

County Council – 17 July 2023

Item 10(b) - Notice of Motion on Highways Repairs from Cllr Lord

Briefing Note

Motion paragraph (3)(a)

West Sussex experienced one of its hottest summers in 2022 and this was followed by higher-than-average rainfall from September to January, with exceptionally high rainfall in November leading to widespread flooding on the network. Extremely cold periods in December and January resulted in an unseasonably high number of gritting outings. These extreme weather fluctuations contributed to the unprecedented volume of defects.

The incidence of safety defects is increasing year on year. The average over the past three years has increased to 38,200 compared to 32,268 over the previous seven years. Numbers are exceptionally high this year and, if they continue at the same level, a total of between 45,000 and 50,000 is expected.

Neighbouring southeast authorities have also experienced significant increases in defect numbers. A number of authorities across the region, including West Sussex, have written to the Government to ask for more funding for highway maintenance to address the longer-term investment required to prevent potholes.

In terms of the response to these repairs during the winter months, it is extremely difficult to increase resources to meet demand when all local highway authorities are experiencing similar demand increases. The County Council did deploy extra safety gangs and extended their working days, working twilight and weekend shifts. In addition 'find and fix' gangs were deployed to focus efforts in specific areas. The emphasis has to be on making the network safe and occasionally this has an impact upon the long-term quality of repairs.

In recognition of the issues across the network, the County Council has allocated exceptional revenue funding of £4.5m in 2023/24. This supports additional resources on proactive activities which will better prepare the county's road network for the winter season. The best time to fix road defects properly is when the weather is warm and dry which is not when the majority of the problems occur. Initiatives being implemented include:

- **Right First-Time approach** where all repairs to be mandated as 'cut, sawn and sealed'
- **Jet Patchers** – additional Jet Patcher funded so there are now three employed across the county
- **Additional 'Small Scale' Patching gang** working during the summer months. Patching can add structural strength back into the area of carriageway
- **Find & Fix Gangs** – additional funding for gang resource in the winter
- **Drainage** – water-logged roads impact the condition of the network. Additional resources to undertake jetting, CCTV investigations, gully repairs and preventative maintenance

- **Additional Patching budget** – additional capital for small scale patching work

Motion paragraph (3)(b)

The contractor plans their work to meet contractual timescales. Efforts will be made to publish more granular data showing timescales on a district/ward basis. This will confirm the lack of geographical bias in the allocation and prioritisation of work.

Motion paragraph (3)(c)

To improve engagement with district, borough, town and parish councils on highway matters officers have engaged with the West Sussex Association of Local Councils, Arun councils and Mid Sussex councils to try and understand what would improve awareness and knowledge sharing. Due to the upsurge in activity following the winter resources have been limited in recent months but when back to normal 'business as usual' more resource will be applied to this activity.

Motion paragraph (3)(d)

The County Council has piloted alternative delivery models with town councils and continues to work with other councils in the county on highway maintenance matters.

Mid Sussex town councils have agreed to provide feedback on the quality of highway repairs over the summer months, with East Grinstead Town Council providing more granular, specific feedback on repairs. This is a positive way to audit our activities and focus efforts on quality and timeliness of repairs.

There is a complexity to the reactive highways service which would be extremely onerous for other councils. Amongst the barriers to this are:

- Liability – there would be a requirement for indemnity and insurance cover engagement with the Council's insurers in cases of conflicting liability. This includes accounting for responsibility to address damage claims, evidence collation and court attendance.
- Qualifications and Equipment – anyone working on the highway needs to hold specific certification and use approved equipment and materials.
- Permitting – all works on the highway require, as a matter of law, a permit from the County Council which will add an administrative burden upon both councils involved.
- Record Keeping – defects and repairs are recorded on a central system that is used to support our asset management and provide a basis for responding to claims.
- Emergency call out – the service provides a 365 days a year/24hr call-out service.
- Health and Safety – any third party would be working for or on behalf of the highway authority and as such would need to comply with statutory and contractual requirements for compliance and consequent liability.

The current contractual arrangement revolves around a lump sum payment for a set number of safety defect repairs. The volume of work provides economies of scale, so the cost to repair a defect provides good value for money given the large volume the contactor is dealing with. If the number of defects reduces within the main contract as other councils take on some of the work the cost per defect will increase. Also, the reactive service model provides county-wide out of hours emergency response and the operatives double-up as gritter drivers which would be at risk if taking out specific elements out of the work.

The contract is currently tendered on a pan-county basis. If the County Council paid other councils to undertake defect repairs it would effectively be paying twice as we cannot simply reduce the lump sum we pay to our contractors.

The officer time required to negotiate and manage formal agreements with numerous local councils across the county to undertake work on some form of agency basis would be significant. It would require the involvement of officers currently managing the major maintenance contracts and service plans. This would be likely to have an adverse impact on capacity and the best use of resources.

Lee Harris

Director of Place Services