

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 27 June 2018

REPORTING OFFICER: Strategic Director Enterprise, Community &
Resources

PORTFOLIO: Transportation

SUBJECT: Liverpool City Region Highway Safety
Inspection Framework

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 The Highways Act 1980 (Section 41) places a statutory duty on all Highway Authorities to maintain the highway network under their control.
- 1.2 Given this duty, this report seeks endorsement of the proposal for the Council to adopt the Liverpool City Region Highway Safety Inspection Framework (LCR Framework) (Appendix A). This is based on a revised UK code of practice for highways authorities, '*Well-Managed Highway Infrastructure*', published by the UK Roads Liaison Group (UKRLG), and local authorities have until October 2018 to adopt the risk-based approach. The Code represents best practice in the industry.

2.0 RECOMMENDATION: That

- 1. The Board endorse the adoption of the principles set out in Liverpool City Region Highway Safety Inspection Framework which has been written to reflect the Well-Managed Highway Infrastructure Code of Practice.**
- 2. The Board recommend the Executive Board adopt a revised Council Highways Safety Inspection Policy based on the LCR Framework.**

3.0 BACKGROUND AND SUPPORTING INFORMATION

- 3.1 The LCR Framework is based on the recommendations set out in the Well Managed Highway Infrastructure Code of Practice 2016. This is relevant to highway safety inspections and introduces a move to a risk based approach with regard to the safe use of the highway. This Code represents best practice in the sector.
- 3.2 Section 41 of the Highways Act 1980 places a statutory duty on all Highway Authorities to maintain the highway network under their control.

For there to be a breach of section 41 there must have been a failure to maintain or a failure to repair.

- 3.3 Highway Authorities need to prove that they have taken such care in all circumstances reasonably required to ensure that a part of the highway is not hazardous or potentially hazardous. This is usually proved by the Council having a reasonable system of routine scheduled highway safety inspections in place having regard to various factors set out within section 58 of the Highways Act 1980
- 3.4 This framework has been developed with the primary aim of providing direction to those officers involved in undertaking highways safety inspections that they may carry out their duties with consistency and to clear recognised and understood criteria.
- 3.5 The information contained within this framework sets out the practices in terms of network hierarchy, investigatory levels, frequency of inspection and response times to repair defects identified on a risk based approached.
- 3.6 In practical terms, the reason for adopting the LCR Framework is to demonstrate that Halton, alongside all of the other LCR Councils, can meet the requirements of the new Code of Practice. This gives the benefits of consistency in inspection between neighbouring highway authorities, and also a legal defence against claim for damages for non-repair of highway through adherence to the latest Code of Practice. From a resident's point of view, as the investigatory levels in the new policy are in line with the existing policy, it is unlikely that the public in Halton will notice any difference in the day to day provision of the Highway service within our boundary. As high frequency routes are prioritised, the cross boundary travel experience for users may be improved as all routes should be maintained to the same level.
- 3.7 The Authorities listed below have collaboratively contributed to this framework of principles in order to provide a regionally consistent special defence by virtue of Section 58 of the Highways Act 1980 in an action against the Council for an alleged breach of Section 41.
 - Halton Borough Council
 - Knowsely Borough Council
 - Liverpool City Council
 - St Helens Borough Council
 - Wirral Borough Council
 - Sefton Borough Council
 - Warrington Borough Council
 - Lancashire County Council

4.0 POLICY IMPLICATIONS

- 4.1 Currently, Halton's Highway Safety Inspection Policy is based on the guidance contained in the 2005 Well Maintained Highways Code of Practice. However, a revised UK code of practice for highways authorities, '*Well-Managed Highway Infrastructure*' (the 'Code'), published by the UK Roads Liaison Group (UKRLG) gives Local authorities until 28 October 2018 to adopt the risk-based approach.
- 4.2 The Code is designed to promote integrated asset management for highway infrastructure, based on a risk-based approach to local service levels. The Code states that 'a risk-based approach should be adopted for all aspects of highway infrastructure maintenance, including setting levels of service, inspections, responses, resilience, priorities and programmes'. To back this up, authorities are encouraged to develop appropriate records and make a detailed inventory of highways assets and keep the quality, currency, appropriateness and completeness of all data supporting asset management under regular review.
- 4.3 'A network hierarchy, or a series of related hierarchies, should be defined which include all elements of the highway network, including carriageways, footways, cycle routes, structures, lighting and rights of way. The hierarchy should take into account current and expected use, resilience, and local economic and social factors such as industry, schools, hospitals and similar, as well as the desirability of continuity and of a consistent approach for walking and cycling,' the Code states.
- 4.4 Therefore, the current Halton Borough Council Highway Safety Inspection Policy (based on the 2005 code) will require revision to adopt the principles in '*Well-Managed Highway Infrastructure*' which are now reflected in the Liverpool City Region Highway Safety Inspection Framework (Appendix A).
- 4.5 A revised Halton Highway Safety Inspection Policy will therefore reflect a move to a risk based approach, which takes into consideration network hierarchy, network condition, claims history in reviewing frequency of inspection, and take cognisance of response times and investigatory levels. This therefore represents a change from reliance on specific guidance and recommendations in the previous Codes

5.0 FINANCIAL IMPLICATIONS

- 5.1 Transition to the new framework will be met within existing budgets and primarily represents a change in working practices.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 **Children and Young People in Halton**

The safe condition of the Highway affects all service users alike. There are no specific issues applicable to children and young people.

6.2 Employment, Learning and Skills in Halton

The safe condition of the Highway affects all service users alike. There are no specific issues applicable to Employment, Learning and Skills.

6.3 A Safer Halton

There are no specific implications

6.4 Halton's Urban Renewal

There are no specific implications.

7.0 RISK ANALYSIS

7.1 The Council has a duty to meet its legal obligations. Failure to provide such would breach this duty and place the Council liable to legal sanction. Not following the principles set out in the Code or the LCR Framework would put the Council in a position where it was not following industry best practice and would therefore potentially increase exposure to claims under Section 41 of the Highways Act 1980.

7.2 This proposal introduces a policy to ensure as far as practicable, the safety of the public and reduces potential damage to infrastructure and property.

8.0 EQUALITY AND DIVERSITY ISSUES

There are no equality and diversity implications.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

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