

Summary Sheet

Committee Name and Date of Committee Meeting

Improving Places Select Commission – 14 March 2018

Report Title

Revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment”

Is this a Key Decision and has it been included on the Forward Plan?

Yes - A report will be presented at the Cabinet and Commissioners Decision Making Meeting on 14 May 2018.

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director Regeneration and Environment

Report Author(s)

Andrew Rowley

Ward(s) Affected

All

Summary

This report proposes a revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment”, which includes policies for both Highway Safety Inspection and Skidding Resistance.

The revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” takes account of recommendations within a report commissioned by the Department for Transport named “Well-managed Highway Infrastructure” (A Code of Practice). This new code will replace “Well-maintained Highways”, “Management of Highway Structures” and “Well-lit Highways” in October 2018.

The new code significantly changes from the reliance on specific guidance and recommendations to a risk-based approach to highway asset management. The purpose of a risk based approach for highway safety inspections is to determine the scale of the risk presented by a highway defect in order to prioritise the appropriate category of response.

The introduction of a risk-based approach to highway inspection moves away from a highway inspection system based on specific defect intervention/repair levels and replaces it with a system that requires risk assessment to determine the need for repair works. Therefore, the proposed “Rotherham MBC Code of Practice for

Highway Inspection and Assessment” has been developed taking into account the change in national guidance.

Recommendations

Members are asked to support the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” (Appendix A). Ensuring that the highway is safely maintained, thereby safeguarding users of Rotherham’s highways.

List of Appendices Included

Appendix A –“Rotherham MBC Code of Practice for Highway Inspection and Assessment”

Appendix B – “Well-managed Highway Infrastructure” (A Code of Practice)

Background Papers

Highway Infrastructure Asset Management Guidance Document May 2013

Rotherham MBC - Risk Management Policy and Guide

Rotherham MBC - Highway Asset Management Plan

South Yorkshire Safer Roads Strategy

The Highways Act 1980

Well-managed Highway Infrastructure: A Code of Practice 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

This report will be considered at the Cabinet / Commissioners Decision Making meeting on 14th May 2018.

Council Approval Required

No

Exempt from the Press and Public

No

Revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment”

1. Recommendations

- 1.1 Members are asked to support the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” (Appendix A). Ensuring that the highway is safely maintained, thereby safeguarding users of Rotherham’s highways.

2. Background

- 2.1 The “Well-maintained Highways” (Code of Practice for Highway Maintenance Management) was published in July 2005. It provided local authorities with guidance on how to develop a highway maintenance policy based on best practice. The document prescribed standards and suggested service levels. “Well-maintained Highways” has been regularly referred to during highways claims against local authorities.
- 2.2 The Council’s current “Code of Practice for Highway Inspection and Assessment” is recognised as best practice and has influenced an excellent highway claim repudiation rate. However, the Council’s existing code does not allow for any flexibility in highway inspection frequencies/service levels which are specific to the hierarchy, location and defect dimensions of the road. This is now inconsistent with the new national guidance within “Well-managed Highway Infrastructure” (Appendix B).
- 2.3 “Well-maintained Highways”, “Management of Highway Structures” and “Well Lit Highways” codes were superseded in October 2016 by “Well-managed Highway Infrastructure” which covers all three areas. The revision to these codes is substantial and entirely risk based, moving away from suggested service levels to a system of guidance that encourages authorities to develop their own standards and levels of service based on evidence based risk assessment.
- 2.4 The “Well-managed Highway Infrastructure” guidance enabled highway authorities to adopt a risk-based approach with immediate effect, but otherwise advised that authorities should formally adopt this approach by October 2018. The implementation of a risk based approach to safety highway inspection is set out in section 3.7 (page 22) of the proposed revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment”.
- 2.5 It is considered that the Council’s highway safety inspection and assessment regime is in need of review in order to align with the new guidance, thereby contributing to a robust defence of any highways claims brought against the Council.

3. Key Issues

- 3.1 The Council is responsible for the maintenance of a large highway network covering over 1,160km (725 miles) of roads.
- 3.2 The establishment of an effective regime of inspection, assessment, recording and prioritisation of defect repairs is a crucial component of highway maintenance. It provides a robust framework to address key objectives for the maintenance of the highway in a safe and serviceable manner, as required by Section 41 of “The Highways Act 1980”.
- 3.3 A gap analysis has been undertaken around the recommendations set out in “Well-managed Highway Infrastructure” guidance. This gap analysis has identified some significant areas which need to be incorporated into the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” by the recommended implementation date of October 2018.
- 3.4 The most significant change in the proposed “Rotherham MBC Code of Practice for Highway Inspection and Assessment” is the introduction of a risk based approach to safety highway inspection. The proposed revised code will change the way in which highway inspections are undertaken, moving away from a rigid system to a flexible risk based approach.

This will include:

- 3.4.1 Determination of the frequency of road and footway inspections. Traditionally this was based solely upon road categories (A,B,C and unclassified). The revised code will give additional consideration to any incidents, extreme weather, inspection history, complaints about condition, claims received, condition assessments, traffic flows, changes in use and defect interventions recorded. This will enable a more holistic view to be taken.
- 3.4.2 This will mean that some roads and footways will be inspected more frequently, and some less frequently within road categories. To manage this process road and footway inspection frequencies will be reviewed every two years.
- 3.4.3 Any highway feature with a defect level which corresponds to, or is in excess of, the Minimum Investigatory Level specified within table 3.7.1a (page 23) of the revised code will be assessed by the Highway Inspector using the risk based approach.
- 3.4.4 When a defect has been identified an evaluation of an appropriate response time to repair the defect will be determined through the use of a risk matrix which is set out in Section 3.7 (page 22). The matrix provides for a risk factor score ranging from 1 to 25 and the subsequent evaluation of a response/repair time. Accordingly, the higher the score the quicker the response/repair time. This risk based evaluation will be in accordance with the Council’s Risk Management Policy and Guide, which uses a ‘5x5’ risk matrix and

the "Highway Infrastructure Asset Management Guidance Document".

- 3.5 A revised skidding resistance procedure is proposed within the Highway Assessment section. Skid resistance is an important property of the road surface relating to the safety of highway users, particularly in damp or wet conditions. The Skidding Resistance Policy formalises processes for monitoring skid resistance across the Council's road network on an ongoing basis. It identifies sites where skid resistance may be a potential safety issue and prioritises skid resistance deficient sites for improvement works.
- 3.5 A Safety Highway Inspection Policy reinforces the proposed "Rotherham MBC Code of Practice for Highway Inspection and Assessment" and the risk based approach to inspection.

4. Options considered and recommended proposal

- 4.1 The Council retains its existing procedures with the current "Code of Practice for Highway Inspection and Assessment". However, this approach would not be supported by national guidance after October 2018.
- 4.2 The Council adopts a risk based approach to highway inspection and assessment and implements the revised "Rotherham MBC Code of Practice for Highway Inspection and Assessment" by October 2018.
- 4.3 It is recommended that option 4.2 is adopted as this would follow national guidance and be consistent with other local authorities.

5. Consultation

- 5.1 The "Well-managed Highway Infrastructure" guidance and the proposed revised "Rotherham MBC Code of Practice for Highway Inspection and Assessment" were circulated for consultation in January 2018. Consultees included:
 - The Council's Corporate Risk Manager, Insurance and Risk Manager, Traffic Manager and Legal Services Manager;
 - Emergency Services and South Yorkshire Passenger Transport Executive;
 - Ward Members and Parish Councils;
 - Kennedy's Law Solicitors and Gallagher Bassett Rotherham MBC Insurers;
 - Barnsley, Doncaster, Derbyshire, Kirklees, North Yorkshire, Sheffield and Wakefield Council representatives.
- 5.2 Additionally, the "Association of Public Service Excellence", Doncaster and Barnsley Councils have been specifically consulted regarding the highway defect dimensions and response times for repairs. Barnsley, Doncaster and Rotherham will have consistent minimum investigatory levels which are specified within the new "Rotherham MBC Code of

Practice for Highway Inspection and Assessment” in section 3.7 (pages 23 and 27). For defects that represent an immediate danger to highway users, a consistent response time to make the highway safe has been agreed.

- 5.3 In developing the proposed “Rotherham MBC Code of Practice for Highway Inspection and Assessment” and in addition to taking account of the guidance within “Well-managed Highway Infrastructure”, officers attended a workshop/seminar on the subject, hosted by Kennedy’s Law. This workshop/seminar was attended by insurers, solicitors and other highway authorities to look at best practice and guidance.
- 5.4 The Council’s insurers, Gallagher Bassett, have provided the following feedback regarding the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment”; “Overall, this is one of the most comprehensive inspection policies we have come across.”

6. Timetable and Accountability for Implementing this Decision

- 6.1 The proposed “Rotherham MBC Code of Practice for Highway Inspection and Assessment” will be considered by Cabinet and Commissioners on 14 May 2018.
- 6.2 The Highway Inspection and Enforcement Principal Engineer will be responsible for implementing the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” by October 2018.

7. Financial and Procurement Implications

- 7.1 To maintain the current standard of service and expertise, highway officers will be required to undertake certified training. This will be at a cost of approximately £15,000, which will be funded from the Regeneration and Environment Directorate training budget. Two written quotations have been received for procurement in compliance with the Council’s Standing Orders.

8. Legal Implications

- 8.1 The Council is placed under a duty to maintain its highways by Section 41 of the Highways Act 1980. Section 58 of the Act allows the Council to mount a defence in actions against the Authority if it can demonstrate that it has taken reasonable care to ensure that the highway was not dangerous to traffic. The implementation of the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” will assist the Council to robustly defend highway claims under Section 58 of “The Highways Act 1980”.

9. Human Resources Implications

- 9.1 None directly from this report

10. Implications for Children and Young People and Vulnerable Adults

10.1 None directly from this report

11 Equalities and Human Rights Implications

11.1 The service levels specified within the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” and the risk based evaluation process acknowledges the different users of the public highway. The minimum investigatory levels specified in table 3.7.1a (page 23) are provided as a guide. The vulnerability of all highway users, including cyclists and pedestrians to certain highway defects will be reflected in the risk assessment carried out when deciding the category of the defect.

12. Implications for Partners and Other Directorates

12.1 None directly from this report

13. Risks and Mitigation

13.1 Although the “Well-managed Highway Infrastructure” guidance is not statutory; it provides Highway Authorities with national guidance on highways management. The previous national guidance has been regularly referred to during highways claims against Local Authorities. A failure to follow the new national guidance could expose the Council to an increased risk of highway claims. It is therefore justifiable to adopt the proposed “Rotherham MBC Code of Practice for Highway Inspection and Assessment” to bolster the Council’s defence against highway claims.

14. Accountable Officer(s)

14.1 Ajman Ali, Interim Assistant Director, Community Safety and Street Scene

14.2 Damien Wilson Strategic Director, Regeneration and Environment

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services		
Assistant Director of Legal Services		
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

Report Author:

Andrew Rowley

Highway Inspection and Enforcement Principal Engineer

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories>

Appendix A



Revised Rotherham

Appendix B



Well Managed
Highway Infrastructure