

ENVIRONMENT OVERVIEW AND SCRUTINY

Date of Meeting	Tuesday 16 October 2018
Report Subject	Review of Highway and Car Park Safety Inspections and Intervention Levels and Response to Policy
Cabinet Member	Cabinet Member for Streetscene and Countryside for Streetscene & Transportation
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Flintshire County Council as 'Highway Authority' has a statutory duty to maintain all adopted highways, including highway structures within the County (Trunk Roads not included). It also maintains a number of publically accessible car parks at strategic locations around the County.

In the event of a breach of that statutory duty, the Council may be liable for claims from highway users for personal injury or loss arising from incidents or accidents which have occurred on the adopted highway network.

In order to ensure the Council's highway network and car park infrastructure remains fit for purpose and in a safe condition and in order to provide a defence for the Council against claims made for compensation by users of the network, a robust safety inspection policy is required.

The Highway and Car Park Inspection Policy defines safety inspection intervals on all of the classifications of carriageway, footway, cycleway and car-parks maintained by the Council and also defines defect identification criteria, and sets out the timescales for completing any required remedial work.

The original Highway Inspection Policy was approved in 2013 by Cabinet and in line with national guidelines has been regularly reviewed since that date. It was presented again following its latest review in June 2016, and is now brought to Scrutiny following the implementation of the new code of practice in October 2018.

RECOMMENDATIONS

1	That Scrutiny recommends Cabinet approve the revised Highway and Car Park Inspection Policy (Appendix 1) outlining the Council's approach to all safety inspections, defect identification criteria and response times.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW OF HIGHWAY AND CAR PARK SAFETY INSPECTIONS AND INTERVENTION LEVELS AND RESPONSE TO POLICY
1.01	<p>Flintshire County Council as the 'Highway Authority' has a statutory duty to maintain all adopted highways (except Trunk Roads) within the County. By virtue of section 58 of the Highways Act 1980 (England and Wales), a Highway Authority can successfully defend claims for personal injury or loss if it can prove that</p> <ul style="list-style-type: none">• it had in place adequate policies and procedures to maintain the highway, and• the policies and procedures were being adhered to, and• there was no prior knowledge of a particular defect before the incident date.
1.02	<p>Safety inspections are an important means of keeping the highway safe for the travelling public. They are also vitally important in court cases for providing evidence that Flintshire County Council takes a responsible attitude to its duties as a Highway Authority. If a member of the public has an accident which can be attributed to the condition of a section of highway, then the Highway Authority is liable to pay damages unless it can prove that it has taken reasonable care to keep the highway safe. The number of claims must be controlled as these have an impact on the highway maintenance budgets.</p>
1.03	<p>There are national guidelines which set the standard for highway safety inspections on the County roads of Flintshire. In most cases following the advice given will be adequate, but staff engaged on safety inspections will be expected to apply their knowledge and experience to a proportionate assessment of the risks as they see it but if in any doubt they should seek advice from their line-manager. All details of inspections, defects and intended repairs must be recorded, together with details of when subsequent repairs are carried out. In addition, sections with no defects must be positively recorded as such during inspections.</p>
1.04	<p>On 28th October 2016, the UK Road Liaison Group (UKRLG) published the new Code of Practice "Well Managed Highway Infrastructure" (the code) to replace the suite of UKRLG Codes on highways, structures and lighting. Local Highway Authorities have had two years from the date of publication to implement the guidance and recommendations of the new Code of Practice, before the previous Codes are fully withdrawn. The deadline for transferring to a risk-based approach is by the end of October 2018.</p>
1.05	<p>This Code is not statutory but provides Highway Authorities with guidance on highways management. Adoption of the recommendations within the Code is a matter for each Highway Authority, based on their own legal interpretation, risks, needs and priorities. The most significant change in the 2016 Code however is that it advocates a risk based approach to highway management. This passes the task of undertaking risk assessment into the hands of each Authority, and removes previous advice and guidance on points of intervention.</p>

1.06	The proposed Council policy for highway safety Inspections, intervention criteria and response times is included as Appendix 1 of this report. This policy describes the criteria used for, and our approach to safety inspections on Carriageways, Footways, Cycleway, Car Parks and Highway Structures.
1.07	Streetscene Area Co-Ordinators based in Streetscene & Transportation's Alltami Depot carry out the safety inspections, and each Area Co-Ordinator has received training to enable them to carry out the task. The training takes the form of 'shadowing' experienced Area Co-Ordinators and instruction by experienced highway maintenance engineers or managers. Before Area Co-Ordinators commence inspection duties a formal appraisal takes place to ensure they hold a good understanding of both the policy and of highway maintenance good practice.
1.08	All carriageway safety inspections are undertaken from a slow moving vehicle, double manned (with the Area Co-Ordinator as a passenger), and at predetermined intervals which are stated in the policy and that reflect the characteristics of the particular highway and its use. During the inspection, defects will be noted and the necessary repairs arranged within a period of time defined in the policy (response time). The policy also describes the criteria an Area Co-Ordinator will consider when identifying a defect that requires remedial action.
1.09	Inspections of Footways and Car Parks will be carried out by Streetscene Area Co-Ordinators by walking the areas concerned.
1.10	The cycleway inspections will be subject to the classification of the route, with the integral cycleway being inspected during the driven carriageway inspections, and the dedicated cycleway network subject to a walked inspection.
1.11	The Non-Principal Structure inspections are also undertaken by the Area Co-Ordinators, who have attended a recognised training course, providing them with the necessary knowledge to carry out the inspections.
1.12	The six yearly specialist Principal Inspections of structures are scheduled into a multiple tender which is then offered to the commercial market and specialists in this area of work, to ensure the service is carried out in the most cost effective way for the Council.
1.13	Delivery of a safe and well maintained highway network relies on good evidence and sound engineering judgement. The intention of the Code is that Authorities will develop their own levels of service and the Code therefore provides guidance for Authorities to consider when developing their approach in accordance with local needs, priorities and affordability.
1.14	<p>This review has also led to the response times being reviewed and amended, in line with the risk based approach, to reflect of the overall condition of the carriageway network (which are currently the top ranking in Wales). It also takes into account the current and anticipated demand against the available resources and priorities for Flintshire County Council.</p> <p>This approach is a change from the previous policy i.e.</p>

	<p>'Defect Above Intervention Level – will be repaired within 3 working days'</p> <p>Has changed to</p> <p>'Defects that will have a Significant Impact will be repaired in '5 working days'.</p> <p>All other response times remain the same.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	The new revised policy has no detrimental impact on operations or costs.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	With Cabinet Member
3.02	Colleagues and Neighbouring Authorities, including County Surveyors Society Wales (CSSW)
3.03	FCC Incumbent Insurers - Zurich Municipal (ZM)
3.04	FCC Appointment Legal Representatives
3.05	With Scrutiny Committee – November 2018

4.00	RISK MANAGEMENT
4.01	The highways maintenance service has undertaken various risk assessments on the procedures involving highway inspection which are outlined within the policy.
4.02	The defects identified during the Highway Safety Inspection should be repaired within the specified timelines. Failure to comply with this will result in the Council being liable to claims from road users

5.00	APPENDICES
5.01	Appendix 1 – Council Policy on Highway Safety Inspections, intervention levels and response times

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>UKRLG Code of Practice – “Well Managed Highway Infrastructure” http://www.ukroadsliaisongroup.org/en/codes/</p> <p>Highway Act 1980</p>

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7.00	GLOSSARY OF TERMS
7.01	<p>(1) HAMP: Highway Asset Management Plan</p> <p>(2) Well Managed Highway Infrastructure: An industry developed approach that sets out guidance and advice for the management and maintenance of highway infrastructure and assets.</p> <p>(3) Non Principal Structural Inspection – visual inspection of every structure to assess condition and maintenance requirement</p> <p>(4) Principal Inspection – Specialist inspect of every highway structure carried out every 6 years</p>