

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 19 FEBRUARY 2013**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **REVIEW OF THE COUNCIL'S POLICY ON HIGHWAY
SAFETY INSPECTIONS - INTERVENTION CRITERIA
AND RESPONSE TIMES**

1.00 PURPOSE OF REPORT

- 1.01** To seek Cabinet approval of the Council's policy on highway safety inspections, intervention criteria and response times

2.00 BACKGROUND

- 2.01** Flintshire County Council as Highway Authority has a statutory duty to maintain all adopted highways (except trunk Roads) within the County. In the event of a breach of that statutory duty, the Council may be liable for claims from highway users for personal injury or loss arising from incidents or accidents which have occurred on the adopted highway network.
- 2.02** In order to ensure the Council's highway network remains in a safe and fit for purpose condition, a robust safety inspection policy is required. The policy will both ensure the continued safety of the highway network and provide a defence against claims made for compensation by users of the network alleging loss or damage whilst doing so.
- 2.03** By virtue of section 58 of the Highways Act 1980 (England and Wales), if a Highway Authority can prove it had in place adequate policies and procedures to maintain the highway, that the policies and procedures were being adhered to and providing there was no prior knowledge of a particular defect before the incident date, a claim for damages against the authority as a result of personal loss or injury can be repudiated.
- 2.04** The proposed Safety Inspection Policy will define inspection frequencies on all classifications of carriageways, footways and cycle ways maintained by the Council. The policy will also define intervention criteria i.e. point at which maintenance work is required and define timescales for completing any required remedial work.

3.00 CONSIDERATIONS

- 3.01** The Council's current arrangements for highway inspection and intervention are not contained within a single comprehensive policy document and although Flintshire County Council are one of the best performers in Wales in terms of the number of claims received each year, the Council still receives numerous compensation claims from highway users arising from alleged breach of the statutory duty to maintain the highway. The implementation of this formal comprehensive policy will assist the Council's defence of such claims, and facilitate the Council's reliance on the statutory defence afforded by Section 58 of the Highways Act 1980 (England and Wales)..
- 3.02** Streetscene supervisors based in the Environment Directorate will oversee out the highway safety inspections and each Supervisor has or will receive training to enable them to carry out the task. The training takes the form of 'shadowing' experienced Supervisors and instruction by experienced highway maintenance engineers or managers. Before Supervisors commence inspection duties a formal appraisal takes place to ensure they hold a good understanding of both the policy and of highway maintenance good practice.
- 3.03** The Policy requires that safety inspections are carried out on each element of the highway infrastructure (e.g. footways) at predetermined intervals, dependant on classification. During the inspection, defects will be noted and the necessary repairs arranged within a period of time also defined in the Policy.
- 3.04** The elements of the highway referred to in the Policy relate to carriageways (roads), footways and cycle ways. The inspections will take place from a moving vehicle (with the Supervisor as a passenger) in the case of carriageways or walked in the case of footway/cycleway inspections.
- 3.05** All inspection frequencies, intervention criteria and response times stated in the Policy meet with or improve on nationally recognised minimum standards for safety inspections
- 3.06** The proposed Council Policy for highway safety Inspection, intervention criteria and response times is included as **Appendix 1** of this report

4.00 RECOMMENDATIONS

- 4.01** That Cabinet approves the Councils Policy on Highway Safety Inspections, intervention criteria and response times, set out in Appendix 1.

5.00 FINANCIAL IMPLICATIONS

5.01 The new proposed Policy formalises the existing arrangement and there will be no increase in operating costs as a result.

5.02 The new Policy will enable the Council to defend claims more robustly reducing the potential costs of claims.

6.00 ANTI POVERTY IMPACT

Not applicable

7.00 ENVIRONMENTAL IMPACT

7.01 A desk top study has been completed and found that the new Policy has no detrimental environmental impact

8.00 EQUALITIES IMPACT

8.01 A desk top study has been completed and found that the new Policy did not discriminate against any particular group

9.00 PERSONNEL IMPLICATIONS

None

10.00 CONSULTATION REQUIRED

None

11.00 CONSULTATION UNDERTAKEN

11.01 With Cabinet Member

11.02 With the Council's Insurance Management Team

12.00 APPENDICES

Appendix 1 – Council Policy on Highway Safety Inspections, intervention levels and response times

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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