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**Report for: Cabinet**

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<b>Date of Meeting:</b>	24 January 2024
<b>Subject:</b>	Managing potholes within the Borough
<b>Key Decision:</b>	No
<b>Responsible Officer:</b>	Dipti Patel, Corporate Director for Place
<b>Portfolio Holder:</b>	Councillor Anjana Patel, Portfolio Holder for Highways, Infrastructure and Community Safety  Councillor David Ashton, Portfolio Holder for Finance and Human Resources
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	No
<b>Wards affected:</b>	All Wards
<b>Enclosures:</b>	None

## **Section 1 – Summary and Recommendations**

This report sets out information on the highways maintenance and pothole repair systems, innovation and options for consideration and updates the Cabinet of its implementation.

### **Recommendations:**

Cabinet is requested to:

1. Note the feasibility work undertaken to identify suitable options for effectively dealing with highway defects, including carriageway potholes, on a proactive, responsive, area wide basis via a “find and fix” service to be provided by the Council’s highways works term service provider, JB Riney.
2. Notes that the two tranches of the Government’s highways maintenance funding for Harrow of £241,000 in 2023/24, and £241,000 in 2024/25, referenced in paragraph 3.2 of this report, will be used to fund highway maintenance including the activity set out in this report.
3. Notes the option agreed by officers for JB Riney to provide a ‘find and fix’ service, including providing a dedicated ‘Pothole Squad’ to find and permanently fix potholes on an area wide basis, using innovative techniques and sustainable highway products.

### **Reason:(for recommendations)**

The recommendation informs and update Cabinet on how the Government allocation of money maintains highways and fixes potholes.

## Section 2 – Report

### 1.0 Introduction

- 1.1 The Council’s highways assets are one of its most valuable assets. The boroughs highway network provides a 24/7 means for local people to get around the borough every day, whether assisted, on foot, by bicycle, by car, (or other vehicle), or by public transport. Well managed highways are vital in ensuring the vibrancy and well-being of the borough, and essential in supporting the local economy. Any disruption in this provision, caused by such things as potholes, broken paving slabs, ice and snow, flooding or access restrictions and any associated delays caused by essential roadworks and temporary traffic management, can cause inconvenience and frustration for highway users. In support of its statutory duty, under s41 of the Highways Act 1980, maintaining the borough’s highways in a safe and usable condition is a top priority for the Council.
- 1.2 As part of its highways asset management strategy, the council provides an annual programme of proactive planned and routine maintenance, as well as regularly carrying out reactive maintenance of highway defects, such as potholes, as they happen/occur. Potholes are a perennial issue for local authorities with reduction in planned maintenance budgets. But they are a visual representation of people’s impression of a place, unloved and uncared for. Currently these are addressed in Harrow in an ad hoc way through annual safety inspections and complaints from residents, drivers, and cyclists. The Cabinet decision on the 18<sup>th</sup> July 2022 was not progressed and instead the Council engaged with JB Rineys to inform best value decisions on effectively managing potholes in the borough. This was going to be brought forward as part of the budget process but the Government funding announcement enables us to act sooner.
- 1.3 A flagship action to resurface over 60 carriageways and footways in 2023/24 is being successfully delivered as part of the Council’s planned programme of highways maintenance using improved procedures to prioritise delivery.
- 1.4 During the remaining term of the current highway works contract with JB Riney, this innovative proactive approach to managing potholes will **supplement** the current method of reactively dealing with potholes in accordance with the risk based defect assessment approach outlined in the ‘Well-managed Highway Infrastructure Code of Practice’, which the Council has adopted.

### 2.0 Options Considered (for pothole management)

- 2.1 **Option 1: Provide a highway defects ‘find and fix’ service via the Councils Highways Works Term Service provider JB Riney.**

Potholes are generally identified by the Councils Highways Inspectors during routine/reactive inspections, or via complaints/reports received from our customers. The preferred option is to introduce a new 'find and fix' service with a newly formed Pothole squad which will provide the Council with a proactive approach to finding and fixing potholes on an area wide basis, without the need to react to inspection reports or customer complaints, and will **supplement** the current method of reactively dealing with potholes in accordance with the risk-based defect assessment approach outlined in the 'Well-managed Highway Infrastructure Code of Practice', which the Council has adopted.

**2.2 Option 2: Provide an in-house highway defects 'find and fix' service.**

This option was considered to be cost prohibitive as it would require a large capital investment to secure specialist plant, materials, storage facilities and additional skilled staff resources.

**2.3 Do nothing:**

This option was not considered viable due to the risk of not fulfilling the Council's statutory s41 (Highways Act 1980) duty to maintain the highway in a safe condition, with an associated potential increase in highways third party insurance claims, which can be costly. There would also be a reputational risk to the Council as some potholes will not be repaired in a timely manner.

**2.4 The officer agreed option is Option 1:** This option is the most cost effective and proactive option that would deal with repairing highways defects on a prioritised area wide basis, including fixing potholes utilising innovative techniques and sustainable materials via a dedicated 'pothole squad' working through the Council's existing highways works contract for an agreed daily fee.

### 3.0 Background

#### 3.1 Flagship Action

In support of delivering Harrow Council’s Corporate Plan priorities, a number of flagship actions have been committed to in order to make an immediate impact on the lives and wellbeing of our residents, and to restore pride in Harrow. This includes a flagship action to resurface over 60 carriageways and footways in 2023/24 through an improved highways maintenance programme. This proactive planned approach to highways maintenance using highway condition survey data to prioritise the maintenance programmes increases the life of the assets that are treated, and thus reduces the reoccurrence of defects due to asset deterioration. However, as the scope of the planned maintenance programmes are dependent on the availability of Capital and Revenue funding, which is limited, there is still a need to deal with potholes and other defects as they occur. The ‘find and fix’ solution is a way of proactively dealing with this issue.

#### 3.2 Government’s local highways maintenance – additional funding from 2023 to 2034

On the 4<sup>th</sup> October 2023, the government announced £8.3 billion of additional highways maintenance funding (for England) over the 10 year period 2023 to 2034 for local road resurfacing and wider maintenance activity on the highway network.

The allocation for London and the specific allocation for Harrow (announced on the 20<sup>th</sup> December 2023), are shown in the table, below:

	<b>2023/24 additional funding (£000)</b>	<b>2024/25 additional funding (£000)</b>	<b>Minimum additional funding between 2023/24 and 2033/34 (£000)</b>
<b>London</b>	7,530	7,530	235,804
<b>Harrow</b>	241	241	7,534

The funding allocation for Harrow in 2023/24 and 2024/25 will be used to fund highways maintenance including the new pothole management programme.

#### 3.3 ‘Find and Fix’ pothole management service provision

Various options to manage the repair of highways defects, including potholes, have been explored and these are detailed in section 2.0, above. The recommended option due to cost efficiencies and speed of implementation is **Option 1**, for the Council’s existing highways works contractor, JB Riney, to deliver this service to agreed negotiated prices, to be included as a variation into the current contract price list.

- 3.4 There are four basic pothole repair methods typically undertaken on UK roads:
- The traditional hot mix asphalt pothole repair method involves considerable waste issues with the hot material used to fill the pothole and material cut away to square the hole.
  - The temporary cold mix method of road repair is a temporary quick fix method ideal for lightly trafficked areas or as a first stage temporary repair until a permanent solution is installed.
  - The velocity patching method involves the use of a high-powered hose to blow dust and debris from the pothole and involves dislodging of stones and bitumen by the blowers – used by **Brent** and recently trialled by **Redbridge**.
  - Thermal Infra-red repair is a permanent repair that recycles the existing macadam material, with the advantage of waste minimisation, no noisy jack-hammering, and no dust and saw cutting – used in **Hillingdon** and recently trialled by **Barnet**. **Hillingdon** have also trialled a new road-mending material using a fast-setting waterproof liquid called 'Elastomac', made from 70 per cent recycled materials, including road surface shavings and car tyres.

3.5 Officers have attended trials in neighbouring boroughs and supplier representatives have held Member demonstrations in **Harrow** on the 10 January 2024.

### 3.6 **Pothole management – JB Riney offer**

JB Riney submitted a proposal for actions in relation to pothole management in Harrow. These include:

#### **Rapid Response**

Currently, complaints about highway defects are received by Highway Inspectors who carry out a site visit to assess the problem and then raise a Task Order through the Symology system for its repair. JB Riney maintenance crews can help reduce the time it takes from complaint to fix by providing a '*Find & Fix*' service. Information about highway defects can be forwarded directly to the crew or through a link on Harrow's reporting portal. The crew will inspect and undertake the required action to make safe temporarily or a permanent repair. The chargeable day rate and include 2 skilled operatives in a 7.5 tonne tipper truck, sufficient materials and equipment with the capability to undertake permanent carriageway pothole repairs on a find and fix basis.

#### **Pothole Squad**

JB Riney have proposed an initiative with a dedicated '*Pothole Squad*'; a targeted high-profile campaign with vehicles and operatives, liveried to highlight the new partnering service. JB Riney operatives will work alongside Council Engineers to an agreed specification with photographic evidence to support a 'Find and Fix' approach. Working



together, and with local councillors if needed, we can map priority areas and define manageable neighbourhood areas to ensure all streets are visited (excluding roads in the planned maintenance programme unless otherwise instructed by Harrow). If necessary, following hard winter, JB Riney has the resources to increase the number of pothole squads.

### Innovation in ‘First Time Fix’ Techniques

Getting repairs right first time and delivering long lasting repairs is far more sustainable in the long run, reducing net emissions over the life of the road. Recent developments in plant and machinery support the ‘first time fix’ approach. JB Riney successfully trialled thermal road repairs in **Barnet** and the JCB Pothole Pro in the **City of London**.

Repair System	Purpose	Benefits
<b>JCB PotHole Pro *</b> Latest machine from JCB - designed and developed in collaboration with Tarmac	Unique 3 in 1 solution specifically designed to sort out any pothole repair or large reinstatement operations, efficiently, economically and permanently	<ul style="list-style-type: none"> <li>comes with 3 dedicated attachments to cut, crop and clean</li> <li>No need for additional specialist equipment or extra manpower</li> </ul>
<b>Thermal Road Repair *</b>	For in situ thermal repair of asphalt footways and carriageways	<ul style="list-style-type: none"> <li>Zero waste to landfill</li> <li>80 – 90% recycled material</li> <li>Delivers carbon savings compared to traditional construction</li> <li>Eliminates need for excavation</li> <li>Less disruption for residents eg access, noise</li> </ul>

The chargeable day rate for the JCB Pro repair system will also include 3 skilled operatives, the specialist JCB Pro machine, sufficient hot asphaltic materials and specialist equipment with the capability to undertake permanent carriageway ‘patch’ repairs, at locations as directed.

The chargeable day rate for the Thermal Road Repair system will also include 2 skilled operatives, specialist vehicle and mini-roller, sufficient materials and equipment with the capability to undertake permanent carriageway pothole repairs on a find and fix basis, or, as directed.

### Targeted Campaigns of Action

In supporting Harrow’s Corporate Priorities and Flagship Actions “that puts residents first” and “a borough that is safe and clean”, JB Riney proposes targeted campaigns of action to demonstrate the Council’s determination to uphold its pledges together with JB Riney’s support and resources to deliver on those pledges. This is in addition to the Pothole Squad provision, described above, and in partnership with Harrow Engineers and Councillors:

- ‘Pothole Innovation Day’ to showcase to Councillors and Officers, innovation in techniques and materials JB Riney can offer Harrow Council.

- Ward or area based 'Find & Fix' initiative with concentrated focus of resources in the locality for a pre-determined period.

## **4.0 Reasons for Recommendation**

- 4.1 Overall JB Riney are performing satisfactorily and there is no contractual, performance, operational or delivery matters.
- 4.2 The JB Riney Harrow Contract has undergone a major restructuring of their management and operations with new personnel who are working hard to rebuild their reputation with Harrow under much closer scrutiny in terms of works delivered, measures and payments system.
- 4.3 We cannot renegotiate the contract with JB Riney, but we could negotiate to seek reasonable further commitments and assurances from JB Riney to make changes to improve service delivery across a broad range of areas that could include supply chain management, cost savings and efficiencies, cost control and reporting, programme delivery, workmanship, managing health & safety, communications, the environment, sustainability, continuous improvement, and innovation.
- 4.4 **Implications of the recommendation**  
Officers are seeking authority to introduce all four proposals to the Highways Works Contract for the length of the remaining contract in consultation with the Portfolio Holder for Environment and Community Safety and Director for Place.
- 4.5 **Ward Councillors' comments**  
None as recommendation impacts all wards

## **5.0 Risk Management Implications**

- 5.1 Risks will be identified and monitored for the overall project within the service. The contractor (JB Riney) is responsible for completing individual risk assessments, on a site by site basis. Any identified, specific risks will be monitored on the initiative as it moves forward.

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

Separate risk registers in place? **Yes**

The relevant risks contained in the register are attached/summarised below.  
**Yes**

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

Risk Description	Mitigations	RAG Status
If the proposed recommendation(s) are not agreed, pothole complaints will increase.	<ul style="list-style-type: none"> <li>▪ Agreement to the report's proposed recommendation(s) will mitigate this risk</li> </ul>	<b>GREEN</b>
If the proposed recommendation(s) are not agreed insurance claims could increase at a financial cost to the authority.	<ul style="list-style-type: none"> <li>▪ Agreement to the report's proposed recommendation(s) will mitigate this risk</li> </ul>	<b>GREEN</b>

## 6.0 Procurement Implications

- 6.1 The activity set out in this report will be delivered via Harrow's current highways works contract with JB Riney, during its remaining term, until the 31<sup>st</sup> March 2025.

## 7.0 Legal Implications

- 7.1 The recommendation enables the Council to meet its statutory duty to maintain the local highway in a safe condition, as prescribed in the Highways Act 1980, s41. It will also provide the Council with a defence under s58 of the same legislation, in any legal action/insurance claims for damages where it is alleged that the injury or damage resulted from the Council's failure to maintain the public highway.
- 7.2 There are no implications in terms of the external procurement rules and as the proposed works will be provided under an existing works contract with JB Riney then there are no legal implications surrounding the internal contract procedure rules in terms of procurement.
- 7.3 If the Government funding which is noted in recommendation 2 uses a funding grant then the grant terms should be carefully reviewed to ensure compliance.

## 8.0 Financial Implications

- 8.1 The government's funding allocation, referenced in paragraph 3.2, above, will be used to fund the introduction of this programme, alongside a proportion of the recent successful insurance claim.

## 9.0 Equalities implications/Public Sector Equality Duty

- 9.1 There are no physical changes to the highways as a result of these works which might affect accessibility.

9.2 There are no equalities implications to this decision

## **10.0 Council Priorities**

10.1 This proposal supports Harrow's Corporate Priorities and Flagship Actions, that:

- "Puts Residents First" and,
- "A Borough that is Safe and Clean".

10.2 It will also help deliver the Council's overall vision of **Restoring Pride in Harrow**.

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

### **Statutory Officer: Sharon Daniels**

Signed by the Chief Financial Officer

**Date: 17 January 2024**

### **Statutory Officer: Graham McIntosh**

Signed on behalf of the Monitoring Officer

**Date: 16 January 2024**

### **Chief Officer: Dipti Patel**

Signed off by the Corporate Director

**Date: 16 January 2024**

### **Head of Procurement: David Hayes**

Signed on behalf of the Head of Procurement

**Date: 17 January 2024**

### **Head of Internal Audit: Neale Burns**

Signed on behalf of Head of Internal Audit

**Date: 17 January 2024**

**Has the Portfolio Holder(s) been consulted? Yes**

## **Mandatory Checks**

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

**EqIA carried out: NO**

There are no equalities implications to this decision as covers all Wards and residents.

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

### **Contact:**

Mehmet Mazhar/ Interim Head of Traffic, Highways and Asset Management  
[mehmet.mazhar@harrow.gov.uk](mailto:mehmet.mazhar@harrow.gov.uk)

**Background Papers:** None

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

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