



City of Westminster

Cabinet Member Report

**Cabinet Member for City
Management & Air Quality**

Date: January 2024

Title: Introduction of a 14-day response period for Highway Defects

Wards Affected: All Wards

Report of: Acting Director of City Highways

1. Executive Summary

The City Council responds to defects in the public highway to different timescales depending on the seriousness of the defect. Response times vary from between 2 hours and 10 weeks as shown below.

- P1 Defects (emergency) – within 2 hours
- P2 Defects (urgent) – within 48 hours
- P3 Defects (planned) – within 28 days
- P4 Defects (Programmed) – within 10 weeks)

In recent months the number of P2 defects (48-hour response), have increased significantly. This is undesirable as responding to defects within 48 hours is more expensive and can be less efficient. The reason for the increase can be partly explained by the Highways Inspectors 'promoting' defects from P3 to P2 as the Inspector considers the defect cannot wait 28 days for the defect to be corrected. It can also be explained by the removal of the 7-Day defect response time in 2019.

Approval is sought from the Cabinet Member to introduce a new 14-Day defect response period to ease the pressure on P2 numbers and provide the Inspectors with an alternative option between 28 days and 48 hours to correct defects in the highway.

Any changes to the defect priority response times requires an update to the Highways Infrastructure Asset Management Plan (HIAMP) and the Maintenance Management Plan (MMP). Both the HIAMP and MMP were written in accordance with the recommendations in the national code of practice 'Well Managed Highway Infrastructure' which received Cabinet Member approval in 2019. As a result, Cabinet Member approval for a new 14-day defect response is sought.

2. Recommendations

It is recommended that the Cabinet Member for City Management & Air Quality approves the introduction of a new 14-Day defect response time in the public highway and the associated changes to the relevant sections of the HIAMP and MMP.

3. Reasons for Decision

The introduction of the 14-Day defect response time allows for effective management and programme of Highways works, will ease the pressure on delivering an increasing number of 48-hour defects and provide mitigation for an estimated £60,000 cost increase if the new priority is not introduced.

4. Background, including Policy Context

Like most local highway authorities, the City Council has a procedure in place to react to highways defects within certain timescales depending on the seriousness of the problem. In Westminster, the current response times are as follows:-

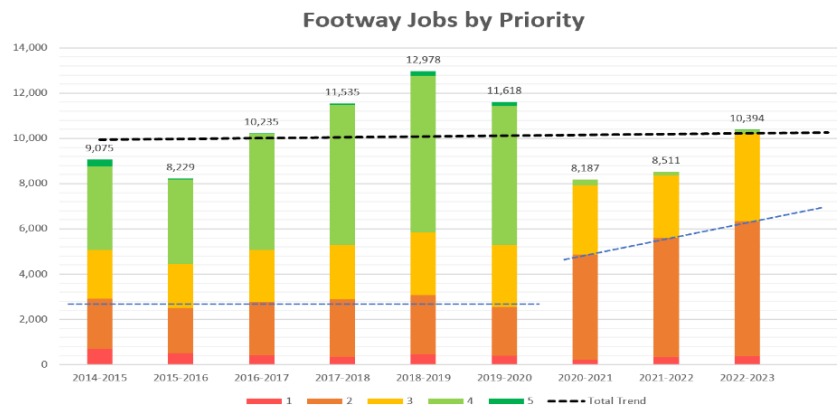
- P1 Defects (emergency) – within 2 hours
- P2 Defects (urgent) – within 48 hours
- P3 Defects (planned) – within 28 days
- P4 Defects (Programmed – within 10 weeks)

In recent months it has been noted that defect numbers in the public highway, particularly the footways, are returning to pre-covid levels. It is essential that defect numbers are carefully monitored and managed, particularly when budgets are under pressure to ensure effective cost control. Recently, a detailed analysis of defect data identified that there has been a significant rise in defects in the P2 (48-hour) category since the start of the Covid pandemic.

Increase in P2 defect numbers and reasons

An analysis of the defects data for the last 9 years, as seen in the graphic below, shows that prior to Covid, defect numbers overall were rising.

Jobs by Priority



The number of P2 defects (in orange) remained steady at approximately 2,500 per year before Covid. In 2020, at the start of Covid, the defect numbers dropped markedly, however P2 defects jumped to approximately 4,500 in 2020/21 and continued to rise in 21/22 and 22/23 to over 6,000, this is more than double pre-covid levels.

The Highways Inspectors are responsible for identifying defects and raising jobs for the contractor to correct defects. The system the Inspectors use automatically identifies the defect as a P1, P2, P3 or P4 category according to the type and severity of the defect, and also the category of the street according to the network hierarchy. The Inspectors are permitted to use their discretion however to override the system and shorten the response time by raising the defect to a higher category if he/she disagrees, in their professional opinion, with the Risk Register generated defect categorisation. For defects initially identified as a P3 (28-day response), the next higher category is P2 (48 hours), which is a significant difference in response time. This Inspector behaviour lowers the risk of accidents on the network. This legitimate re-categorising of the defects is one of the reasons P2 numbers have increased.

When the Cabinet Member approved the current defect response times in 2019, a 7-Day defect period was removed as it was often too difficult to meet the 7-Day response time, mainly because traffic permits took a minimum of 7 days to be approved, traffic permits are not required for 2 hour and 48 hours defects as these are considered to be emergency/urgent works. The removal of the 7-Day defect response period is also likely to have increased P2 defect numbers.

Rather than reinstate the 7-Day response time, a 14-day response category is considered more appropriate as it still provides the Inspectors an option to repair a defects between 48hours and 28 days and it also gives Contractors time to arrange traffic permits. Introducing a 14-Day response time will take some of the pressure off the P2 numbers.

The rise in P2 defect numbers is undesirable as the 48-hour response time requirement puts added pressure on our term-maintenance contractor, leading to a reduction in efficiency and effectiveness in managing defects. There is also a corresponding rise in costs. Defects are being raised on a P2 (48 hour) response time that because of road closure permitting requirement can not be legally delivered in the P2 time frame and can be effectively undertaken in a 14 day response time.

5. Financial Implications

It is estimated that if a 14-day category response time is implemented, approximately 40% of current P2 volumes will be reassigned to the new 14-day response category. This gives the Council's term-contractor more time to plan and coordinate their works more effectively. It is estimated that adopting the 14-day defect category will introduce efficiencies and therefore reduce costs by approximately £60,000 per annum, the introduction of the 14 Day category will not result in an adverse impact on current budget allocations.

6. Legal Implications

The City Council, as local highway authority, has a duty under the Highways Act 1980 to ensure the effective maintenance and management of Westminster's highway and highway assets (including lighting), so that they remain safe and effective.

The Legal Service has considered this report and is satisfied that the proposals for introduction of a new 14-Day defect response time in the public highway. set out in paragraph 4 of this report helps discharge the City Council's duty (as per paragraph 6.1 above) in this respect.

7. Carbon Impact

The introduction of the 14-Day defect response time is unlikely to have a negative carbon impact. It may however have a minor positive impact as the increased time to respond to some defects will allow the Service Provider to plan correcting defects more efficiently, however the potential carbon reduction is difficult to quantify.

8. Equalities Implications

There are no negative equalities implications associated with this report. The implementation of the recommendations will benefit all carriageway and footway users irrespective of whether a person has a protected characteristic or not.

9. Potential Risks

The risk of NOT introducing the 14-Day defect priority is that the number of defects in the P2 category will continue to rise leading to increased costs at a time when there are budgetary pressures on the council to make revenue savings and the inefficiencies associated with programming these P2 jobs will persist.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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APPENDICES

None

BACKGROUND PAPERS

- Highways Infrastructure Maintenance Management Plan (HIAMP) – Oct 2018
- Highways Maintenance Management Plan (HMMP) – October 2018

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member for City Management & Air Quality**

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____
NAME: **Councillor Paul Dimoldenberg**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

Introduction of a 14-day response period for Highway Defects and reject any alternative options which are referred to but not recommended.

Signed: _____

Cabinet Member for City Management & Air Quality

Date: _____

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed

from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.