please note this appendix has been marked as "To Follow" and will be circulated in advance of the meeting).

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 Highway infrastructure is the most visible, well used and valuable physical asset owned by the Council. The latest value of Brent's asset is estimated at around £4.5bn and includes 505 km of roads; 847 km of pavements; 20700 road gullies and 90 bridges and structures.
- 3.1.2 Our Asset Management approach uses condition survey and other data to produce annual road and footway maintenance programmes, to give optimum condition for our budget, taking into account deterioration of the asset.
- 3.1.3 This work chimes well with our Borough Plan, particularly "Prosperity & Stability in Brent" and "A Cleaner Greener Future". Our efforts to reduce the carbon footprint of our highways works help our "Climate and Ecological Emergency Strategy". The highways drainage work is embedded in our "Flood Risk Management Strategy" and the highways term contracts (through which this work is carried out) have been procured in accordance with the "Procurement Strategy". Overall, highway maintenance allows our highway assets their continued availability to contribute towards the "Transportation Strategy".

3.2 Background

Last Year's Highways Maintenance Investment 2022/23

- 3.2.1 In 2022/23 Brent's annual highways maintenance investment programme consisted of £3.5m base Brent capital funding, plus £2m extra Brent Capital funding. This was used to maintain Brent's carriageways, footways and highway structures. The works delivered, which resulted in (amongst other things) around 4.3 miles of roads being resurfaced and 5.7 miles of footways being reconstructed.

Brent's Highway Assets

3.2.2 Highway infrastructure is the most visible, well used and valuable physical asset owned by the Council. The latest value of Brent's asset is estimated at around £4.5bn and includes:

- 505 km (315 miles) of roads;
- 847 km (529 miles) of pavements;
- 90 bridges and structures;
- 20700 road gullies;
- 10,000 street trees; and
- 22,848 streetlights and other illuminated street furniture.

Asset Condition Surveys

3.2.3 Detailed Visual Inspections are used to ascertain the structural condition of the borough's footways. We survey 50% of the footway network per year as we believe this is a good balance between cost and data quality; the overall condition of a footway does not tend to deteriorate rapidly in the same way a road can do, when it's subject to a bad winter and heavy traffic. This year we have continued to collect grass verge inventory and condition data, so (although it is a snapshot) we can see just how many of our grass verges are damaged through vehicle overrun, inconsiderate builders and illegal crossovers.

Structural Asset Condition

3.2.4 The overall footway condition has again slipped to 48% having improved from 47% in 2018/19 to 33 % in 2022/23. To investigate this slippage in condition, officers have checked the condition of all the footways reconstructed since the policy change to asphalt in 16/17, and they are all still in "Excellent" or "Good" condition. This would indicate that the slip in overall condition is due to the ongoing deterioration in the remaining slabbed footways. This highlights the wisdom of the second tranche of substantial £11m footway investment to keep up with ongoing deterioration of slabbed footways.

3.2.5 As time goes on roads, and pavements that are currently in good condition will deteriorate, just like any physical asset such as a house or a vehicle. To keep on top of the deterioration of our asset the council must invest continually in maintenance.

Footway Scheme Prioritisation

3.2.6 The 2023/26 footway maintenance programme is made up of two elements;(a) one road per ward chosen directly by Ward Councillors and (b) based on the asset management principles.

Direct Choice by Ward Councillors

- 3.2.7 In discussion with Councillor Krupa Sheth, Cabinet Member for Environment and Councillor Butt, Leader Brent Council, it was agreed that given the additional investment, ward councillors should have more input into the selection process for their wards.
- 3.2.8 Therefore, ward councillors were given the opportunity to directly select footway(s) for their ward for direct inclusion in the programme, up to a nominal value of £150k. (This is in addition to taking account of a first round of councillor nominations for footway maintenance factored into the priorities for that part of the programme based on asset management principles)
- 3.2.9 The nominal £150k allocation was for the ward as a whole and nominations were to have the agreement of all ward councillors for the respective ward. Given the varying lengths of roads, for some wards the total cost of the footway(s) included via direct nomination exceeded £150k whilst for others it came in below. Where nominated roads are long, sections of roads from one junction to another have been selected, where a suitable end point (usually a crossroads) is available.

Based on Asset Management Principles

- 3.2.10 During 2022/23, the footway network has been assessed to determine the current condition of footways. A range of factors were then taken into account to define priorities for maintenance.
- 3.2.11 Ten locations for major footway reconstruction, identified using Asset Management Principles, have already been approved by Key Officer Decision for an early start in August. This was to facilitate implementation of the 2023/24 programmes, by giving approval for implementation before the customary annual Highways Capital Maintenance report to Cabinet.
- 3.2.12 After the costs of the roads chosen by Direct Choice by ward councillors were deducted, the programme for the remainder of the £11m budget was chosen according to asset management principles.
- 3.2.13 The factors taken into account come under two broad headings, “*Treatment Benefit*” from network condition and “*Prioritisation benefit*” for all the other factors. Scores are given according to each of the factors and the total score gives the relative priority for maintenance of one road against another.
- ***Treatment Benefit*** - For footways, “Treatment Benefit” scores have been based solely on structural condition as determined by independent surveys.
 - ***Prioritisation Benefit*** - Scores for each of the following Prioritisation factors are calculated, weighted according to both the relative importance of each factor, and the total length of required maintenance (“treatment length”) identified within a road, to get the Prioritisation Benefit score:

- a) **Claims Priority** - Roads with a recent history of public accident claims for loss or damage on the highway (on the footway or carriageway as appropriate) are allocated a score in this category. The number of accident claims in a road is divided by its length, so that roads of different lengths can be compared on an equal basis.
- b) **Defects Priority** - Roads with a recent history of reactive maintenance defects identified (on the footway or carriageway as appropriate) are allocated a score in this category. Reactive maintenance defects could be potholes or pavement trips, and are identified through either reactive safety inspections in response to customer reports or scheduled safety inspections. The number of defects in a road is divided by its length, so that roads of different lengths can be compared on an equal basis.
- c) **Nominations Priority** - Roads, which have been named in that year's initial round of Councillor Nominations, are allocated a score in this category.
- d) **Hierarchy Priority** - Brent footway and carriageway hierarchies have been determined according to the principles in the industry Code of Practice "Well Managed Highway Infrastructure" by Metis Consultants Ltd. A network hierarchy based on asset function is the foundation of a risk-based maintenance strategy. The hierarchy takes into account current and expected use, resilience, and local economic and social factors such as industry, schools, hospitals and similar, as well as the desirability of continuity and of a consistent approach for walking and cycling.

3.2.14 Apart from Classified roads, which by their nature can be quite long, the programmes are often drawn up on a whole road basis. This means a section of road in relatively good condition may be resurfaced if it is on a street where the rest of the road needs maintenance and it would be illogical, or impractical, not to resurface the whole street.

Highways Investment during 2023/26 - Footway Repairs

3.2.15 Officers will carry on with the practice established during the £20m footway improvement programme, for roads where the existing footway (including vehicle crossings) is all bituminous surfacing, that for the improvement works concrete blocks will be used on vehicle crossings and at street corners. This will provide consistency across all highway footway schemes in the borough.

3.2.16 Short lengths of footway that are in poor condition can cost a significant amount in reactive maintenance repairs, as well as being a cause of accident claims. It is intended to invest £150k of this year's overall budget to resurface short sections of footway. The programme is determined "in-year" according to priorities at the time.

- 3.2.17 The council has decided to invest a further £15m over the next four years *(from 2022/23) into planned highway maintenance. It is intended to deliver £5.33m of that in this year 2023/24 (approximately £3.33m to footway improvements and £2m to A road resurfacing).

4.0 Stakeholder and ward member consultation and engagement

- 4.1 Officers continue to take account of councillor nominations for road maintenance and this is factored into the priorities for the annual maintenance plans based on asset management principles. Additionally one road in every ward was chosen from direct nominations by ward councillors

5.0 Financial Considerations

- 5.1 The table below summarises the allocation of Brent capital funding for highways maintenance during the year 2023/24, approved at the October 2023 Cabinet:

Schemes	2023/24
	£0
BRENT BASE CAPITAL ALLOCATION	
Major resurfacing of B, C & unclassified roads; Preventative maintenance unclassified roads	2,175
Carriageway Short Sections	150
Footway Short Sections	150
Injection patching	250
Renewal of Road Markings	100
Improvements to the public realm	125
Condition Surveys & Analysis	100
Highway Structures (*& Drainage)	450
Sub-total Base Brent Capital	3,500
£15 m - Major Footway Resurfacing	3330
£15 m - Major resurfacing of Principal ("A") roads	2000
Sub-total Major Footway Investment	5,330
TfL Funding for Principal Roads	200
TOTAL HIGHWAY MAINTENANCE PROGRAMME	9,030

- 5.2 The table above does not include the slippage from prior year budgets. For FY23/24 the capital monitoring reports takes into account this slippage and is the 'revised budget'. Carriageways on the monitoring reports is £3.5m and in line with the table above (Sub-total Base Brent Capital). Pulling works forward will increase the reported Revised Budget figure and needed formal approval via the October Cabinet . Budget FY24/25 would be reviewed and revised down in line with this paper proposal during the budget build for FY24/25.

Highways Capital Expenditure Budget FY23/24	
Budget includes over/under budget spends from FY22/23	
2023/24 BUDGET	
Footways	4,084
Carriageways	3,757
Other Highway Mtce costs	1,147
Total Highways Mtce Programme	8,987

5.3 The annual £3.5m is funded through a revenue contribution to capital and the investment of £15m will be funded through council reserves.

6.0 Legal Considerations

6.1 The Council's overall Capital Programme for 2023-2024 was agreed by Full Council on 23 February 2023. The programme consists of individual projects and sum allocated for work of a particular type. Under the Council's Policy Framework and Financial Regulations (Part 2 of the Constitution), any draft capital programme for a service area utilising those capital resources allocated by the Council must be submitted to Cabinet for approval.

6.2 Section 41 of the Highways Act 1980 places a duty on the council as highways authority to maintain the public highway. The Highways Maintenance Scheme Programme must make sufficient provision for the Council to comply with this duty. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain the highway. There is also a general power under section 62 of the Highways Act 1980 to improve highways.

6.3 Any contracts referred to within this report that are let for the provision of works must be let in accordance with the Council's Contract Standing Orders (Part 2 of the Constitution).

6.4 Subject to certain restrictions in sections 2-4 of the Localism Act 2011, and subject to any specific prohibitions within other legislation, or the existence of more specific legal powers in other Acts, the Council may rely on the general power of competence in section 1 of the Localism Act 2011 to work collaboratively with other local authorities where necessary.

6.5 The current Climate Change Act 2008 does not impose any direct statutory obligations on local authorities to reduce greenhouse gas emissions or to reduce their carbon footprint. However, local authority policy making including that at Brent Council, and case law is rapidly developing in this area. The Court of Appeal held in a recent judicial review case R (on the application of Plan B Earth Ltd) v The Secretary of State For Transport and others [2020] EWCA Civ. 214, that international climate change and environmental obligations are relevant considerations for determining whether public authority decisions (including those as to budgets and the allocation of resources) are sustainable as reasonable, if challenged judicially. The Commercial Organisations and Public Authorities Duty (Human Rights and Environment) Bill currently before Parliament will impose firmer targets and obligations in this area.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.5 The proposals in this report have been subject to screening there are considered to be no equalities implications that require full assessment. The works proposed under the highways main programme do not have different outcomes for people in terms of race, gender, age, sexuality or belief.
- 7.6 In addition, the design criteria used in all highway work does take note of the special requirements of various disabilities. These will take the form of levels and grades associated with wheelchair users, for example road crossing points, and for partially sighted / blind persons at crossing facilities. The highway standards employed are nationally recognised by such bodies as the Department for Transport. This programme of works continues the upgrade of disabled crossing facilities at junctions, which were not constructed to modern day standards. All new junctions are designed to be compliant at the time of construction.
- 7.7 Strengthened areas of footway are far less susceptible to damage and will therefore aid the movement of pedestrians that may find it difficult to walk on uneven pavements.
- 7.8 Officers will make sure accessibility ramps are provided to aid wheelchair users and those with prams. Officer will make sure high visibility barriers and tapping

rails are provided to allow those with visual impairments to negotiate the works as they are in progress.

- 7.9 Officers will make sure of the visibility of the required signage, also where temporary work is being carried out.
- 7.10 Officers will monitor of the quality of the work to ensure that the finished surface is to specification and does not form a mobility hindrance; and that signage and road markings are correctly provided as aid to movement.

8.0 Climate Change and Environmental Considerations

8.1 The Challenge is Now

- 8.1.1 The Highways Management service are keen to play an ever-increasing role in reducing carbon and other greenhouse gas emissions from within our remit. The industry code of Practice "Well Managed Highway Infrastructure" recommends:

"The effects of extreme weather events on highway infrastructure assets should be risk assessed and ways to mitigate the impacts of the highest risks identified."

[Recommendation 21]

"The impact of highway infrastructure maintenance activities in terms of whole life carbon costs should be taken into account when determining appropriate interventions, material and treatments." [Recommendation 32]

- 8.1.2 It is important that decision making in highways asset management be taken with these recommendations in mind. At the same time, London Boroughs should work to ensure that the Mayoral policy of London, being carbon neutral by 2030, is achieved.
- 8.1.3 Thereby reduction of CO₂ in highway interventions needs to be assessed, understood and mitigated through:
- a) Reduction of carbon in the production of materials
 - b) Reduction of carbon in transportation of materials to site
 - c) Reduction of carbon in installation
 - d) Reduction of waste generated from site
 - e) Extension of life of the assets ensuring resilient materials are used that withstand climate change and deliver a service to society in the longer term.

8.2 Common Aims with Asset Management

- 8.2.1 The challenge of reducing carbon footprint for the maintenance of the highways asset dovetails well with the aim of highways asset management; which is to have a structured approach to managing assets effectively and minimise the whole life cost of the asset whilst delivering the required levels of service.

8.2.2 Given that our aim is to minimise ongoing maintenance; all maintenance has its carbon footprint and so by minimising maintenance - especially by increasing planned maintenance (which is by its nature more cost effective) and thereby decreasing the need for reactive maintenance – we also decrease carbon emissions.

8.3 ***What we are doing already***

8.3.1 On a regular basis councils are reporting carbon efficiencies in schemes and contracts and works on various industry magazines. Currently our approach can be encapsulated by the watchwords ***Reduce, Reuse and Recycle:***

- a) ***Reduce*** – the most desirable of the three: the Council reduces the ongoing maintenance through asset management, and use resilient materials in its footways and carriageways to be fit for the challenges of today. This approach needs to cover all schemes in the public realm, such as town centre refurbishments, to make sure they do not become maintenance liabilities. Warm-mix asphalt has many benefits over standard bitumen including reduced emissions (up to 30% & 50% at the point of mixing & laying respectively), reduced overall costs, improved Health & Safety and enhanced technical performance. Our preventative maintenance programmes reduce the need for more intrusive and costly maintenance
- b) ***Reuse*** – the next desirable is reusing materials where possible. For example, during footway improvement works wherever possible we reuse the existing granite kerbs, instead of shipping in completely new kerbs from places like Portugal or China.
- c) ***Recycle*** – lastly, if reducing or reusing is not possible, at least recycle. It is standard practice now amongst contractors to recycle as many material arisings from highway works as possible, and turn it into granular fill, which can be used in the foundations of footway and carriageway construction. Often recycle rates are well over 90%.

9.0 **Human Resources/Property Considerations (if appropriate)**

N/A

10.0 **Communication Considerations**

N/A

Report sign off:

Peter Gadsdon

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