

REPORT FOR DECISION



DECISION MAKER:	CABINET
DATE:	12th March 2019
SUBJECT:	Bury Council Policy for Highway Safety Inspection.
REPORT FROM:	Cllr Alan Quinn – Cabinet Member, Environment
CONTACT OFFICER:	Pete Stokes, Head of Streetscene Maintenance
TYPE OF DECISION:	CABINET (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>As a Highway Authority, the Council is responsible for maintaining most of the roads in the Borough. This report recommends the adoption of a new Highway Safety Inspection Policy to improve highway maintenance in Bury.</p> <p>A new national code of practice (CoP) 'Well-managed Highway Infrastructure' includes recommendations on highway safety inspection and repair, and was implemented by 29th October 2018.</p> <p>In recognition of this change GM districts and TfGM have collaborated in the development of an overarching GM Highway Safety Inspection Framework.</p> <p>Individual districts are able wholly rely on the GM Framework or produce their own Highway Safety Inspection policies, based on its overarching principals.</p> <p>Bury Council does not currently have a formally adopted Policy for Highway Safety Inspection.</p> <p>The Highway Safety Inspection Policy, Version 1.1 is attached as an Appendix to this report.</p>
OPTIONS & RECOMMENDED OPTION	<p>Option 1 (Recommended Option) That members approve the Highway Safety Inspection Policy for adoption.</p>

	<p>Option 2 That members seek revisions to the proposed contents of the Highway Safety Inspection Policy prior to adoption. Members to specify the nature of any revisions to be sought.</p>
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	This revised policy will inform the deployment of highways resources, assist with the defence of insurance claims, and ultimately lead to improved standards of highway maintenance.
Statement by Executive Director of Resources:	There are no wider resource implications
Equality/Diversity implications:	No An initial screening has been undertaken and as there are no negative impacts identified for affected groups, there is no requirement to proceed to a Full Impact Assessment. Adoption of this policy is likely to have a positive impact on residents with disabilities.
Considered by Monitoring Officer:	Yes JH The Council has a duty to maintain the highways defined by statute as maintainable at the public expense or adopted in accordance with statutory adoption procedures. The Policy recommended for adoption will cover highway inspection practices, frequency of inspection and response times for repair, to secure a well managed highway infrastructure.
Wards Affected:	All
Scrutiny Interest:	

TRACKING/PROCESS
INTERIM DIRECTOR: STEVE KENYON – RES & REG

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet/Committee	Council	

1.0 BACKGROUND

- 1.1 Under the Section 41 of the Highways Act 1980, Bury Council, as Highway Authority (HA), has a statutory duty to maintain the highway network that is maintainable at public expense.
- 1.2 The national CoP 'Well-managed highway infrastructure' (WmHI) supersedes the previous Codes 'Well-maintained Highways' (WmH), 'Well-lit Highways' and 'Management of Highway Structures'. This was published on 28 October 2016 and was implemented on 29th October 2018.
- 1.3 In recognition of the change in CoP GM districts and TfGM collaborated in the development of an overarching GM Highway Safety Inspection Framework, with input from legal and insurance partners specialising in the subject of highway claims. This Framework document was published April 2018.
- 1.4 Historically Bury Council has not had a formally adopted policy for Highway Safety Inspections. The Policy for Highway Safety Inspection attached at Appendix 1 of this report will bridge this gap in policy.
- 1.5 This Policy seeks to set out Bury Council’s practices in terms of network hierarchy, investigatory levels, frequency of inspection and response times to repair the Highway, based on the overarching principals of the GM Framework.

2.0 ISSUES

- 2.1 WmHI and the resultant GM Framework for Highway Safety Inspection moves from a reliance on specific guidance and recommendations of the previous Codes to a risk-based approach.
- 2.2 This shift places a greater onus on the knowledge and skills of highway inspection teams. In recognition of this training in the Code is mandatory for highway inspectors and mangers. For consistency all GM highway inspectors will be City and Guilds accredited. It is hoped that this will place

a greater emphasis on the testimony of highway inspectors and managers in court.

- 2.3 Cognisant of the shift to a risk-based approach the GM Framework consciously follows many of the standards historically adopted from WmH. This, in part, is in recognition of how successful districts have been in defending highway insurance claims using existing policies.
- 2.4 Bury implemented the changes to working practices for highway safety inspection set out in the WmHI and the GM Framework on 29th October 2018.
- 2.5 The Policy for Highway Safety Inspection attached at Appendix 1 details the methodology and standards to be adopted by Bury Council in the application of a risk-based approach to highway safety inspection.
- 2.6 In order to defend against claims for a breach of this duty, Bury Council, as HA, must prove that it has taken such care as in all the circumstances was reasonably required to secure that the part of the highway was not dangerous for traffic. This statutory defence is provided by Section 58 of the Highways Act 1980 and is usually proved by the HA having a reasonable system of routine scheduled highway safety inspection and repair in place.

3.0 CONCLUSION

- 3.1 Adoption and implementation of The Highway Safety Inspection Policy will improve highway maintenance in Bury.
- 3.2 The Highway Safety Inspection Policy provides direction to those officers involved in undertaking highway safety inspections, in order that they may carry out their duties with consistency and to clear recognised and understood criteria.

List of Background Papers:

- Greater Manchester Highway Safety Inspection Framework

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