

REPORT TO: Executive Board

DATE: 17 June 2021

REPORTING OFFICER: Strategic Director Enterprise, Community & Resources

PORTFOLIO Environment and Urban Renewal

SUBJECT: Highway Safety Inspection Policy

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 A revised Highway Safety Inspection Policy is presented for adoption.

2.0 RECOMMENDATION:

2.1 Approval of the a revised Highways Safety Inspection Policy (Appendix A) and schedule of inspection areas and frequencies (Appendix B).

3.0 BACKGROUND AND SUPPORTING INFORMATION

3.1 The revised policy is based on the Liverpool City Region Highway Safety Inspection Framework that is drafted in accordance with the recommendation set out in the Well Managed Highway Infrastructure Code of Practice 2016 relevant to highway safety inspections. This introduces a move to a risk based approach with regard to safe use of the highway.

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 the highway.

3.3 Those 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.

- Knowsely Borough Council
- Liverpool City Council
- St Helens Borough Council
- Wirral Borough Council
- Sefton Borough Council
- Warrington Borough Council
- Lancashire County Council

- 3.4 Highway Authorities must 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 proven 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.
- 3.5 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.
- 3.6 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 approach.

4.0 POLICY IMPLICATIONS

- 4.1 The Council has a duty to provide a properly planned and resourced service. Failure to provide such would breach this duty and place the Council liable to legal sanction.
- 4.2 The current Halton Borough Council Highway Safety Inspection Policy is based on the guidance contained in the 2005 Well Maintained Highways Code of Practice and has been reviewed and amended to reflect the principles adopted in the Liverpool City Region Highway Safety Inspection Framework.
- 4.3 Amendments to the current Halton Borough Council Highway Safety Inspection Policy reflect a greater focus on the assessment of risk, which takes cognisance of network hierarchy, network condition, claims history in reviewing frequency of inspection, and investigatory levels.
- 4.4 Highway Safety Inspections are currently undertaken on foot where safe working allows, exceptions to this are high speed roads and rural roads with no footpath.
- 4.5 The current system of inspection has the highway network is divided into areas and each area is inspected at least quarterly. Following the risk assessment that has been undertaken no change is proposed to the current inspection frequencies (Appendix B).

5.0 OTHER IMPLICATIONS

5.1 Children and Young People in Halton

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

5.2 Employment, Learning and Skills in Halton

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

5.3 A Safer Halton

The safe condition of the highway benefits all service users

5.4 Halton's Urban Renewal

Well maintained highways help with civic pride and contribute to good transport links that influence inward investment and growth.

6.0 RISK ANALYSIS

- 6.1 Failure to meet our legal obligations would expose the Council to considerable financial risk from claims against the Council.
- 6.2 The inspection regime ensures, as far as practicable, the safety of the public, and reduces potential damage to infrastructure and property.

7.0 EQUALITY AND DIVERSITY ISSUES

There are no equality and diversity implications.

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

Appendix A

Highway Safety Inspection Policy

Appendix B

Inspection Areas and Frequencies