

## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday, 11 <sup>th</sup> February 2020
<b>Report Subject</b>	Recovery of Costs Following Damage to the Highway Network
<b>Cabinet Member</b>	Deputy Leader and Cabinet Member for the Streetscene and Countryside
<b>Report Author</b>	Chief Officer (Streetscene and Transportation)
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The Streetscene & Transportation service is regularly requested to attend traffic accidents and other incidents to clear debris or make repairs to the carriageway when accidents and incidents occur on the highway network.

On these occasions, the highway network team look to record costs, and identify those responsible for the incident by working with North Wales Police and the Driver and Vehicle Licensing Agency (DVLA), in an effort to recover costs from the individual or their insurers.

The purpose of this report is to make the Environment Overview & Scrutiny Committee aware of the process involved in reclaiming costs incurred by Council and to provide assurance to the Committee that agreed procedures are being followed.

An audit of the "Highways - Cost Recovery 18/19" was undertaken by Internal Audit in October 2019.

### RECOMMENDATIONS

1	That Scrutiny notes and support the process of recovering costs for repairs following damage to the highway network.
2	That Environment Overview and Scrutiny support the arrangement for incidents involving fatalities on the Highway Network, which are currently undertaken on a non-rechargeable basis.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE BACKGROUND TO THE REPORT</b>
1.01	The County is often requested to attend traffic accidents to clean debris or make repairs to the highway network and this includes an out-of-hours emergency response service. In these instances, the County will make every effort to liaise with police and/or drivers involved to collect insurance details to recharge the costs involved with attendance and repairs at accidents. Sensitivity to the families concerned in the incident will always be paramount in the minds of highways officers when undertaking this role.
1.02	We are legally entitled to recover from the driver/owner of the vehicle causing the damage (or more usually the relevant insurer) for the reasonable cost of repair so as to restore the network to its state before it was damaged.
1.03	Many incidents take place out-of-hours and we are regularly requested to attend such incidents by North Wales Police. We look to record the out-of-hours costs, including road closures, diversions and road sweeping of any debris that is a result of a road traffic accident.
1.04	When damage to the network infrastructure occurs, such as damaged Street lighting columns, signs, or fire damage to the road surface, we would also look to recover these costs from the driver or their insurer.
1.05	We do not currently follow up the recovery of costs for incidents that involve fatalities due to the sensitivities of such action. The cost of these incidents is often high and roads remain closed for many hours following such an incident to allow the Police to investigate the cause of the incident.
1.06	A recent internal audit of this process was requested by the service area as part of the scheduled internal audit programme. This audit took place in October 2019, and identified that the written procedures in place were acceptable and covered the process for recovering costs of rechargeable works. However, the internal audit identified that these were not being consistently followed and inaccuracies were apparent in the recorded information against claims held.
1.07	The audit also identified that the process was not consistently being progressed through the claim, and delays existed in issuing of invoices, which resulted in outstanding recovery of costs in some instances. It was suggested that the calculations used for recovering costs are out of date resulting in the Council not recovering the full costs for work undertaken.
1.08	The audit report also noted that clarity of non-recoverable costs is required, when dealing with sensitive matters such as fatalities.
1.09	Significant work has been undertaken by the service area since the audit report, to refresh the process and respond to the areas identified for improvement. Areas of concern have been reviewed with all parties involved in the process to embed the agreed processes. A full data cleanse of the database and filing system has been undertaken to ensure accuracy.

1.10	The schedule of rates used to identify costs incurred, which is the basis for the rechargeable works, has been simplified and discussions are on-going to include this schedule in the Council's 'Fees and Charges', which will result in the schedule being reviewed annually going forward.
1.11	The process of communication with those responsible for the incident has also been streamlined to prevent delays and has resulted in invoices be issued in a timely manner.
1.12	A recent audit by the DVLA looking at the processes in place to allow us to use their data base to identify drivers and owners of vehicles was undertaken in December 2019, and resulted in a 'Green' outcome. This will improve identification process which currently relies on the Police to provide the information.
1.13	Regular reviews are scheduled by the Network Manager to ensure that the process is being followed in a timely manner and strictly adhered to with reconciliations between the original call-out by the Area Coordinator and income accounts being undertaken.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<p>There are no revenue or capital implications as a result of this report, with the recovery of costs incurred is monitored within the service's budgets.</p> <p>There are no implications for additional capacity or for any change to current workforce structures or role, as this element of the service is covered usually through existing on-call and maintenance response arrangements.</p>

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	The Streetscene and Transportation service undertakes specific risk assessments for the provision of these related activities.

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	None.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 - Standard Procedure - County Roads RWO Recording and Recharge

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	Contact Officer: Stephen Jones Telephone: 01352 704700 E-mail: <a href="mailto:stephen.o.jones@flintshire.gov.uk">stephen.o.jones@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	None.