

**Report for: Cabinet**

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<b>Date of Meeting:</b>	18 <sup>th</sup> July 2022
<b>Subject:</b>	Feasibility report for pothole repairs
<b>Key Decision:</b>	No, as the funding for the work being requested is under £500,000
<b>Responsible Officer:</b>	Dipti Patel - Corporate Director of Place; Tony Galloway - Director of Environment
<b>Portfolio Holder:</b>	Councillor Anjana Patel - Portfolio Holder Environment & Community Safety
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All wards
<b>Enclosures:</b>	None

## Section 1 – Summary and Recommendations

Cabinet have asked for a report on potholes in the borough and the feasibility of creating an in-house pothole service to improve the potholes across the borough.

This report sets out the findings of the initial feasibility work on bringing this operation in-house.

### Recommendations:

Cabinet is requested to:

1. Note the content of the report
2. Instruct officers to continue the feasibility work and bring back the results of the study to a future Cabinet meeting;
3. Delegate authority to the Director of Environment to commission the study from external consultants at a cost of approximately £50k.

### Reason: (for recommendations)

The recommendations in this report are to review the feasibility of bringing the pothole repair function in-house.

## Section 2 – Report

Cabinet have asked for a report on potholes in the borough and the feasibility of creating an in-house pothole service to improve the management and repair of potholes across the borough.

This report sets out the findings of initial feasibility work and the key issues that are being investigated.

### Options considered

- To bring the service in-house – we could seek to bring the service in house and use our own team and vehicles to complete the work

### Current situation

Highways inspections for potholes are picked up from routine inspections 3 times per year per road and shopping areas once per month. Alternatively, enquiries come in from customers.

On average the council receive 578 enquiries from highway inspections and 492 from customer enquiries, bringing the total potholes reported per annum on average to 1,070.

From customer enquiries the following potholes were reported between 2019 to date.

Financial Year	No. of Customer Reports	Assessed within 3 working days
2019/2020	480	100%
2020/2021	430	100%

2021/2022	565	100%
2022/2023	94	Ongoing
<b>Grand Total</b>	<b>1569</b>	

From highways inspections the following potholes were reported between 2019 to date. From the data below, we can see the average time taken to complete a pothole repair from inspection / notification is 4.5 days. This is in line with national standards at 5 working days.

Row Labels	Average of Days (ordered)
<b>2019/2020</b>	<b>2.18</b>
3 Category 3 (2 hours)	0.03
4 Priority 4 (24 hour)	0.80
5 Priority 5 (3 days)	1.33
6 Priority 6 (5 days)	1.60
7 Priority 7 (30 days)	8.22
<b>2020/2021</b>	<b>6.72</b>
3 Category 3 (2 hours)	0.00
4 Priority 4 (24 hour)	0.80
5 Priority 5 (3 days)	2.27
6 Priority 6 (5 days)	2.29
7 Priority 7 (30 days)	22.56
8 Planned works	146.67
<b>2021/2022</b>	<b>4.52</b>
2 Category 2 (1 hour)	0.00
3 Category 3 (2 hours)	0.00
4 Priority 4 (24 hour)	0.78
5 Priority 5 (3 days)	1.17
6 Priority 6 (5 days)	2.32
7 Priority 7 (30 days)	13.08
8 Planned works	187.00
<b>Grand Total</b>	<b>4.61</b>

The volume of potholes completed per annum between 2019 to date is detailed below. Potholes are repaired depending on health and safety concern of between 2 hours and 30 days.

Period	Grand Total
<b>2019/2020</b>	449
<b>2020/2021</b>	534
<b>2021/2022</b>	750
<b>2022/2023</b>	199
<b>Grand Total</b>	<b>1932</b>

A defect for a pothole is determined by the following criteria

A defect is a vertical or abrupt difference at the interface of two existing surfaces. This excludes areas such as the interface between the top of a kerb and the road surface or steps)

Boreholes and other small area defects where it is considered that there is no risk to vehicles or cyclists may not be ordered for repair.

<b>Category periods for repair</b>	<b>Category 2 (1 hour)</b>	<b>Category 3 (2 hours)</b>	<b>Priority 4 (24 hour)</b>	<b>Priority 5 (3 days)</b>	<b>Priority 6 (5 days)</b>	<b>Priority 7 (30 days)</b>
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<b>Carriageways Location/Depth of defect</b>	<b>Less than 25mm</b>	<b>25mm to 40mm</b>	<b>In excess of 40mm</b>
<b>Carriageway in cycle lane or designated pedestrian crossing point</b>	No repair or P7	C3 to P6	Dependent on surface area, C3 to P5
<b>Carriageway not in cycle lane or designated pedestrian crossing point</b>	No repair or P7	No Repair or P7	Dependent on surface area, C3, to P6
<b>Surface depressions/crowning</b>	Where a surface depression or crowning is identified which is not a vertical step the inspector will make a judgement on whether a repair is necessary and the relevant priority for any repair.		

The Council's highways term contractor carries out all pothole repairs and all inspections are conducted in-house by highways inspectors.

## Why a change is needed

Cabinet have asked for a report on potholes in the borough and the feasibility of creating an in-house pothole service to improve the management and repair of potholes across the borough.

Therefore, the option to explore how and if the service would be better in house is being explored.

## Implications of the Recommendation

### Considerations

The feasibility study will cover issues including staffing and TUPE, procurement regulations, current budget provision, capital investment and its cost, accommodation for the function and materials, equipment, including vehicles and storage.

### Resources, costs

The feasibility study is estimated to cost a maximum of £50,000 and funding has been identified for this.

### Staffing/workforce

Once the feasibility study is complete a detailed workforce assessment will be provided to members for consideration.

### Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **No**

The following key risks should be taken onto account when agreeing the recommendations in this report:

<b>Risk Description</b>	<b>Mitigations</b>	<b>RAG Status</b>
The current highways term contractor carries out all pothole repairs and may have concern in the Council carry out this feasibility study	<ul style="list-style-type: none"><li>▪ This is an option to consider and investigate, no decision has been made and therefore the risk of the contractor having any concern is a low likelihood. However, if this should occur, the Head of Service will meet with the contractor to explain this is only a consideration and should this progress detailed discussions with the contractor will occur.</li></ul>	Green
The feasibility study may be inadequate to base a decision on.	<ul style="list-style-type: none"><li>▪ A robust procurement exercise to bring in an experienced and able contractor to complete this study will be undertaken.</li></ul>	Green
The feasibility study may show that continuing with the current contractor is the best option and thus the study may be seen as a waste of money.	<ul style="list-style-type: none"><li>▪ If this is the case, this would not be a waste of money as, based on the perceived issue with potholes in the borough, reviewing the situation is best will provide assurance whatever the outcome.</li></ul>	Green
If a feasibility study is not undertaken there is a risk that the current issues will remain unresolved.	<ul style="list-style-type: none"><li>▪ Thus, the recommendation is to complete the feasibility and move forward based on the outcome of the study.</li></ul>	Green

## **Legal Implications**

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) is likely to apply to any transfer of the contract services in house.

Public procurement rules will not apply to taking services in house, though they will apply to any new procurement.

Any vehicle or premises leasing or purchase will require legal input.

Consultants can be commissioned in compliance with the Council's Contract Procedure Rules to provide a detailed feasibility study

## **Procurement Implications**

Any aspect of procurement that may arise out of the recommendations of this report will be undertaken in accordance with Public Procurement Regulations 2015 (as amended) and with the support and advice of the procurement team

## **Financial Implications**

Should the feasibility work be pursued, there would be a one-off cost of project resource. This is estimated at £50k and can be funded from the Capital Feasibilities Reserve. The feasibility study will then inform the cost implications of an in-house pothole operation. This in turn will inform the MTFs implications and their affordability and will be included in a further Cabinet report.

## **Equalities implications / Public Sector Equality Duty**

Should the feasibility progress to detailed business case, an EQIA is likely to be required for the staffing implications.

## **Council Priorities**

Please identify how the decision sought delivers these priorities.

1. **Improving the environment and addressing climate change**

## **Section 3 - Statutory Officer Clearance**

**Statutory Officer: Dawn Calvert**

Signed by the Chief Financial Officer

**Date: 29<sup>th</sup> June 2022**

**Statutory Officer: Stephen Dorrian**

Signed on behalf of the Monitoring Officer

**Date: 29<sup>th</sup> June 2022**

**Chief Officer: Dipti Patel**

Signed off by the Corporate Director

**Date: 30<sup>th</sup> June 2022**

**Head of Procurement: Nimesh Mehta**

Signed by the Head of Procurement

**Date: 24<sup>th</sup> June 2022**

**Head of Internal Audit: Susan Dixon**

Signed by the Head of Internal Audit

**Date: 29<sup>th</sup> June 2022**

## **Mandatory Checks**

**Ward Councillors notified:** NO, as it impacts on all Wards

**EqlA carried out:** 24 June 2022

**EqlA cleared by:** Jennifer Rock

## **Section 4 - Contact Details and Background Papers**

**Contact:** Nicolina Cooper, Interim Head of Traffic, Highways and Asset Management, 07423621435, [Nicolina.cooper@harrow.gov.uk](mailto:Nicolina.cooper@harrow.gov.uk)

**Background Papers:** None

**Call-in waived by the Chair of Overview and Scrutiny Committee**

**NO**