

Report



Cabinet Member for Infrastructure and Assets

Part 1

Date: 26 July 2022

Subject Adoption of the Highways Maintenance Manual 2022

Purpose To seek Cabinet Member approval of the adoption of the City Services Highways Maintenance Manual, as the new Code of Practice for Highways Maintenance delivery in the city.

Author Head of City Services

Ward All Wards

Summary The authority has numerous legislative duties such as The Highways Act 1980, New Roads and Streetworks Act 1991 and the Traffic Management Act 2004.

These duties require the authority to maintain the highway network to a safe and usable standard. It also includes the control and management of streetworks and roadworks, to ensure minimum disruption is caused to road users whilst these works are being carried out.

The Highway Maintenance Manual (HMM) has been prepared utilising national guidance and recommendations from County Surveyors' Society Wales (CSSW), and the Code of Practice 'Well-Managed Highway Infrastructure' (CoP).

To ensure the authority complies with the CoP guidance and recommendations, the HMM has been prepared for adoption by the authority. This will provide details of standards of repair, inspection, assessment guidelines and maintenance regimes, consequently assisting the authority in fulfilling its obligations.

Proposal That the Cabinet Member for Infrastructure and Assets approves the Highway Maintenance Manual 2022 as the Council's Code of Practice for highway maintenance and management

Action by Head of City Services

Timetable Immediate

This report was prepared after consultation with

- Head of City Services
- Head of Finance
- Head of law and regulation
- Head of People and Business Change

Signed

Background

In 2016, the UK Roads Liaison Group published the latest CoP. This CoP replaced and consolidated the previous 2005 edition, with the aim of changing maintenance recommendations to a risk-based approach determined by each authority. This is a significant change compared to the 2005 CoP, which had specific guidance. Though the 2016 CoP has recommended each authority determine their own risks, the CSSW has introduced minimum standards, with the aim of achieving consistency across Wales. These minimum standards were recommended after significant consultation with all 22 authorities in Wales, so that users will experience consistency of standards across authority boundaries

Financial Summary (Capital and Revenue)

No additional funding is required for this proposal.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to produce and adhere to an up to date Highways Maintenance Manual will impact on the authority's ability repudiate highway claims	M	H	A comprehensive Highways Maintenance Manual has been developed and will be endorsed and adopted by the council	Head of City Services/ Service Manager Highways and Engineering

Links to Council Policies and Priorities

Though the HMM is predominately driven by the CoP and CSSW recommendations to achieve a risk-based-approach, it also subsequently assists the authority in achieving some of the principles integrated into the objectives of the corporate plan highlighted below:

The Corporate Plan has a primary vision to 'Improving People's Lives'. with four well-being objectives:

1. To improve skills, educational outcomes & employment opportunities
2. To promote economic growth and regeneration whilst protecting the environment
3. To enable people to be healthy, independent and resilient
4. To build cohesive and sustainable communities.

These four well-being objectives are driven by a subset of six principles. Of these principles, evidence based, integrated technology, early intervention and prevention are incorporated into the HMM.

Options Available and considered

- Option 1 That the Cabinet Member for Infrastructure and Assets approves the Highways Maintenance Manual 2022.

Option 2 That the Cabinet Member for Infrastructure and Assets does not approve the Highways Maintenance Manual 2022, and the authority continues to use the Highway Maintenance Manual 2005.

Options Available and considered

Preferred Option and Why

Option 1 That the Cabinet Member for Infrastructure and Assets approves the Highways Maintenance Manual 2022.

Comments of Chief Financial Officer

There is an identified budget within City Services to fund highways maintenance. Approval of the Highways Maintenance Manual will not in itself have an impact on this budget but any recommended actions that arise following the implementation of the HMM will need to be managed within this existing budget. Expenditure related to the HMM is monitored regularly as part of the overall Council budget monitoring cycle and given the significant price rises in materials that are currently being experienced, this area will continue to receive close scrutiny.

Comments of Monitoring Officer

The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain public highways in a safe condition and is liable to pay compensation for any damage or injury caused as a consequence of failing to properly maintain highways. However, the Council has a statutory defence to any such claims for compensation under section 58 of the Highways Act if it can demonstrate that it has in place a reasonable system of inspection and repair, having regard to the nature and use of the highway. When considering whether a system of inspection and repair was reasonable, regard was had to the old 2005 Code of Practice, which prescribed recommended good practice in relation to categories of highways and intervention levels. The old Code was non-statutory but was persuasive in terms of whether the Council could establish a section 58 defence to repudiate any road accident claims. The old Code has now been replaced by the 2016 Code of Practice: Well-Managed Highway Infrastructure. This new Code is non-statutory and is intended as guidance for highways authorities but compliance with the risk-based approach set out in the new Code will greatly assist the Council in demonstrating that it has discharged its highway maintenance duties properly. The proposed new Highway Maintenance Manual adopts a new, risk-based management approach for the delivery of the Council's highways maintenance functions, based on the principles set out in the 2016 Code of Practice. Compliance with the 2016 Code will not of-itself guarantee that all accident claims can be repudiated, but the new risk-based approach will provide a more robust basis for a section 58 defence. The old Code prescribed minimum standards of intervention and frequency of inspections based on categories of roads and defects. The new Code does not prescribe minimum standards and requires highway authorities to adopt their own individual risk-based approach in accordance with local needs, priorities and affordability, having regard to corporate plan objectives and asset management principles. Each individual road will need to be risk-assessed in terms of needs, priorities and usage and there will need to be a risk-based hierarchy and inspection regime by competent, qualified inspectors. All interventions and repairs will need to be commensurate with the level of assessed risk rather than based on objective standards. For the sake of consistency, particularly in relation to roads which cross local authority boundaries, the County Surveyor Society Wales has recommended minimum standards for Wales, which are adopted as part of the new Highway Maintenance Manual. However, it should be noted that these standards are for guidance purposes only and there may still be a requirement to depart from these standards in exceptional cases, based on local risk assessments.

Comments of Head of People and Business Change

From an HR perspective there are no staffing implications.

A Fairness and Equality Impact Assessment has been completed which fully considers the Wellbeing of Future Generation (Wales) Act, Equality Act 2010, Socio-economic Duty and the Welsh Language (Wales) Measure 2011. As stated in the report, adoption of the new Highways manual will allow us to offer consistency of experience to road users.

Comments of Non-Executive Members

Councillor Al-Nuaimi:

In general I am supportive of the manual and option 1 to adopt it by the Cabinet Member subject to the following observations:

1. In section 5 Customer Contact, there is a significant omission of the role/practice of Elected Members as a source of notification to the Council of defects and problem with carriageways, footpaths, gullies and lighting columns. Many of these problems are reported directly to Elected members by their constituents. I recommend this source of contact is included explicitly in the manual
2. Section 10 on inspection, while highly welcome to see in the manual, is not currently very clear either in its scope, scheduling or outcomes to elected members, who as mentioned above report many highway and lighting defects to the Council. Due to Austerity and previous cutbacks, as an elected member, I am strongly under the impression that the Council Highways Section only managed to carry out a skeleton Inspection schedule. It would be good for this part of the manual be more publicised on a ward-by-ward basis with logs of inspections done and work carried out following those inspections. On gullies for example, I see quite a few that are blocked with debris and these have been like that for months. A routine inspection system should have dealt with them by now.
3. On lighting, complaints are often received on the inadequacy of lighting because of blockages from tree leaves. Regular inspections should routinely identify affected lamp standards and deal with the removal of growing leaves and branches.
4. Footpath defects, including overgrown vegetation from neighbouring properties can significantly affect pedestrian accessibility, forcing them to step on the carriageway. How often are inspections done to identify defects, properties causing problems and ensure remedial action.
5. Finally, this manual could have benefited from formal consultation with the appropriate Scrutiny Committee.

Response:

Section 5 of the manual seeks to broadly identify the 3rd party sources of contact with the council and the way in which these enquiries are managed.

There are many sources of customer contact and stakeholders who raise matters with the council, many through their elected members who are considered as “the council” within this document.

Section 10 sets out the regime of statutory inspections undertaken by the council and their frequencies based on assessed risk and the hierarchal status of each highway.

All routine statutory inspections are undertaken in full and across the whole of the city’s highway network, in accordance with the manual and relevant codes of practice. There have been no financial savings applied to this service by the council.

With 21 wards across the city, it is not operationally possible or within current resources to provide logs of all inspections and details of work undertaken. There are also data control issues with such an approach.

Where 3rd party trees/vegetation obstructs passage along the highway or obscures a streetlight, the council is legally required to serve notice on the owner. Failure to remove will then initiate enforcement action by the council which unfortunately can be protracted.

Where the council has control over the encroaching vegetation, these are routinely removed with the intervention based on the hierarchal status of the highway and assessment of risk as set out in the manual.

This manual is an operational component of the Highway Asset Management Plan which was considered by Scrutiny on the 8th April 2019

Councillor Cocks:

I have no objection to this proposal.

Scrutiny Committees

N/a

Fairness and Equality Impact Assessment:

The FEIA has been completed and is attached as a separate document

- **Wellbeing of Future Generation (Wales) Act 2015**

The following 5 sustainable development principles incorporated within have been considered :

a) Long term: The preferred option will support the long-term social, economic and environmental well-being for future generations within the city, by maintaining a safe and reliable highway network.

b) Prevention: The preferred option, will assist in maintaining the highway network by adopting preventative maintenance, wherever possible. This will mitigate the decline in the network before greater reactive maintenance work is required. In turn by prioritising preventative maintenance this will address the network issues earlier allowing residents and users to travel safely across the city.

c) Integration: The preferred option, will result in the authority integrating into the HMM, the recommendations deemed appropriate in the CoP. By integrating these recommendation the authority will prioritise preventative maintenance. Therefore using resources more efficiently. The adoption of the new HMM will also promote the expeditious movement of traffic and as such have a positive impact on traffic congestion reduction.

d) Collaboration: The preferred option has been created with the collaboration of bordering authorities and CSSW. These partnerships will assist the authority with guidance on any deviation from best practice and any discrepancies with bordering authorities.

e) Involvement: The preferred option has resulted from consultation with CSSW and Highway personnel. The involvement from these stakeholders has resulted in information being integrated into HMM from the data identified from highway inspections defects, user enquiries, accidents and condition surveys.

- **Equality Act 2010**

There were no negative impacts identified as a result of the adoption of the HMM on socio-economically disadvantaged groups or areas within the city

- **Socio-economic Duty**

There were no negative impacts identified as a result of the adoption of the HMM on people within the protected characteristic groups.

- **Welsh Language (Wales) Measure 2011**

There were no negative impacts identified as a result of the adoption of the HMM on the protection and promotion of the Welsh language

- **Crime and Disorder Act 1998**

N/a

- **Consultation**

N/a

Background Papers

- Code of Practice 'Well-Managed Highway Infrastructure'.
- Highway Infrastructure Asset Management Guidance Document.
- CSSW Risk-based Approach which advocates a need to formalise decision making, and to ensure that such decisions are, to the extent that such is possible, fact based.
- Design Manual for Roads and Bridges (DMRB)

Dated: 26 July 2022