

To the Portfolio Holder for Regeneration and Transportation

Highways Safety Inspection and Highways Pothole Policies

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Blackham	All	Yes

EXECUTIVE SUMMARY

1. The existing Highway Inspection Policy was last updated in 1996; this report provides details on updating this policy in line with the 2005 CoPHMM and also introduces a new pothole policy.

The main differences between the old policy and the new policy are; slight amendments to the road and footway hierarchies and their associated frequency inspection, along with revised response times for responding to priority two (high) defects, which will allow for legislative and network registration compliance.

Over the last five years Doncaster Council have managed to attain a 80% repudiation rate against third party liability claims received, which equates to having saved the authority £4.5million on the value of claims submitted. This position is now being challenged due the council having not formerly adopted the 2005 CoPHMM.

The two polices are safety guidance documents which allow Doncaster Council to define their process for highway safety inspections and for defending our position in court.

The new highway inspection policy adopts a Risk Based Approach (RBA) for identifying and categorising safety defects which is in line with industry standard recommendations.

In addition to assisting in Doncaster Councils statutory defence, both polices align to the recommendations contained within the HMEP DfT document and are crucial components in securing capital funding for highway maintenance.

- Highway Safety Inspections Policy**, in alignment with the guidance provided within the Well Maintained Highways - Code of Practice for Highway Maintenance Management July 2005 (CoPHMM).
- Highways Pothole Policy**, which sets out Doncaster Councils' definition of what constitutes a pothole within the adopted highway in alignment with the recommendation provided in the Department of Transport - Highways Maintenance Efficiency Programme April (DfT HMEP) – April 2012.

The report seeks approval for the adoption of the Policies as the basis for the implementation of a modern, compliant and effective highway inspection regime, and an effective pothole remedial action process both of which will be delivered by way of a Highways Safety Inspection Manual which compliments these policies.

Doncaster Council's Highway Safety Inspection Policy (Appendix A) provides details of the principles adopted in developing the inspection regime whilst Doncaster Council's Highway Pothole Policy (Appendix B) provides details of the principles adopted in defining a pothole within the adopted highway. Both policies take into account the Council's highway maintenance priorities, legal obligations, service standards, stakeholder consultation, service delivery and improvement initiatives and are aligned to each other.

The policies provides the connectivity between Council Governance through a process of Enabling, Planning and Service Delivery and takes account of Doncaster's Corporate Plan and Priorities 2014-17.

The policies are overarching documents which are applied to the safety maintenance of the core highways infrastructure asset groups of:-

- Adopted Carriageways and Footways
- Bridges, Retaining Walls and Other Highways structures
- Flood Risk and Drainage
- Street Lighting
- Traffic Signals

The inspection policy also applies to other non-highway authority assets that may have an impact on the safety of highway users, e.g. utility apparatus.

EXEMPT REPORT

2. The information contained in this report is not exempt from publication.

RECOMMENDATIONS

3. It is recommended that these policies for Highways Safety Inspections and Pothole definition are recognised and approved by the Portfolio Holder for Regeneration and Transportation as providing the basis for the implementation of a modern and compliant highway inspection regime, and an efficient pothole remedial action process.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Doncaster's citizens will have the assurance and safeguard that a system of good quality highway safety inspections along with a consistent system of identifying and categorising potholes will be adopted and applied throughout the borough and underpins the way for an effective and efficient holistic approach to service delivery.

These two policies define our process and intent for carrying out highway safety inspections and associated repairs within the adopted highway.

There is a separate process for highway structural schemes (resurfacing) which is applied through a value management process which is not connected to the highway safety repair processes that these policies relate to.

BACKGROUND

5. Doncaster Council's highway inspections, intervention criteria and response time are currently based on a Public Works Committee memorandum dated 1996 which is no longer considered to provide an efficient or effective approach and is often challenged and brought into question when attending court defending third party liability claims.

The new Highways Safety Inspection Policy and Pothole Policy are aimed at Council Members, senior management and key service stakeholders and will align to the recommendations contained within the Department of Transport - Highways Maintenance Efficiency Programme April (DfT HMEP) – April 2012) and is supported by the guidance provided within the Well Maintained Highways - Code of Practice for Highway Maintenance Management July 2005 (CoPHMM).

In addition it will align to the new Well Managed Highway Infrastructure – Code of Practice October 2016, which will need to be fully implemented by October 2018 which promotes the adoption of a risk based approach to highway asset management.

The provision of Council approved Policies is therefore vital in order to secure a modern and robust system of highway safety inspection and of identifying and categorising potholes within the adopted highway. A clearly defined and approved policy will assist in protecting the litigation and financial interests of Doncaster Council.

These policies will be delivered by means of a highway inspector's safety manual which provides guidance on how they should implement the processes whilst undertaking their duties.

At the present time highway safety defects are generally identified with spray paint which allows the highway operations department to locate the actionable defect on site and repair it.

Both the Highway Asset Maintenance team and the Highway Operations team are working with ICT to develop the Cyclops system (electronic costing and works management system) with a view to implementing an electronic solution that the onsite operatives can utilise (hand held devices) to locate actionable defects on site that have been identified by the Highway Inspectors, which should reduce or eliminate the requirement for physically marking out defects.

Due to the infancy stage of the Cyclops system for works order management it is currently anticipated that this electronic means of identifying and locating specific defects for repair (without marking them up with spray paint) will be implemented in approximately twelve – eighteen months' time.

OPTIONS CONSIDERED

6. The do nothing option will result in the continuation of working to the Public Works Committee memorandum dated 1996 which has been challenged on a number of previous occasions. Failure to approve the Policy will result in an increased risk of being unable to successfully resist and defend third party liability claims, leading to increased claims and costs.

REASONS FOR RECOMMENDED OPTION

7. The establishment of an effective regime of Highways Safety Inspection Policy and Pothole Policy are a crucial component of highway maintenance and covers the core objectives of network safety, serviceability and sustainability. In addition it can provide basic valuable condition data to assist in the development of planned highway maintenance programmes, and aids meeting the recommendations and objectives set out in Department of Transport - Highways Maintenance Efficiency Programme (DfT HMEP) – April 2012. It is a key factor for securing funding from the Department of Transport incentive fund.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Road maintenance underpins the delivery of all other services and promotes regeneration initiatives, prosperity and industrial and commercial enterprises. Well maintained highways create the right conditions for growth by improving our external image, our connections and the major infrastructure.</p> <p>Reduces, congestion, pollution, journey times, fuel usage, damage and injury.</p> <p>Enhances the street scene.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Addresses aspects of social inclusion by promoting the ability to travel on safe and serviceable highways network.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Supports a safer and enduring environment for road users and a sense of well-being for local residents. Encourages pride in the local environment.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Supports a safer and enduring environment for road users and a sense of well-being for local residents. Encourages pride in the local environment.</p>

	Council services are modern and value for money.	Having a clear definition of what constitutes a pothole aligned to a risk based approach, along with identifying defects within the highway infrastructure at an early stage will reduce the amount of costly reactive works allowing works to be programmed in a more efficient manner which will support planned permanent and preventative road maintenance repairs which will prolong the life of the road and is cost effective in the long-term.
	Working with our partners we will provide strong leadership and governance.	Compliance with governance protocols and partnership working arrangements provides the platform from which cost efficient and effective highways maintenance services are delivered.

RISKS AND ASSUMPTIONS

9. One of the ambitions of the Doncaster Council is to reduce the number of third party liability insurance claims being brought against the highway authority. This is driving the need to have an updated, modern and fit for purpose inspection system and pothole definition criteria which are supported by compliant Council approved policies.

Without having approved policies, Doncaster Council will be exposed to increased risk of being unable to defend its inspection regime, pothole identification and response times, resulting in increased third party claims and insurance costs for the authority.

LEGAL IMPLICATIONS

10. The Highways Act 1980 imposes a duty upon the Highway Authority to maintain the adopted highway network in such a way so as to ensure the safe passage of all. The Traffic Management Act 2004 provides a duty to ensure the expeditious movement of traffic on the Authority's road network.

There are defenses within the Act for claims for damages for non-repair of such highways where it can be proved that the authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic.

The adoption and implementation of the policy will be relevant and considered in enabling the Council to defend claims for damages.

FINANCIAL IMPLICATIONS

11. There are no direct or immediate financial implications with the approval and implementation of the Highways Safety Inspection Policy and Highways Pothole Policy, however, failure to approve and implement the policies may have an impact on future highway condition and the ability to defend the authority against third party insurance claims.

The implementation of the Policies will be managed within the existing available budget resources, however if any compliancy changes do occur in the future that result in the need to increase expenditure or inspection resources they would be subject to separate approval through an ODR.

HUMAN RESOURCES IMPLICATIONS

12. There are no immediate HR implications arising from the recommendation to implement the Highways Safety Inspection Policy or Pothole Policy, however, any future changes that impact on the workforce would require HR engagement and separate approval

TECHNOLOGY IMPLICATIONS

13. There are no anticipated technology implications relating to this report. Any requirement for new, enhanced or replacement technology to support the delivery of the Highways Safety Inspection Policy or Highways Pothole Policy would need to be considered by the ICT Governance Board.

EQUALITY IMPLICATIONS

14. The highway safety inspection policy and highway pothole policy aims to:-
 - Demonstrate a commitment to aligning itself to the guidance provided within Code of Practice for Highway Maintenance Management July 2005 (CoPHMM).
 - Document the principles and approach adopted in delivering highway safety inspections and in defining a pothole.
 - Demonstrate a commitment to aligning itself to the guidance provided within the Department of Transport - Highways Maintenance Efficiency Programme April (DfT HMEP) – April 2012.
 - Link with the Council's policies and strategic objectives and demonstrates the contribution of the highway service in meeting these.
 - Set out the desired levels of service for highway safety inspection along with defining and responding to potholes within the adopted highway.
 - Applies a risk based approach to maintenance needs and priorities.
 - It gives Due Regards towards:-
 - Facilitating communication with stakeholders of the approach adopted for highway safety inspections and defect response times.
 - Take account of the safety needs of minority and vulnerable user groups in their daily use of the highway network.

CONSULTATION

15. Consultation has been undertaken between the core highways infrastructure asset groups:-

- Carriageways and Footways
- Bridges, Retaining Walls and Other Highways structures
- Flood Risk and Drainage
- Street Lighting
- Highways Network Management
- Finance and Corporate Services (including the insurance Department)

The Portfolio Holder for Regeneration and Transportation has been consulted through the Head of Service – Waste and Highways Infrastructure and the Councils Insurance Section has also been consulted in respect of third party liability claims mitigation measures.

Key external stakeholders have been consulted, including solicitors and barristers who specialise in defending both Doncaster Council against third party insurance claims and other local authorities. Comments on the Policy were invited and have been incorporated within the policy documents.

Other external stakeholders have been consulted (results attached, Appendix C) with which has been subject to its own Due Regards Statement and is attached. (Appendix D)

The Highways Safety Inspection Policy and Highways Pothole Policy shall be further reviewed and updated (if required) within a two year cycle reflective of operational working practice changes, Well Managed Highway Infrastructure – Code of Practice October 2016 (CoPHMM), revisions, legislative changes and advice, safe working practice reviews and changes to the council's position on highway inspections and pothole repairs.

This report has significant implications in terms of the following:

Procurement		Crime & Disorder	
Human Resources		Human Rights & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	X
ICT		Capital Programme	

BACKGROUND PAPERS

16. Well Maintained Highways - Code of Practice for Highway Maintenance Management July 2005 (CoPHMM)
<http://www.ukroadsliaisongroup.org/download.cfm/docid/C7214A5B-66E1-4994-AA7FBAC360DC5CC7/version/1CE89FBB-1C27-48DC-90A60E6FF5FF96EC> (hyperlink)

Highways Act 1980
[Highways Act 1980](#) (hyperlink)

Highway Asset Maintenance Management Policy Strategy Statement.
[doncaster council asset maintenance managment policy strategy statement](#) (hyperlink)

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Appendix A – Highways Safety Inspection Policy

Appendix B – Highways Pothole Policy

Appendix C – Consultation Results

Appendix D – Due Regards Statement (for consultation documents only)