

Footway and Footpath Network Condition

Report by Ricky Moffat, Head of Commercial Operations

1 Purpose of Report

Most recent information collected by Road Services indicate that the footway maintenance backlog across Midlothian is circa. £12.5M. This was based on site surveys where every footway is inspected and rated based on the amount of deterioration on the footway. However this backlog figure relates to public footways maintained by Road Services in terms of the Road (Scotland) Act 1984 and excludes footpaths maintained by housing associations and the Council's Housing Services as part of the Housing Revenue Account. The purpose of this report is to bring to Council's attention the current maintenance backlog in older housing estates which are generally only inspected on an ad hoc basis and have minimal maintenance undertaken on them.

2 Background

- 2.1** Within Midlothian there is approximately 650km of public footway maintained by Road Services. Over and above that figure, there is 17km of older remote Housing area footways. These footways are owned/maintained by the Council's Housing Services, various housing associations and in some cases in the joint ownership of Housing Associations/Midlothian Housing Services and the home owner.

These footway areas tend to be remote from the public road, connecting back gardens and garage areas to the public footway network. Many of the pedestrian stairs and steps along those footways tend to be in a state of disrepair and in need of refurbishment.

2.2 Council Meeting on 16 December 2014

A decision was made by Council to request officials to bring forward a report on the possible repair/upgrading of footways and footpaths within older Council estates.

This report is submitted in accordance with that decision of Council.

The report highlights all footways and footpaths for repair within older housing estates which are adopted and non-adopted.

2.3 Estimated Capital Cost of Works

The cost of the works to carry out the repairs/upgrade to footway and footpaths in all older housing areas county-wide is estimated to be £5.772 million, split across financial years as follows:-

2015/16	£1.974 million
2016/17	£1.830 million
2017/18	£1.968 million
<u>Total</u>	<u>£5.772 million</u>

A breakdown based on geographic areas within Midlothian is shown in Appendix A.

2.4 Housing Revenue Account

In order to establish which account the footway and footpaths would require to be financed from, it is necessary to consider the current legislative position.

The Housing Revenue Account (HRA) account retains assets that extend up to and including the curtilage of each dwelling i.e. the land immediately surrounding the dwelling, delineated along the boundary for which the home owner can have reasonable expectation of privacy.

In this regard, the footway and footpaths that are referred to in this report fall outwith the curtilage of the house and as such, outwith the HRA account arrangements.

Furthermore, current Scottish Government Guidance on the operation of Local Authority Housing Revenue Accounts (HRAs) states that the HRA cannot be used to fund these infrastructure works, in line with the position above.

As such, the cost of the works would require to be met through the Council's General Services Capital Plan.

A proportion of the footway and footpaths assets highlighted are not currently adopted on the General Services account. Council is requested to formally consider adopting these assets on the General Services account, in order to allow the Roads Asset Management Plan to be updated to reflect works proposed to repair and upgrade these assets.

3 Report Implications

3.1 Resource

Capital

The expected cost of the works (£5.772 million) would require to be funded in full through the General Services Capital Plan, with the phasing of the works as outlined in Section 2.3 over three financial years.

Any further expenditure approved in the General Services Capital Plan will reduce the opportunities for investment in other Council capital projects. Council is therefore asked to consider the appropriate level of investment, and the timing of any investment against these assets, in the context of the overall asset base and the longer term asset management plans.

The overall backlog of footways in adopted areas is circa £12.5M of this total (as stated in Appendix A) £4.021M is within older housing estates.

Revenue

The additional loan charges arising as a result of committing the full level of expenditure (£5.772 million) are shown in the table below.

Financial Year	Capital Spend £000's	Cumulative Capital Spend £000's	Loan Charges £000's
2015/16	1,974	1,974	+29
2016/17	1,830	3,804	+142
2017/18	1,968	5,772	+262
2018/19 onwards	0	5,772	+322

The projected revenue budget shortfall as reported to Council on 17 February 2015 in the Financial Strategy report is £4.945 million in 2017/18.

Should the proposals outlined in this paper be approved in full, this would increase the budget shortfall in 2017/18 by a further £0.262 million, to £5.207 million.

Proposal

An alternative option would be to cap the spend at £2.000 million. The additional loan charges arising as a result of committing this level of expenditure over two years are shown in the table below.

Financial Year	Capital Spend £000's	Cumulative Capital Spend £000's	Loan Charges £000's
2015/16	1,000	1,000	+16
2016/17	1,000	2,000	+76
2017/18	0	2,000	+128
2018/19 onwards	0	2,000	+143

The projected revenue budget shortfall as reported to Council on 17 February 2015 in the Financial Strategy report is £4.945 million in 2017/18.

Should the proposals outlined in this paper be approved in full, this would increase the budget shortfall in 2017/18 by a further £0.128million, to £5.073 million.

3.2 Risk

There is a risk to the Council that should no action be taken to repair/upgrade the footways and footpaths there may be exposure to a number of third party claims for slips, trips and falls on the pavement and pathway network.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

- Positive destinations for young people.

Should Council approve the repairs/upgrading over a three year financial period, this would allow Road Services to offer a further two apprenticeships to continue the ongoing improvement in Positive Destination outcomes for Midlothian's young people.

3.5 Impact on Performance and Outcomes

To improve the overall condition of the footway and footpath network throughout Midlothian, providing an enhanced built environment for residents and other stakeholders.

3.6 Adopting a Preventative Approach

The completion of these works is consistent with the Councils' Road Asset Management Plan, (RAMP) which covers the footway network.

The footway network asset is currently valued at £86 million gross replacement cost, using CIPFA valuation methodology for Whole of Government Accounting.

By targeting the areas identified using industry approved methods in line with the RAMP, demonstrates a robust preventative approach to the further deterioration of this valuable asset.

3.7 Involving Communities and Other Stakeholders

Correspondence and feedback from local stakeholders and community groups have been considered alongside prudent asset management principals when officers determined which areas are in need of repair/upgrade.

3.8 Ensuring Equalities

An Equalities Impact Assessment is not required as there are no people implications.

When carrying out the repairs the opportunity would be taken to provide drop kerb crossing points where necessary.

3.9 Supporting Sustainable Development

The proposed works would ensure the improvement of the built environment for the people in Midlothian.

Carrying out these works using local resources demonstrates a sustainable and environmentally sound approach to the works.

3.10 IT Issues

There are no IT issues in relation to this report

4 Summary

This report summarises the lengths of footways within Midlothian which are not on the list of adopted roads. In addition it highlights the cost of bringing these footways up to an acceptable standard.

5 Recommendations

Council is recommended to:-

1. Formally adopt the footways and footpaths as outlined in Appendix A onto the General Services Account;
2. Note the financial implications of the proposed investment to upgrade these footways and footpaths, and the impact this will have on the opportunities for investment in other capital projects;
3. Approve an investment of £2.0m in upgrading footpaths. This proposed amount recognises the Council's overall financial position as set out in paragraph 3.1;
4. Note that in the event of approving an investment of £2.0m this will increase the budget gap by £0.128 million to £5.073 million in 2017/18.
5. Note the intention of the Director Resources to implement an inspection and maintenance regime to ensure public safety.
6. Note the intention of the Director Resources to prepare an update report in 2017/18.

15 June 2015

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Background Papers:

Appendix A – Proposed repair / upgrade of Footways and Footpaths

APPENDIX A

PROPOSED REPAIR/UPGRADE OF NON-ADOPTED AND ADOPTED FOOTWAYS AND FOOTPATHS

Proposed Expenditure

Area / Town	Non adopted £	Length (m)	Adopted £	Length (m)
Auchendinny	0	0	101,000	1,000
Bonnyrigg	580,000	5,500	315,000	3,000
Carrington	0		90,000	800
Cousland	0		85,000	1,200
Dalkeith	105,000	950	415,000	4,250
Danderhall	80,000	700	100,000	2,200
Easthouses	50,000	500	90,000	1,100
Eskbank	0		250,000	2,400
Gorebridge	60,000	600	450,000	5,000
Loanhead	65,000	600	515,000	4,900
Mayfield	395,00	4,000	135,000	1,250
Newtongrange	15,000	150	185,000	1,800
Pathhead	0		285,000	2,750
Penicuik	401,000	4,000	1,005,000	9,500
Total	1,751,000		4,021,000	

Summary	
Non Adopted	£1,751,000
Adopted	£4,021,000
	<u>£5,772,000</u>

- Notes: 1) Non adopted footways relates to back alleys and other access points to a house.
 2) Adopted footways generally relates to the main access point to the house.