

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Monday 29 March 2021

**Committee:**  
**Place Overview Committee**

**Date:** Thursday, 8 April 2021  
**Time:** 2.00 pm  
**Venue:** THIS IS A VIRTUAL MEETING

**Members of the public will be able to listen to this meeting by clicking on this link:**

<http://shropshire.gov.uk/PlaceOverviewCommittee8April2021>

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- You may receive an error message or a request for login details if you try to gain access before 2.00 pm.

You are requested to attend the above meeting.  
The Agenda is attached.

Claire Porter  
Director of Legal and Democratic Services

**Members of Place Overview Committee**

Joyce Barrow (Chairman)  
Andy Boddington  
Julian Dean  
Rob Gittins  
Simon Harris

Paul Milner (Vice Chairman)  
Dan Morris  
Pamela Moseley  
William Parr  
Paul Wynn

Your Committee Officer is:

**Sarah Townsend** Committee Officer

Tel: 01743 257721

Email: [sarah.townsend@shropshire.gov.uk](mailto:sarah.townsend@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

## 2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a disclosable pecuniary interest and should leave the room prior to the commencement of the debate.

## 3 Minutes of Previous Meeting

To consider the minutes of the Place Overview Committee meeting held on 2<sup>nd</sup> March 2021. **(To Follow)**.

Contact: Sarah Townsend (Tel: 01743 257721)

## 4 Public Question Time

To receive any questions or petitions from the public of which notice has been given. The deadline for notification for this meeting is 2.00 p.m. on Tuesday, 6<sup>th</sup> April 2021.

## 5 Member Question Time

To receive any questions of which Members of the Council have given notice. The deadline for notification for this meeting is 2.00 p.m. on Tuesday, 6<sup>th</sup> April 2021.

## 6 Fireworks (Pages 1 - 10)

To appraise public concern around public and private firework displays, understand current powers available to Shropshire Council to regulate the sale and use of fireworks and examine opportunities to strengthen current regulation. (Attached).

Contact: Frances Darling (Tel: 01743 251715)

## 7 Highways Winter Service Working Group (Pages 11 - 20)

To consider a report from the Committee's Winter Service Working Group and to agree recommendations to support the planned review of Shropshire Council's Highways' Winter Service Operational Plan. (Attached).

Contact: Danial Webb (Tel: 01743 258509)

**8 WSP Professional Services Annual Report**

To receive regular monitoring of the performance of Shropshire Council and WSP in providing highways and other infrastructure planning and professional support. **(To Follow)**.

Contact: Mark Barrow (Tel: 01743 258919)

**9 Kier Highways Maintenance Annual Report (Pages 21 - 32)**

To receive regular monitoring of the performance of Shropshire Council and Kier in maintaining highways. **(Attached)**.

Contact: Mark Barrow (Tel: 01743 258919)

**10 Date/Time of Next Meeting of the Committee**

The Committee is scheduled to next meet on Thursday, 10<sup>th</sup> June 2021 at 2.00 p.m.



**Committee and Date**

**Place Overview Committee**

**8 April 2021**

**Item**

**6**

**Public**

## **Fireworks**

### **Responsible officer**

Frances Darling

Head of Trading Standards & Licensing

frances.darling@shropshire.gov.uk

Karen Collier

Head of Regulatory Services

Karen.collier@shropshire.gov.uk

### **1.0 Summary**

11 This report provides an overview of work that has been undertaken to put into place a December 2019 Council resolution containing actions that sought to mitigate the alarm, distress or anxiety caused to people and animals by fireworks. It also provides members with an overview of the legal framework around fireworks, including the powers and responsibilities of the local authority, and explains how the local authority currently carries out its duties within the legal framework outlined in the report.

### **2.0 Recommendations**

2.1 Officers recommend that the committee notes the report and provides any recommendations it believes will support officers in their regulation of the sale and discharge of fireworks.

### **3.0 Opportunities and risks**

3.1 Ensuring that Shropshire Council maintains effective regulatory services results in the safe storage, sale and use of fireworks in Shropshire.

3.2 A failure to maintain effective regulatory services could increase the risk of the unsafe storage, sale and use of fireworks. This in turn risks distress arising from the anti-social use of fireworks, or injury arising from their unsafe use.

### **4.0 Financial assessment**

4.1 There are no direct financial implications in agreeing the recommendation in 2.1. However, any recommendations made by the committee may result in a financial cost or benefit.

### **5.0 Background**

5.1 In recent years, Council has twice asked Shropshire Council officers to investigate how it can strengthen its regulation and licensing of fireworks and public fireworks displays.

- 5.2 In December 2019, Council unanimously resolved:
- To encourage all public firework displays within Shropshire being appropriately advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
  - To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people (including the precautions that can be taken to mitigate risks)
  - To encourage events to consider the use of silent displays with music for the youngest children and to protect animals.
  - To compile and display on its website and via social media, a list of public firework displays with appropriate information to enable residents to take precautions for their animals and vulnerable people
  - To make representations to the Government via the relevant Portfolio Holder urging it to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
  - To encourage local suppliers of fireworks to stock “quieter” fireworks for public display”
- 5.3 In order to implement this resolution officers took the following action.
- 5.4 *To encourage all public firework displays within Shropshire being appropriately advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.*

As part of the council’s events management process, its Public Events Safety Advisory Group Guidance 2020 (<https://www.shropshire.gov.uk/media/16617/guidance-for-event-organisers-september-2020-v2.pdf>) was amended to highlight this issue, and where an event organiser approaches the Safety Advisory Group (SAG) for advice, the partners that constitute the SAG encourage event organisers to act in accordance with the guidance.

The second Covid-19 ‘lockdown’ resulted in the cancellation of all public fireworks displays in 2020; however, as part of the specific Covid-19 event management process that was in operation immediately prior to implementation of the second lockdown, the event organisers of public firework events were being contacted to ensure events that were being organised were Covid-secure. This incorporated questions to determine when and how displays would take place. It is anticipated that the principles that have driven the Covid-19 event management process are likely to continue post-Covid, and will provide a greater degree of engagement with event organisers, including those who organise public fireworks displays. This will give further opportunities to advance the firework safety advice in the future.

- 5.5 *To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people (including the precautions that can be taken to mitigate risks).*

Firework safety campaign materials (<https://www.gov.uk/guidance/consumer-safety-awareness-campaigns-materials#fireworks-campaign>), produced by the Office of Product Safety and Standards (OPSS), were publicised through council social media platforms between 22 October and 8 November 2020.

The council's webpages relating to fireworks storage and sale included a link to the bonfire and firework safety campaign run by the Shropshire Fire and Rescue Service.

- 5.6 *To encourage events to consider the use of silent displays with music for the youngest children and to protect animals.*

This forms part of the advice to event organisers, which is included in the council's public events Safety Advisory Group (SAG) Guidance 2020 and is reiterated by SAG partners when public fireworks event organisers seek further advice from the SAG.

- 5.7 *To compile and display on its website and via social media, a list of public firework displays with appropriate information to enable residents to take precautions for their animals and vulnerable people.*

A list of events was not produced in 2020 due to Covid-19; however, the OPSS fireworks safety campaign materials that were publicised on social media did include general advice and information to help enable residents to take precautions for themselves, any vulnerable people in their community and their animals. In the future, when public fireworks events are more likely to take place in normal circumstances, a list of events will be published.

- 5.8 *To make representations to the Government via the relevant Portfolio Holder urging it to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.*

Representations have not been made directly to Government; however, the portfolio holder, Cllr Gwilym Butler, has been made aware of the work of the OPSS in relation to fireworks, in particular the recent "Fireworks evidence base: report" (<https://www.gov.uk/government/publications/fireworks-evidence-base-report>), and accepts that there remains value in making representations with respect to the maximum noise level of fireworks. This is currently being discussed and will be agreed with the portfolio holder.

- 5.9 *To encourage local suppliers of fireworks to stock “quieter” fireworks for public display”.*

The council’s webpages that provide the information for local suppliers to register/licence to store and sell fireworks includes a section on public safety. This highlights to suppliers that fireworks offer much enjoyment but that they can also cause distress and for this reason, in the interests of public safety, the council encourages the suppliers of fireworks to offer quieter or silent fireworks.

- 5.10 On 17 December 2020 Council received a motion that stated that: “This Council recognises the concerns expressed by members of the public and animal welfare groups about the impact on animals and vulnerable people by loud fireworks in residential areas, whilst also accepting the enjoyment fireworks bring to many people. Council resolved to ask overview and scrutiny to investigate the issue of fireworks and to report back to council.
- 5.11 The chairs of Shropshire Council’s Place Overview Committee initially agreed to convene a meeting dedicated to exploring the powers available to Shropshire Council to further regulate the sale and use of fireworks. However, an initial investigation by Shropshire Council’s overview and scrutiny officer concluded that Shropshire Council’s powers in relation to regulating fireworks was very limited. The chair of the Place Overview Committee therefore agreed to include this item on the agenda of the committee’s meeting on 8 April 2021.

## **6.0 Fireworks: Legal framework**

- 6.1 There are several existing acts of Parliament and regulations which cover the manufacture, importation, storage, distribution, supply, possession and use of fireworks:
- **Consumer Protection Act 1987** (provides for the making of safety regulations and investigatory powers and creates offences for non-compliance)
  - **Fireworks Act 2003** (provides power to make regulations with specific provisions about fireworks and creates offences for non-compliance; controls regulating public fireworks displays and fireworks training courses have not yet been enacted by any regulations)
  - **Fireworks Regulations 2004** (made under the Consumer Protection Act 1987 and the Fireworks Act 2003)
  - **Pyrotechnic Articles (Safety) Regulations 2015**
  - **Explosives Act 1875** (limited application to fireworks with most relevant controls now contained within the more recently enacted legislation)
  - **Explosives Regulations 2014**
  - **Health and Safety at Work etc. Act 1974**
- 6.2 The duty to administer and enforce the legislation set out above is shared between the Local Authority, the Police, the Health and Safety Executive



(HSE)and, in limited situations, also HMRC. Powers are granted to each agency to undertake administrative procedures, market surveillance, monitoring and enforcement to ensure explosives, including fireworks, are manufactured, imported, stored, distributed and used in such a way as to reduce the risk of death of persons or injury, alarm, distress or anxiety to persons; death of animals or injury or distress to animals; or destruction of, or damage to, property.

## **7.0 Storing fireworks**

- 7.1 The Explosives Regulations 2014 address a wide range of matters relating to explosives and specifically require a person to hold a licence from the **local authority** to store up to two tonnes of fireworks. Strict safety measures to reduce the risk of fire, explosion, unauthorised access, etc. must be maintained and failure to do so can lead to the revocation of a licence. To store more than two tonnes requires a licence from the HSE. Either body may inspect storage facilities, irrespective of who issues the licence.
- 7.2 A licence can be refused if the proposed site or, within it, any place where the storage of fireworks is proposed to take place is unsuitable or the applicant is not a fit person to store fireworks. A licence can be revoked where there has been a change in circumstances such that the site or, within it, any place in which fireworks are stored that the licence relates to is no longer suitable or where it appears that the licensee is not a fit person. The rationale for a refusal or a revocation must be made clear to the applicant.
- 7.3 A register of granted licences is held by the relevant licensing authority (local authority, HSE or police, depending on the nature of the explosives) with specific information recorded as required by the regulations.
- 7.4 There is a prohibition concerning the acquisition and supply of fireworks, which means that no person may acquire more than 50 kilograms of fireworks unless they, or another person on their behalf, holds a valid licence for the storage of those fireworks; or sell or otherwise transfer to any other person more than 50 kilograms of fireworks unless the other person shows to the person selling or otherwise transferring the fireworks a valid licence for the storage of those fireworks.

## **8.0 Regulating the production of fireworks**

- 8.1 The Pyrotechnic Articles (Safety) Regulations 2015 require relevant conformity assessment procedures and declarations to be made by manufacturers and importers of fireworks to ensure conformity with essential safety requirements. The regulations also place a duty on distributors to act with due care to ensure conformity. The fireworks must also be marked/labelled correctly and supplied with appropriate instructions and safety information in accordance with the regulations. These requirements are linked to European and UK harmonised standards and approval by notified or approved bodies that have the necessary skills and expertise to undertake the conformity assessment processes.

- 8.2 The regulations categorise fireworks according to their hazard level:
- Category F1 fireworks are fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings.
  - Category F2 fireworks are fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.
  - Category F3 fireworks are fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
  - Category F4 fireworks are fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.
- 8.3 For category F1, F2 and F3 fireworks, the essential safety requirements state that the maximum noise level is 120 dB, measured at the relevant safety distance. There is no specific noise limit for category F4 fireworks; however, by reference to the legal definition, the noise associated with such fireworks must not be harmful to human health.
- 8.4 Manufacturers, importers and distributors are prohibited from making fireworks available to children:
- for a category F1 firework, other than a Christmas cracker, (e.g. party poppers, serpents, novelty matches), a person must be 16
  - for a category F2 firework or a category F3 firework (including sparklers), a person must be 18
- 8.5 There is a prohibition on making available on the market in the UK category F4 fireworks and specific types of category F2 and F3 fireworks, e.g. bangers, mini rockets, spinners, except to someone with specialist knowledge. Retailers are prohibited from breaking up selection or primary packs of fireworks.
- 8.6 The **local authority** (as the weights and measures authority) is responsible for market surveillance, i.e. compliance/conformity checks, on category F1, F2 and F3 fireworks and the HSE is responsible for category F4. The regulations provide a range of enforcement powers to undertake market surveillance activities, including, sampling and testing, age-restricted sales test purchasing and, where non-conformity is found, compliance, withdrawal and recall notices. There are specific offences for failing to comply with each of the requirements of the regulations and where offences are suspected, investigations are undertaken, which can lead to legal proceedings, or other formal action, in line with Shropshire Council's Better Regulation and Enforcement Policy.
- 8.7 The penalty for committing an offence in respect of a category F1, F2 or F3 firework is an unlimited fine or up to 3 months' imprisonment or both. For a

category F4 firework related offence it is an unlimited fine or imprisonment for up to 2 years or both.

## 9. Sale, possession and use of fireworks

- 9.1 The Fireworks Regulations 2004 set out a package of measures to regulate the sale, possession and use of fireworks.
- 9.2 It is an offence for anyone under the age of 18 to possess an adult firework, meaning category F2, F3 and F4 fireworks, in a public place. "Public place" includes any place to which, at the material time, the public have or are permitted access, whether on payment or otherwise. It should also be noted that under section 134 of the Policing and Crime Act 2017 there is an offence to possess a pyrotechnic article (for example, a firework, flare or smoke bomb) at a qualifying musical event. Under the Explosives Act 1875, it is also an offence to throw, cast or fire any fireworks in or into any highway, street or thoroughfare, or in any public place.
- 9.3 Category F4 fireworks are not permitted for 'amateur/home' possession/use and can only be in the possession of and used by professionals/businesses that specifically work with fireworks, e.g. for organised displays. The Police have responsibility for enforcing this provision.
- 9.4 There is a prohibition during night hours, between 11 pm and 7 am, on the use of adult fireworks (categories F2, F3, F4 but not category F1 or category F2 sparklers), which is enforced by the Police. There are exceptions for certain traditional or cultural events. These are 'permitted fireworks nights' and:
- begin at 11 pm on the first day of the Chinese New Year and end at 1 am the following day
  - begin at 11pm and end at midnight on 5th November
  - begin at 11 pm on the day of Diwali and end at 1 am the following day
  - begin at 11 pm on 31st December and end at 1 am the following day
- Local authorities are also permitted to put on their own displays outside these times for local purposes and for national and commemorative events.
- 9.5 The traditional periods where selling fireworks without a **licence** is permitted are:
- November 5th - from 15th October to 10 November
  - New Year - from December 26th to 31st
  - Chinese New Year - on the first day of the Chinese New Year and the 3 days immediately preceding it
  - Diwali - on the day of Diwali and the 3 days immediately preceding it
- However, **registration** with the local authority is still required.
- 9.6 Those intending to supply adult fireworks to the public outside the traditional selling periods (i.e. all year round) are required to hold a licence to supply fireworks, either from the **local authority**, fire service or HSE. A licence costs

£500 and is issued by a **local authority**, subject to strict criteria. Licences can be refused or revoked if the applicant has committed offences under specified fireworks, explosives or health and safety legislation.

- 9.7 Retailers are required to display a notice at the point of sale stating: “It is illegal to sell category F2 fireworks or category F3 fireworks to anyone under the age of eighteen” and “It is illegal for anyone under the age of eighteen to possess any category F2 fireworks or category F3 fireworks in a public place.” The notice is required to be A3 size, with text a minimum of 16mm high.
- 9.8 Where the total amount of explosives contained in adult fireworks supplied in a single transaction exceeds 50kg, the supplier must keep specific traceability information for 3 years and provide the information to the local licensing authority on request.
- 9.9 Importers of fireworks must give traceability information to HMRC.
- 9.10 The penalty for breaching prohibitions and restrictions under the Fireworks Regulations 2004 is a fine of up to £5,000 or up to six months imprisonment or both. Alternatively, under provisions in the Criminal Justice and Police Act 2001, the Police can serve a fixed penalty notice of £90 for specific offences and can do the same for the offence of throwing fireworks in the highways, etc., under the Explosives Act 1975.
- 9.11 The penalty for possessing a pyrotechnic article at a qualifying musical event is a fine of up to £1,000 or up to a maximum of 51 weeks imprisonment or both.

## **10.0 Other relevant legislation**

- 10.1 Under section 80 of the Environmental Protection Act 1990 (EPA 1990), the Council is responsible for investigating any complaints from residents about excessive noise. Officers must ensure that reasonable steps are taken to ascertain whether the noise is serious enough such that a Statutory Nuisance is occurring or is likely to occur or recur. If that is the case and the noise is continuing the Council is under a duty to serve a noise abatement notice on the person or business responsible. If the notice is not complied with then prosecution can follow.
- 10.2 Ultimately it is for officers to use their professional judgement on whether a private fireworks party is a Statutory Nuisance. In practice, since firework noise is short-lived it is unlikely that the bar would be met and unless there are repeat events over a period of time then it is difficult to take effective action.
- 10.3 There are also powers under the Anti-Social Behaviour, Crime and Policing Act 2014, if fireworks from a particular source were determined to be having a detrimental effect on the quality of life of those in the locality, be persistent or continuing in nature, and be considered to be unreasonable. Again, as with

statutory nuisance, a one-off private party would be unlikely to meet the definition, but action could potentially be taken where there are repeated unreasonable incidents involving fireworks. A written warning must be issued first and if there is failure to heed the warning it may then lead to a Community Protection Notice. If a Community Protection Notice is breached, further sanctions are available such as prosecution or a fixed penalty notice as an alternative.

**List of background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

House of Commons Library *Regulations of Fireworks* November 2020

Department for Communities and Local Government *Celebrating with bonfires and fireworks: A community guide* March 2015

**Cabinet Member (Portfolio Holder)**

Portfolio Holder – Communities, Place Planning and Regulatory Services

**Local Member**

All

**Appendices**

None

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<b><u>Committee and Date</u></b>
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Place Overview Committee 8 April 2021
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<b><u>Item</u></b>
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Public
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## Shropshire Council Winter Service Policy – report of the Place Overview Committee working group

### **Responsible officer**

Danial Webb – overview and scrutiny officer  
danial.webb@shropshire.gov.uk  
01743 258509

### **1.0 Summary**

1.1 This report of a working group of the Place Overview Committee details its review of Shropshire Council's highways winter service policy. This report also provides the council with recommended to support its proposed review of the highways winter service policy.

### **2.0 Recommendations**

2.1 That the committee agrees to forward the recommendations contained in the report to the relevant officers.

2.2 That the committee agrees to review the revised winter service policy before it is adopted by Shropshire Council, taking into account the recommendations in this report.

### **3.0 Opportunities and risks**

3.1 This report provides overview and scrutiny with an opportunity to have early input into the review of the council's highways' winter service plan. In providing the service with feedback from district, town and parish councils on current service provision, it is able to work with the service to identify priority areas for review and development.

3.2 A failure to review the winter service policy could result in a less effective winter service. This could include: a failure to prioritise gritting effectively, poor utilisation of community resources, further deterioration of the highway and weak communications undermining operational plan.

### **4.0 Financial assessment**

4.1 Drafting and reviewing the winter service policy is an administrative task that forms part the council's regular work. There are therefore no cost implications in carrying out this review. However, any changes to the winter service policy are likely to have cost implications. These should be assessed as part of the review

and considered by the Place Overview Committee when scrutinising the draft revised policy.

## Report

### 5.0 Background

5.1 In January 2021 the Place Overview Committee received a report from the Executive Director of Place that outlined the current winter service arrangements and identified areas of concern in the plan. Officers told the committee that they planned to review the winter service plan and that they sought to engage with elected members of Shropshire Council, as well as town and parish council, in carrying out the review.

5.2 The committee agreed to form a working group to collate and discuss areas of potential focus for the officers carrying out the review of the winter service plan. The group would then present these areas to the officers to inform their review. The revised winter service plan would then be considered by the Place Overview Committee once drafted.

5.3 This report contains the findings of the committee's working group and makes recommendations to guide development of the highways winter service plan.

### 6.0 Methodology

6.1 As the working group sought to report back to the Place Overview Committee within a month, its work has been limited to identifying areas of concern for the officers to focus upon and makes broad recommendations on action to strengthen the plan.

6.2 In considering the operational plan, the group referred to Shropshire Council's *Winter Policy Statement* and its *Winter Operational Plan*. It scrutinised these in light of national guidance contained in UK Roads Liaison Group's *Well Managed Highway Infrastructure: A Code of Practice*.

6.3 To inform the group's work, the overview and scrutiny officers also conducted a rapid survey of district, town and parish councils and councillors. In total, 23 town and parish councils and three district councillors responded to the survey. In addition, the overview and scrutiny carried out a piece of desktop research to identify:

- the extent of defined minimum network in the local authority area
- the number of grit bins in a local authority area and
- arrangements for supplying and filling grit bins.

6.4 The working group, consisting of three members of the committee, considered the evidence in a single meeting. It based its work on a number of themes emerging from the survey of district town and parish councils.



## 7.0 Findings

7.1 The working group identified the following areas for the officers drafting the revised winter service plan to focus on.

### 7.2 **Defined network**

The group considered the size of the council's defined network, how the network was determined, how it compared in size to other local authorities, and discussed an appropriate way to review and amend the defined network.

According to the national guidance, *Well Managed Highway Infrastructure: A Code of Practice*, Local authorities should identify a routine winter network that they will treat when necessary. In addition, they should define a minimum winter network in case of prolonged extreme weather. They should also make clear the point at which the local authority retreats to the minimum winter network. Most local authorities approach it differently, with the minimum winter network their primary network, and an additional, defined secondary network that they treat during prolonged periods of severe weather. Other local authorities, such as Shropshire Council have a defined minimum winter network as their primary network, with additional treatment taking place whenever resources allow. However, in common with many other local authorities Shropshire Council does not define this additional network.

The group heard that Shropshire Council's defined winter network constituted just 28% of the highways network in Shropshire. This places Shropshire at the lower end of a comparison of similar rural local authorities, as shown in table 1 below. Neighbouring Staffordshire, for example, treats a defined network almost twice the length of Shropshire's, despite its road network being just 20% larger. However other local authorities, such as Dorset and Cerdigion, treat a defined network that is smaller in both percentage and total length.

The group also heard that the network is unevenly distributed across the county, with a lower percentage of the network being treated in the south of the county compared to the north.

<b>Highways Authority</b>	<b>Network size (km)</b>	<b>Defined Route (km)</b>	<b>Defined Route %</b>	<b>Secondary Route %</b>
<b>Shropshire</b>	<b>5,214</b>	1,460	<b>28</b>	<b>unspecified</b>
Worcestershire	4,288	1,629	38	17
Herefordshire	3,352	972	29	unspecified
Staffordshire	6,366	2,737	43	unspecified
Cheshire East	2,922	1,081	37	Unspecified
Hampshire	9,032	2,348	26	30
Dorset	4,092	1,023	25	Unspecified
Devon	13,026	2,605	20	Unspecified
Wiltshire	4,838	Unspecified	Unspecified	Unspecified
Ceredigion	2,260	463	21	Unspecified
Cumbria	7,900	3,272	41	Unspecified

*Table 1: Defined minimum network for winter service*

In our survey of councillors, there was little, if any concern about the length of defined network. The councillors that mentioned it did so uncritically, accepting that the council was unable to treat the entire network. However there was considerably more concern about what constituted the defined network. More than one respondent gave examples of seemingly vital businesses or public amenities that were cut off from the defined network, with little understanding about how network was chosen.

In its meeting, group members heard that the defined network has been drafted in the 1990s and had not been comprehensively reviewed since. This could mean that the defined network now overlooks new business or housing developments, or may serve businesses or other facilities that no longer operate. It is also likely that the network does not take into account changing transport patterns, such as a significant drop in bus usage in the previous 30 years.

The group agreed that any revised winter service policy should include a review of the defined network. However rather than seek to increase the length of the network, the review should take a risk-based approach similar to recent reviews in local authorities such as Cheshire East. Before undertaking the review, it should consult on its proposals for determining risk when evaluating the network This consultation should include town and parish councils.

**The group therefore recommends that Shropshire Council:**

- **carries out a review of the defined winter network**
- **takes a risk-based approach in determining the network**
- **presents its proposals for a risk-based approach to the Place Overview Committee and**
- **ensures that town and parish councils are consulted when carrying out the review.**

### 7.3 **Grit and grit bins**

Providing grit and grit bins in rural settlements, and alongside high-risk stretches of roads not on the defined network such as steep hills, is a cost-effective way to provide some winter service in remote areas or along little used stretches of road. Grit bins could be a cost-effective way for Shropshire Council to extend its coverage in settlements and villages, empowering communities to help themselves. However, officers cautioned that an over-reliance on grit bins carried some risk, not only that routes assumed to be treated would be left untreated, but that the grit in the bins would be stolen to treat private property.

At present Shropshire Council provides relatively few grit bins compared to similar local authorities, as can be seen in table 2 below:

Highways authority	Network size (km)	Grit bins
<b>Shropshire</b>	<b>5,214</b>	<b>1,000</b>
Worcestershire	4,288	1,320
Herefordshire	3,352	unspecified
Staffordshire	6,366	3,000
Cheshire East	2,922	unspecified
Hampshire	9,032	3,000
Dorset	4,092	0*
Devon	13,026	3,500
Wiltshire	4,838	1,600**
Ceredigion	2,260	600
Cumbria	7,900	10,000

*Table 2: Winter service defined route length and grit bins supplied, by local authority*

\*two-tier authority. Grit bins are the responsibility of borough, town and parish councils. Unitary council charges to provide and fill bins

\*\* charges town and parish councils to provide bins.

However a lack of grit bins was in itself rarely raised as an issue. Instead the group, together with town and parish councils, were more concerned that:

- grit bins were not being filled automatically or regularly
- grit bins were sometimes placed in inappropriate locations
- people found it difficult to request bins in new locations or to replace damaged bins
- existing bins were not being logged on the public database and
- some grit bins logged on the network were missing.

Officers told the group that there was no system in place to regularly check and fill bins, and that it was the responsibility of local managers to check bins in their area. The group also heard that a planned project to update the log of current bins had not happened.

The group heard that although highways budgets had reduced in recent years, there was no official policy to restrict the number of new bins. However, it was noted that some councillors had found it very difficult to request a new grit bin via

the *MyShropshire* portal. The group heard that in some other local authorities, for example Dorset, the county council provided both strategic grit bins for high-risk stretches of road, paid for by the county council, as well as community bins in settlements and villages, which were paid for by the lower tier authority. Shropshire Council had not explored the opportunity to increase the number of bins in settlements and other communities by encouraging local town and parish councils to purchase them, and the group felt this might be a good way to both increase network coverage and to foster closer working between the unitary council and town and parish councils.

The group agreed the location, supply and refilling of grit bins should form a central part of the council's review of its winter service policy.

**The group therefore recommends that Shropshire Council:**

- **undertakes a register of its existing grit bins**
- **includes grit bins in its risk-assessed review of the defined network**
- **works with town and parish council to identify locations for new grit bins**
- **explores opportunities to co-fund grit bins in settlements with town and parish councils and**
- **develops a standardised process for checking and refilling grit bins.**

#### **7.4 *Gulleys and groundwater flooding***

The group noted that a highways winter service plan should also address the issue of groundwater flooding. It noted that much of the flooding arose from gulleys that were blocked with silt from water draining from agricultural land or from mud left on the road by agricultural vehicles. This was also a common concern raised by town and parish councils responding to the group's survey.

Officers and the group agreed that there were a number of underlying issues exacerbating this problem. The changing nature of farming has resulted in larger farms, often owned by larger companies not based in the local area. This had weakened community ties and resulted in farm managers who may not fully appreciate the impact of their farming on local infrastructure. In addition, a lack of flood risk officers at Shropshire Council limited the work that the council could carry out with agricultural businesses to minimise flood risk. Finally, a lack of focus on gully cleaning and repairs had led to a historically high number of blocked gulleys, although Shropshire Council had now addressed this backlog.

The group noted that Shropshire Council appeared to understand the problem and its underlying causes and knew what it needed to do to address those causes. However, the group also recognises that any revised winter service plan should include gully cleansing as part of its routine work, even if the operation of that work featured in other operational plans.

**The group therefore recommends that Shropshire Council:**

- **builds into its winter service plan a gulley cleansing programme that takes into account the higher risk of prolonged wet weather during the winter period**
- **recruits sufficient staff to support the flood risk manager in their work**
- **uses the new flood risk staff to work with agricultural businesses to minimise silt runoff from fields and**
- **liaises with farmers and other organisations through its agricultural vehicles group to minimise mud and other debris left on the highway.**

**7.5 Community wardens**

The survey of town and parish councils identified significant self-support within communities in the event of severe weather. This included clearing footpaths, gritting roads in the town, village or settlement, gritting access to important facilities such as community centres and shops, and supporting vulnerable adults who may be unable to leave home.

By far the strongest criticism from town and parish councils concerned the lack of support from Shropshire Council in these efforts. Even modest requests, such as for bags of salt or tabards, were apparently ignored. The narrative however was not consistent, with some respondents mentioning a withdrawn snow warden scheme and other mentioning that no such formal scheme of community support existed.

The group heard that in a report to the Place Overview Committee in 2018, officers told the committee that they had planned a snow warden scheme to be in place by the end of 2019. This would support communities to support others by providing grit, snow clearing equipment, protective clothing and guidance in clearing snow and treating carriageways. Unfortunately, the council never initiated the scheme and it remains unplanned.

The group agreed that a snow warden scheme would build on the significant mutual support that already happened in communities, and would complement the defined network treatment that was carried out by Shropshire Council. Officers suggested that the council's highways partners have significant experience in setting up and organising snow warden schemes, and may be interested in supporting Shropshire Council with its planned scheme.

**The group therefore recommends that Shropshire Council:**

- **works with its highways partners to develop a new snow warden scheme**
- **aims to have this scheme in place by winter 2021-2022 and**
- **incorporates the snow warden scheme into its revised winter service plan.**

## 7.6 **Customer Service**

Many of the elected members responding to the group's survey, as well as those in the working group, expressed frustration with not being able to contact Shropshire Council when needed. Issues included:

- customer service lines being closed during the Christmas period, despite severe weather and flooding
- farmers contracted to carry out local gritting not being paid for months
- requests for new grit bins via *MyShropshire* not being followed up and
- a centralised system of weather forecasting and detection failing to pick up highly localised freezing, resulting in unnecessary hazard that a more localised system might have addressed.

The group noted that although the winter service plan contains processes for managing communications issued by the council, it makes no mention of customer service. It agreed that existing arrangements for managing customer queries were insufficiently responsive and did not take into account the nature of severe weather and other emergencies such as flooding. As a result of this, respondents to the group's survey advised that the council's customer service had been closed during the Christmas period, despite there being a period of severe winter weather.

It is beyond the remit of this group to specify an effective customer service function, however group agreed that customer services, either separate to or as part of existing customer services was an integral part of an effective winter service plan.

**The group therefore recommends that Shropshire Council:**

- **specifies an effective customer service function within its winter plan.**
- **ensures that this function operates during the winter period, in particular during periods of cold or wet weather that is likely to result in flooded or freezing conditions.**
- **ensures that existing routine reporting tools, such as MyShropshire, are monitored and actioned upon.**

## 7.7 **Communications**

The group noted that the winter service contained a communications plan to be used in the event of severe weather.

Both the group and respondents felt that they had not received adequate communications from Shropshire Council. Some respondents told the group that they received no indication whether an episode of severe weather would result in the council treating the defined network. Others said that they did not know which roads the council gritted during severe weather. In fact, Shropshire Council has published an interactive map of its defined network on its website. This map also includes locations of known and logged grit bins. The website also includes

information on clearing snow and treating ice, and Shropshire Council also provides real-time service updates through its Twitter feed.

The disconnect between the council's communications activities and the lack of knowledge about these activities in local communities suggests that Shropshire Council is not using the right media to communicate important messages. This is borne out by the responses from town and parish councils. Some respondents told the group that residents approached them for information during severe weather because they lacked an internet connection. Others pointed to a lack of printed information, either through leaflet to residents' home or on posters in shops and community centre. Respondents themselves told the group that they often lacked the information that residents sought from them.

The group understands that the internet provides a powerful medium to reach large numbers of people quickly, at a relatively low cost. However, it agrees that this cannot replace the benefit of close and regular communications through town and parish councils, as well as through community and third sector organisations. This additional communication needn't be onerous, as this report argues elsewhere that regular contact with local communities would be beneficial in creating significant supplementary capacity through snow wardens and other community minded groups who were willing to carry out additional snow clearance and carriageway treatments. Such councils and groups could also act as a conduit for information through their local communities.

**The group therefore recommends that Shropshire Council:**

- **strengthens its communications plan to include closer communication with town and parish councils, as well as community and third sector organisations and**
- **ensures that any communications plan includes residents who do not use the internet.**

## **8.0 Next steps**

8.1 The group recommends that the revised allocations policy return to the Communities Overview Committee, for further scrutiny before it is referred to Cabinet or Council for approval. The group suggests that any scrutiny should take into account the recommendations contained in this report.

**List of background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Shropshire Council *Winter Policy Statement*

Shropshire Council *Winter Operational Plan*

UK Roads Liaison Group *Well Managed Highway Infrastructure: A Code of Practice*

**Cabinet Member (Portfolio Holder)**

Portfolio Holder – Highways and Transport
<b>Local Member</b> All
<b>Appendices</b> None





<u>Committee and Date</u>
<b>Place Overview Committee</b>
<b>08/04/2021</b>

<u>Item</u>
<u>Public</u>

## **KIER CONTRACT**

**Responsible Officer** Professor Mark Barrow; Executive Director of Place  
 e-mail: Mark.Barrow@Shropshire.gov.uk Tel: 01743 258676

### **1. Summary**

- 1.1. On the 1<sup>st</sup> of April 2018, following a competitive tender process, Kier started a seven-year contract with Shropshire Council, following a six months contract mobilisation.
- 1.2. The contract is a NEC3 Term Service Contract.
- 1.3. The purpose of this report is to outline the challenges that have impacted the contract, but also highlight the positive changes which have taken place and the progress made on improvements. It will also provide an opportunity to engage with councillors to help identify further areas for further consideration and improvement.

### **2. Decisions**

**The Committee is asked to;**

- 2.1. Note the contents of this report;
- 2.2. Identify areas of concern, not already considered within the report, for consideration as part of the improvement plan and development of the Kier contract.

## REPORT

### **3. Risk Assessment and Opportunities Appraisal**

- 3.1. The highway service is an essential council service that ensures the safe and effective movement of people and goods across the county. Local highways are a key part of the infrastructure that enable road users to access essential service, places of employment, education and leisure and it is therefore essential that resources are used effectively to enable optimal outcomes to be achieved.
- 3.2. The work of the highway team is one of the most visible elements of council activity and as such stakeholder satisfaction with the highway service often aligns with perceptions of the council as a whole.
- 3.3. Nationally, highway authorities are managing a deteriorating asset, due to the diminishing levels of real-terms funding for highways over many years/decades. A deteriorating asset increases service demand and seeks to stretch` s the limited resources available for maintenance.

### **4. Financial Implications**

- 4.1. There are no financial implications as a result of this report.
- 4.2. Any financial implications arising from future improvements or investment plans will be submitted to appropriate decision-making boards with a business case for approval.
- 4.3. There is a need for greater investment in the highway network, and officers and members are lobbying the government to increase the available funding to Shropshire.

### **5. Climate Change Appraisal**

- 5.1. There are no climate change implications as a result of this report.
- 5.2. The service recognises the carbon impact its activities have and are actively looking at steps to reduce the level of this impact over the medium term.

## 6. Kier

### Background

- 6.1. In April 2018, Kier started the contact delivering highways and street scene service in Shropshire. Kier has 113 directly employed members of staff, 68 of which are local highways operatives.
- 6.2. Kier has 41 approved supply-chain partners who can undertake work on behalf of Shropshire Council. These range from large organisations, such as Tarmac and Ideverde, to smaller local contractors who are based in Shropshire.
- 6.3. Kier delivers a wide range of services to Shropshire Council, which include, but are not restricted to the following:
  - Highway maintenance
  - Street Lighting
  - Winter Maintenance
  - Street cleansing
  - Bridge maintenance
  - Grounds maintenance
  - Highway Capital projects
- 6.4. The contract turnover was advertised as approximately £21M per year, with a minimum value of £10M per year. However, the spend through the contract has been circa £27m per year. This is made up of 6,867 individual task orders, across 12 different workstreams.
- 6.5. The start of the Kier contract coincided with the 'Beast from the East' which resulted in a difficult start to the contract and a significant backlog of defects on the network. The first two years of this contract have been challenging and it is recognised that the contract has not lived up to stakeholders' expectations or been viewed as a success.

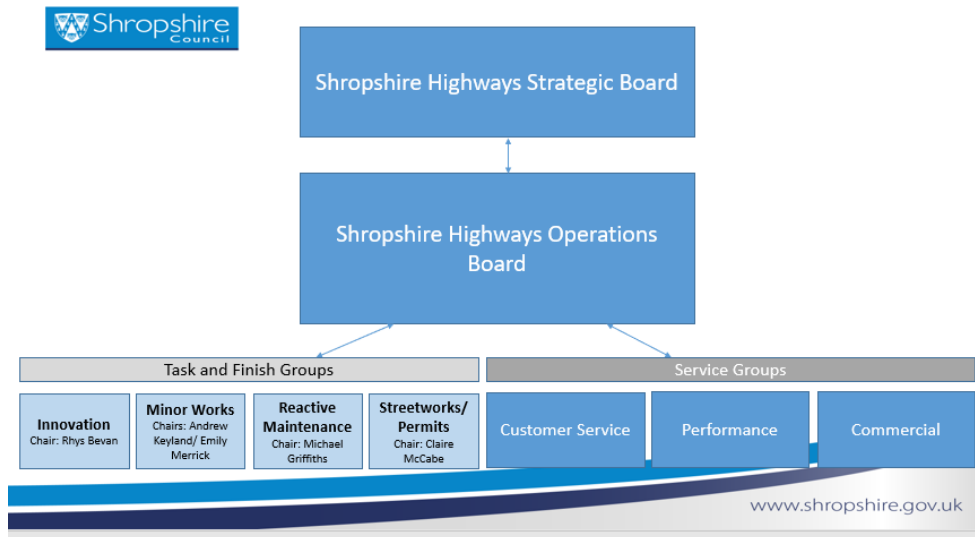
### New Management Team

- 6.6. In July 2020 a new Assistant Director for Infrastructure (Steve Smith) was appointed. In December 2020, a new Head of Highways (Andy Wilde) was appointed. At the same time, Kier has made significant changes to its management team in Shropshire. A new Contract Manager (Pete Woodhead) was appointed by Kier in August 2020, as well as a new Operations Manager (Jason Sapsford). Pete has over 40 years of experience and his most recent role in Kier was to lead the TOR2 joint venture between Torbay Council and Kier. Jason Sapsford has been in Shropshire since the start of the contract and was formally the Street lighting manager until he was promoted to the role of Operations Manager.

- 6.7. The new management team have continued with the improvements identified as part of the original highways improvement plan, but have also identified other areas of focus and priority. These have been incorporated into a new Collaboration and Improvement Plan, which has been signed-off by the Strategic Board and will be delivered jointly by council officers and Kier.
- 6.8. The new management team have had some very frank and honest conversations. What has emerged as a result of these interactions is a genuine recognition by Kier that the performance in key areas has required improvement. There has been a 'reset' on the relationships and the start of an improved culture that will define the future service offer and the roles both organisations will play will now be different.. However, the climate of honesty and collaboration that now exists in a new enlightened management team has resulted in this being embraced, locally regionally and nationally and it benefits from this endorsement.
- 6.9. Shropshire Council has recognised that some service expectations and outcomes are best met, managed and delivered locally, recognising and understanding the local need. The contract offer which Kier bid for placed little priority on this local service approach which often matters more to stakeholders. This has not been visible, prioritised or been seen to matter which has undoubtedly contributed to the perspective of the service and understandable frustrations.
- 6.10. The Council has now endorsed a "mixed economy" service delivery model and certainly, the feedback from key stakeholders helped shape this decision. What has emerged is a new 'hybrid model' which is seeing a more thoughtful and improved service being born and the benefits are emerging.
- 6.11. Councils have often gone from one end of the spectrum to the other in search of service frustration cure. For example, a council with a direct labour organisation (DLO) who experience costly, inefficient services that are difficult to manage will embrace the private sector in search of efficiency and commercial confidence. An Authority that experiences difficulties with an external contract will routinely look at "bringing in back in the house". This traditional dichotomy has been replaced with the balance required for success. A 'hybrid model' that offers local delivery and services in control of the authority, but has a larger partner to deliver at the other end of the spectrum provides the blend needed to provide a value for money service. I believe this compliments the Kier contract and should be viewed positively, not least because this shift is a result of the highways service listening to its stakeholders.
- 6.12. Our revised approach is starting to receive national recognition and a number of leading highway authorities are keen to engage in discussion on the approach we have adopted in Shropshire.

## Governance and Contract Management

- 6.13. One of the priorities for the new management team was to put in place a governance framework and a full suite of governance meetings that manage the contract and provide oversight.



- 6.14. This consists of a Strategic Board, which is attended by the Senior Management Team. Siting below is an Operations Board that delivers outcomes set at the Strategic Board and drives operational change and delivery, which is chaired by the Head of Highways and the Kier Contract Manager. Reporting up, there are Task & Finish Groups and Service Groups. These groups are made up of individuals from across the Highways Alliance and focus on areas of priority for the service. The Operations Board delegates to these groups, but they also report up to the operations board with recommendations for endorsement approval.

### Key Performance Indicators

- 6.15. A new suite of Key Performance Indicators has been agreed upon with Kier and these have been in place since December 2020. This is now the agreed way in which both parties measure performance levels. Targets have been set against each which will enable bonus payments to be made. Conversely, should performance consistently fall below expected levels there are mechanisms in place to allow the council to take action, including the ability for the council to terminate the contract if performance is consistently below expectations.

6.16. The list of KPI's and Kier's current performance against them is shown below;

KPI	Description	Target Performance Level	Current KPI Score
KPI 1a	Reactive & Routine Highway and Environmental Maintenance tasks completed in time. Reactive Highways Works	70.00%	72.0%
KPI 1b	Reactive & Routine Highway and Environmental Maintenance tasks completed in time. Street Lighting	98.00%	100.0%
KPI 1c	Reactive & Routine Highway and Environmental Maintenance tasks completed in time. Emergency Response	98.00%	100.0%
KPI 2	Reactive, Routine Highway and Environmental Maintenance tasks to required quality	98.00%	99.7%
KPI 3	Highway Project and scheme works completed on time and without defects	98.00%	85.0%
KPI 4	Up to date financial management information is provided on time and +/-10% of final cost	98.00%	100.0%
KPI 5	Provision of all forward works plans received on time and to correct quality	98.00%	100.0%
KPI 6	Monthly Performance Figures provided on time without errors	100.00%	100.0%
KPI 7	Applications for payment submitted on time correctly without errors. (5%)	95.00%	99.0%
KPI 8	Customers satisfied with the performance of Kier and its supply chain (MeasureTBC)	0.00%	0.0%
KPI 9	Winter Maintenance - service completed on time	98.00%	98.5%

### Contract Management System

6.17. Kier has begun to move service from their existing "Causeway" operational software to the Councils "Confirm" software system. This will enable a smoother transition and synchronisation of systems. Before and after photographs of work carried out will be available for analysis. This will significantly reduce unnecessary travel to site to check on works and will enable the increase the sample size used to undertake quality checks ensuring the council is receiving the required service to the required standards. Amongst the wider benefits, this will also assist the Council with managing insurance claims.

## **Restructure and Redesign**

- 6.18. Both Shropshire Council and Kier now have aligned management structures and area operating models, based on North, Central and South areas.
- 6.19. Kier has appointed Area Managers to lead their teams and working relationships are already established with the Shropshire Council Managers in these areas.
- 6.20. Both Shropshire Council and Kier are developing restructure proposals and both parties are working closely to ensure that the proposed staffing changes are synchronised and are aligned to ensure a more joined-up approach and partnership working is supported and duplication avoided. The proposals have received all the necessary approvals. Additional temporary staff have been appointed in the meantime to ensure that the momentum for change and service continuity is maintained.
- 6.21. Shropshire Council and Kier recognise that senior-level management buy-in was essential to ensure a new approach was embraced. However, that culture must also be embraced by all staff at all levels and Covid restrictions have made that more challenging.
- 6.22. Both Shropshire Council and Kier have committed to a culture change programme which will cover all staff at all levels. This is planned for the new financial year.

## **Operational Improvements**

- 6.23. It is recognised that potholes maintenance has been an area of significant concern and is the single biggest factor in stakeholders view of the service. It is clear road users are not confident in these arrangements and seek improvement. This has been a key focus of the service to ensure these areas of the contract aligning with good practice elsewhere.
- 6.24. A standard operating model (SOM) was implemented with the following objectives:
- Provide a first time fix 100% of the time (excluding emergency repairs)
  - Transfer cost savings from reactive maintenance to planned works budget to enhance the sustainability of the network's assets
  - To plan the works in a way that influences and drives efficiency
  - Increase productivity to help reduce the backlog and ensure the pipeline going forward is manageable and reflects the resource provision
  - Improve workforce behaviours by providing effective engagement, communication and recognition
  - Provide clear visibility of performance through a consistent suite of metrics and share with the operational delivery team

- Improve the customer and stakeholder perception of Shropshire Highways
- 6.25. A comprehensive service review was carried out which provided difficult but useful information to the new Kier management team on how the contact was truly operating. This identified significant inconsistencies across operational depots. Areas of poor performance that were impacting on the productive output quality, efficiency and operational effectiveness were reorganised.
- 6.26. The review further identified where other factors such as vehicles, materials, and network access played a part in required changes to improve efficiency.
- 6.27. The benchmarking exercise has also highlighted potential areas of significant improvement:
- Temporary defect repairs were around 70% of the total. This has reduced to around 28%, with 72% of potholes being repaired permanently on first visit.
  - Despite the increasing demand, the teams have repaired 16,227 potholes, compared to almost 13,000 in the previous year.
  - The unit cost of the activity has also fallen steeply with 45% more work being completed for £1.45m less than the same work would have cost last year
  - Insurance claims are down on last year by 54%
  - Gully emptying productivity has increased
  - 100% of emergency responses are within the contract time frame
  - Response to January Flood in Shrewsbury
  - 100% of winter maintenance routes completed on time in the coldest January in 10 years
  - Innovations are being embraced to deliver improvements
- 6.28. Innovation and revised ways of working are at the forefront of the new approach. The service recognises, as do road users, that the maintenance approach to potholes has been unsuccessful.
- 6.29. In March 2021 a trial was started on a new approach on the A&B road network. This comes at a time when new technology is available in the market. We know that larger more meaningful asset interventions provide the best value for money. This will drive efficiency, by not repeating the same repair year after year and prevent future potholes from forming in the short to medium term.
- 6.30. Trials have taken place using both the JCB Pothole Pro and the Mutivo Multihog. Both of these trials have proved very successful with the new process delivering upwards of 100m<sup>2</sup> of carriageway repairs per day. This is informing our future strategy for A&B road maintenance.
- 6.31. The mixed economy of in-house teams to supplement the Kier workforce will continue and strengthen. These team primarily undertake repairs on the rural

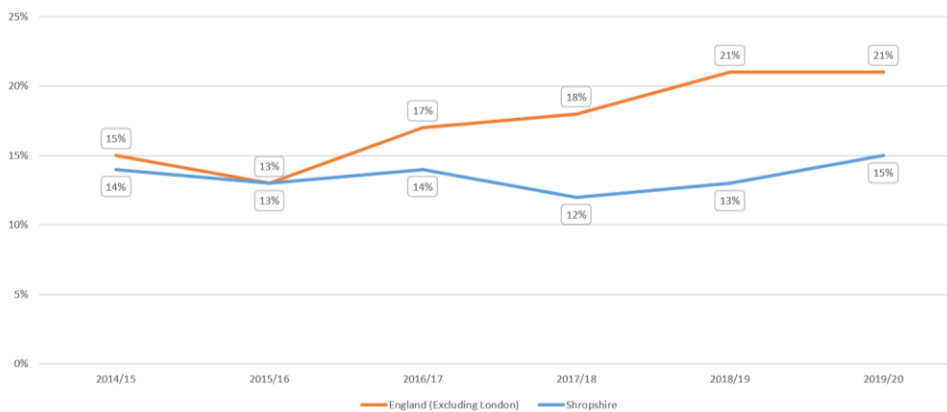


network to allow Kier to focus their resources on the more complex issues. The team also undertake repairs on the drainage systems connecting gullies, many of which have lacked the necessary maintenance over an extended period and contributed to an acceleration of network deterioration.

- 6.32. Whilst there are tangible improvements which can be demonstrated from the implementation of the improvement plan to date, the full benefits are unlikely to be realised until the next financial year to enable the full cycle of annual activity to take place (i.e. forward programmes submitted to the contractor for more effective planning will not start delivery until April 2021 and therefore the benefits of improved communications, increased value for money, improved quality of work, less disruptive traffic management etc. will not become apparent until these schemes complete.

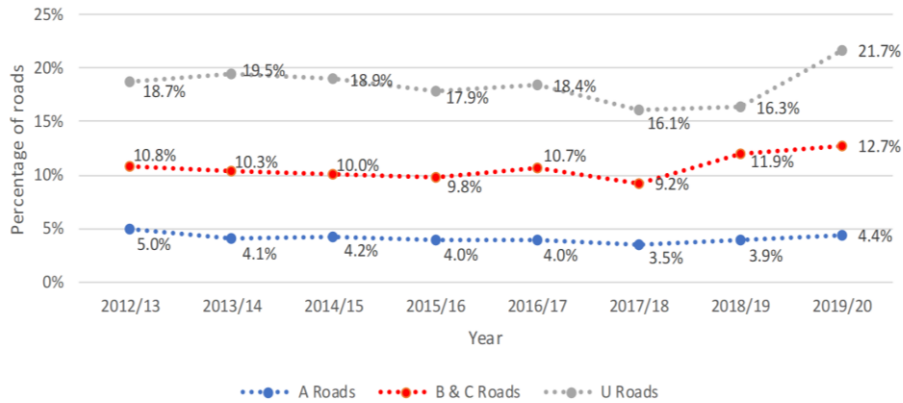
### Asset Condition

- 6.33. Shropshire, like the vast majority of highway authorities, is seeing a network in deterioration. It is often difficult for road users to determine the difference between poor maintenance practice and under-funding and the two things overlap.
- 6.34. Surveys show that approximately 21% of local authority roads considered to be in poor condition and in need of major repair, an increase from 13% in 2015. Whilst the situation in Shropshire is somewhat better with only 15% of the network in poor condition, the situation has deteriorated rapidly since the Beast from East storm in 2018/19.



**Network condition values by year**  
**(Percentage of network with a life expectancy below 5 years)**  
(source: Annual Local Authority Road Maintenance Survey)

- 6.35. This is becoming a significant problem on the county's more rural routes which saw a deterioration from 16.1% to 21.7% of unclassified roads considered to be in poor condition.



- 6.36. This deterioration in the condition is reflected in the number of potholes that are forming on the network with almost 16,000 being reported on the network between November and January alone compared to 11,000 during the same period last year. This is a significant risk and places more pressure on an area of the service that requires significant change.
- 6.37. Preventative maintenance is largely funded by the government and current funding is widely acknowledged to be significantly below the levels needed to maintain highway networks to a good standard. Funding varies from authority to authority to reflect the formula base on which allocations are derived. The total budget available to Shropshire Highways in recent years has been £3,603 per mile less than the national average. Local authorities across the country are lobbying the government to increase funding to allow improved maintenance of local roads and Shropshire officers and members have been active in supporting this lobbying.

### Customer Engagement

- 6.38. The highways teams have developed programmes of work for the coming year and these have been shared with Kier to enable the planning of their delivery at a significantly earlier stage than in previous years.
- 6.39. This earlier planning means that traffic management and engagement strategies can be built into the works programme to ensure that communication with stakeholders takes place on time and feedback properly considered.
- 6.40. From the end of March 2021, Kier will be adopting the councils “Confirm” software system for its own use. This will enable the increased transfer of information between the council's systems and Kier's systems. The Councils “My Shropshire” system draws information from the Confirm system and this should result in improved information being available through My Shropshire in the future.

## 7. Additional Information

- 7.1. Communication – the service needs to better communicate the activity it is undertaking to ensure that there is an awareness of what residents can expect to happen and when and ensure that their ability to engage with the service is improved. The service also needs to be more open with the information available to members of the public with regards to the work it undertakes to ensure that it can be appropriately scrutinised and challenged on the value for money that is provided.
- 7.2. Engagement – It is recognised that to better understand the needs of road users the council needs to engage more successfully with key stakeholders. The restructure is seeking to increase the number of highway technicians to provide capacity for proactive engagement to better understand areas of concern or priority.
- 7.3. Minor works – whilst a lot of activity has been undertaken in improving the delivery of defect repairs and will continue to do so, it is recognised that minor works (i.e. new signs, fencing repair etc.) can still have unacceptably long delay times between the team committing to undertaking the works and completion.
- 7.4. Schemes – For successive years the council had a limited budget for road safety, active travel, road improvement schemes. These budgets have increased in the last year however and are expected to increase still further as more government funding is released to support active travel. The service is therefore setting out its plans for future need as part of its Local Transport Plan 4 development and will enable stakeholders to influence proposals and inform future programmes of work. Workflow processes will be reviewed to ensure that the time scale between decisions and implementation can be reduced.
- 7.5. Drainage – whilst the service has improved its productivity in drainage maintenance the service is not currently utilising technologies to derive better value and understanding of its drainage asset. Good practice elsewhere has enabled authorities to reduce costs of maintenance significantly whilst improving service outcomes by developing gulley emptying programmes that better reflect actual need rather than a once size fits all approach. This may result in gulley's that are regularly blocked being cleansed more frequently and ones where the little waste is retrieved cleaned less frequently. This approach should also assist in identifying issues on the connecting drainage systems.
- 7.6. Streetlighting – the service will implement the programme to replace existing lanterns with LED to significantly reduce energy costs and increase the longevity of lamp life. This should ensure that street lights are lit for a higher proportion of time than at present.

## 8. Conclusions

- 8.1. The highway service recognises that the first two years of the Kier contract have been challenging and performance have been disappointing at times. There are some mitigating factors but there is significant and tangible evidence that there have been significant service delivery improvements over the last six months.
- 8.2. The continuing deterioration of the road network and the resultant increased demand for requests for service does however significantly stretch existing resources and to some extent budgets. These operational improvements aren't necessarily visible to members of the public who understandably associate highway condition with council performance.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

**Cabinet Member (Portfolio Holder) - Cllr Steve Davenport**

**Local Member - All**

**Appendices**