

**Report to:** Lead Cabinet Member for Transport and Environment

**Date of meeting:** 11 November 2019

**By:** Director of Communities, Economy and Transport

**Title:** Implementation of the Well-Managed Highways Infrastructure Code of Practice and update on Highway Policies

**Purpose:** To provide an update on the implementation of the Well Managed Highway Infrastructure Code of Practice and the proposed changes to Highways Policies to meet the Code of Practice recommendations

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**RECOMMENDATIONS:** The Lead Member is recommended to:

- (1) Approve the implementation and implications of the Well-Managed Highway Infrastructure Code of Practice and subsequently;**
  - (2) Rescind the policies set out at appendix 4;**
  - (3) Approve the proposed new policy in appendix 5;**
  - (4) Approve the proposed amendments to existing policies as out in appendix 6; and**
  - (5) Delegate authority to the Director of Communities, Economy and Transport, in consultation with the Lead Member for Transport and Environment to make minor amendments if required to the East Sussex Highway Asset Inspection Manual, and appendices, to ensure the effective delivery of the County Council's highway maintenance function.**
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## **1 Background Information**

1.1 In 2016 the Well Managed Highways Infrastructure Code of Practice (the Code) was updated and published. This superseded the previous Well-Maintained Highways Management of Highways Structures and Well-Lit Highways. The Code is endorsed by the Department for Transport (DfT) and it has been produced by the UK Roads Liaison Group and associated boards. In July 2018 a report outlining the County Council's approach to adopting the Code was approved by Lead Member. The Code is not a statutory requirement but provides guidance and best practice on delivering and managing highway services. There are 36 recommendations in the Code and adoption of these by the County Council aligns with the County Council's approved asset management approach to highway maintenance.

1.2 Adoption of the Code enables the County Council to demonstrate best practice and continue to provide a robust defence to claims as well as evidence for the DfT's annual Incentive Fund self-assessment submission. There are many synergies between the Code's recommendations and the Incentive Fund questions. In February 2019, the County Council returned a self-assessment score of 'band 3', the top banding for the DfT's Incentive Fund securing the maximum 100% of the funding allocation of £1.7m for East Sussex. The DfT have confirmed that following this year's Incentive Fund submissions, local authorities will be asked to complete further questions around data and the risk based approach (as included in the Code) for consideration in the 2020/21 Incentive Fund exercise.

1.3 Many of the tasks carried out by the Highway department are statutory duties or powers defined by national legislation. The highway policies set out the County Council's position where local discretion is permitted in how duties or powers are applied, or in areas for which there is no legislation.

1.4 Highway maintenance policies and standards have been developed and adopted by the County Council's Highways team over the years to:

- ensure compliance with new statutory requirements and industry best practice;
- respond to incremental changes and improvements to operational practices; and
- provide consistency and clarity for customers and key decision-makers.

1.5 During 2017 an initial review of the highway policies was undertaken with those that required amendments being updated and approved by Lead Member for Transport and Environment at

meetings on 16 October 2017 and 19 November 2018. Further reviews of highway policies and related strategies as part of the adoption of the Code have been carried out to ensure that they comply with:

- current legislation, guidance and best practice;
- corporate policies and priorities along with the local transport policy; and
- the Highways and Infrastructure Services Contract needs and outcomes

## **2 Supporting Information**

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

2.2 Within the July 2018 report it was highlighted that the County Council was fully compliant with 21 of the 36 recommendations with no further action required; 15 recommendations were partially compliant; and no areas were non-compliant. Since July 2018 work has continued to ensure the County Council is compliant with all 36 recommendations. There are now 7 recommendations that are partially compliant (29 now being fully compliant). A summary of the updates needed for the 7 recommendations is set out in Appendix 2. The completion of the ongoing Network Hierarchy Review, including consultation work, by spring 2020 will make the majority of these fully compliant. The current network hierarchy is sufficiently compliant for the implementation of the recommendations within this report.

2.3 In order to be fully compliant on all 36 recommendations some adjustments to existing policies are necessary. The following list summarises the proposals for each of the policies included in this report. Further details of each recommendation can be found in Appendix 3; copies of policies to be rescinded are detailed in Appendix 4 and a new proposed policy is detailed in Appendix 5. Appendix 6 shows the policies to be amended in their current form and their proposed amendments.

### **Policies to be rescinded (Appendix 4)**

- Transport Asset Management Plan – Maintenance management policy documents (TAMP)
- Cycling Policy
- Maintenance of Footways Policy

### **New Policies (Appendix 5)**

Highway Maintenance - Consideration of Character

### **Policies to be updated (Appendix 6)**

- East Sussex Highways – Highways Asset Inspection Guidance Document (including appendix 1 – investigatory matrix)
- Street Lighting Policy

2.4 It should be noted that this is not a comprehensive list of all Highway related policies and that there are additional policies for which no changes were considered necessary during this review.

2.5 In carrying out these reviews, consultation has been carried out with key stakeholders including the officers and contractors with particular expertise in each area and those responsible for delivering the highway service. This has included the appropriate technical experts including the Highways Asset Management Team. Policies have also been compared to those of neighbouring authorities to ensure a consistent approach.

2.6 It is recommended, should the Highways Asset Inspection Guidance Document be approved at this meeting, that it be implemented from February 2020. This would allow time for any necessary system updates and staff training and communications to take place.

2.7 Over the passage of time, minor adjustments may be identified as being necessary to keep the East Sussex Highway Asset Inspection Manual (Appendix 6) up to date. Under such circumstances, it would be prudent to authorise the Director of Communities, Economy and Transport, to, following consultation with the Lead Member for Transport and Environment make such minor changes and issue any formal replacement of the Highway Asset Inspection Manual deemed necessary. However, if more substantive changes are required, a further report shall be presented to Lead Member. For example, a minor change could be constituted as clarifications to text or photographs or amendments necessary to bring the document in line with other related policies.

## **Equality Impact Assessment**

2.7 An Equality Impact Assessment has been carried out and a summary of the findings is detailed in **appendix 7**. Research suggests that these policies are expected to have a generally positive impact on safety and accessibility for all users including those with protected characteristics and that all appropriate opportunities to advance equality and foster good relations between groups have been taken.

### **3 Financial Appraisal**

3.1 The recommended policy changes and adoption of the Code does not require changes to current service standards and therefore there are no financial implications other than officer time.

3.2 The implementation of the recommendations within this report are likely to help ensure the Council retains its band 3 status for the DfT Incentive Fund and receives the maximum funding available (see further details in paragraph 1.2)

3.3 Any changes to the highway 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 County 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 This report provides an update on the implementation of the 36 recommendations of the Code (Appendix 2) and recommends that a number of highway policies are updated as set out in Appendix 3 of this report to ensure alignment with the Code, consistency with the County Council's asset management approach and to maximise the DfT's funding allocation.

4.2 The Lead Member is recommended to approve the adoption and implementation of the Well-Managed Highway Infrastructure Code of Practice and to approve the proposals summarised in Appendix 3 and detailed in appendices 4, 5, 6 to ensure that the County Council has clear, consistent and up to date policies describing its approach to managing and maintaining the highway network across the county. The Lead Member is also recommended to delegate authority to the Director of Communities, Economy and Transport in consultation with the Lead Member for Transport and Environment, to make minor amendments to Asset Inspection Guidance document found at Appendix 6.

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### LOCAL MEMBERS

All

### BACKGROUND DOCUMENTS

The Well Managed Highways Infrastructure Code of Practice

LMTE Report – Well Managed Highways Infrastructure 16 July 2018

Equality Impact Assessment