



# Cabinet (Resources) Panel

## 6 May 2014

<b>Report title</b>	Highway Safety Inspection Policy 2014	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Key decision</b>	No	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Transportation Services	
<b>Accountable employee(s)</b>	Bob Willis	Service Manager
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<b>Report to be/has been considered by</b>	n/a	

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### Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the revisions to the current highway safety inspection policy pending the outcome of consultation on the draft document.
2. Approve the draft highway safety inspection plan for consultation with relevant stakeholders.
3. Receive a further report to approve the highway safety inspection plan on completion of the consultation.

## **1.0 Purpose**

- 1.1 To seek approval to an interim highway safety inspection policy, pending the outcome of the consultation and finalisation of the draft highway safety inspection guide. The changes to the current policy will support the Council in meeting its statutory duty to maintain the highway as defined under Section 41, Highways Act 1980.
- 1.2 The draft guide will form the basis of a future policy for the provision of highway safety inspections for use on all adopted and publically maintainable highways within the City and other similar sites as required. The draft guide will be used as the basis of a consultation with relevant stakeholders, to ensure that the competing needs are adequately addressed and to provide the Council with a robust defence against claims.

## **2.0 Background**

- 2.1 The Council, as the local highway authority, has a statutory duty under Section 41, Highways Act 1980 to maintain the highway at public expense in a safe and serviceable manner for all road users. Failure to discharge this duty can lead to claims against the Council for compensation resulting from damage or injury due to a failure to maintain the highway.
- 2.2 To support the Council in undertaking this duty, Section 58, Highways Act 1980 provides the highway authority with a “special defence” in respect of an action against it for damages for non-repair of the highway. This special defence requires the highway authority to prove that it has taken reasonable care. Part of the defence rests upon whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway.
- 2.3 The document “Well-maintained Highways - Code of Practice for Highway Maintenance Management” (CoP) is part of a suite of documents available to a local highway authority to assist with the development of policy and strategy for managing highway infrastructure. The CoP includes recommendations and guidance on how an authority can meet the requirements of the Section 58 defence. This can be done by undertaking inspections in a regular systematic manner and in accordance with an approved policy.
- 2.4 The current guidance used to support the delivery of the highway safety inspection programme was published as part of the specification for the Wolverhampton City Council Highway Maintenance Term Contract in 2004. This document includes details for defect categorisation based on the degree of risk presented to road users. It also includes the frequency of inspection for each site which is based on factors such as the road classification and local knowledge of the highway, etc.
- 2.5 The current practice ensures that all sites included within the programme of inspections are inspected as part of either a monthly, quarterly or six-monthly routine, subject to available resources. This regime means that some sites are inspected more frequently than required when compared to the guidance provided in the CoP. The draft guide seeks to review and revise the inspection network and frequency of inspections for each site, bringing the inspection cycle into line with official guidance.

- 2.6 The revisions to current practice are needed to incorporate changes to the method of data collection, provide more supporting documentation and to ensure that the data collected as part of the survey is fully utilised in the management of the highway network. Staffing and resources are increasingly limited but these changes will ensure the inspections continue to provide a robust defence against third party claims. Inspections will also be delivered in a more cost effective and efficient manner than currently.
- 2.7 The interim policy will adopt a 'clean sheet' survey for each inspection. Defects identified during previous inspections will no longer be reviewed and re-inspected during a subsequent inspection. When a defect is found it will be recorded as a new defect. Although some duplication will occur, this should only affect Category 2 type defects (see paragraph 2.9). In order to minimise duplication, the use of inspection sheets will be reduced to only record items which need to be reported to third parties for further action, for example minor defects to utility apparatus, vegetation from a front garden overhanging the footway, etc. The interim policy will also revise the planned inspection frequency to change those sites inspected on a six monthly cycle to be inspected annually.
- 2.8 The draft guide will continue to provide for inspections in accordance with the recommended frequency given in the CoP, with every site subject to an annual 'walked' inspection. Each highway site on the network is given a hierarchy classification for both the footway and carriageway elements. Although the footway hierarchy will be used to establish the overall inspection priority, it is recognised that additional inspections may be required for the carriageway.
- 2.9 The current guidance categorises defects in the highway in the following manner. Each of these has a different level of response for repairs:
- Category 1A (Cat 1A) defects (response for repair or to make safe is within 2 hours).
  - Category 1B (Cat 1B) defects (response for repair or to make safe is within 24 hours/next working day).
  - Category 2 (Cat 2) defects (response is to monitor or repair within planned programmes of work).
- 2.10 The inspector assesses the risk a defect presents to road users based upon the site location, hierarchy, likelihood of predictable deterioration and the requirement for a permanent or temporary repair. Other factors will also be taken into account, for example, the defect's position, the nature of the site and its likely level of use. The Highway Safety Inspectors will continue to exercise their judgment and discretion in deciding whether to record an individual defect and how to categorise it.
- 2.11 The interim policy will focus on Cat 1A and Cat 1B defects. Some Cat 2 defects will continue to be recorded and a simple condition assessment applied to the footway and carriageway features. The assessment will mitigate the potential loss of data that may arise from limiting the use of the Cat 2 defect.

### **3.0 Financial implications**

- 3.1 This report has no immediate direct financial implications. The changes to policy proposed as an interim measure will assist with the delivery of the service in a more cost effective way and reduce the Council's exposure to third party claims. The draft guide may have implications that need to be considered as part of the consultation.

[ES/24042014/M]

### **4.0 Legal implications**

- 4.1 Delivery of the highway safety inspection programme will be in accordance with the recommendations contained in the CoP.

[AS/17042014/P]

### **5.0 Equalities implications**

- 5.1 This report has no direct equalities implications, but the revised guide will be subject to an equalities analysis screening.

### **6.0 Environmental implications**

- 6.1 Ensuring a robust inspection regime for the public highway is in place has clear environmental benefits in ensuring good maintenance and safety standards.

### **7.0 Human resources implications**

- 7.1 The current policy revised as part of the report will be managed within existing resources and budgets.

### **8.0 Corporate landlord implications**

- 8.1 None

### **9.0 Schedule of background papers**

- 9.1 Wolverhampton City Council Highway Maintenance Term Contract in 2004: Appendix 1/29 Safety Inspections, Special Conditions
- 9.2 Draft Highway Safety Inspection Guide