

Decision Maker: ENVIRONMENT & COMMUNITY SERVICES PORTFOLIO
HOLDER

For Pre-Decision Scrutiny by the Environment & Community Services
PDS Committee on:

Date: 20th November 2018

Decision Type: Non-Urgent Executive Non-Key

Title: HIGHWAYS CODE OF PRACTICE

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

This report presents information regarding the content and publication of a new highway guidance document 'Well-managed Highway Infrastructure – a Code of practice' and makes recommendations for implementation.

2. **RECOMMENDATIONS**

The Portfolio Holder approves:

- 2.1 Adoption of the publication 'Well – managed Highway Infrastructure – A Code of Practice', its recommendations and risk based approach for the management of the highway network.
- 2.2 The Highway Asset Management Policy and Strategy (Appendix).
- 2.3 The content of the documents included in the appendices regarding Risk based approach for Highway Inspections; Network Hierarchy/Frequency of highway inspection; and Investigatory Levels.

The Portfolio Holder notes:

- 2.4 Progress in meeting the remaining recommendations of the Code of Practice.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Positive, broad impact on members of the community/users of the highway
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Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: Estimated Cost: No additional cost
 2. Ongoing costs: No additional cost
 3. Budget head/performance centre: Highway Maintenance and TfL funding
 4. Total current budget for this head: £6.5m and £833k
 5. Source of funding: Existing revenue budget 2018/19 and TfLFunding 2018/19
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Personnel

1. Number of staff (current and additional): 19 fte
 2. If from existing staff resources, number of staff hours: 19 fte
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Legal

1. Legal Requirement: Non-Statutory
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: None
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 In 2003 the Council, as Highway Authority, had adopted, in principle, highway maintenance guidance according to the publication “Well maintained highways – A Code of Practice on Highway Maintenance Management”. A revised version of that document was published in 2005 and in response to the amendments, the Portfolio Holder approved changes to the Council’s highway safety inspection policy and procedures.
- 3.2 A new document, ‘Well – managed Highway Infrastructure – A Code of Practice’, was published by the UK Roads Liaison Group (UKRLG) in October 2016 This replaces the existing code, covering the management of the carriageway, footways, street lighting and structures highway assets and following an initial implementation period, UKRLG advises that the new document now officially supercedes all previous versions.
- 3.3 The new CoP is designed to “promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment”. The UKRLG guidance recommends that this approach to asset management is formally approved.

Information

- 3.4 Section 41 of The Highways Act 1980 currently provides that the highway authority is under a duty to maintain the highway. The legislature has balanced that duty through a statutory defence in section 58 of The Highways Act 1980 i.e the highway authority must prove it has taken reasonable care in respect of repair. Courts have particular regard to the character of the highway and traffic expecting to use it, the relevant standards of repair for that type of highway and whether the highway authority could have expected to have known about the highway condition and could have been expected to have repaired the highway.
- 3.5 Section 58 envisages a risk based approach when establishing systems of maintenance and what is reasonable. The CoP (recommendation 7) is centred on the principle of risk based approach and hence an understanding of the highway network, the potential risks and an appreciation of their significance. The risk based approach will include investment, setting levels of service, operations, including safety and condition inspections and including repair priorities and replacement programmes. There are no prescriptive or minimum standards in the CoP. A risk based approach, taking advice presented in the CoP, will support this Council in continuing to determine and implement levels of service relevant to this borough.
- 3.6 While the CoP is not a legal requirement, it does recommend highway maintenance standards and is frequently a key component in court decisions and determining whether or not a highway authority is complying with good industry practice and its statutory duty to maintain and repair the highway. As such failure to adopt the CoP and its recommendations may compromise the Council’s defence and impact its current repudiation rate.
- 3.7 The CoP identifies 36 recommendations and these are listed in the Appendices together with the Council’s progress in implementing the recommendations. The recommendations published in the CoP cover all areas of the highway maintenance service for roads under the control of the Council as Highway Authority.

- 3.8 CoP recommendations 1 and 3 seek publication of the Council's Highway Asset Management Policy and Strategy plus formal approval of the Council's policy and use of the code. The purpose of the Policy is to broadly demonstrate how highway asset management supports the Council's corporate vision and aims and response to the Mayor's Transport Strategy. A copy of the Highway Asset Management Policy can be found at Appendices.
- 3.9 The policy and strategy will be implemented according to the Council's Highway Asset Management Framework. The framework provides the opportunity to document how the Council is working towards an integrated asset management approach to management of the Council's highway infrastructure. The document will help facilitate and provide order to the development of further strategic service documents including policies, road hierarchy/networks and maintenance management plans. Some service areas within Highways Division already publish Policy and Plan either in approved or draft form. The Council's Winter Service Policy and Plan is an example of the type of documents we shall produce across the highway asset maintenance service. This document has recently been updated and is published on the Council's website. The Council is currently developing its draft Highway Asset Management Framework document and this is being revised in light of the new CoP. Once completed the Highway Asset Management Framework shall be presented to a future meeting of this committee for endorsement, according to recommendation 2 of the CoP.

Network Hierarchy/Highway Inspection Frequency/Investigatory Levels

- 3.10 CoP recommendation 12 notes that a network hierarchy or a series of related hierarchies should be defined. A copy of Bromley's hierarchy can be found in the Appendices. Considerations when determining the hierarchy include current and expected use, resilience and local economic and social factors such as local traders, schools, transport hubs etc. as well as the desirability of continuity and of a consistent approach for walking and cycling. There is recognition that the network continues to evolve and hence there shall be a need for regular review of the hierarchy in the future.
- 3.11 The CoP recommends Highway Authorities adopt a risk management regime for all aspects of highway maintenance policy. Accordingly the Council has developed routine inspection plans for all our highway assets and the outcomes of those routine inspections help inform future work programmes. Recommendation 16 from the CoP makes specific reference to regular safety inspections and while the recommendation is for all highway assets this has most relevance to the Council's carriageway and footway asset. These are recognised as amongst the most frequently used highway asset and specific risk matrices and investigatory levels used in conjunction with network Hierarchy, have been developed accordingly. A document describing the Council's methodology for implementing highway safety inspections including inspection frequency can be found in the Appendices.

Discussion

- 3.12 The new CoP promotes the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk based assessment. This is a change from reliance on specific guidance and recommendations published previously. The Council have understood the benefits of delivering the highway service using highway asset management principles, including a risk based approach, on a long standing basis. The Council has invested in planned programmes of carriageway and footway works to best utilise Council resources and hence minimise the level of reactive works required, extending this principle recently in delivery of the Street Lighting Invest to Save programme of work. A summary highway asset management plan has been available since 2010 (background documents, ref iii) referencing the Council's approach to highway risk and our asset management approach since that time.

3.13 Publication of the CoP has acted as a prompt to revisit the Council's highway procedures and to help improve our documenting of those procedures. This shall support the Council's general approach to provision of a section 58 defence and, in particular in the event matters escalate and claims for compensation are brought against this Council.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Improving lighting in the borough will help ensure improved access to the Council's highways, and will contribute to a safer highway.

5. POLICY IMPLICATIONS

5.1 Environment Portfolio Plan – Improving the street scene, maintain roads pavements and street lighting in good condition.

6. FINANCIAL IMPLICATIONS

6.1 Highway maintenance will continue to be carried out using existing revenue budgets, investment monies, TfL funding, government grants and any other external funding secured.

7. LEGAL IMPLICATIONS

7.1 The Highways Act 1980 empowers the Council as Highway Authority to provide lighting. The Council has a duty of care to the highway user and must ensure it can demonstrate it has systems and programmes in place to ensure the safety of all highway lighting equipment.

Non-Applicable Sections:	Personnel Implications Procurement implications
Background Documents: (Access via Contact Officer/online)	i) Report ELS6028-Highway Safety Inspection Policy ii) Well – managed Highway Infrastructure – A Code of Practice. http://www.ukroadsliaisongroup.org/en/codes/ iii) Bromley's Streets – Our Plan https://www.bromley.gov.uk/downloads/file/751/bromleys_streets_our_plan