

## **Adoption of a Risk Based Approach for Highways Maintenance – New National Code of Practice**

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### **1.0 Summary**

- 1.1. The purpose of this report is to request Cabinet approval of the recommendations in it, to enable Shropshire Council to respond to the publication of the current Code of Practice 'Well Managed Highway Infrastructure'. Shropshire Council has sought views on its proposals to change its approach by adopting a Risk Based Policy for Highway Inspections and subsequent revisions of other documents to support this risk based approach as recommended by a new national code of practice. Approval of this report and recommendations will ensure that Shropshire Council complies with this national recommendation and will better align our management of the highway network with risk and usage levels.
- 1.2. The new Code of Practice 'Well-managed Highway Infrastructure' supersedes the previous codes 'Well-maintained Highways', 'Well-lit Highways' and 'Management of Highway Structures'. The new Code of Practice 'Well-managed Highway Infrastructure' provides guidance and direction for highways authorities to implement within the guidance and industry expectations.
- 1.3. Changing from a reliance on specific guidance and recommendations in the previous Codes to a risk-based approach determined by each Highway Authority will involve appropriate analysis, development and gaining of approval through authorities' executive processes. Highway authorities are expected to adopt the recommendations of the new Code, including the risk based approach, by October 2018.
- 1.4. Shropshire Council's current safety inspection manual was last updated in October 2016 with Cabinet approval; this version was a minor update of the version adopted in 2007 as part of the adoption of the previous Code of Practice "Well Maintained Highways". The current manual includes many aspects of a risk-based approach. However, the Code also includes a recommendation that the approach of other local and strategic highway and transport authorities should be considered when developing highway infrastructure maintenance policies. Therefore, the safety inspection manual

has been revised to ensure that this recommendation is followed, as well as enhancing the overall risk-based approach.

- 1.5. Shropshire's highway network encompasses more than 5,100 km. It is an extensive and diverse network comprising busy urban roads to lightly trafficked rural lanes which form the majority off the network. Section 41 of the Highways Act (1980) places a duty on the authority to maintain the highway. If a claim is made against the Council resulting from their failure to maintain a highway there is a defence under Section 58 of the Act to prove that the authority has taken such care "as in all the circumstances is reasonably required to secure that the part of the highway to which the action relates was not dangerous to traffic."
- 1.6 The implementation and revision of key documents has been subject to consultation, both externally and internally; including Shropshire Council's external insurance provider ( legal team) ,the Council's own Risk Manager, the councils term maintenance contractor, highways managers there are no outstanding concerns or divergence from the professional advice and guidance provided.

## **2.0 Recommendations**

- 2.1 Cabinet approve the implementation of a risk based approach for highways inspections, as detailed in the revised Highway Safety Inspection Manual, as described in Appendix A.
- 2.2 Cabinet approve the revised Asset Management Policy and Strategy for Shropshire Council as described in Appendix B.

## **3.0 Risk Assessment and Opportunities Appraisal.**

- 3.1 The key highway policies and documents contained in the appendices of this report, specify the technical inspection and investigatory levels details for Highways Officers. These have been reviewed and an updated policy and guidance is proposed, replacing a previously approved document. This has been undertaken in light of the national recommendation for a risk based policy to be introduced, and the requirement of the supporting documents.
- 3.2 All Shropshire Council staff who inspect the highway have been formally retrained all inspections on the highway are now undertaken by staff who are now trained to new national requirements, staff have been entered onto the national highways register of inspectors, a requirement of the Institute of Highway Engineers and indeed the new national document, and are legally "competent ".
- 3.3 An Equality and Social Impact Inclusion Assessment (ESIIA) has been completed for this report and is in Appendix C. The screening assessment has indicated that the likely impact in equality terms upon the community, and upon Protected Characteristics groupings within the community, will be neutral to

medium positive for all groupings.. It was encouraging that analysis of the consultation held in August suggests that the survey respondents live throughout the county and that responses were received from a wide range of different community locations across both rural and urban areas. However, the numbers are low and the indication is that the Council will need to pay particular attention to working closely with groupings who are not represented in the survey responses, such as younger people, and to ensuring that the documentation and the policy itself is as clear as possible to aid communication with a range of audiences including those whose first language is not English.

3.4 The report and attached documentation has been consulted internally with stakeholders in:

- Finance
- Insurance Team Shropshire Council and our external insurance provider's legal team,
- Highways Maintenance Managers
- WSP
- Kier

3.5 It is important to state that all comments from the above stakeholders are contained within the report and associated appendices, and that there are no outstanding concerns or divergence from the professional advice and guidance provided.

3.6 Further, to provide additional confidence in the adoption of the proposed policy and approach, a "critical friend day", to test Highways approach, rationale and proposed way forward with our insurer's legal team, was organised. This was a one-day workshop, a cross section of Senior Managers, Highways Managers and Kier were present. The documents, their application and overall approach were tested in the workshop. The approach, insurance process and Inspection Manual (Appendix A) was discussed in detail and recommendations and suggestions have been incorporated and subsequently adopted into the document for approval.

#### **4.0 Financial Overview**

4.1 The introduction of a risk-based approach is considered to be cost neutral as this is ostensibly a policy approach, no additional resources are required over and above those already provided from existing resources. However, it is envisaged that joint efficiencies could be extracted in the future, following a period of monitoring and joint assessment with Kier.

4.2 Further approval of the approach and key documents will support Shropshire Council in its repudiation rate and subsequent insurance premiums.

## 5.0 Background

- 5.1 In October 2016 a new national Code of Practice, 'Well Managed Highway Infrastructure' (herein referred to as the Code) was published by the UK Roads Liaison Group and endorsed by the Department for Transport. Local authorities should adopt the recommendations of this Code by October 2018. Please refer to the link below link.

<http://www.ukroadsliaisongroup.org/en/codes/>

- 5.2 The Code allows authorities to set levels of service which best fit local needs and resources rather than forcing authorities to meet set national standards. A key recommendation of the Code is that "a risk based approach should be adopted for all aspects of highway infrastructure maintenance, including setting levels of service, inspections, responses, resilience, priorities and programmes."
- 5.3 The specific recommendation within the code is: Recommendation 7 – Risk Based Approach *"A risk based approach should be adopted for all aspects of highway infrastructure maintenance, including setting levels of service, inspections, responses, resilience, priorities and programmes"*
- 5.4 A risk-based approach requires consideration of:
- The function and characteristics of the highway
  - Current risks, including suitably frequent safety inspections and appropriate response times
  - Future risks, including long-term deterioration of the network
- 5.5 A risk-based approach can represent a clear, co-ordinated response to the identification of risks from a given set of circumstances. It also involves a process of continuous evaluation, as new information becomes available. All decisions must also be informed by competent persons and by involved expert analysis of data. The approach of neighbouring authorities should also be considered.
- 5.6 Following an assessment of risk, there may be changes required to our approach to highways maintenance, such as changing the frequency of safety inspections due to a local increase in claims. Alternatively, close analysis of a specific area of defect can determine the appropriate response. A defect considered to pose a low risk of harm may merit only a routine repair (or no repair at all) while an item that is considered to pose a high risk of harm may merit immediate repair.
- 5.7 The Code is designed to promote the adoption of an integrated asset management approach to the highway infrastructure, based on the establishment of local levels of service through risk-based assessment. In 2015, the Council formally adopted a highways asset management policy and strategy, it is therefore timely to revisit these documents in light of the Code.

5.8 The proposed revisions are in effect updates to the approach currently approved documents, plan and strategies already adopted, rather than a new direction. The key updates are:

- The alignment of the policy with the Council's current corporate plan.
- The specific identification of risk as a core function of asset management.
- Specific strategic actions that support the asset management framework.
- There is a change to response times, in that there is the introduction of a new category of "Immediate Urgent" and clarity has been provided to the response time, as the definition is proposed to be in working days.
- There are no changes at present to defects on the carriageway.

5.9 Shropshire Council's current safety inspection manual was last updated in October 2016, this version was a minor update of the version adopted in 2007 as part of the adoption of the previous Code of Practice "Well Maintained Highways". The current manual includes many aspects of a risk-based approach, however, the Code also includes a recommendation that the approach of other local and strategic highway and transport authorities should be considered when developing highway infrastructure maintenance policies. Therefore, the safety inspection manual has been revised to ensure that this recommendation is followed as well as enhancing the overall risk-based approach required by the Code.

5.10 The changes are summarised below:

- An enhanced network hierarchy has been introduced which allows the council to more appropriately manage risk by an improved definition of the function of the network.
- The inspection manual has been defined as an investigatory level : what is the appropriate action, with risk being a factor in the decision process.
- Inspection frequencies have been established on the basis of risk. Limited changes are proposed, including an enhanced inspection frequency for urban local access roads. A note has been added to consider increasing the frequency of inspections on flagged and modular footways to reflect the apparent risk on these surfaces.
- A specific 'Immediate Response' category has been introduced for the most dangerous defects.
- A risk assessment process has been introduced in line with the Council's Opportunity Risk Approach, this allows an inspector to take a risk assessed approach, i.e. a defect may not be safety critical, and subject to appropriate recording and documentation, a decision not to enact a repair would be legitimate; conversely, an inspector could accelerate a repair, i.e. a defect on a footpath with knowledge that there is a town festival in the

very near future, which allows the benefits of a risk based approach, rather than following national guidelines without any local judgment.

- Changes have been made that enhance the robustness of the Council's approach to highway safety inspections, such as visibility requirements, specific notes on reporting defects to third party organisations, a clarification on carriageways which function as footways and specific requirements on the minimum competencies required to undertake safety inspections.
- The introduction of more consistent response times and defect investigatory criteria will enable repairs to be carried out. Specifically, for more minor defects, the allowance of a minimum response time of 7 days will permit better repairs to be done. Moreover, the enhanced risk-based approach will allow for more repairs to be undertaken within a planned works programme so that these are done right, first time.

5.11 The changes are cost neutral and allow the council to maintain levels of service within a defined budget and allocate resources more appropriately, and only the changes to the previously approved Inspection Manual were consulted upon.

5.12 There is no change to any Environmental Standards – such as NI195 / NI196 - litter and fly tipping, which remain unaffected by this report.

5.13 A brief summary of the documents is:

- **Draft Asset Management Policy** – A short policy statement that describes the principles adopted in applying asset management to support the council's corporate plan.
- **Draft Asset Management Strategy** - A clear and concise high-level document setting out how highway infrastructure asset management is delivered for the authority that meets the Asset Management Policy.
- **Draft Highway Safety Inspection Manual** – A comprehensive document that provides a consistent and robust method of undertaking highway safety inspections. It informs how highway inspectors should undertake inspections as well as providing guidance on how defects are to be assessed and selection of the appropriate response times.

## 6.0 Consultation

6.1 A four week consultation was undertaken, via Shropshire Council's consultation portal (Get Involved) with an associated briefing note circulated to all Members, Clerks of Town and Parish Councils and neighbouring authorities. Further consultation with neighbouring highway authorities and those in a "family" classed as County / Rural Authorities was also undertaken, as well as discussions on various local and regional professional forums.

6.2 A summary of the Shropshire Council's Highways Risk Based approach consultation 2018 is outlined below. The consultation ran from the 26th July

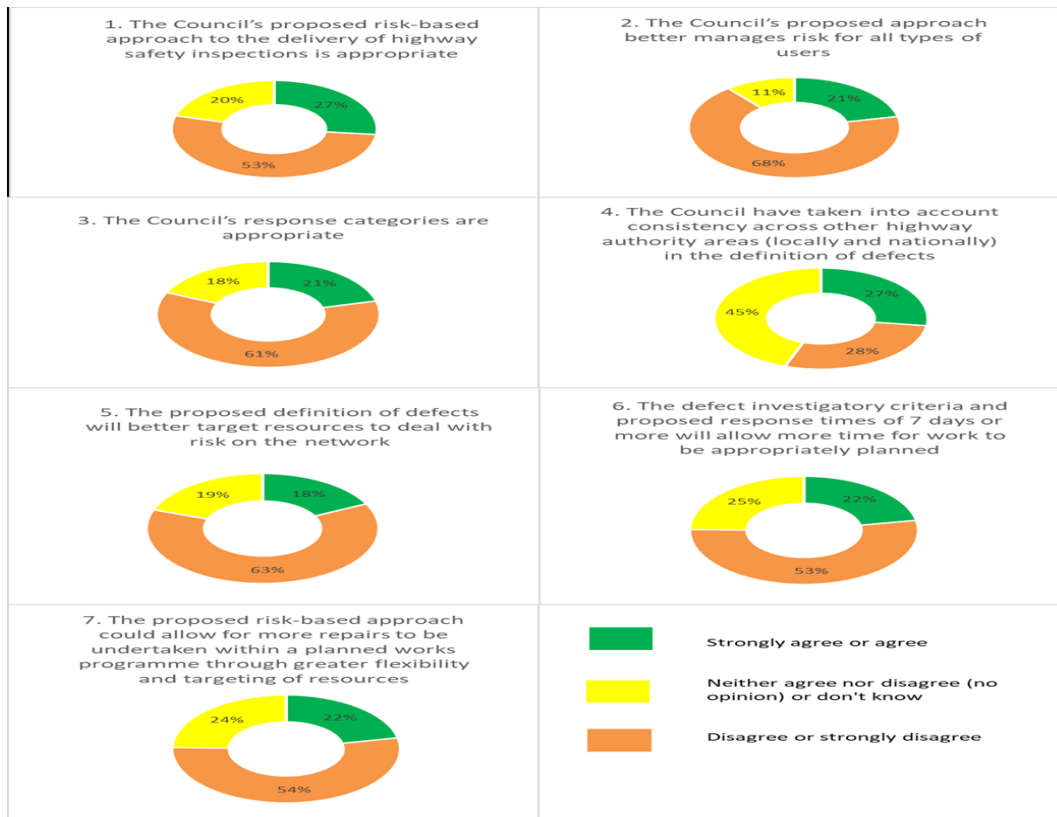
2018 to the 23rd August 2018. Geographical analysis suggests that the survey respondents live throughout the county and that responses were received from a wide range of different community locations across both rural and urban areas. A break down of respondents is in Appendix D.

6.3 Consultation Methodology: the consultation document set out the proposed changes, rationale for the proposals and included key themes/considerations including:

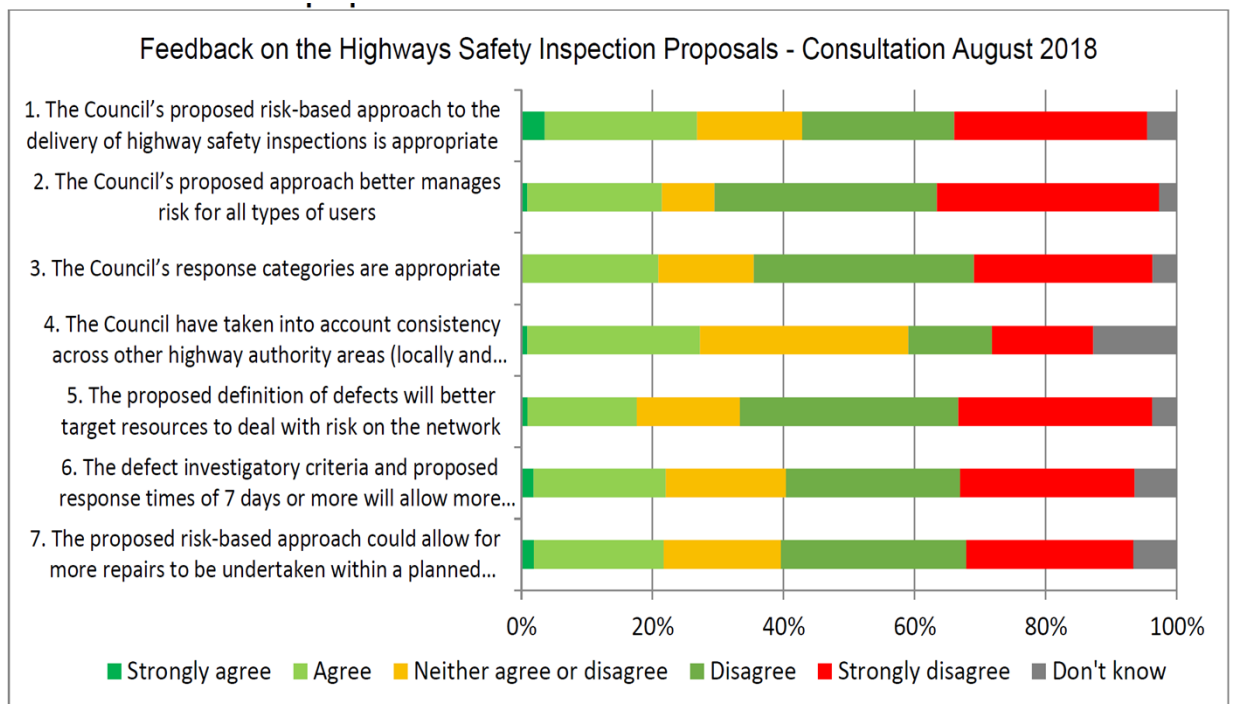
- The proposals to move to a risk-based approach
- The consideration of risk for different types of road user
- The categories and timescales for reactive and planned responses
- Application of definitions of defects
- Response times by route and defect types

6.4 Summary: A total of 191 responses were received. Some individuals responded to the consultation to some extent, but it should be noted that, of those, only 104 respondents provided more thorough responses. Of the 191 respondents, 189 (99%) had read the consultation document/explanation and were therefore able to make more informed responses. Overall the feedback from the 191 survey respondents was very mixed with more people disagreeing with the proposals than agreeing (54% either disagreed or strongly disagreed with the proposals and 23% agreed or strongly agreed; the remaining 23% had no opinion or did not know).

6.5 The more detailed presentation (below) of information suggests that the greatest level of disagreement was with the statement 'The Council's proposed approach better manages risk for all types of users', followed by the statements 'The proposed definition of defects will better target resources to deal with risk on the network' and 'The Council's response categories are appropriate'.



6.6 Chart 2 provides a visual representation of opinion:-



6.7 Many comments were detailed and contained multiple themes/points. 31 people believe the proposals will lead to longer delays or a lack of action to repair roads, 24 people highlighted concerns about increased risk of accidents, 16 highlighted concerns over the current condition of the roads and 16 highlighted their fear that rural roads would not get the attention



they need under the new proposals. 15 people mentioned specific concerns that cyclists or motorcyclists experience greater problems on the roads. 9 people highlighted concerns over a perceived lack of transparency within the consultation process and 8 people highlighted concerns that vulnerable road users would be most impacted by road conditions. The council undertakes its inspection regime on a monthly, bi annual and annual frequency basis and plans its work on the data derived from those inspections.

- 6.8 Many people commented on the importance of robust risk assessment, recognising the needs of different types of road users and the importance of minimising risks by responding without delays and in a way that provides a longer rather than short term solution. The councils and highways asset management strategy is that the capital works programme will deliver schemes of work that provide long term improvements, i.e. the annual resurfacing programme.
- 6.9 It should be recognised that the risk based approach, allows local decisions to be made without following national guidelines, this could for rural roads for example to be inspected more frequently if its determined that a level of risk has increased, but also that resurfaced roads can be inspected less frequently, or that changes in the local environment or community require a “risk “ to be managed ( change in population, new business) so the risk is managed rather than the inspecting by a frequency, so there is the ability for local discretion to be applied within the governance of the proposed document, which is proposed above.

## 7.0 Conclusion

- 7.1 As detailed within this report, the council is recommended within the new national code of practice to implement a risk based approach. A proposed set of amendments and changes to the previously existing document have been consulted upon, and work with the council’s staff, Insurers, contractors has been undertaken to ensure that the revised manual reflects the national requirements.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

- Highways Inspection Manual - Cabinet Report 2016.

**Cabinet Member (Portfolio Holder)**

Councillor Steve Davenport, Portfolio Holder for Highways and Transport

**Local Members – All local members affected.**

**Appendices**

Appendix A: Revised Highway Safety Inspection Manual

Appendix B: Revised Asset Management Policy and Strategy for Shropshire Council

Appendix C: Equality and Social Impact Inclusion Assessment (ESIIA)

Appendix D: Summary of the New Code of Practice consultation