

Date:	13 th September 2017
Classification:	General Release
Title:	National Code of Practice for Highway Infrastructure
Report of:	Executive Director for City Management and Communities
Cabinet Member Portfolio	Cabinet Member for City Highways
Wards Involved:	All
Financial Summary:	The costs to achieve Code of Practice compliance by October 2018 is estimated to be between £100,000 and £150,000. These costs however are likely to be offset by savings resulting from complying with the Code. The potential savings have not been quantified as yet.
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1. Executive Summary

This report provides:

- Information on a revised national code of practice which highway authorities across England and Wales will be expected to comply with by October 2018.
- What compliance with the code practice may have on highway maintenance levels of service delivered by the City Council.
- The risks and opportunities presented by the revised code of practice.
- Details of the approach Officers are adopting to ensure Code of Practice compliance by October 2018.

- Confirmation of the importance of the code in terms of setting highway maintenance standards which meet Westminster's local needs and is defensible if challenged in a court of law, by Members or the public.
- Details of the Executive sign off needed to endorse the City Council's compliance with the Code of Practice.

2. Recommendations

That the views of the Business, Planning & Transport Policy Scrutiny Committee be taken into account by the Cabinet Member for City Highways and Executive Director for City Management & Communities, particularly in respect of:

- The approach and timelines proposed by officers to meet the deadline for compliance with the Code of Practice.
- The opportunities and risks faced to align highway maintenance service levels to meet Westminster's local needs.
- Using the Highways Infrastructure Asset Management Plan (HiAMP) and the Maintenance Management Plans (MMP's) to demonstrate code of Practice compliance and having these documents signed off by the Cabinet Member for City Highways to demonstrate the contents are accepted City of Westminster policy.
- The importance and validity of adopting and applying sound asset management principles and practices to the maintenance and management of the City Council's highway assets to allow risk based decisions using data on asset condition and performance levels and backing up the decision making by continuous monitoring.

3. Background information, including policy context

In October 2016 the Department for Transport (DfT) and the UK Roads Liaison Group (UKRLG) released an updated national code of practice (CoP) for the maintenance and management of highway infrastructure assets. This CoP is of particular relevance to Highway Authorities such as Westminster as it provides national guidance and recommendations for a common approach for all owners of highway infrastructure assets to adopt. Highway infrastructure assets are typically:-

- Footways and carriageways and ancillary assets e.g. signs, lines etc.
- Bridges & Structures
- Highway drainage
- Street lighting.

The CoP, titled '**Well-Managed Highway Infrastructure**' was released as a single document to replace and update the previous separate codes for the maintenance and management of 'Highways', 'Structures' and 'Public lighting'.

Highway Authorities have until the end of October 2018 to demonstrate compliance with the recommendations of the revised CoP.

One of the key developments in the new code is that (unlike the previous codes), it is not prescriptive in terms of service levels or standards a highway authority should provide e.g. frequency of inspection or time to repair defects etc. Instead the CoP requires authorities to adopt a risk based approach which considers the appropriate levels of service in accordance with local needs and priorities. The CoP also introduces the concept of affordability and the allocation of an appropriate level of resources identified from the risk based approach.

Opportunities & Risks

The new CoP provides an opportunity to review our highway maintenance practices and to align service levels to Westminster's corporate objectives and requirements rather than having to adhere to prescribed service levels set by the old codes which did not necessarily reflect local needs.

Taking a risk based approach to our maintenance activities also provides an opportunity to facilitate efficiencies based on robust evidence (where it can be established). Gathering the evidence can often be a challenge, however Westminster has good Asset Management data going back a number of years which should help support our decision making.

What are the risks? A key risk is implementing a significant change in maintenance practices (because the risk based approach and evidence supports such a change) with the result that the change has an unexpected negative impact on services and/or asset condition. This risk can be managed however through consultation and robust performance monitoring to support our decisions and processes.

Another potential risk is having significantly different maintenance regimes in place to a neighbouring borough, this could leave both councils open to challenge. The CoP recommends that neighbouring authorities should consult and align practices as appropriate. This will be reviewed with neighbouring boroughs and balanced against the recommended service levels for Westminster.

Taking an Asset Management Approach

Over recent years officers have been adopting asset management principles to manage and maintain the highway infrastructures assets the City Council own. This has involved understanding our assets in detail, monitoring their condition through inspection and survey regimes, and monitoring asset performance over time. This information, gathered over a number of years, puts the City Council in an advantageous position to determine optimal maintenance strategies and as the evidence to support compliance with the revised CoP.

Asset management is about 'doing things well' and delivering the agreed service (vision, goals and priorities) in the most cost effective and sustainable manner. It is about applying sound asset management principles and practices to the

highway assets and making decisions and developing strategies using data analysis on the condition and performance of our assets going back a number of years. These decisions and strategies must be backed up by continuous monitoring to validate those decisions.

Time lines

Work to review current operating processes, service levels, skills and competencies etc. and evidencing levels of service to meet local needs in readiness for compliance has already commenced through the Highways Infrastructure Asset Management Board. The actions in the time table below details the actions officers are taking to meet the October 2018 deadline:-

ID	Action	Completion Date
1.	Review the process and address need to change	ACTION COMPLETE
2.	Identify sources of supporting evidence	ACTION COMPLETE
3.	Capture the processes for highways, lighting and structures. Recommend Service Levels and provide supporting evidence – all to be captured in the Maintenance Management Plans for Highways, Lighting and Structures	January 2018
4.	Review and update Highways Infrastructure Asset Management Plan (HiAMP) and Asset Management strategy to set the process in an asset management context and ensure alignment to the Council's strategic objectives	August 2018
5.	Draft Cabinet Member Report for executive sign off to endorse the HiAMP and MMP and demonstrate accepted council policy and strategy and compliance with the new CoP	September 2018

Executive Sign Off

To demonstrate the City Council has taken a risk based approach to its maintenance services and captured the necessary evidence to support the outcomes of this approach, the intention is to capture and collate the details by updating the existing Highways Infrastructure Asset Management Plan (HiAMP) and the Maintenance Management Plans (MMP's). It is recommended that these two documents are an appropriate place to gather this information and signed-off by the Cabinet Member for City Highways before October 2018 as executive level endorsement of Westminster's approach to compliance with the CoP.

The Cabinet Member will be fully engaged over the next 12 months as these documents develop and the maintenance regimes and service levels become clearer to ensure a smooth final sign off.

4. Financial implications

Putting in place the necessary documentation, reviewing current operating processes, service levels, skills and competencies etc. as well as gathering the evidence to support service levels, will require resources to meet this need. The cost to get to the point of sign off by the Cabinet Member for City Highways is estimated to be between £100,000 and £150,000.

However, the opportunities that the CoP presents in terms of tailoring service levels to meet local needs could result in cost savings which may offset the costs mentioned above needed to comply with the CoP. The potential cost savings will only be known in full in early 2018.

5. Legal implications

As a Highway Authority, the City Council has certain legal obligations with which it needs to comply. These obligations may become the subject of claims for loss for personal injury or legal action by those seeking to establish non-compliance by authorities. Demonstrating that the City Council maintains the public highway in accordance with the CoP is essential to be able to counter such claims, the expectation is that courts will look upon the code as evidence of good practice and in considering the legal test of reasonableness.

Legal Services and the Tri-Borough Insurance team have been engaged in understanding the implications of the revised CoP and will remain engaged with the development of the documentation to ensure it is robust and places the City Council in the strongest possible position to continue the outstanding claim repudiation rate of 93% - one of the highest in the country

6. Ward member consultation

This report relates to all wards and therefore ward member consultation was not required

If you have any queries about this report or wish to inspect any of the background papers, please contact: Kevin Goad Head of Highways & Public Realm Email: KGoad@westminster.gov.uk

Background Papers