

Report to: Lead Cabinet Member for Transport and Environment

Date of meeting: 16 July 2018

By: Director of Communities Economy and Transport

Title: Well-Managed Highways Infrastructure: A Code of Practice

Purpose: To advise Lead Member on the introduction of the new Code of Practice and the implication for the County Council

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Adopt the Well-Managed Highway Infrastructure Code of Practice;**
 - (2) Endorse the progress and actions in place to ensure the authority will comply with the code: and**
 - (3) Recognise the implications of the new Code of Practice on the County Council**
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1 Background Information

1.1. The Well Managed Highways Infrastructure Code of Practice (the Code) was commissioned by the Department for Transport (DfT) and produced in October 2016, overseen by the UK Roads Liaison Group. This supersedes the Well-Maintained Highways Management of Highways Structures and Well-Lit Highways.

1.2. The new Code is a move away from prescriptive guidance and recommendations, promoting the adoption of an integrated asset management approach to highway infrastructure and maintenance using a risk-based assessment.

1.3. East Sussex County Council has already adopted an asset management approach to highways maintenance with the Highways Asset Management Policy and Strategy, approved in October 2015. These align to the Council's priority outcomes and objectives as well as the Local Transport Plan and set out the Council's asset management approach.

1.4 The Code of Practice is not statutory but provides Highway Authorities with guidance on highways management. Adoption of the recommendations is a matter for each Highway Authority, based on its own legal interpretation, risks, needs and priorities.

1.5 The authors of the Code recommend that the Code be adopted by October 2018 and although the DfT have not announced any plans to audit authorities at this time, it would be advisable that East Sussex County Council adopts the new Code to enable it to demonstrate best practice and continue to provide a robust defence to claims. Similarly, the DfT has not signalled any financial incentives / implications directly linked to being compliant with the Code, but the County Council should position itself favourably in case, as is possible, the DfT link adoption of this Code to future funding.

2 Supporting Information

2.1. Revision of the Code means updates to some Council policies to ensure alignment with the recommendations. It has also been necessary to capture the process of certain activities as evidence of compliance, such as the Statement of Risk which outlines our approach to risk and identifies those roles with responsibility for making risk based decisions.

2.2. There will be implications for relevant highways maintenance strategic plans and policies, including the Highways Asset Management Policy and Strategy and the Highway Inspection regime, and these revised or new policies will be brought to Lead Member in September for consideration

2.3. There are 36 recommendations within the Code. The full list of recommendations can be found in Appendix 1.

2.4. A gap analysis has been conducted to establish East Sussex County Council's current levels of compliance with each recommendation. There are 21 of the 36 recommendations that are fully compliant with no further actions required; 15 recommendations where the Council is partially compliant and actions are underway to become fully compliant; and there are no areas where we are non-compliant. Details of actions can be seen in Appendix 2.

Significant changes

2.5. The most significant changes the Code brings about are:

2.5.1. Moving to a risk based approach for all aspects of highway infrastructure maintenance, including setting levels of service, inspections, responses, resilience, priorities and maintenance programmes.

2.5.2. A Sustainability action plan has been developed to encapsulate all the sustainability work carried out within the contract and includes actions to meet climate change adaptation, carbon and environmental impact, nature conservation and biodiversity recommendations.

2.6. In reviewing the requirements for this change, the project team have consulted with key stakeholders from the South East 7 authorities, to ensure collaboration, best-practice sharing and that a consistent approach is applied.

3 Financial Appraisal

3.1 There are no costs, other than officer time, associated with the adoption of the code and all policy and strategy changes will be carried out from within existing approved budgets.

3.2 Whilst the DfT has made no announcement, it is widely anticipated within the industry that the Department will link the recommendations of the Code to the Local Highways Maintenance Incentive Fund allocation, for which there are significant financial implications on funding grants.

3.3 The County Council has achieved a Band 3 (highest) status under the Local Highways Maintenance Incentive Fund and therefore receives 100% of its funding allocation. However, any changes to the highways maintenance revenue budgets may well impact on the authority's ability to maintain full compliance with both the Code of Practice and the Local Highways Maintenance Incentive Fund and the Council's ability to maintain its Band 3 status. This would have an adverse impact on the DfT funding allocation of the Incentive Fund, i.e. moving from a Band 3 to Band 1 in 2020/21 would mean a loss of over £1.7million.

4 Conclusion and Reasons for Recommendations

4.1 The implementation of the Code is well underway, with actions in place to ensure compliance by October 2018.

4.2 The Lead Member is recommended to adopt the code; endorse the progress and actions in place to comply with the code; and recognise the implications of the new Code on the County Council.

RUPERT CLUBB
Director of Communities, Economy and Transport

Contact Officer: Samantha Neame
Tel. No. 01323 464991

Email: Samantha.neame@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

The Well Managed Highways Infrastructure Code of Practice