

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

Overview and Scrutiny Committee  
Task and Finish Group Report

# HIGHWAYS

2 October 2013

Cllr Ian Mantle (Chairman)  
Cllr Paul Clark  
Cllr Gerald Morris  
Cllr Ray Shakespeare-Smith

### **1. BACKGROUND**

1.1 This task and finish group sought to improve the existing communications processes on highways matters between Hertfordshire County Council and North Hertfordshire District Council. The scope of the review is attached at Annex 1.

## **2. CONCLUSIONS AND RECOMMENDATIONS**

### **2.1 Conclusions**

That communication between the County Council, County Councillors and District Councillors with regard highway matters should be improved to benefit all parties and the residents of North Herts.

### **2.2 Recommendations**

- 1) That the performance data and indicators used to measure Hertfordshire Highways performance are explained and provided to the Scrutiny Officer at regular and appropriate intervals by the County Council for dissemination to District Councillors.
- 2) That County Council's highways officers be requested to provide a training session for NHDC's Planning Committee members, to enable:
  - committee members to better understand the reasons and legislation behind recommended planning conditions and/or comments made upon applications; and
  - to identify a feedback process whereby councillors can impart local knowledge to County officers
- 3) That Hertfordshire Highways be asked to clarify their policy position with regard to 'structures on the highway' (specifically around applications for consent and enforcement) within two months of receipt of this report. Should there be no current policy for specific/all structures in specific/all towns and villages then they are requested to clarify the date when such a policy may come into force.
- 4) That the draft and final Forward Works Programmes and Integrated Works Programmes are forwarded by the County Council to the Scrutiny Officer at regular and appropriate intervals for dissemination to District Councillors.
- 5) That the highways fault reporting link on the NHDC website linking to the HCC website is given greater priority on NHDC's website and that the keyword search criteria be reviewed to include common used words e.g. pothole.
- 6) That training be requested from the County Council for NHDC's Customer Service Centre staff with regard to navigating the County website, specifically the highway sections, to enable NHDC staff to better assist North Herts' residents with regard to on-going/proposed works to the highway, fault reporting and officer contacts.

7) That the County Council's customer service standards are disseminated to all Councillors, specifically with regard response times for enquiries.

8) That current good practice with regard to the raising of highway issues and possible funding streams (Highway Locality Budgets) undertaken at Area Committee meetings is shared between all Area Committees.

9) That current good practice with regard to the communication of highway matters (specifically consultations) be shared amongst all County Councillors.

10) That all District Councillors are made aware of the process for including relevant items on the agenda of the Highway Liaison Meetings.

11) That the process to remove redundant, temporary and permanent signs on the highway be clarified by the County Council, in order to reduce the amount clutter in the street scene.

### 3. SUMMARY OF EVIDENCE

3.1.1 Brendan Sullivan, Scrutiny Officer at North Hertfordshire District Council (NHDC) explained that highways officers from Hertfordshire County Council (HCC) had been invited to attend but had chosen not to do so. In their absence, he said he would be presenting a number of topics.

3.1.2 His approach had included speaking to all members of NHDC and to colleagues; undertaking personal research including fact finding, mystery shopping and using HCC's fault reporting map; and sending specific questions to HCC on individual topics.

3.1.3 This review covered those roads on North Hertfordshire which were the responsibility of HCC, and excluded those which (like the A1) were the responsibility of the Highways Agency.

#### **3.2 Background on the Highways Service: Legal Framework for Highways**

3.2.1 Brendan explained that the UK Roads Board produced the Well Maintained Highways Code of Practice<sup>1</sup> which was endorsed by the Department of Transport and the Local Government Association, and which sought to:

- help highways authorities with repair and maintenance policies; and
- help ensure that highways authorities met their statutory obligations.

3.2.2 The Code was last updated in August 2013. Many of the key themes of the original Code had been retained, including the need for a robust regime of safety inspection and a planned investment programme based on whole life costs, as these were fundamental to highway maintenance.

3.2.3 Its recommendations were not mandatory on authorities. The Code is based on the assumption that available funding for highway maintenance will provide some flexibility for authorities to pursue a regime of assessment and rational planning of programmes and priorities. Where this was not the case, statutory obligations for network safety needed to take precedence.

3.2.4 As highways authorities have certain legal obligations with which they need to comply, they will on occasion be the subject of claims or legal action by those seeking to establish non-compliance by authorities. It has been recognised that in such cases, adherence to the Code may be considered to be a relevant consideration. In circumstances where authorities elect, in the light of local circumstances to adopt policies, procedures or standards differing from those suggested by the Code, it was essential for these to be identified, together with the reasoning for such differences.

3.2.5 Thus the service provided by highways authorities consisted of:

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<sup>1</sup> <http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=C7214A5B-66E1-4994-AA7FBAC360DC5CC7>

- measures needed to meet statutory obligations; and
- measures chosen to meet Council priorities and public expectations; and
- measures feasible within chosen budget.

The result was a balancing act between statutory and discretionary measures

3.2.6 Section 7 of the Code of Practice summarised the legal framework for authorities. Section 7.1.4 advised that even without specific powers and obligations, the highways authority had a general duty of care to maintain the highway so its condition was fit for purpose. Section 7.1.3 made clear it was important that all of those involved in highways maintenance - including members – should have a clear understanding of their duties and obligations.

3.2.7 The main piece of legislation the Highways Act 1980 (as amended). This covered all the main things powers and duties of a highways authority. The distinction between duties and powers was important.

- A power is something which an authority may choose to exercise if it wants to;
- A duty is something the highways authority must do whether it likes it or not eg maintain the highway

3.2.8 There were a great many things which a highways authority could and had to do, and many of these were set out in the Highways Act. Some of the most important were:

- **Section 41** - required that the highways authority maintain the highway at public expense;
- **Section 58** allowed the highways authority to defend itself against claims based on its maintenance programme and whether it knew there was a problem;
- **Section 130** – set out the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

3.2.9 Appendix C of the Code was a report by a specialist group of the Roads Board looking at Highways Risks and Liabilities. It set out what the highways authority had to do to prove it has acted reasonably in order to defend itself against claims. These were essentially:

- good maintenance and repair policies;
- a robust safety inspection regime; and
- good record keeping and audit trail.

3.2.10 HCC had a safety inspection regime which followed a safety inspection manual which was based *inter alia* on the principles of this code of practice.

3.2.11 In addition to the Highways Act, there were a number of other pieces of legislation which affect highways, including the Traffic Management Act 2004, the Wildlife and Countryside Act (which was particularly concerned with rights of way), along with a host of others. There were also some general

pieces of legislation which impacted on the delivery of the highways service by HCC including the Freedom of Information Act and the Disability Discrimination Act.

### **3.3 Background on the Highways Service: Performance Indicators**

3.3.1 The former Best Value Performance Indicators (BVPIs) were replaced by National Indicators (NIs) a few years ago. A couple of years after that the Government decided that councils did not have to supply NIs any more. There was also a Single Data List – a collection of statutory returns on a range of service areas, including highways - which local authorities had to submit to central government.

3.3.2 Many Councils had retained some NIs - either modified or in their original form - as performance indicators (PIs) to monitor their performance internally and report on performance to councillors and to the public.

3.3.3 It was not easy to assess the performance of the highways service. There was no key performance data on the highways webpage, nor any link to performance data elsewhere.

3.3.4 HCC did have a performance Dashboard<sup>2</sup> which recorded HCC's key indicators, projects, contracts and risks including highways performance measures, but these were not as comprehensive as the BVPIs which used to be published. Those listed for highways conditions were a mixture of projects, contracts and risks namely:

- ENVP3 – Carriageway Maintenance – Maintenance Programme
- ENVP3 – Carriageway Maintenance – Condition Targets
- ENVC1 – Highways Service Contract
- ENVR2 – Road Maintenance

3.3.5 The dashboard did not make it easy to understand what was going on. All four items listed were at “amber” but the dashboard did not explain what that meant. Furthermore although the dashboard referred to carriageway maintenance condition targets, it didn't say what the targets were.

3.3.6 For highways, the key performance indicators were the **highway condition indicators**. The measurement of road and footway condition was previously captured by two National Indicators (NIs) and two former Best Value Performance Indicators (BVPIs):

- NI168 (formerly BV223) – A Roads
- NI169 (formerly BV224a) – B & C Roads
- BV224b (previously BV97b) – Unclassified Roads (the remainder of the carriageway network)
- BV187 – High & Medium Use Footways (around 14% of the total footway network)

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<sup>2</sup> [Current HCC Performance Monitor: http://www.hertsdirect.org/your-local-data/serv/quarterperfinmons/](http://www.hertsdirect.org/your-local-data/serv/quarterperfinmons/)

3.3.7 These could not be easily accessed on HCC's website but those for roads could be found as a statistical data set collated by the Department of Transport called *The Condition of Local Authority Managed Roads*<sup>3</sup> produced from the single data list which local authorities had to submit to central government.

3.3.8 The targets for future years were listed elsewhere - in the Transport Asset Management Plan Annual Performance Report (TAMP APR). Table 1 below shows the percentage of roads where maintenance should be considered.

**Table 1: Percentage of roads managed by HCC where maintenance should be considered<sup>4</sup>. (A low percentage is better than a high one)**

Type of Road	Historic Data					Targets		
	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
A Road Condition	4%	6%	6%	8%	6%	8%	8%	8%
B&C Road Condition	7%	9%	11%	11%	15%	11%	11%	11%
U Road Condition	12%	13%	13%	17%	13%	17%	17%	17%

3.3.9 HCC also used CIPFA's Value for Money tool to compare the relative value for money spent on highway maintenance in Hertfordshire compared to similar authorities. HCC did poorly in 2011/12 using the CIPFA standard which measured percentage performance against cost of maintenance per km of road, suffering from both high costs and low performance<sup>5</sup>.

3.3.10 In response to this, HCC developed a its own average road condition indicator – revising the indicator to use millions of vehicle kms travelled rather than simple road length. HCC contends that this gives a more accurate representation of the service's performance on Hertfordshire's heavily trafficked roads; and took account of the condition of all roads, not just those in a poor condition. This was somewhat contradicted by earlier HCC reports on the condition of the roads which stated: "*The surface deterioration is largely due to age and weathering, rather than traffic use*<sup>6</sup>".

#### State of the Pavements

3.3.11 The other important indicator is the state of the pavements (called footways in highways jargon). In England, since 2008, there were no statutory

<sup>3</sup> <https://www.gov.uk/government/statistical-data-sets/rdc01-roads-where-maintenance-sould-be-considered>

<sup>4</sup> Source: Single data set and TAMP APR 2012

<sup>5</sup> Source: Integrated Plan Report to Council February 2013, Item 7B(iii) part B page 164 Council Feb13 available at [http://www.hertsdirect.org/your-council/civic\\_calendar/ccouncil/17435366/](http://www.hertsdirect.org/your-council/civic_calendar/ccouncil/17435366/)

<sup>6</sup> Source: TAMP 2008 page 30

indicators for the condition of footways. However, many authorities continued to collect information to calculate the indicator that was previously BVPI 187 – Condition of High & Medium Use Footways. This recorded the percentage of Categories 1, 1A and 2 footways where maintenance should be considered. This indicator covered only around 14% of the total footway network – there was no indicator for the other 86%.

3.3.12 There were a number of key issues for pavements back in 2008 including:

- Deficiencies in footway inventory, particularly for lower use footways;
- Lack of condition data for low use footways;
- Condition of HCC’s lower use footways was assumed to be generally in poor condition and getting worse (since investment was historically targeted at higher-use footways).

3.3.13 The TAMP 2012 APR had no performance indicators to measure even the current state of the high and medium use footways, although on page 41 the asset valuation reported that the “pavement asset” was 39% consumed (ie worn out).

3.3.14 Since then, a Footway Hierarchy Review had taken place. It is proposed that the new hierarchy is based upon footfall, so targeting services more towards the busiest footways. This would help to manage risk such as insurance claims and ensure that as many people as possible benefit from footway maintenance works and the like.

3.3.15 The proposed hierarchy and pedestrian footfall bandings when applied across the HCC footway network are shown in table 2 below. The five footway categories proposed for the new hierarchy are similar to those currently in place, but will be primarily based on pedestrian footfall, i.e. the number of pedestrians per day (ppd) using the footway.

**Table 2: Proposed New Footway Hierarchy**

Footway Cat Town Size	1 Primary	2 Main	3 Moderate	4 Standard	5 Rural (Low Use)
Large					
Medium					
Small	-				
Village	-	-			

Street Lights

3.3.16 The final indicator of note was for street lights. The target for street light repairs had been 5 days a few years ago, then slipped to 10 days. Now it stood at 20 days although this reduction in response times had not been accompanied by any noticeable publicity.



### **3.4 Background on the Highways Service: Budgets**

3.4.1 The highways budget for 2013/14 is set out in table 3 below, excluding staff costs and overheads<sup>7</sup>.

**Table 3: Highways Budget 2013/14**

<b>Highway Maintenance Activities</b>	<b>£k</b>
Minor Structural Maintenance	10,013
IWP Carriageways	20,400
IWP Drainage	1,400
IWP Footways & Cycleways	2,200
Bridge Maintenance	2,422
<b>Sub Total</b>	<b>36,435</b>
Routine Maintenance	14,674
Signals Refurbishment	650
Street Lighting Operational Service	7,449
Street Lighting Refurbishment	1,580
Winter Service	3,004
<b>Sub Total</b>	<b>27,357</b>
<b>Other Highways</b>	
Integrated Transport	14,316
Transport Planning, Policy & Strategy	1,939
Highways Locality Budget	6,930
<b>Sub Total</b>	<b>23,185</b>
<b>TOTAL</b>	<b>86,977</b>

### **3.5 The Fault Reporting System**

3.5.1 The Scrutiny Officer said this was an area of highways which many councillors and members of the public were very concerned about and about which they had the a lot of contact with HCC.

3.5.2 There were two main ways in which highways faults are identified and reported:

- By outsiders – members of the public, councillors, officers of District Councils and others; and
- By HCC insiders and their contractors, especially highways inspectors.

3.5.3 As well as faults like potholes, broken street lights, uneven paving stones, defects covered a multitude of things which were the responsibility of the highways authority including broken and collapsed manhole covers; drainage problems and flooding; damaged barriers and bollards; fencing; leaning trees; vegetation overhanging the highway; obstructions of all sorts; road markings; traffic lights; and more.

<sup>7</sup> Source: Highways Service Guide 2013 para 5.4

3.5.4 This long list of highways defects was set out in a document called the Safety Inspection Manual (SIM), and the fault reporting system was a condensed version of the main features of the manual. The Manual had its origin in a document called the Code of Practice on Well Managed Highways. The latest version of the Manual was updated in December 2011<sup>8</sup>. There is another version in the pipeline but it had not been published yet.

3.5.5 The reason for safety inspections was to allow highways authorities to meet their legal responsibilities. By having a safety inspection regime, the highways authority can show it is taking reasonable steps to meet its statutory requirements. The Manual:

- sets inspection intervals for the highway
- sets inspection standards for the inspector
- sets criteria for classifying defects
- assigns a code to each defect based on type of fault, severity and route hierarchy.

3.5.6 During inspections, inspectors had to record all defects (Section 1 para 2 of the Manual refers); and table 2.2 set out inspection intervals which varied from 1 month to 12 months. The whole highway had to be inspected at least once a year; and all defects which posed a risk must be reported. The rest of the manual sets out a system for categorising and prioritising defects; and gives detailed descriptions of different types of defect.

3.5.7 Given the number of unaddressed defects of all kinds on the highways, and the surprisingly small number of defects recorded by HCC, the issues of concern were:

- whether inspections were being done as frequently as they should;
- whether inspections were being done as thoroughly as they should, in terms of recording defects; and
- whether the correct follow up action was being taken,

#### Public and Councillor Reports

3.5.8 The other way faults are reported is by councillors, the public and other outsiders. In order to understand how the faults system works, it was necessary to understand how works are categorised and prioritised by HCC and Ringway. This is set out in the Highways Service Guide para 7.1 and is summarised below.

- **Category 1 works** would include defects affecting safety and which required immediate action such as larger potholes and dangerous footway trips. Ringway provides the Category 1 emergency response and repair service to ensure the highway is safe and operational. Most initial repairs will be temporary and followed up with permanent Cat 2, 4 or 5 action. The initial response time for emergencies varied from 1-3 hours according to the Highway Network Hierarchy, with waste services taking 6-12 hours.

<sup>8</sup> <http://www.hertsdirect.org/services/transtreets/highways/newhighmain/>

- **Category 2 works** include defects which did not affect safety immediately, but were an asset protection issue, such as overgrown footways, deteriorating surfaces and old road signs. This was a contractor directed service, prioritised by Ringway by way of an “Assess and Decide” process for inclusion in planned, budget limited work programmes. Defects not prioritised as Category 2 were considered as Category 3 or Category 4 works.
- **Category 3 works** were defects which were not a safety or a priority asset protection issue, along with requests for minor streetscape, traffic calming or traffic management improvements. This was a member directed service, with works being considered and prioritised for funding systematically by local Members. HCC Highway Locality Officers provided technical support during scheme selection. Ringway delivered the majority of works, along with framework contractors depending on type of work requested.
- **Category 4 Works** were larger maintenance and improvement schemes which were included within HCC’s plans and programmes. A mixture of planned preventative maintenance and planned renewals to keep the network serviceable, prevent the formation of Cat 1 defects and deliver the best possible value from the available resources.
- **Category 5 works** were cyclic maintenance works such as grass cutting, gully emptying etc. This was a contractor directed service, carried out to defined frequency and service standards considered by HCC and Ringway on an annual basis

### Potholes

3.5.9 Ringway prioritises pothole repairs using a “risk assessment” approach. The criteria and time periods for repair of potholes is dependent on:

**Road classification** - (i.e. repairs on busy main roads are higher priority than residential cul-de-sacs)

**Severity** of the pothole (i.e. nature, dimensions and position within the highway)

**Risk** to the customer / user

- Higher risk sites are scheduled for a temporary repair within 24 hours;
- lower risk sites are be scheduled for permanent repairs within 7 or 14 days; or
- noted for consideration as part of future planned and programmed works.

3.5.10 HCC said this ensured that temporary repairs are carried out quickly and that permanent repairs contributed towards reducing the cost of reactive

and repetitive maintenance whilst improving the overall quality and safety of the network over time. This is summarised in Table 4 below.

**Table 4: Pothole Priority**

	A Roads (14% of the network Source: SIM)	B&C Roads (<20% of the network)	Unclassified Roads (>66% of the network)
Larger Potholes >1½" deep and >12" wide	1. Temp 24 hrs repair 2. Follow up - no target, depends on Ringway assessment	1. Temp 24 hrs repair 2. Follow up - no target, depends on Ringway assessment	7 days permanent
Medium Potholes >1½" deep and <12" wide	7 day permanent	7 or 14 days permanent (subject to route aspect and position within the road)	14 days permanent
Smaller Potholes <1½" deep and <12" wide	No target - referred to Ringway to assess, decide and prioritise for permanent repair.		

Source: HCC's Highways Service Guide 2013

3.5.11 Ringway's average performance in Hertfordshire is 78%. This was principally a measure of jobs delivered on time. HCC said that Ringway's performance in North Hertfordshire was similar but did not provide a separate figure. The performance of HCC and Ringway in addressing different types of faults is set out in Table 5 below.

**Table 5: Fault Response in North Hertfordshire 2013**

Priority	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
Emergency Total	21	20	20	21	19	20	20	17	158
CAT1 Total	15	15	14	11	14	10	14	8	101
CAT2 Total	33	31	27	28	29	31	31	24	234
Street Lighting 20 Day Total	6	6	3	4	7	5	2	3	36
District Council Total	4	3	3	3	2	3	4	2	24
HCC Total	9	6	8	7	6	7	8	6	57
<b>Grand Total</b>	<b>88</b>	<b>81</b>	<b>75</b>	<b>74</b>	<b>77</b>	<b>76</b>	<b>79</b>	<b>60</b>	<b>610</b>

3.5.12 HCC said that in June and July 2013 the percentage of works delivered on time was:

- emergencies 100% and 98%;
- 24 hr repairs 97% and 99%;
- 7 day repairs 96% and 98%; and
- 14 day repairs 75% and 95% respectively.

3.5.13 It was not always clear whether some defects – eg Cat 3, 4 and 5 – were targeted or recorded under HCC's recording system. Nor was it clear what information the public received about these types of defect once they were reported.

### Reporting Faults

3.5.14 HCC had a preference for customers reporting faults online. HCC has budgeted to make savings of about £16,000 per annum from reducing calls to the customer service centre. There had recently been some publicity from the Executive Member for Highways to try and get people to use the interactive map as their preferred means of reporting faults. The telephone number was not well been publicised, which could act as a deterrent for people who preferred to use the phone.

3.5.15 At the July area committees, members had mixed views on the map. Some liked it and found it easy to use; others thought it had some good features but didn't cover all situations; many were discontented about certain aspects of it.

3.5.16 The map itself is a condensed version of the highways SIM, and had recently been updated following customer complaints. It had some interesting features, like numbering all the highways structures, which allowed customers to place a fault precisely on the map. Once the fault was logged, the customer received an e mail confirmation and updates about the fault(s).

3.5.17 The criticisms of the map included:

- It was too slow to load and it took too long to get from the search box to the road in question;
- Manoeuvring around the map could be slow and troublesome;
- After reporting one fault it was difficult to report a nearby fault, only one in the same location
- The information on faults was not always very clear or helpful – the map or e mail did not say clearly what sort of defect was and the timescale for fixing it;
- Some defects were recorded as complete even though the repair had only been temporary;
- There should be a telephone number for people who can't or don't want to use the map.

### **3.6 A Boards**

3.6.1 Andy Godman, Head of Housing and Public Protection at NHDC explained that there were problems in parts of North Herts with advertising signs obstructing the highway. The highways authority had a duty to keep the highway free from obstructions so that it could be used by pedestrians and vehicles. Obstructions of this kind were a particular danger to visually impaired people as well as a difficulty for many other disabled people.

3.6.2 Against this, not every sign on the highway was a problem, and NHDC was not trying to discourage business but wished to manage the issue in a sensible way. To do so required the cooperation of the highways authority and licensing of signs under section 115 of the Housing Act which was a HCC function.

3.6.3 Discussions about this issue between NHDC and HCC had been ongoing for more than seven years, with officer meeting taking place three or four times a year. NHDC needed to be clear what was highways land and what wasn't if it was considering undertaking a prosecution. NHDC had asked HCC for definitive highways maps on many occasions but these had not been provided.

3.6.4 The Scrutiny Officer had undertaken some mystery shopper correspondence with HCC. In it, HCC admitted that it did not have a licensing regime at all, and took enforcement action only in very rare circumstances. Instead HCC was trialling a voluntary code of practice and it was unclear whether this met the highways authority's statutory obligations. Andy could not recall any licences being granted in the last 5 years. It was clear that there was very little will to tackle this issue from HCC.

3.6.5 Members said this issue had a long history, particularly in Hitchin. People should be able to pass along the highway without obstruction. While recognising that enforcement could not be delegated to third parties, members considered there could be a role for town centre managers acting as the council's eyes and ears on such matters. At the very least, members thought it was essential that the highways authority clarified their policy on highways structures, consents and enforcement as soon as possible.

### **3.7 Highway Integrated Works Programme 2013/14 and Forward Works Programme 2014/15 (IWP & FWP)**

3.7.1 The IWP was HCC's annual programme of works to maintain and improve the highway network. It included maintenance works to roads, bridges, pavements and the like as well as improvement schemes to tackle safety problems, reduce congestion and so on.

3.7.2 The IWP Programme Itself was a programme costing more than £24 million divided into districts and types of work:

- Maintenance – carriageways, footways, bridges and local drainage;

- Integrated Transport Programme – bus stops, cycle schemes, junction improvements, pedestrian crossings, traffic counters; and
- Safety & Movement – accident reduction programmes.

3.7.3 It's was a two-year process. The various schemes and programmes were developed over the course of the first year and at the end of the first year it was endorsed by the Cabinet. The works were then delivered in the second year, although some schemes spanned more than one year.

3.7.4 There was also a Forward Works Programme (or FWP). This was a longer-term list of possible future works and was used in the development of the IWP. The last version of the IWP and FWP was approved by Cabinet in March 2013. Most of the IWP is spent on roads, £20.4 million according to HCC.

3.7.5 The IWP was in two parts:

**Year 1 – The Preparation Programme** – schemes being designed ready for delivery the following financial year. This formed the basis on which bids for funding are made. This was not yet the final programme but was a good indication of works planned for next year.

**Year 2 – The Delivery Programme** – schemes that would be implemented during the current financial year, tailored to the funding allocated. HCC said that the IWP preparation and delivery programmes were both published regularly.

3.7.6 **The Forward Works Programme (FWP)** – a rolling five year programme of possible future works. These were not yet approved or even worked up in to detailed schemes but represent a forward view of what the priorities for maintenance and improvement of the network might be in a few years time, based on the various plans. As the FWP was a working draft not a firm commitment, it was low in both detail and certainty and so HCC did not publish or circulate it.

3.7.7 The IWP report to Cabinet in March said the process of reaching a final IWP delivery programme for this year has a number of stages:

- A first draft was presented to all members in the form of individual division-based reports in April 2012, based on the version approved by Cabinet the previous month (March 2012).
- Following further development, a second draft was published in October 2012.
- A third draft was published in January 2013.
- The third draft was modified further by adding further schemes to the proposed programme (up to the final budget level approved by County Council on 26 February 2013).
- HCC said schemes were rarely deleted.

#### Carriageway Refurbishment Schemes

3.7.8 Carriageway refurbishment schemes were initially identified by using deterioration modelling; proposed scheme lists were then refined using local engineering judgement. HCC's objective, using an asset management

approach, was to keep the average condition of the network as good as possible for a given level of investment. Condition data was derived from the results of various surveys but most importantly:

- SCANNER (machine-based condition survey) – A,B & C Roads
- CVI (Coarse Visual Inspection) – U Roads

3.7.9 Additional information (used where it is available) was:

- Age of the carriageway
- Historical work undertaken (both schemes and reactive repairs on faults)
- Strength/construction of the road
- Traffic counts

3.7.10 The data was fed into a model which predicted the likely deterioration of each section of road. From there HCC could identify an optimum programme of maintenance activity that best improved the condition of the network overall.

3.7.11 The maintenance strategy gave priority to sections whose residual life would be extended substantially with modest intervention. This could mean that the worst looking carriageway surface would not always be prioritised for immediate major refurbishment and the programmed action could involve for example some low cost short term patching and dressing.

3.7.12 According to HCC, early intervention had a number of advantages:

- Repairs were cheaper
- More assets could be repaired for the same amount of money;
- The overall condition of the asset is kept at a higher value with earlier repairs.

3.7.13 The disadvantages were mainly that many bad roads (and bad pavements) were not prioritised for repair and would get worse.

### Footways and Cycleways

3.7.14 The original BVPI only covered conditions on 14% of the pavement network. HCC has said that it doesn't have much data on pavements, but most of them are likely to be in a poor condition. IWP funding on footways and cycleways was planned to be £2.2 million for 2013/14.

3.7.15 There were a number of issues of potential concern for the IWP:

- HCC's Cabinet approved the IWP without knowing its cost<sup>9</sup>;
- There were no timings or costs for individual projects, nor any costs for the IWP so it was unclear how it could be monitored;
- Unlike in previous years, there now appeared to be no report to the Highways Cabinet Panel about monitoring of the IWP; and

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<sup>9</sup>Item 4 of the Cabinet agenda 25/03/2013 available at [http://www.hertsdirect.org/your-council/civic\\_calendar/cabinet/17438062/](http://www.hertsdirect.org/your-council/civic_calendar/cabinet/17438062/)



- The method of allocating IWP money to pavement repairs was unclear given that HCC had so little data on 86% of the network.
- Why didn't HCC have some data on pavements from its programme of safety inspection – did this mean the safety inspection regime was not being carried out properly?

3.7.16 Members considered there was scope for better communication about works due to be undertaken; and better quality control of the works themselves. Balmoral Road in Hitchin, for example, had recently been resurfaced down the centre but not down the sides. This could have been work carried out as planned, incomplete work due to access problems or there could be some other explanation, but no-one locally knew what was going on. County Councillor Tony Hunter said that if work was not completed to a proper standard, the contractor would not be paid so it would not cost the public any more.

3.7.17 Members considered that district councillors could make a valuable contribution to the development of the various drafts of the IWP if they had sight of them in good time. The area committees might be a good forum for doing so, following the good example of Royston and District Committee.

3.7.18 County Councillor Fiona Hill said that HCC did look at how other authorities did things to ensure it kept in touch with best practice. HCC had recently been in contact with Leicestershire County Council about highways best practice.

### **3.8 Communication and Consultation**

3.8.1 There were a number of different means which HCC used to communicate and these are set out below. The Scrutiny Officer said there were two main kinds of relationship between the District and County Councils, and sometimes these two relationships could get blurred:

- one is the relationship between colleagues; and
- the other is the relationship between customer and provider

3.8.2 **HCC's website** was its foremost communication tool and was a mixture of passive provision of information about a range of topics and online services like applying for permits. It began at the Highways Home Page<sup>10</sup> and had lots of information, not all of which was up to date. There was a menu of a range of 12 subjects, with further sub-menus. Some of the sub-menus were short, some long with further sub-menus.

3.8.3 The hierarchy was not always well laid out and there were some key omissions, for example:

- there were no traffic updates, or link to traffic updates;
- it was very difficult to find information on the position with signs on the highway; and
- there were no pages on budgets, standards and performance

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<sup>10</sup> <http://www.hertsdirect.org/services/transtreets/highways/>

3.8.4 Some parts of the website needed updating or re-consideration for example Signs on the Highways (under HW information and advice), talks about removing unauthorised signs from the highway, and people having to apply for permits. This was not true: the group had already heard that HCC had a Code of Practice which appeared not to be consistent in its stated approach to removing unauthorised signs and structures.

3.8.5 The other main aspect of the website was the “Interactive” fault reporting map which could be found under Top Tasks on the HCC Home Page<sup>11</sup>. Issues with map have been covered elsewhere in this report.

3.8.6 HCC’s **Corporate messages** included social media such as Twitter updates – mostly traffic reports which were quite good, Facebook etc. There were press releases and a Leader’s Blog which did sometimes include highways matters.

3.8.7 There were a number of **Online Services** where customers could apply for permits and other things online. They could also register for e mail alerts.

3.8.8 **County Councillors** were another source of communication, and many county councillors were the spokespersons for Herts CC on highways matters (as they were at this task and finish group) in the absence of highways officers.

3.8.9 **Highways Officers** were another potential source of information although there was a strong element of dissatisfaction about their perceived inaccessibility to the public and councillors alike, as well as their general uncommunicativeness. Their individual telephone numbers and e mail addresses were not provided.

3.8.10 On **Consultations**, the website had a page called *Have Your Say* in the *Community and Living* section of the website which outlines how people can give their views to HCC. The page:

- Described how to search for a consultation;
- Explained how to submit an E-petitions;
- Invited visitors to read the Leader’s Blog; and
- Provided details of residents’ local County Councillor.

3.8.11 Consultation is a topic that has exercised many members and members of the public. The feeling from area committees was that district council members were not kept very well informed or properly consulted about highways matters.

3.8.12 In fact there have been 36 highways consultations over the last 2 years. Some were quite local like improving Hoddesdon town centre, some were big like the Local Transport Plan. That said, there didn’t seem to be

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<sup>11</sup> <http://www.hertsdirect.org/>

anything about the major change to highways maintenance which had taken place in 2012. The consultation process seems quite passive, and gave the impression that citizens would need to be quite vigilant in order to take part. There might be a case for HCC keeping records of people and organisations interested in a particular topic and alerting them to the launch of a consultation.

3.8.13 Against this, HCC's consultation processes had to be considered as part of the wider issue of civic engagement and the priority this gets from the public and the media, which is often quite low.

3.8.14 There was a page on the Herts Citizens' Panel, but this seemed out of date. There was also a Residents' Survey<sup>12</sup>, the last one being in March 2013. This was based on 1,000 independently conducted telephone interviews lasting 15 minutes and it threw up a lot of dissatisfaction with highways issues. There was no evidence of how this was followed up.

3.8.15 In terms of inquiries, the Scrutiny Officer said that communication with Herts CC had been very hard going at times. HCC's **Customer Service standards** were similar to NHDC's and could be found at on their Customer Services page. The Scrutiny Officer had undertaken some mystery shopper correspondence with HCC about A Boards and it had been mostly handled honestly and promptly by HCC, although there were some gaps and the necessary follow up action - to either remove or license the obstructions - had not been taken.

3.8.16 Direct correspondence with the Head of Highways had seen some questions answered but many others unanswered, along with a number of requests for documents ignored. Responding to one request, the Head of Highways Vince Gilbert said:

“As you know, this Council's decision is that these matters are best dealt with at the Highways Locality Meeting. Sanjay and his team will discuss the agenda for the next meeting with the Chair of the HLM, including these as suggestions from your Council.

3.8.17 In contrast, the Information Commissioner advises public authorities: “All requests place some degree of demand on a public authority's resources in terms of costs and staff time, and we expect them to absorb a certain level of disruption and annoyance to meet their underlying commitment to transparency and openness under the FOIA and EIR.”

### **3.9 Locality Matters**

#### Highways Locality Budget

3.9.1 County Cllr Michael Muir, Chairman of the North Herts Highway Locality Meeting said that the now defunct North Herts Joint Member Panel (JMP) had been allocated £100,000 per annum to spend on projects

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<sup>12</sup> <http://www.hertsdirect.org/your-local-data/yrviews/>

throughout the district, whereas the new locality arrangements meant that each County Councillor, of which there were nine in North Hertfordshire, had £90,000 to spend in each of their wards on highways matters, a total of £810,000 for the district.

3.9.2 At the beginning of the civic year, each county councillor submitted a list of possible schemes to HCC officers. County Councillor Fiona Hill said that she held a series of meeting with district councillors, town councillors and others to canvas their views which could lead to particular schemes being proposed.

3.9.3 County Councillor Tony Hunter said the lists of potential schemes went to highways officers who assessed them against strict criteria. It was necessary to commit some £60-65,000 early in the year with the remainder being committed in October.

3.9.4 The new arrangements gave local members more money to spend on local projects and more control over how it was spent. The one drawback was that there were fewer opportunities for joint funding of projects between the district and county councils which had been a feature of the JMP process.

3.9.5 Members considered that there could be scope for area committees to pool funding with county councillors on highways projects; or for two or more county councillor to contribute to a scheme which had benefits beyond their immediate patches.

#### Highways Locality Meeting (HLM)

3.9.6 Cllr Muir said that as Chairman of the HLM, he received a provisional agenda from highways officers and he invited district councillors to speak to him on highways matters. He promised to put any items of concern or interest on the agenda. He would then make sure that the relevant county officer attended or that the inquiry was followed up after the meeting. There would be scope to ask questions but the discussion would need to be sensibly managed given the large number of attendees. There would be scope to ask questions about transport matters too, for example on bus services which were a topic of current concern.

3.9.7 Members said that there needed to be better provision for cycleways. Letchworth had a circular cycle path but provision was not so good in Hitchin. NHDC had a relatively small budget for cycleways (about £90,000). Cllr Muir said the criteria for allocating section 106 monies was changing from having to be spent counteracting the impact of development, to a more flexible use and location of projects. Cllr Hill said that the subject would be considered by HCC's Highways Cabinet Panel in the next few months and suggested the Panel might wish to hear from a representative of NHDC on the subject.

### **3.10 Other Issues**

3.10.1 Cllr Morris asked about the process for tackling outdated and unnecessary street signs which were cluttering the highway. Cllr Clark said he had been trying to get a sign removed for two years which pointed to a non-existent car park. Andy Godman said that this was another area where the District Council would be willing to assist, but they needed better cooperation from HCC. NHDC had asked HCC for a list of authorised signs but this had not been provided.

3.10.2 Members on the planning committee were concerned that HCC's approach to planning applications seemed to have changed recently as a result of new legislation and/or guidance. They considered it would be useful if Planning Committee members had a better understanding of the reasons and legislation behind HCC's recommendations on planning conditions, and for local members to be able to feed their knowledge of local conditions into County officers' deliberations. The group considered that a HCC training session for NHDC's Planning Committee members would be useful.

## **4. ACKNOWLEDGEMENTS**

4.1 The group would like to thank those who contributed to the task and finish group.

- Cllr Fiona Hill
- Cllr Tony Hunter
- Cllr Michael Muir
- Andy Godman, Head of Housing and Public Protection, NHDC
- Ian Fullstone, Head of Development and Building Control, NHDC
- Brendan Sullivan, Scrutiny Officer, NHDC

**North Hertfordshire District Council  
Overview and Scrutiny Task and Finish Group**

**Highways Issues/Arrangements**

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**SCOPE**

**Terms of reference**

To understand HCC's approach to dealing with highways issues and improve how district councillors can influence highways issues.

To improve the process by which highways issues are raised either by the public direct or through local members; and improve how these are dealt with by Herts CC and county councillors namely:

- Operational (maintenance and repair) issues
- Strategic issues`

To improve the effectiveness of the two way communication arrangements between the county and the district councils.

To improve the provision of public information about highways matters.

**Expected Outcomes**

Improve the existing communications processes leading to a better service for local councillors with their respective county councillors and HCC

**Timeframe**

2 October 2013

**Link with Council Priorities**

Working with local communities.

**Potential Witnesses and Community Engagement**

Brendan Sullivan, Scrutiny Officer at NHDC

Andy Godman, Head of Housing and Public Protection at NHDC

Task and Finish Group members

Michael Muir, County Councillor from North Herts & Chairman of the Highways

Locality Meeting

**Key Questions**

What are HCC's new arrangements for dealing with highways issues – *setting the scene*

What are Herts CC's service standards and legal obligations

How does Herts CC take into account the priorities and needs of North Hertfordshire and the views of its representatives when it draws up its works programmes?

Is HCC programme money spent evenly throughout the district? If not, how is it broken down between individual districts and boroughs?

What do NHDC councillors expect from HCC; and is this realistic?

How best can NHDC councillors influence highways matters and elicit changes?

How effective is liaison between the ward councillors of NHDC, NHDC's county councillors, and HCC on highways matters.

**Green Issues**

None

**Information documents**

Highways Service Guide  
Safety Inspection Manual (link only)

**Membership**

Cllr Ian Mantle (Chairman)  
Cllr Paul Clark  
Cllr Gerald Morris  
Cllr Ray Shakespeare-Smith

**Lead Officer** – Ian Fullstone, Head of Development and Building Control

**Support Officer** - Brendan Sullivan, Scrutiny Officer

**Portfolio Holder** - Cllr Tom Brindley