



Cabinet Member Report

Decision Maker: Cabinet Member for Environment & City Management

Date: 04 December 2018

Classification: For General Release

Title: National Code of Practice - Well Managed Highway Infrastructure

Wards Affected: All

Policy Context: Compliance with the national code of practice, Well Managed Highway Infrastructure, supports the 'City for All' vision by delivering a well-managed highway network which meets local needs.

Key Decision: Yes

Financial Summary: This report does not seek financial approval for expenditure, however failure to demonstrate the Council is complying with the national code of practice, with executive level approval, could have a detrimental impact on the council's ability to defend third party claims, therefore placing a financial risk on the council.

Report of: Kevin Goad – Director, City Highways

Report author: Andy Foster – Bridges & Structures Asset Manager

1. Executive Summary

- 1.1 This report details the approach the City Council has taken to comply with the National Code of Practice – **Well Managed Highway Infrastructure (WMHI)** - published by the UK Roads Liaison Group. The City Council has certain legal obligations it must meet to ensure the highway network for which it is responsible remains in a safe operating condition. The intention of the WMHI code is that authorities will develop their own levels of service, the Code provides guidance for authorities to consider when developing their approach in accordance with local needs, priorities and affordability.
- 1.2 The WMHI code of practice was published in October 2016 and replaces the previous codes 'Well-maintained Highways; Well-Lit Highways and Management of Highway Structures. The superseded codes were quite specific in terms of the guidance provided, the revised code forces a Highway Authority to take a risk based approach to the management of its assets. Highway Authorities have until the end of October 2018 to demonstrate compliance with the new code.
- 1.3 Changing from reliance on the specific guidance provided under the old codes, to a risk based approach determined by individual Highway Authorities, requires an appropriate level of analysis and strategy setting. The new code recommends that an individual Highway Authority should gain approval of its compliance with the new code through its executive processes.
- 1.4 To demonstrate how the City Council complies with the new WMHI code, officers have updated the Highways Infrastructure Asset Management Plan (HIAMP) and Maintenance Management Plans (copies of which are attached to this report), the contents of which are discussed in more detail in Section 5. This report therefore seeks executive approval of the HIAMP and the MMP.

2. Recommendations

- 2.1 That the Cabinet Member for Environment & City Management approves the updated Highways Infrastructure Asset Management (HIAMP) and Maintenance Management Plan (MMP), these being the two documents which detail how the council is adopting a risk based approach towards maintaining the highway network as recommended by the Well Managed Highway Infrastructure code of practice.

3. Reasons for Decision

- 3.1 As a Highway Authority, the City Council has certain legal obligations it must meet to ensure the highway network is safe and fit for purpose. From time to time, these obligations may become the subject of claims for loss for personal injury or legal action by those seeking to establish non-compliance.

Demonstrating that the City Council maintains the public highway in accordance with the WMHI code is essential to be able to counter such claims.

- 3.2 The new code has provided an opportunity for the council to review its highway maintenance practices and processes and not be bound by the prescriptive recommendations of the old codes. The new code therefore allows the council to align its service levels more closely to Westminster's corporate objectives and requirements and provide a more tailored service which meets local needs where those needs are identified and supported by robust evidence gathering and analysis.
- 3.3 Adopting an evidence based approach to maintaining the council's highway infrastructure, not only feeds into taking a risk based approach which is the corner stone of the new WMHI code, but also provides an opportunity to deliver efficiencies e.g. provide an inspection frequency on need rather than prescription in the medium to long term.

4. Background, Including Policy Context

- 4.1 The transport infrastructure in the City of Westminster is of local and national importance, it is therefore crucial that the highway network is adequately maintained. Furthermore, it is essential that it is maintained in a way that complies with the good practice guidance provided in the WMHI code.

5. The Well Managed Highway Infrastructure Code of Practice

Introduction

- 5.1 The WHMI Code is designed to promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment. The Code is produced as a single document to emphasise the integrated approach to highway network infrastructure assets.
- 5.2 To meet the recommendations of the WMHI code, the council will have in place a means to regularly analyse and monitor its data sources, not only to evidence its decision making in terms justifying local service levels, but also to continuously monitor its data sources to ensure those levels of service remain justifiable.

Evidence gathering & Monitoring

- 5.3 A robust Highways Maintenance Management System (HMMS) is going to be crucial if the council is going to be able justify the activities it undertakes on the public highway. The current HMMS is Confirm Connect, it contains an inventory of all the Council's Footways, carriageways, drainage and lighting details along condition data and works carried on them. It is essential that this data is complete and accurate and kept up to date.

5.4 In order to make best use of the data in the HMMS, officers have been working with colleagues in the Business Intelligence team to create a number of graphs and dashboards that uses the data in the HMMS and allows Officers to keep up to date with trends. Typical trends monitored include the volumes of reactive jobs on the network, claims data, inspection results, response times and performance targets etc. Having this information readily available is essential for monitoring the service and measuring the success of business decisions such as introducing strategies to reduce the number of reactive jobs or ensure changes in inspection frequencies are not having an adverse impact on the network.

Adopting a Risk Based approach – Westminster’s Strategy

5.5 Defects in the highway that could present a hazard to the public, are subject to a triaging process (except emergency defects) which results in the allocation of a risk factor score for that defect. The risk factor score then triggers a response time to make safe and/or repair the defect. The more serious the defects the faster the response time. The council’s process for responding to a range of typical defects in the highway is recorded in the Highways Risk Register which has been subject to a review as part of moving to a risk based approach.

5.6 The review concluded that the Risk Register should remain unchanged in terms of arriving at the risk factor score i.e. there is no intention to diminish the service in terms of how the council identifies, evaluates and scores a defect to trigger a make safe and repair.

5.7 Although the way defects are evaluated will not change, it is proposed to change the response times to repair defects in the highway. The changes proposed are provided in the tables below, these have been proposed so that timescales assigned are achievable and align with time required to raise permits to work. It should be noted that emergency P1 defects are unaffected and will remain at a 2 hour response level:-

Highways

<i>Defect Category</i>	<i>Existing Response Time</i>	<i>Proposed Response Time</i>
P1	2 Hrs	2 Hrs
P2	24Hrs	48 Hrs
P3	7 Days	28 Days
P4	28 Days	Planned Works
P5	Programmed	Remove

Lighting

<i>Defect Category</i>	<i>Current Response Time</i>	<i>Proposed Response Time</i>
P1	2 Hrs	2 Hrs
P2	24 Hrs	48 Hrs
P3	48 Hrs	7 Days
P4	Programmed	Planned Works
P5	Planned	Remove

5.8 The frequency at which streets are inspected will depend on the category of the street. A new recommendation for categorising London’s Streets has been developed by the London Technical Advisers Group (LoTAG). The new

categorisation (or management hierarchy) looks at the function of the street so takes account of not only traffic density, but the existence of schools, hospitals, doctor's surgeries etc. on the street. Looking at the function (or usage) of the street aligns well with taking a risk-based approach to maintenance.

- 5.9 Officers have re-categorised all the streets in line with the new management hierarchy and then analysed the profile of reactive jobs in the HMMS within each category. The analysis of the number of reactive jobs that typically occur in a year in each category provides the evidence and therefore justification for the frequency of inspections. The more reactive jobs historically generated in a street, the more frequently a street should be inspected. It is anticipated that the analysis of defects on minor streets will evidence that inspections in some streets could be relaxed to annual inspections. No street will be inspected at a frequency less than annually.
- 5.10 In addition to analysing the data in the HMMS, officers are also developing other evidence sources to support their decision making. These include better analysis of year on year carriageway and footway condition data collected historically as part of the Annual Condition Surveys (ACS) exercise. This data will help to understand deterioration trends for lifecycle planning purposes. Furthermore, officers are developing condition/performance indicators for lighting, drainage, footways and carriageways, these will complement the bridge condition indicators that have been in place for a number of years. Condition Indicators will evidence whether or not the performance of the council's different asset types (Footways, carriageways, drainage, lighting structures) meet the certain target levels. The condition/performance indicators will be developed in 2019/20 and once in place will help with investment planning, directing resources to where they are needed most.

6. Financial Implications

- 6.1 Not having the appropriate documents in place to demonstrate compliance with the WMHI code, including evidencing the levels of service applied to certain highway maintenance activities, could potentially expose the City Council to an increase in claims which can't be repudiated and therefore pose an increased financial risk. The Council's repudiation rate will be monitored closely in the coming months (and beyond) to ensure the Council continues to be able to robustly fight claims made against it.

7. Legal Implications

- 7.1 The Council, acting in its capacity as local highway authority, has a duty to maintain its highway in a safe operating condition under Section 41 of the Highways Act 1980. If the Council is challenged over compliance with its obligations under Section 41, for example when a person sustains an injury or damage, the Council may be liable to pay compensation. However, if the

Council can show that it has taken reasonable steps and care to secure that the highway is not dangerous, then it will have a defence under Section 58 of the Highways Act 1980.

- 7.2 Complying with the Well Managed Highway Infrastructure code of practice, as demonstrated by the Council's updated HIAMP and MMP will give the Council the best possible chance of defending a claim under Section 58.

8. Consultation

- 8.1 The relevant Cabinet Member portfolio holder for Highways has been briefed regularly over the last 2 years on progress with regard to achieving compliance with the national code of practice and also any significant changes proposed in terms of managing defects on the network. The need to comply with the code of practice was also presented to Business, Planning and Transport Policy and Scrutiny Committee in August 2017.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Andy Foster on 020 7641 2541 or email afoster1@westminster.gov.uk.

BACKGROUND PAPERS

1. Highways Infrastructure Asset Management Plan (HiAMP).
2. (Highways Infrastructure) Maintenance Management Plan (MMP).

For completion by the **Cabinet Member for Environment & City Management**
I have <no interest to declare / to declare an interest> in respect of this report

Signed:

Date:

NAME:

Councillor Tim Mitchell, Cabinet Member for Environment & City Management

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **National Code of Practice - Well Managed Highway Infrastructure** and reject any alternative options which are referred to but not recommended.

Signed

Councillor Tim Mitchell, Cabinet Member for Environment & City Management

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, Strategic Director Finance and Performance and, if there are resources implications, the Strategic Director of Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

Appendices

None