

WIRRAL COUNCIL

CABINET 7 JULY 2014

SUBJECT:	POTHOLE REPAIR FUND APPLICATION – DELEGATION OF DECISION
WARD/S AFFECTED:	ALL
REPORT OF:	KEVIN ADDERLEY, STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR STUART WHITTINGHAM HIGHWAYS AND TRANSPORTATION
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 The report sets out the background to the bidding process to the Government's Pothole Fund, and in recognition of the short timescales for the acceptance of any offer from the Fund, and commitments regarding the use of such funding, proposes and recommends arrangements for delegation of the decisions to be made.
- 1.2 It is also proposed that approval is given for 'Call In' to be waived for these timescale reasons.
- 1.3 The maintenance of public highways is a statutory duty for the Council as local highway authority.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Wirral Council, along with all other local highway authorities except those with highways maintenance PFI project in place, has been invited to bid for funding from a £168 Million pothole fund recently announced by the government.
- 2.2 The application invited Councils to answer a range of questions, as well as providing supporting evidence, about how their highway networks are managed and maintained. The questions asked cover the following specific topics:
 - Highway assets data
 - Management of potholes
 - Strategy and action plans for encouraging walking
 - Management of utilities activities on the highway
 - Highway Asset Management
 - Efficiencies in delivering highway maintenance
 - Cross boundary collaboration
 - Adoption and sharing of best practice in highways management
- 2.3 The nature of the application process did not allow the Council the bid for a specific amount or describe how or where any grant allocated from the fund would be spent.

- 2.4 The Council submitted its full application for funding on 22 May, and as part of the process was required to publish that bid on its website. Accordingly, the application and all submitted supporting evidence is available to be viewed.
- 2.5 There will now follow a process of evaluation of all of the bids submitted, by Department of Transport officials, before a decision by Ministers regarding offers to be made to individual Councils. It is expected that those offers will be made, and the decisions announced early in July 2014.
- 2.6 When the Council receives an offer, it will need to declare the number of potholes that will be repaired by 31st March 2015 using the amount of money on offer within 48 hours, and will be required to sign a 'pledge' to that effect. The Council will be required to make regular progress reports on how many have been repaired each month. The details of the accepted offer, the pledge regarding the number of potholes and our progress reports will also be published to the webpage.
- 2.7 There is uncertainty regarding the amount of funding which may be offered and the precise timescale for such an offer to be made. Once such an offer is made the council will be expected to make specific commitments for use of that funding within 48 hours, which will prevent effective reporting within the appropriate decision taking arrangements in the Constitution, and as a result this report seeks to establish specific delegation arrangements for making a commitment regarding the use of the funding offered and accepting the funding on behalf of the Council.
- 2.8 Accordingly it is proposed that authority to accept any offer up to £750,000, and make a commitment regarding the use of that offered funding, be delegated to the Strategic Director of Regeneration and Environment in consultation with the Cabinet Member for Highways and Transportation. For any offer over £750,000, the Leader will take the decision regarding acceptance of such an offer, and make the commitment regarding the use of the funding offered; taking advice from the Cabinet Member and the Strategic Director of Regeneration and Environment.
- 2.9 It is further proposed that a report will be made to Cabinet, retrospectively, regarding the offer accepted and the commitments made to deliver specific numbers of road repairs.

3.0 RELEVANT RISKS

- 3.1 Not meeting the criteria stipulated in the Guidance on the Application Process regarding acceptance of, and commitments regarding the use of, any offer of funding may jeopardise the funding availability.
- 3.2 The Constitution makes specific provision regarding the acceptance of such capital grants which cannot be achieved within the criteria stipulated in the Guidance on the Application Process.
- 3.3 Accordingly the proposals and recommendations set out in this report address both of these potential risks, through delegation of the decisions required at short notice.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 Delegation of all the short notice decisions to the Strategic Director of Regeneration and Environment. It is desirable to involve the Executive in the decisions, and accordingly this option is not recommended.

5.0 CONSULTATION

- 5.1 No consultation has been carried out regarding the proposed delegation of decision.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no implications arising from this report.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 Any grant accepted will need to be added to the Council's Capital Programme for 2014/15, and expenditure is required to be completed within this financial year.
- 7.2 Delivery of the repair programme using the grant will be carried out using existing staff resources to plan and manage the programme, including regular reporting on progress. The repair work will be carried out by the Council's term contractor through the Highway Services Contract.

8.0 LEGAL IMPLICATIONS

- 8.1 Whilst the maintenance of highways is a statutory function, and the service prioritises repairs based on safety needs, it is proposed that the grant funding will be used to repair non-safety related defects in the road to address the principles of this particular fund, which is to reduce the number of road defects which are of concern to all users but which do not reach safety intervention criteria in the Council's Highways Maintenance policy.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
- (b) No because there is no relevance to equality.

10.0 CARBON REDUCTION IMPLICATIONS

- 10.1 There are no implications arising from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no implications arising from this report.

12.0 RECOMMENDATION/S

- 12.1 Cabinet is requested to:
- (i) Approve the delegation to the Strategic Director of Regeneration and Environment, of the acceptance of any grant offered and commitments regarding repair works funded from the Pothole Repair Fund, up to a works value of £750,000 (excluding VAT), in consultation with the Cabinet Member of Highways and Transportation.

- (ii) Approve the delegation to the Leader of the Council, of the acceptance of any grant offered and commitments regarding repair works funded from the Pothole Repair Fund, where the offer of the works value exceeds £750,000 (excluding VAT), in consultation with the Cabinet Member for Highways and Transportation and the Strategic Director of Regeneration and Environment.
- (iii) Approve the waiving of 'Call In' for the timescale reasons stated in this report.
- (iv) Invite the Strategic Director for Regeneration and Environment to present a retrospective report for Cabinet at the earliest opportunity which confirms the amount of funding from the Pothole Repair Fund offered and accepted and the commitments made regarding the use of that funding.

13.0 REASON/S FOR RECOMMENDATION/S

- 13.1 The award acceptance criteria stipulated in the application guidance for the Pothole Fund do not allow routine reporting for decisions from Cabinet within the timescales set out in the Council's Constitution and accordingly the recommendations allow effective delegation to ensure that decisions are made at the appropriate level to meet those award acceptance criteria.

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APPENDICES

None

REFERENCE MATERIAL

The Government announcement regarding the Pothole Repair Fund can be viewed at:

<https://www.gov.uk/government/news/councils-urged-to-apply-for-168-million-pothole-repair-fund>

The Council's application and supporting documentation can be viewed at:

<http://www.wirral.gov.uk/my-services/transport-and-streets/roads-highways-and-pavements/highway-maintenance/ pothole-fund-bid>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	