

# MAHLON AVENUE, SOUTH RUISLIP - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE RESURFACED

<b>Cabinet Member(s)</b>	Councillor Keith Burrows
<b>Cabinet Portfolio(s)</b>	Planning, Transportation and Recycling
<b>Officer Contact(s)</b>	James Birch Planning, Environment, Education and Community Services
<b>Papers with report</b>	Appendix A and B

## **1. HEADLINE INFORMATION**

<b>Summary</b>	To inform the Cabinet Member that a petition has been received from residents requesting the Council to resurface the carriageway in Mahlon Avenue, South Ruislip.
<b>Contribution to our plans and strategies</b>	A safe Borough, a clean and attractive Borough.
<b>Financial Cost</b>	There are none at present associated with this report.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services.
<b>Ward(s) affected</b>	South Ruislip.

## **2. RECOMMENDATIONS**

**That the Cabinet Member:**

- 1. Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
- 2. Subject to the outcome of (1), instruct officers to place Mahlon Avenue on to the list for roads being considered for treatment in a future resurfacing programme.**

### **Reasons for recommendation**

The existing carriageway surface has started to show signs of deterioration to the extent that shallow fretting has taken place in isolated areas of the carriageway. The failure is due to the natural ageing of the bitumen surface, which is now slowly disintegrating after an estimated life of 5 to 15 years. Past patching has filled some of the worst fretting but only as a medium term measure. The road profile is "bumpy" in places and construction joints have opened at a number of locations. Resurfacing would improve the visual appearance of the road and improve the ride quality. Officers will also undertake isolated repairs to the footway, which fall within the Council's intervention levels.

## **Alternative options considered / risk management**

Further patching works: However, this option has been discounted given the level of deterioration and that it does not offer the most economic solution. Delaying or not undertaking certain schemes may place additional pressure on the Councils financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of scheme may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is now beyond normal patching repair and that resurfacing is the only option available to restore a watertight smooth surface.

## **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

1. A petition with 61 signatures states that local residents from and around Mahlon Avenue would like the carriageway to be resurfaced.
2. Mahlon Avenue is a residential road, approximately 3,443sq.m. It is located between Station Approach to the north and Masson Avenue on the south. The carriageway is of flexible construction, i.e. various layers of bound stone aggregate with bituminous ('bitmac') surfacing, that has been subsequently surfaced over with various layers of bituminous material. The uppermost layer has oxidised to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Mahlon Avenue is placed high on the advised priority list for future treatment. Officers consider that this road is a high priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Numerous patching operations have been carried out over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course. Therefore resurfacing the whole road is an option that would cost £54,000.

### **Financial Implications**

The estimated cost of the resurfacing works is £54,000. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the annual Highways Structural capital programme or Highways Revenue Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and member approval protocols.

In certain circumstances, the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

#### **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

##### **What will be the effect of the recommendation?**

The resurfacing of Mahlon Avenue will take into consideration the particular needs of local residents, schoolchildren and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

##### **Consultation Carried Out or Required**

None at this stage.

#### **5. CORPORATE IMPLICATIONS**

##### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above.

##### **Legal**

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). Each street must be maintained to the standard necessary to allow its ordinary traffic to pass along it, for example there is a breach of duty in cases where danger is caused by a failure to repair.

A failure to comply with the duty leading to loss or damage to users of the highway creates a risk of legal liability for the Council.

Continued periodic inspection and the making of expeditious repairs, is sufficient to keep the highway in accordance with the necessary standard. The officer's report indicates that although the highway is not dangerous, improved ride quality would be facilitated in the longer term by resurfacing rather than a programme of continued patching.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

In relation to informal consultation there are no special legal implications for the proposal. A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the suggestion is still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Should the outcome of the informal discussions with petitioners require that Officers place Mahlon Avenue onto the list for roads being considered for treatment in a future resurfacing programme there will need to be consideration of the Highways Act 1980, the Road Traffic Regulation Act 1984, the Traffic Signs Regulations and General Directions 2002, which govern road traffic orders, traffic signs and road markings. If specific advice is required in relation to the exercise of individual powers Legal Services should be instructed.

### **Corporate Property and Construction**

None at this stage.

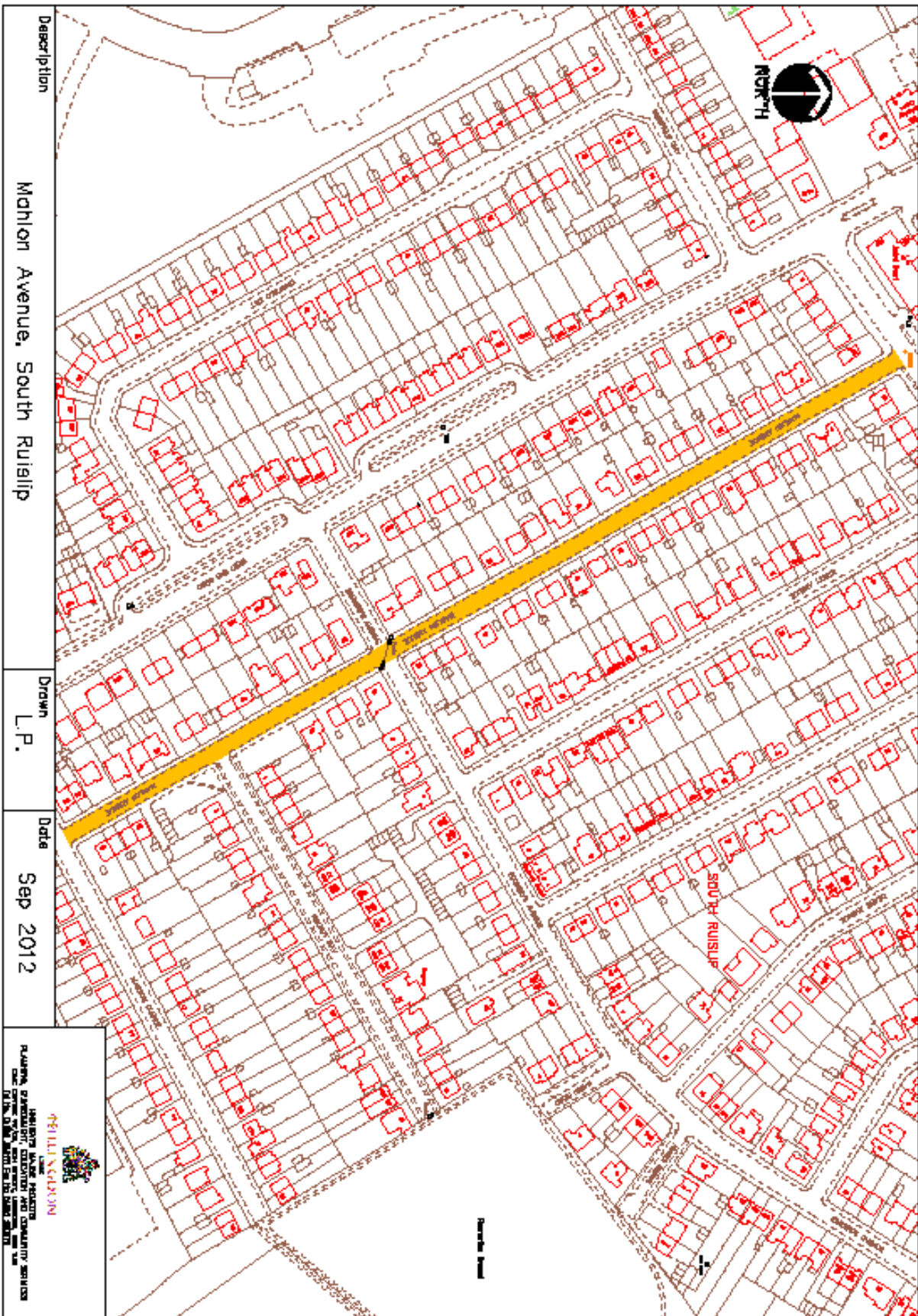
### **Relevant Service Groups**

None at this stage.

## **6. BACKGROUND PAPERS**

A petition received May 2012.

# Appendix A





Appendix B

