

Weobley Ward
2018 June /July Report

Pot hole claims

From May 2017 to the end of March 2018 there were:-

- 299 received claims.
- 7 settled
- 134 needed further investigation
- 158 rejected.

For a claim to succeed a claimant must first prove the defect is a danger, that is a breach of S41 of the Highways Act 1980. If such a breach is proven, and if the Council have demonstrated clear failure in its operation of a reasonable system of inspection, reporting and repair (as defined by S58 of the act) then the Council is liable.

If it is demonstrated that the shortfall is with Balfour Beatty then, under the relevant terms of the contract, Balfour Beatty have to honour the claim & payment (meaning, there is no additional cost to the public purse).

	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18
Received	34	35	22	24	9	11	12	15	58	79	104	tbc
Settled	3	3	0	0	0	0	0	0	0	1	tbc	tbc
Need Further Information	5	7	3	5	3	5	8	11	29	58	tbc	tbc
Repudiated	26	25	19	19	6	6	4	4	29	20	tbc	tbc

In terms of monitory claims, last year (to April 2017) there were valid and paid out claims of some £4,791 (but has been in previous years as high as £38,000). It is not clear whether this amount, in part or collectively, was paid by the Council or the subcontractor. It is assumed (hoped) that the service contract with Balfour Beatty is sufficient to protect the Council from the financial exposure of a claim.

It must be said that, aside from our main roads and major infrastructure, our remaining B and U classed roads have, more or less, 'evolved' rather than been 'purposely built'. This implies that, increasingly, these roads are having to withstand heavier farm and commercial traffic than they were ever originally meant to support. Many of our U class roads are very much dirt tracks that have a basic level of gravel with a top dressing of tarmac. They were never designed to withstand such loads and volumes.

Pot hole repairs, the road ahead

You may have heard of the machine that allows stretches of road to be repaired in an instance. Apparently this machine is called a high velocity patcher. It is a New Zealand invention. You cannot buy the machine but the machine is valued at an eye watering £650,000. The Council (or its contractor) hires this machine for an equally eye watering rental of £1,000 per day. Presently, the Council have an arrangement that this machine is only hired for a set period of time, usually during the summer months. When it is on hire, I have been reliably and reassuringly informed that it is put to work immediately.

Some further statistics:-

- There are some 2000 miles of road to oversee and repair in Herefordshire.
- Under the arrangement with Balfour Beatty the Council have a responsibility to maintain lanes, footpaths, communal parks, street lights and signs, amongst other assets and responsibilities.
- Some 200 potholes per day are repaired. This is using only 4 gangs. 3 out of the 4 are used to make the repair; the other gang is used to prep the pothole for repair.
- Larger sections are repaired using the high velocity patcher.

With regard to pot hole reporting, the management of resource and the fixing of pot holes I have been reminded again to tell you all to log new (or existing repeat issues) on the Councils website and NOT to speak directly to the Locality Stewart. This is important. Clearly, if the correct process of logging is followed and if, under the legislation, the Council or its agents, have not done their job properly then a claim is more likely to be successful.

As mentioned before and repeated here, it is a numbers game. A pot hole with a large number of reports against it will likely bubble up the list of priority and be fixed quicker. A single report on a single, even major pothole, will sink like a lead weight and probably never be fixed.

This completes my report.

Kind regards

Regards

