
Meeting of Executive Members for City Strategy and the Advisory Panel

17 July 2006

Report of the Director of City Strategy

CODE OF PRACTICE FOR HIGHWAY MAINTENANCE

Summary

1. This report provides a brief overview of the code of practice, 'Well Maintained Highways 2005' and asks Members to approve the policies determining standards of highway maintenance within this authority, particularly where they vary from the recommendations of the Code of Practice. These variations are clearly shown in Annex 1 of this report which in effect is the exemptions report contained within the Council's Highway Survey, Inspection and Repair Manual.

Background

2. The Annual Highway Maintenance Report, 2 May 2006, included a reference to three new Codes of Practice:
 - 'Well-maintained Highways': Code of Practice for Highway Maintenance Management, July 2005
 - 'Well-lit Highways' Code of Practice for Highway Lighting Management, November 2004
 - 'Management of Highway Structures' Code of Practice , September 2005

This report considers the first of these three Codes of Practice.

3. The first Code of Practice for Highway Maintenance endorsed by the local government associations was published in 1983 and has subsequently been revised twice to take account of new and emerging developments in technology, policy and good practice.
4. The Code covers all aspects of highway maintenance, from day to day small scale repairs to long term strategic planning. Its recommendations are not mandatory, and it does not set prescriptive standards. It sets out an approach to highway maintenance for authorities to adapt where local conditions are taken into consideration, while including examples of good practice, and is intended as a benchmark against which policies can be developed and local variations identified. However, it also recommends that local variations are 'derived following a risk assessment, then approved, adopted and published by the authority. The approval and adoption process should involve the authority's Executive and be explicit, transparent and inclusive.'

5. The latest edition emphasises the use of asset management, risk management, whole life costing and sustainability in the development of highway maintenance programmes and procedures. The preparation of the York Transport Asset Management Plan, which deals with long term planning, data management and preparation of annual work programmes, is well advanced, and will be the subject of a separate report to Members later this year.

6. The current arrangements for regular basic maintenance of York's highway network have developed over a number of years and consist of
 - a network hierarchy based on the recommendations in the Code of Practice, the Council's Hierarchy of Road Users, and local knowledge
 - regular safety inspections by dedicated safety inspectors, with frequencies determined by the network hierarchy
 - a number of reliable and publicised means by which members of the public and other users can report defects and other concerns regarding the highway – the most popular being the York Pride Action Line
 - area based reactive inspectors to respond to all reported defects on the highway within a specified time
 - a dedicated inspector to supervise and monitor all new development work which is subject to a section 38 [1980 Highways Act.] agreement.
 - dedicated utility inspectors to monitor and inspect work carried out by the public utilities within the public highway
 - specified investigatory levels for defects used by all inspectors to ensure consistency and effective use of resources, the most frequently used being :

Carriageway pothole	Depression \geq 40mm deep extending \geq 300mm in any one direction
Footway trip	Abrupt level difference \geq 20mm
 - specified response times for defects - the inspector carries out a risk assessment on site to decide the risk posed to highway users by the defect, the level of risk determining the category of response.
 - All inspectors are proactive and respond to any defects which pose an immediate risk to the public noticed during other inspections.

7. To formalise our highway maintenance policy and to comply with the Code of Practice means a specific manual has to be produced with any differences highlighted within this document in a section titled "The Exemptions Report" and approved by Members. Therefore the City of York Council has produced such a document called the Highway Survey, Inspection and Repair Manual – which details all surveys, inspections, categories and investigatory levels, and is issued to all CYC staff directly involved in highway inspection. A copy is placed in the Members' library for reference. The manual is updated regularly to take account of changes in the network, codes of practices, legal requirements and staffing arrangements etcetera. This manual is also

used as the main document when evoking defence against third party highway insurance claims. It is recommended that Members familiarise themselves with the Code of Practice which can be found on www.roadscodes.org and the Council's Highway Survey, Inspection and Repair Manual which can be found in the Members' library.

Consultation

8. The Code of Practice is a nationally agreed document which was widely consulted on prior to publication.

Options

9. **Option 1** - Members note and approve this report, particularly the adoption of the highway survey, inspection and repair manual as Council policy.

Option 2 - Members note the report and suggest any changes they would like to see be included within the manual before it is adopted as Council policy

Option 3 - Members note the report and reject the manual as Council policy.

Analysis

10. The advantages of option 1 are:-

The inspection and maintenance regimes currently practised by the Council have been developed in accordance with

- The code of practice 'Well Maintained Highways 2005' and preceding documents
- Council policies and objectives
- Local knowledge of the highway network
- Financial and staff resources available

11. Since the introduction of the inspection and repair manual and the regular safety inspections in 2000 the number of insurance claims received by the Council has dropped significantly, by over 80% and the Council's repudiation rate is currently at over 90%, one of the highest in the country.
12. The basic maintenance regime, together with procedures used to produce the annual programme of carriageway and footway resurfacing schemes, has resulted in significant improvement in condition. This is measured by the BVPIs, and sustained increase in customer satisfaction as measured by the Residents' Opinion Survey.
13. Policies and procedures are constantly monitored and updated to improve efficiency and effectiveness, and to achieve best value. For instance, the employment of a driver to assist the safety inspectors has allowed the inclusion of all frequent bus routes within the monthly safety inspection.

14. The network hierarchy, inspections frequencies and investigatory levels vary only slightly from the recommendations in the Code of Practice. The main differences are:
- No separate hierarchy for footways, as carriageways and footways are inspected together during safety inspections. All of the most heavily used footways are included in the monthly inspections.
 - There is no 3 monthly inspection frequency in York. All important link roads are included in the monthly inspections and school frontages are inspected at least 6 monthly. With the resources available, and from local knowledge of the network, it is considered that annual inspections are appropriate for all Level 3 roads.
 - An additional defect category is included to allow inspectors to differentiate between defects that are immediately dangerous, and those which require prompt attention but can reasonably be attended to within 1 working day.
15. A detailed comparison between the Code of Practice recommendations and CYC procedures is included as Appendix 6 in the Highway Survey, Inspection and Repair Manual, and this is set out in Annex 1.
16. Option 1 enables the recent improvements to highway maintenance service delivery and the Council's claims history to be continued. Any other option, to vary service delivery in relation to the Code of Practice, or to move away from acceptance of the Code of Practice, would need to be carefully considered as this could have implications for customer satisfaction and insurance costs.

Corporate Objectives

Maintenance of the public highway has a direct impact on several of the Council's corporate aims and objectives:

17. **Corporate Aim 1: (Environment)** Take Pride in the City, by improving quality and sustainability, creating a clean and safe environment.

Specific objectives:

- 1.1 Increase resident satisfaction and pride with their local neighbourhoods.
- 1.2 Protect and enhance the built and green environment that makes York unique.
- 1.3 Make getting around York easier, more reliable and less damaging to the environment.

18. **Corporate Aim 3: (Economy)** Strengthen and diversify York's economy and improve employment opportunities for residents.

Not directly relevant to any of the specific objectives, but good quality highway infrastructure is vital to the local economy.

19. **Corporate Aim 4: (Safer City)** Create a safe City through transparent partnership working with other agencies and the local community.

Specific objectives:

- 4.7 Make York's roads safer for all types of user.

20. **Corporate aim 8: (Corporate Health)** Transform City of York Council into an excellent customer-focused “can do” authority.
Specific objective:
8.9 Manage the Council’s property, IT and other assets on behalf of York residents.

21. **LTP aim:** To maintain, improve and make more efficient use of the existing transport network.

Implications

Financial

22. The costs of dealing with highway defects, in accordance with the Highway Survey, Inspection and Repair manual, are met by the Council's annual revenue budget.

Human Resources (HR)

23. Staff in Highway Infrastructure manage the day to day maintenance issues using the Highway Survey, Inspection and Repair manual as a tool to prioritise and target resources.

Equalities

24. There are no equalities implications.

Legal

- The Council, in its capacity as the Highway Authority, has a statutory duty under Section 41 of the Highways Act 1980 to maintain the public highway.
 - The Council can use the Highway Survey, Inspection and Repair manual to demonstrate it has a Section 58 defence to third party highway insurance claims.
25. The suggested recommendations of the Code are explicitly not mandatory on authorities. However, where authorities are the subject of claims or legal action by those seeking to establish non-compliance with legal obligations, it has been recognised that the contents of the Code may be considered to be a relevant consideration. It is essential therefore, for any deviations from the Code to be identified, together with the reasoning for such differences.

Crime and Disorder

26. There are no crime and disorder implications.

Information Technology (IT)

27. There are no information technology implications.

Property

28. There are no property implications.

Other

29. There are no other implications.

Risk Management

30. In compliance with the Council's risk management strategy, the main risks that have been identified in this report are risks arising from hazards to assets and people (Physical), those which could lead to financial loss (Financial), and non-compliance with legislation (Legal & Regulatory).
31. Measured in terms of impact and likelihood, the risk score all risks has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

32. That the Advisory Panel advise the Executive Member that:
- 1) It be noted that highway maintenance procedures within the City of York have been developed in accordance with the Code of Practice 'Well Maintained Highways' 2005.
 - 2) Option 1, with the variations from the recommendations of the Code, as set out in Annex 1, be approved.

Reason: The Council, as Highway Authority, has a legal duty to maintain the highway. The Code of Practice may be considered to be a relevant consideration when the authority is the subject of claims or legal action by those seeking to establish non-compliance with these legal duties.

Contact Details

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Report Approved **Date** 30/06/06

Specialist Implications Officer(s)

There are no specialist implications.

Wards Affected

All

For further information please contact the author of the report

Background Papers:

Highway Survey, Inspection and Repair Manual - located

Annexes

Annex 1 – Extract from the Highway Survey, Inspection and Repair Manual.

27 June 2006

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