



Report for Leader Decision (Transport portfolio)

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| Decision Date: | 2 April 2024 |
| Reference number: | TR01.24 |
| Title: | Review of the Council's Highway Safety Inspection Policy |
| Cabinet Member(s): | Steve Broadbent Cabinet Member for Transport |
| Contact officer: | Richard Barker, Corporate Director Communities |
| Ward(s) affected: | All |
| Recommendations: | That the Highway Safety Inspection Policy, attached as Annex 1, updated to support Buckinghamshire Council's aims in its Corporate Plan, is approved. |
| Reason for recommendation: | To ensure the Council's Highways Safety Inspection Policy is appropriate to maintain a safe network and to support the defence of third-party claims. |

1. Executive summary

- 1.1 The purpose of this report is to recommend approval of Buckinghamshire Council's Highways Safety Inspection Policy, updated to improve safety on the highways network and to support the defence of third-party claims.
- 1.2 The Highway Safety Inspection Policy was last approved in April 2022. Since then, there has been significant change to the service including a new operating model which included the transfer back into the council the Highway Safety Inspection function and team. The amended Highway Safety Inspection Policy and its Appendix are attached to this report.
- 1.3 This Policy describes Buckinghamshire Council's (BC) process for the carrying out of Highway Safety Inspections and for the prioritisation and repair of defects identified on such inspections. The establishment of an effective regime of inspection, assessment, recording and prioritisation of defect repairs is a crucial component of

highway maintenance, providing a robust framework to address key objectives to maintain the highway in a safe and serviceable manner, as required by Section 41 of the Highways Act 1980.

- 1.4 The Policy has been reviewed by the Buckinghamshire Highways team (BH) with support from the Council's Insurance and Legal Teams. The review has considered the history of defence against claims and also the approach taken by other similar Highway Authorities.
- 1.5 The changes being proposed will improve the consistency in interpretation. They will also allow improvement to the programming of the works, reducing the number of site visits and correspondingly the miles travelled, resulting in an overall carbon reduction and environmental benefit, with a greater overall efficiency in repairing the defects.
- 1.6 Ultimately, these changes should lead to an increase in community and public satisfaction as they see repairs carried out on a permanent 'right first time' basis. This will also assist in delivering a more efficient and effective service to the residents of Buckinghamshire.
- 1.7 There are no fundamental changes proposed to the frequency of safety inspections or minimum investigatory levels, which remain unchanged. For completeness a copy of the Investigatory recording levels is attached as part of the Policy Document, 'Appendix A – Minimum Recording Levels for Highway Safety Inspection Policy'.

2. Highways Safety Inspection Policy - Review

- 2.1 The establishment of an effective regime of inspection, assessment, recording and prioritisation of defect repairs is a crucial component of highway maintenance, providing a robust framework to address key objectives to maintain the highway in a safe and serviceable manner, as required by Section 41 of the Highways Act 1980, consistent with the overall Asset Management Strategy.
- 2.2 In line with national codes of good practice, this policy sets out the characteristics of the Council's risk-based inspection regime, including frequency of inspection, items to be recorded and nature of response.
- 2.3 Highway Safety Inspections are designed to identify, record and prioritise the repair of defects which may present an immediate danger (Emergencies), or significant inconvenience to users of the highway (Category 1, urgent, 5 day response), or to the structural condition of the highway and assets contained within the highway boundary (Category 2 non-urgent, 28 day response), and (Planned works/observations where no repair is currently or urgently required).
- 2.4 One of the main issues where claims have generally had to be settled was by failures in execution of the Policy, rather than shortcomings of the Policy itself. One such

area as highlighted by our legal and litigation team is consistency, and as such the main changes proposed are to address this.

- 2.5 The first and main element is to improve the level of consistency in interpretation between what constitutes a 2 day response and a 5 day response. The other area is in relation to the meaning of a Category 2 response. It can have 3 different potential outcomes, high, medium and low, (Category 2H, which is a 5 day response, Category 2M, which is a 28 day response and Category 2L, which doesn't have any assigned timeframe set against it. As a result this last Category 2L, can remain on a 'to do' list for considerable periods of time without an end date being assigned.
- 2.6 To address the above, it is proposed to merge the 2 day and 5 day response time scales. This will see all works that are non-emergency be classified as urgent and carried out within 5 working days. This has a number of advantages;
- Removes the inconsistency in interpretation,
 - Allows time to improve the programming of the works, thereby allowing an overall efficiency in repairing the defects by increasing the number that are carried out on a permanent 'right first time' basis resulting in an improved and safer solution,
 - Increases efficiencies by reducing the transactional workload,
 - Reduces the number of site visits and reduces the miles travelled with a corresponding carbon reduction and environmental benefit,
 - Ultimately leads to an increase in community and public satisfaction as they see repairs carried out on a permanent 'right first time' basis,
 - Allows the works to be carried out under the permit scheme as retrospective orders, also increasing the efficiency of programming the repair.
- 2.7 The above change will see some of the current 2 day repairs now be classed as emergency, although this will be very few. The majority will result in them moving to a 5 day response, allowing an increase in the number being carried out on a 'right first time', basis from the current level of only circa 50%. Although this may appear to be a slightly poorer level of response, the actual outcome of increasing the number of 'right first time' repairs, along with the other advantages mentioned above will result in an overall safer and better solution, which our residents and communities will benefit from, and ensure that we are delivering repairs in the most efficient way possible.
- 2.8 In relation to the previous 28 day categories, these too have been simplified. The proposal is to have a single 28 day category for carrying out repairs for non-urgent defects, and a new category classed as 'Planned works and Observations' as described in the Policy. This new category has a process that requires the works to

be assessed within a set period, whereby a timescale is agreed and assigned for carrying out any identified works. This new process has very similar advantages to the merger of the 2 and 5 day categories given above, and allows improved programming, planning, coordination and delivery of works.

- 2.9 In addition to the above, the current Audit process has been enhanced, where the Inspections carried out are monitored and assessed and any issues and lessons learnt will be shared across the team.
- 2.10 Subject to the above changes being approved, training and workshops have been programmed for March for all those involved in carrying out inspections on the highway network, with a view to implementing and become affective from the start of the new financial year on 1st April 2024.
- 2.11 A full review of all routes is also being undertaken in terms of assessing their traffic sensitivity. Traffic Sensitivity was a key component of assessing the network when the Councils Maintenance Hierarchy was established. Following this, a review of the annual inspection rota for the network will be carried out to ensure that the resources meet the needs of the inspection schedule. It should be noted however, that the safety inspection frequencies for any category of route will remain unchanged from current levels, but some routes may have their frequency altered, because of any change to their category, i.e. a route previously categorised as traffic sensitive no longer being the case and vice versa. Once this review has been completed a separate report will be submitted for approval to approve any amendments to the hierarchy of roads.
- 2.12 A presumption that defects are permanently repaired in the first instance wherever possible. If only a temporary repair can be carried out to make it safe, for example because of weather or traffic conditions, then a permanent repair should be completed within 28 working days.
- 2.13 Defects that are made safe through temporary repairs are to be monitored to ensure the make safe repair is maintained until such time as the full permanent repair is completed. Allowance is made in some circumstances for no permanent repair, for example where the road is due for forthcoming planned capital maintenance.
- 2.14 Defects not meeting minimum recording levels will only be recorded by the inspector as observations, to inform a potential preventative maintenance scheme, such as a cluster of defects.
- 2.15 We are retaining the option to be able to relax inspection frequencies and response times in certain circumstances such as extreme weather, to be approved by the Cabinet Member for Transport.
- 2.16 Certain Inspections may be rescheduled within two weeks of their due date to account for exceptional circumstances e.g. sickness. In addition, annual inspections

may be rescheduled by up to three months to create a more efficient and effective inspection regime, subject to approval by the Head of Highways, however as mentioned in 2.10 above it is proposed to review the annual schedule and programme of inspections.

2.17 “Failed Road” boards can be deployed at the discretion of the Head of Highways or as delegated.

2.18 This approach is in line with national best practice and has been shown to be robust and provide the best balance of need and resource as demonstrated by the repudiation rates, which have continued to be consistent. This demonstrates the Council has a robust Safety Inspection Policy in place and that it is implemented effectively and is consistent and brings us into line with other Highway Authorities. Other options considered

3. Other Options Considered

3.1 The alternative option would be to not review this policy. This is not recommended as it would mean that opportunities to improve consistency, programming of works and others articulated in this report would be missed.

4. Legal and financial implications

4.1 The Highway Safety Inspection policy is likely to be a key piece of evidence used in Court to demonstrate the risk-based approach being adopted by the Council in the event of third-party claims.

4.2 Relevant colleagues from Legal Services, Procurement, HR and Finance Services have been consulted and have approved the report.

4.3 This can be delivered within the existing budget and there is no additional funding required to deliver this proposal.

4.4 The Highway Safety Inspection policy has been reviewed by the Council’s insurers, Litigation and Legal team, who all support the changes being proposed, and are satisfied that they address any issues that have been raised from previous cases, and that this amended policy, will assist in robustly defending itself against third-party claims.

4a Director of Legal & Democratic Services comment

4.5 No further comment.

4b Section 151 Officer comment

4.6 The S151 has read and noted the report

5. Corporate implications

- 5.1 An initial Equalities Impact Assessment (EqIA) has been completed. Whilst it is acknowledged that repairs to the highway carry a slightly increased risk to the mobility impaired and the elderly using the highway network, the purpose of the policy is to ensure that such repairs are carried out in as timely a manner as practicable to reduce any risk to all those using the highway. Risk assessments in respect of defects take into account the impact on different users of the highway and therefore can affect the priority given to a particular repair. The Policy adheres to national best practice guidelines which will also have considered the impact on different groups.
- 5.2 Buckinghamshire Council does not currently record claims data against equalities groups it remains unclear whether there could be any disproportionate impact on those with protected characteristics and the Insurance Team are considering whether a change in recording criteria could be implemented which would allow meaningful equalities monitoring in this area and help inform whether any changes to policy or procedures should be considered in the future. The EqIA will therefore be reviewed in 12 months' time to include any further data available and the impact of specific training.

6. Local councillors & community boards consultation & views

- 6.1 As part of this review, we engaged with our key partners, BBLP and AtkinsRéalis, who shared practices that are carried out in their other highways contracts.
- 6.2 There has been no engagement with specific local councillors and community boards, as this policy is relevant across the Council area as a whole.

7. Communication, engagement & further consultation

- 7.1 Briefing of Members and Town and Parish Councils will be carried out through the stakeholder conferences etc. In addition, awareness of the levels of service will be carried out as part of the Service's general communications, which includes Stakeholder Conferences, Awareness presentations and Social Media.
- 7.2 Previously, workshops have been undertaken at the Stakeholder Conferences and have included: "Be a Highways Inspector for a day" where intervention thresholds and response times for a range of defects were evaluated, and "Be a Highway Authority for a day" where competing demands for levels of service were evaluated against affordability. Consideration could be given to repeating these in the future to assist in widening understanding of the safety inspection process.

8. Next steps and review

- 8.1 Should the recommendation be accepted, following approval of the updated Highways Inspection Policy, training and workshops as indicated in the report will be undertaken to ensure the updated policy is implemented and thereafter audited to ensure consistency and compliance.
- 8.2 The Policy will be periodically reviewed as part of the Business Planning process.

9. Background papers

- 9.1 None

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report, please contact the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by email to democracy@buckinghamshire.gov.uk by 5pm on 27 March 2024.

