

Summary Sheet

Committee Name and Date of Committee Meeting

Cabinet and Commissioners' Decision Making Meeting - 21 May 2018

Report Title

Revised "Rotherham Metropolitan Borough Council Code of Practice for Highway Inspection and Assessment"

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

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

All

Summary

This report proposes a revised Rotherham Metropolitan Borough Council Code of Practice for Highway Inspection and Assessment, which includes policies for both Highway Safety Inspection and Skidding Resistance.

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

The new Code varies significantly, away from the current reliance on specific guidance and recommendations, to a more flexible, risk-based approach to highway asset management. The purpose of the new risk-based approach is that highway safety inspections determine the scale and likelihood of the risk presented by a highway defect, and use this to determine the appropriate category of response.

The introduction of a risk-based approach to highway inspections moves away from the current rigid inspection system, which dictates specific intervention and/or repair levels based on the type of road, and replaces it with more flexible system based on more holistic risk assessment to determine the need for repair works. This revised approach to Highways Inspection and Assessment will allow the Council to prioritise its resources more effectively, to ensure that roads and footways are kept in a safe condition, and residents are protected from harm. In turn, it will also support the robust defence of any highways claims brought against the Council.

The proposed Rotherham Metropolitan Borough Council Code of Practice for Highway Inspection and Assessment has been developed to take account of this change in national guidance.

Recommendations

1. That the revised Rotherham Metropolitan Borough Council (RMBC) Code of Practice for Highway Inspection and Assessment (Appendix A) be approved and implemented by October 2018. This will ensure that Rotherham's highway network is safely maintained, thereby safeguarding users.
2. That Cabinet support the recommendation of Improving Places Select Commission that a further update, incorporating additional performance management data, will be provided to Improving Places Select Commission and the Cabinet Member for Waste, Roads and Community Safety.

List of Appendices Included

Appendix A Rotherham Metropolitan Borough Council 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 Metropolitan Borough Council - Risk Management Policy and Guide

Rotherham Metropolitan Borough Council - 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

Improving Places Select Commission - 14 March 2018

Council Approval Required

No

Exempt from the Press and Public

No

Revised Rotherham Metropolitan Borough Council Code of Practice for Highway Inspection and Assessment

1. Recommendations

- 1.1 That the revised Rotherham Metropolitan Borough Council (RMBC) Code of Practice for Highway Inspection and Assessment (Appendix A) be approved and implemented by October 2018. This will ensure that Rotherham's highway network is safely maintained, thereby safeguarding users.
- 1.2 That Cabinet support the Scrutiny recommendation that a further update, incorporating additional performance management data, will be provided to Improving Places Select Commission and the Cabinet Member for Waste, Roads and Community Safety.

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 set prescribed standards and suggested service levels.
- 2.2 The Council's Highways Policy, adopted in 2015, outlined that the Council will: *"...follow good asset management principles to deliver highway services to achieve its long-term corporate priorities effectively. Through well managed and maintained highways we will keep people and goods moving, providing a resilient network to enhance productivity and support economic growth. Our primary objective is to keep Rotherham's roads and footways in a safe condition and to nationally recognised standards for all our users. Resources will be prioritised and targeted to achieve maximum value for money according to these principles."*
- 2.3 The Council's current "Code of Practice for Highway Inspection and Assessment" is recognised as best practice. However, the existing Code does not allow for any flexibility in highway inspection frequencies or service levels which are specific to the category of road, location and size of the defect. RMBC's Code is now inconsistent with the new national guidance within "Well-managed Highway Infrastructure" (Appendix B).
- 2.5 "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.

- 2.6 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 RMBC Code of Practice for Highway Inspection and Assessment in Appendix A.
- 2.7 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. This revised approach to Highways Inspection and Assessment will allow the Council to prioritise its resources more effectively, to ensure that roads and footways are kept in a safe condition, and residents are protected from harm. In turn, it will also support the 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 RMBC Code of Practice for Highway Inspection and Assessment by the recommended implementation date of October 2018.
- 3.4 The most significant change within the proposed RMBC Code of Practice for Highway Inspection and Assessment is the introduction of a risk-based approach to safety highway inspection. The proposed Code will change the way in which highway inspections and repairs are undertaken, moving away from a rigid system to a flexible risk based approach.

3.5 Inspection Frequency

- 3.5.1 At present highways inspection frequencies are based solely on the category of road (A, B, C and unclassified). The revised Code will allow the Council to 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, when deciding on the frequency of inspection. This will enable a more holistic view to be taken and mean that some roads and footways will be inspected more frequently and some less frequently within the same road categories, depending on the level of risk. To manage this process road and footway inspection frequencies will be reviewed every two years.

3.6 Response to Defects

- 3.6.1 At present any highway feature with a defect level which corresponds to certain intervention levels will be ordered for repair within specified timescales. For example, any pothole that is 300 mm wide and 40 mm deep would be ordered for a repair within 4 or 24 hours regardless of the category of the road and the location of the defect on the road surface.
- 3.6.2 Under the revised Code any defect in excess of the Minimum Investigatory Level specified within table 3.7.1a (page 23) of the revised Code (see Appendix A) will be assessed by the Highway Inspector using the risk-based approach. 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) of Appendix A. The matrix provides for a risk factor score ranging from 1 to 25; the higher the score the quicker the response or 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".
- 3.6.3 As an example, this could mean that for two potholes of the same dimension, the timescale for repair may be different, depending on the location of the pothole within the road and the type and frequency of traffic (vehicles, pedestrians and cyclists) using the road.

3.7 Skid Resistance

- 3.7.1 In addition 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.
- 3.8 A Safety Highway Inspection Policy reinforces the proposed RMBC Code of Practice for Highway Inspection and Assessment and the risk based approach to inspection.

4. Options considered and recommended proposal

- 4.1 The options considered by the Council were:

- a) That 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.

- b) That 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.

4.2 It is recommended that option identified in paragraph 4.1 b) above is adopted, as this would follow national guidance, be consistent with other local authorities and support the delivery of a more risk-based, prioritised and flexible approach to maintenance of the public Highway and the protection of residents and highway users from harm.

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 A presentation on the draft revised Rotherham MBC Code of Practice for Highway Inspection and Assessment was made to the Improving Places Select Commission on 14 March 2018. Members were informed of the changes to national guidance and robustly challenged the revised Rotherham MBC Code of Practice for Highway Inspection and Assessment. Scrutiny made the following recommendations:

- a) That the revised “Rotherham MBC Code of Practice for Highway Inspection and Assessment” (Appendix A) be supported to ensure that the highway is safely maintained, thereby safeguarding users of Rotherham’s highways.
- b) That performance management data published on the website should also be shared with the Improving Places Select Commission. A copy of the performance management data for the period March to December 2017 was submitted to the Chair of Improving Places Select Commission on 26 March 2018.
- c) That feedback will be provided on any areas requiring further clarification. Feedback on the areas was subsequently provided to the Chair of Improving Places Select Commission during week commencing 19 March 2018.

- d) That further updates be provided to Improving Places Select Commission in due course, and for this to include corporate resident satisfactory survey data, an identification of any savings and if there has been any reduction in accidents. The Assistant Director for Community Safety and Street Scene and the Chair of Improving Places Select Commission have agreed for a wider performance management report, inclusive of accident and customer survey data, to also be presented to Improving Places Select Commission in the summer of 2019.

5.2 All of the recommendations have been accepted and are being progress fully.

5.3 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 RMBC Code of Practice for Highway Inspection and Assessment (Appendix A, 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.

5.4 In developing the proposed RMBC 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.

5.5 The Council’s insurers, Gallagher Bassett, have provided the following feedback regarding the revised RMBC 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 Highway Inspection and Street Works Manager will be responsible for implementing the revised RMBC 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 RMBC 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 Appendix A (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 RMBC Code of Practice for Highway Inspection and Assessment to bolster the Councils defence against highway claims.

14. **Accountable Officer(s)**

Tom Smith, Assistant Director, Community Safety and Street Scene
Damien Wilson, Strategic Director of Regeneration and Environment

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance and Customer Services	Judith Badger	26.04.2018
Assistant Director of Legal Services	Dermot Pearson	26.04.2018
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

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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 Rother

Appendix B



Well Managed
Highway Infrastructu