

Report to Scrutiny committee
26 February 2015
Report of Head of city development services
Subject Street scene safety – trips and falls

Item

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Purpose

This report provides an overview of pavement and street scene safety such as trips and falls as relates to highway infrastructure, its maintenance or obstructions upon it.

Recommendation

To note the report

Corporate and service priorities

The report helps to meet the corporate priority “A safe and clean city” and the service plan priority to undertake the routine and structural maintenance of highways assets.

Financial implications

There are no direct financial implications arising from this report

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

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Background documents

[Norfolk County Council Transport Asset Management Plan 2014/15 to 2018/19](#)

[Well-maintained Highways – Code of Practice for Highway Maintenance Management 2005 \(updated Sept 2013\)](#)

Report

Background

1. Norwich's footways provide an important asset for the city's residents and visitors. The following figures give some idea of the numbers of people using footways:
 - a) Well in excess of 38000 pedestrians cross the inner ring road per day (the actual figure is higher than this as this count is from selected sites not every location).
 - b) Footfall at Norwich rail station is approximately 4m p.a.
 - c) 17m day visitors to Norwich each year.
 - d) There are 50000 shoppers in the city centre each day, rising to 75000 on Saturdays.

Most journeys use a footway at some point, regardless of the main mode of transport used. Women, older and younger people are more likely to spend more time using paths due to having less access to cars.

2. The county council is three quarters of the way through a four year Footway Network Survey to assess overall condition. No firm conclusions can be drawn from the current data at the moment as it is incomplete. Results should be available in spring 2015 and reported to the Norwich highways agency committee later this year.
3. The city council does not have figures for numbers of people tripping or falling. As far as can be ascertained, no highway authority collects this data. If people fall, they tend to either not report it, or if they do, make a claim (see figures below). The number of claims received can give an indication of the scale of the problem. Civica has been set up to record details such as footpath defects, rather than people falling. That way, we can respond to reports before anyone trips rather than just reacting afterwards. Out of over 3700 Civica processes, at least 330 were reports of footpath defects. Unfortunately, some people can trip over defects of only a few mm, regardless of their age or mobility; recording all these trips would not be a useful exercise as the levels we work to are greater than that.
4. It has not been possible to get data showing how many people have received treatment for injuries sustained as a result of a fall.
5. The causes of trips and falls include raised/lowered slabs, utility covers, misaligned kerbs, potholes and tree roots. These are caused by settlement of the ground or construction materials, vehicles driving over them, tree roots pushing surfaces up or age related deterioration of surfaces. There are very few reports of people slipping on such things as wet leaves or ice.
6. Injuries sustained are usually relatively minor such as cuts and bruises, occasionally sprained wrists or ankles, and very occasionally, a broken bone. Of course, any injury is distressing for the individual and their family and can have other implications.

Insurance claims

7. The main reasons identified for trips on insurance claims are uneven slabs, potholes, and covers. Although there can be underlying reasons such as tree roots pushing slabs up, these could not be identified for this report.
8. For the 12 months to the end of October 2014, 48 claims related to trips and falls, out of a total of 80 received.
9. For the period October 2012-13, 42 pedestrian related claims were received.
10. 10-15% of pedestrian related claims are from falls in the carriageway.
11. No claims have been received for slips on snow/ice or leaves.

Footpath maintenance

12. Maintenance standards and the approach to footway maintenance are set out in Norfolk County Council's Transport Asset Management Plan (TAMP). TAMP is based on the Code of Practice for Highway Maintenance Management. It also sets out the inspection regime.
13. Resources are limited and have to be prioritised; it is currently not possible to provide a perfect surface over the whole network. There is perhaps a gap between expectation and what can be delivered.
14. Maintenance is split into two areas: routine and capital. Routine deals with day to day defects mainly of a safety nature, and capital maintenance involves resurfacing or reconstructing a path to restore its surface regularity and extend its life.

Routine maintenance

15. Routine maintenance work is identified through regular safety inspections and also reports from the public and members.
16. Safety inspections are carried out in line with TAMP. This governs the frequency of inspection and the response times for differing defects. Inspection frequency varies from annually for cul de sacs to monthly in the city centre.
17. A measure of the robustness of the system is the defence rate of insurance claims. Over 80 % of claims against us are successfully defended, which is similar to Norfolk County Council highways defence rate. The inspectors have recently all completed the City and Guilds qualification in highway inspection.
18. Response times vary depending on the size and nature of a defect together with its location. They are based on a risk matrix which takes into account the likelihood of a defect causing an incident, and the impact of that, should it occur. For example, a pothole/trip in the footway (including tree roots, high or low slab) with a height of 20-29mm warrants a response time up to 28 days from seeing the defect to carrying out the work). Should the height be 30mm or more, the response would be by the end of the next working day. In a particularly busy street, repairs might get ordered and carried out within 2 hours which is a higher response time than required. Defects less than 13mm are not recorded or acted upon. Defects of 13-19mm could be added to the next programme of work, or be reviewed at the next inspection.

19. Should Norwich City Council want to provide a higher level of service than that funded by the county, it can do so but would have to pay the additional cost. This is unlikely in the current economic climate as the city council has many other priorities.
20. The city council is responsible for highway maintenance under an agency agreement with Norfolk County Council who fund the work. The following table shows the level of expenditure on footway maintenance in Norwich:

	2011-12	2012-13	2013-14	2014-15
HMF overall budget	1547000	1514000	1493000	1248000
Kerbs and footways expenditure	131000	135000	143000	Forecast 92000
FW patching expenditure	251000	205500	185000	
Capital footway expenditure	559000	596000	723000	542000 forecast
Number of capital schemes	10 excluding slurry programme	11	14	11

21. Officers reallocate funds within the overall maintenance budget to suit the needs of the city, and chose to spend more on kerbs and footways. This reflects the importance and difficulty of keeping footways in good condition, the risk of not doing so, and the damage caused by vehicle overriding and tree roots. However, this is a difficult decision as it reduces the amount for other areas of expenditure such as fencing and means other work gets delayed or left. Analysis of the city's highway maintenance allocation shows that it is provide in proportion to other areas of the county.

Capital Maintenance

22. In previous years when capital budgets were larger, Norwich City Council spent considerable sums replacing slab footways with asphalt to reduce maintenance need and risk to pedestrians. Increasingly, we are working with citywide services to coordinate footway reconstruction schemes with tree replanting. In the past, inappropriate tree species have been planted such as cherry or dawn redwood. The roots of these and other trees can cause disruption to surfaces. We are looking to coordinate reconstruction and tree replacement to give a longer lasting footway. For example, next year we are planning to improve the paths in Corton Road by removing two trees on one path to allow sufficient width for people to pass, and ramping the path over roots elsewhere. We believe that will provide a better balance between providing an accessible route and an attractive street environment. A less successful example is St Phillips Road where there was considerable public opposition to the removal of trees even though they caused difficulties for some path users. Trees in these locations will often mean compromises have to be made regarding safe and comfortable passage for pedestrians and wheelchair users.

Winter maintenance

23. The duty on highway authorities under the Highways Act is "... to ensure, so far as reasonably practicable, that a safe passage along a highway is not endangered by snow or ice". Reasonably practicable takes into account resources including budget and labour. Currently, Norfolk County Council spends £3.5m treating about 32% (1920 miles) of the road network.
24. County policy is to treat priority 1 and 2 roads when ice is forecast, along with some key footpaths in main shopping areas. After snow, the priority is to clear these routes. Other footways will receive treatment as resources permit, having first established reasonable conditions on higher priority roads and footways. It is not possible to clear all footways of snow and ice because of the time taken and resources required. Even if resources were available, the cost would be prohibitive.
25. Some key paths in the city centre are treated with a brine sprayer but the extent is limited by resources. In the event of prolonged snow and ice, city council contractor staff who are unable to do their normal work would be put to work clearing sheltered housing areas first, and then other paths such as those leading out of the city centre, and near to shopping areas in outer areas.
26. There are 326 grit bins on the highway. These are usually placed at slopes and bends, but consideration is also given to other locations such as steps, near schools and other community facilities. Most are provided by the city council, with the county council providing those on main roads particularly at key junctions. The county council currently fill these up at the start of the winter season and refill once. They are there for the public to use to treat nearby public roads and footpaths. Some people are concerned about liability from treating or clearing snow, but they needn't be if done sensibly. Ideally, people would clear the path outside their property and that of neighbours unable to do so themselves, but that is a difficult message to get across.
27. County policy is to provide grit bins at heavily used locations where accidents may occur or there are significant delays on ungritted parts of the network. If parish or district councils wish to have additional bins then they may buy them and the county will refill in line with current policy.
28. We get many requests for more grit bins and do provide more where they make sense, there is a demonstrable need and we can afford them. It is not possible to provide them everywhere due to the cost of installation and maintenance. Although the county council currently fill bins, there is always the possibility that the service be reviewed which might leave the city council having to fill the bins itself.

Leaf clearance

Leaf sweeping is carried out as part of the regular sweeping operations. Should there be a particular problem in between these cleans, officers will investigate and order additional action if necessary. Extra staff are employed for a 6 week period in the autumn to help deal with increased leaf fall. Should a path be reported as slippery from leaves or sap, for example, it will be cleaned within 24 hours.

Obstructions relating to trips and falls

29. A boards are a concern for many people, particularly those with visual impairment. We acknowledge that A-boards are an issue in terms of obstruction and visual intrusion although those matters are not the main focus of this scrutiny committee. Whilst they might present a hazard, there is no evidence to suggest that A boards actually cause trips. However, as they do present other problems, we hope to consult on a revised strategy in the new civic year which should address the needs of both footway users and businesses.

City Council performance

30. An attempt has been made to undertake comparative analysis with other authorities. Unfortunately limited data is available so it is not possible to compare us with other cities. However, the following figures show how the city compares with the county and nationally. These should be considered against the numbers of pedestrians referred to at the beginning of the report.
31. For the 12 months to the end of October 2014, 80 claims were received, of which 48 were pedestrians tripping or falling, Of the 49 claims involving pedestrians that were finalised in the last 12 months, 40 have been successfully defended. This is a defence rate of 82% which indicates that our inspection regime is robust. A total of £52,427 was paid out.
32. For the period October 2012-13, 42 pedestrian related claims were received. Of 32 claims finalised, 26 were denied giving a defence rate of 81%. A total of £26887 was paid out.
33. The city and county councils both successfully defend around 85% of all highway insurance claims. At the time of writing, it was not possible to analyse pedestrian figures county wide. However, as the overall performance is similar, it is reasonable to assume that the rate for trips is similar too.
34. Nationally, for 2013/14, there were 42,662 claims (property and personal injury), and 77% of these were successfully defended. The amount paid out was £2.9m. This indicates that the city is performing better than the national average.

Conclusion

35. Analysis shows that there is no immediate cause for concern. However, limited capital investment in the future could lead to an overall deterioration of the asset. This will put further pressure on revenue budgets, and difficulties meeting customer expectations. The city council will continue to work with the county council to maximise the effectiveness of any expenditure, and also to maintain or increase highway maintenance funding in the city where possible.