

**Forward Plan reference number: FP/430/05/19**

<b>Report title:</b> ECC Highways Maintenance Polices	
<b>Report to:</b> Cabinet	
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<b>Date:</b> 23 July 2019	<b>For:</b> Decision
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<b>County Divisions affected:</b> All Essex	

## 1. Purpose of Report

- 1.1 This report asks the Cabinet to adopt a new framework for highway maintenance polices, and the main policies forming part of that frame work. It also proposes that Deputy Leader should adopt the new policies which sit under the high level policies as part of the framework.

## 2. Recommendations

- 2.1 Agree that the Council should adopt new highways maintenance policies consisting of those policies set out in paragraph 3.5, and general principles and associated strategies which will be introduced from August 2019 as shown in the diagram at appendix 1.
- 2.2 Adopt the Highways Maintenance Policy and General Principles (2019), the ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019) and the ECC Maintenance and Inspections Strategy: Structures (2019) in the form at appendices 2-4) with effect from 1 August 2019.
- 2.3 Adopt the Revised footway and structures hierarchies in the form at appendix 5 with effect from 1 August 2019
- 2.4 Note that Cabinet Member for Infrastructure to agree future revisions to the ECC Highways Maintenance Policy and General Principles and associated strategies in consultation with the Leader of the Council.
- 2.5 Note that the Cabinet Member for Infrastructure will be adopting the strategies listed in phase 2 (see 3.6) and to approve a public facing summary document to complement the new policy and strategies.

## 3. Summary of issue

- 3.1 The Council has a duty to maintain the highway network. A list showing the number of types of various highway assets is at appendix 6. In order to provide

a high-quality service and ensure that resources are directed to the highest priorities we need to have policies setting out what the public can expect. At present the main policy was adopted in 2008 although it has been changed significantly by the Cabinet Member during that time, to reflect resources made available to the portfolio.

3.2 Since that time there have been changes in what the public and the courts expect and new national guidance has been produced. The national guidance, is called the UK Code of Practice: Well Managed Highway Infrastructure 2016 (the New Code).

3.3 It is proposed that a whole new set of policies are produced. The proposed high level document is the new ECC Highways Maintenance Policy and General Principles which is at Appendix 2. It is proposed that other documents will sit beneath this document. Cabinet are asked to adopt the following documents with the main policy

- ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019), appendix 3. This document outlines the inspection frequencies, and then how identified issues will be classified. The strategy gives a repair time for each type of defect.
- ECC Maintenance and Inspections Strategy: Structures (2019), appendix 4. This document provides the requirements for inspection types, frequencies and defect categorisation.

3.4 The remaining documents are currently being finalised and it is proposed that the Cabinet Member will be asked to adopt these at a later date. The future documents are:

- \* **ECC Maintenance and Inspections Strategy: Public Rights of Way.** This is a new document, which will provide the hierarchy, inspection frequencies and defect categories and repair times. This document will be the subject of consultation with the Local Access Forum and will therefore be finalised next year.
- \* **ECC Maintenance and Inspections Strategy: Street Lighting** This document contains inspection and defect repair times along with items for inspections.
- \* **ECC Maintenance and Inspections Strategy: Winter Maintenance** It is proposed that this document will be finalised before the start of the 2019/20 gritting season.
- \* **ECC Maintenance and Inspections Strategy: ITS** This is a new document which is currently being drafted and will be implemented later this year.

### **General Changes**

3.5 The draft strategy and associated documents will align ECC's highway maintenance activities and provide more succinct documentation to support the risk based approach advocated by the New Code. No changes are proposed to the investigatory levels or inspection frequencies for carriageways from those in the current policy.

## **Maintenance of Footways**

- 3.6 The Council proposes to implement a new footway hierarchy which prioritises inspections to those which are more heavily used by pedestrians. As a result of this decision, some inspection frequencies for footways may be increased or decreased depending on their position within the revised hierarchy.
- 3.7 The proposed footway hierarchy replaces the existing hierarchy and provides additional guidance of usage within the county to classify footways into the appropriate hierarchy category.

## **Maintenance of bridges and other highway structures**

- 3.8 The proposed structures policy introduces a hierarchy for resources prioritisation which is based on usage (the amount of traffic the structure carries) and access requirements, for example, a structure providing the only access to a property would be given a higher priority than another on the same type of road that doesn't provide a single access point. The structures hierarchy is not used to determine inspection frequency, but is used to influence priority order for maintenance activities arising as a result of inspection or assessment results.
- 3.9 The highways service helps achieve the following aims of the Organisational Strategy:

- **Help create great places to grow up, live and work**

Secure sustainable development and protect the environment

- Reduce the environmental impact and cost to the taxpayer of dealing with waste, by working effectively with partners to minimise waste.
- Improve the image of the county, by promoting the benefits of Essex Highways and the County Council.
- Reduce carbon emissions and energy costs for Essex Highways by supporting the development of new strategies that promote clean growth and the use of affordable energy.

- **Transform the council to achieve more with less**

Limit cost and drive growth in revenue

- Optimise revenue from services, by charging appropriately and realising commercial benefit
- Drive out inefficiency, by reducing costs, increasing productivity and adopting lean methodology.
- Work collaboratively with partners to deliver maximum value for taxpayers' money that is spent through Essex Highways.

## **4. Options**

### **4.1 Option 1:**

#### **4.1.1 Implement the new ECC Highways Maintenance Policy and General Principles and associated strategies from August 2019.**

4.1.2 This will enable the authority to bring documentation in line with the new Code of Practice. Additionally, the implementation of the revised footway hierarchy and the new Structures hierarchy will also help to direct maintenance activities to reflect usage and strategic importance.

#### **4.2 Option 2:**

##### **4.2.1 Continue with the existing Maintenance Strategy**

4.2.2 Not refreshing the Maintenance Policy and associated documents would mean that we are not working to the updated Code of Practice: Well Managed Highway Infrastructure which was released in October 2016. If we are operating at a standard lower than the national code of practice there is a risk that a claim for disrepair will not be defensible.

### **5. Issues for consideration**

#### **5.1 Financial implications**

5.1.1 The proposed changes present a neutral impact upon ECCs Highways budgets. The timescales for the relevant works to be carried out have not been altered and the adoption of a risk based approach to maintenance enables ECC to comply with all legislation. By utilising the proposed approach ECC are ensuring that it utilises its resources in the optimum manner whilst ensuring its asset base is maintained as required.

#### **5.2 Legal implications**

5.2.1 The Council has a legal duty to maintain those highways and associated structures for which it is responsible. If anyone brings legal proceedings against the Council based on a claim that the Council has failed to maintain then it is important that we demonstrate strong policies and inspection. These policies help us to do this and to ensure that resources are prioritised to repairs where there is greatest need.

### **6. Equality and Diversity implications**

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The equality impact assessment at appendix 7 indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **7. List of appendices**

Appendix 1 – Diagram showing the proposed policy hierarchy

Appendix 2 - Highways Maintenance Policy and General Principles (2019)

Appendix 3 - ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019).

Appendix 4 - ECC Maintenance and Inspections Strategy: Structures (2019)

Appendix 5 - Revised footway and structures hierarchies (plan)

Appendix 6 – Numbers of different types of Highways and Transportation Assets 2017/18

Appendix 7 - Equality Impact Assessment

## **8. List of Background papers**

ECC Highways Maintenance Policy and General Principles (2019)

ECC Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019)

ECC Maintenance and Inspections Strategy: Structures (2019)