

<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	12 December 2018
<b>Executive Member/Reporting Officer:</b>	Councillor Allison Gwynne – Executive Member (Neighbourhoods) Emma Varnam - Assistant Director (Operations & Neighbourhoods)
<b>Subject:</b>	<b>UPDATE TO HIGHWAYS WINTER MAINTENANCE POLICY</b>
<b>Report Summary:</b>	<p>The Department for Transport commissioned a review and an update of a number of Codes of Practice with regards to the maintenance of the key assets that make up the highway network.</p> <p>The new Code of Practice, <i>Well managed Highway Infrastructure</i> (WmHI), was published on 28 October 2016.</p> <p>The new WmHI Code of Practice advocates changing the reliance on specific guidance and recommendations in the previous codes, to a risk-based approach determined by each highway authority.</p> <p>Across Greater Manchester a framework has been produced giving due regard to all council highway duties, adopting the guidance that reflects the recommendations from the new WmHI Code of Practice.</p> <p>Based on the new code, officers in the Design and Delivery Service have produced a new Tameside MBC Highways Winter Maintenance Policy.</p> <p>The two year implementation period for introducing a new local policy ended on 27 October 2018.</p>
<b>Recommendations:</b>	That a recommendation is made to Council to approve the updated Winter Maintenance Policy for the treatment of Tameside's highway assets in inclement weather.
<b>Links to Community Strategy:</b>	Prosperous Tameside Supportive Tameside
<b>Policy Implications:</b>	Replacement of previous Policy with new Policy to reflect the updated national Code of Practice.
<b>Financial Implications:</b> (Authorised by the Section 151 Officer)	All costs to implement the proposed policy will be met from within existing resources
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	These are set out in paragraph 1.1 of the report. <i>'Well-managed highway infrastructure'</i> was published on 28 October 2016 and supersedes the previous Codes <i>'Well-maintained Highways'</i> , <i>'Well-lit Highways'</i> and <i>'Management of Highway Structures'</i> . Changing from reliance on specific guidance and recommendations in the previous Codes to a risk-based approach determined by each Highway Authority which requires appropriate analysis. Some authorities have been able to implement a full risk-based approach immediately. Others have required more time and consequently continued with existing practices for an interim period, in which case the previous Codes have remained

valid for a period of two years from the date of publication of the Code (October 2018). There will be a cost to working to a revised higher standard and this needs to be implemented in a value for money way and evidenced.

**Risk Management:**

Not updating our Policy to reflect the new national Code of Practice could potentially leave the Council liable to third party claims

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer, Lee Holland, Head of Design and Delivery by:



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## 1. BACKGROUND

1.1 Under Section 41 of the Highways Act 1980, Tameside MBC has a statutory duty with regards to highways maintainable at public expense. Neglecting this duty can lead to claims against the council for damages resulting from a failure to maintain the highway. Under Section 58 of the Highways Act 1980, the highway authority can use a “*Special Defence*” in respect of action against it for damages for non-repair of the highway if it can prove that it has taken such care as was reasonable. Part of the defence rests upon:

*“Whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway”.*

1.2 This means that highway authorities have to show that they carry out Winter Service operations in accordance with their policies and national guidance. Winter Service policies and priorities should be formally approved.

1.3 Issues for consideration in developing policy should include;

- Network resilience
- Treatment of facilities for public transport users
- Treatment of facilities for road users
- Treatment for walking and cycling
- Treatment for transport interchanges
- Treatment of promoted facilities such as community or leisure centres
- Extent of priority for emergency services
- Extent of priority for public services and critical infrastructure
- Extent of priority for vulnerable users
- Resilience of Winter Service resources
- Other local circumstances

## 2. UPDATING OF POLICY

2.1 The Department for Transport commissioned the UK Roads Liaison Group to review and update the national Codes of Practice with regards to the maintenance of the key assets that make up the highway network.

2.2 The new national Code of Practice, *Well managed Highway Infrastructure (WmHI)*, was published on 28 October 2016.

2.3 The new WmHI Code of Practice recommends a change, to a risk-based approach determined by each highway authority and are based on the appropriate risk, functionality or usage of the highway.

2.4 Across Greater Manchester a framework was produced giving due regard to all council highway duties and has adopted the guidance that reflects the recommendations from the new WmHI Code of Practice.

2.5 The two year implementation period for introducing a new local code ended on 27 October 2018.

2.6 Accordingly, a review of the winter maintenance operations has been carried out by the Design and Delivery service and a renewed policy document drafted based on the new code.

### **3. NEW POLICY STRATEGY.**

- 3.1 The new policy contains details of the procedures related to the general operational activities in the Winter Service Operational Plan, the Highway Maintenance Policy (Local Code of Practice) and Highway Risk Management - Winter Gritting Operations.
- 3.2 The Winter Service Operational Plan and Highway Risk Management - Winter Gritting Operations documents contain details of the measures undertaken by Tameside Metropolitan Borough Council (MBC) to ensure the safety of users of the highway. This is achieved through a variety of diagnostic processes: the forecast, technical and operational treatments and decision making regimes. In addition there is a comprehensive programme of actions; planned and reactive treatments of the adopted highways, dependant on climatic conditions.
- 3.3 Each year, the Council allocates its financial resources with due consideration to strategic aims and priorities. The Winter Service budget is one area of allocation. Tameside MBC recognises that the safety of highway users is paramount and has an allocated budget for undertaking treatments and achieving response times in line with the Winter Service Operational Plan and Highway Risk Management - Winter Gritting Operations.
- 3.4 The new policy document has been written to clearly set out the Council's standards and operational processes to deliver the Winter Service provision. The standards set ensure that the Council provide an effective and deliverable service sustainable with the resources available.
- 3.5 Tameside MBC has a team of officers, specially trained to undertake decision making with regard to interrogating the forecast and proposing appropriate treatments and to deal with the management of the Winter Maintenance Service on behalf of the Council.

### **4. HIERARACHY OF NETWORK AND TREATMENT REGIME**

- 4.1 The Code of Practice defines hierarchy categories for footways and carriageways. These are seen as minimum standards and many footways and roads in Tameside are categorised to a higher hierarchy and inspection frequency.
- 4.2 All the adopted highways have been assigned a carriageway, footway or cycleway hierarchy in accordance with WmHI Code of Practice.
- 4.3 The Council's winter treatment routes criteria are based on inspection frequency that in turn is based on risk, functionality and usage. Road category hierarchy, in combination with known use, are the main determinant of treatments along with individual risk assessment of each road, street etc. Reviews will be undertaken on a five year cycle by competent staff.
- 4.4 Should there be significant changes to the networks e.g. major housing or commercial developments, consideration with regards to treatments will be undertaken at the time of completion of the development.

### **5. RESOURCE IMPLICATIONS**

- 5.1 The existing winter service network comprises 7 treatment routes, 2 wet spot routes and 5 snow routes. This service is delivered by 9 officers and 19 drivers contracted to undertake the winter maintenance operations.

- 5.2 A full re-reassessment of the highway network has been undertaken testing against the new code, the actual number of routes and kilometres of treated highway have not significantly changed. The existing contractual arrangements to deliver this service, with 9 officers and 19 drivers, are sufficient to meet the requirements of the new code.
- 5.3 Although this assessment has been carried out the previous policy did not include treating the shared cycle/footway routes, given the new policy is a risk based approach officers believe that these should be considered for treatment. It would be prudent however to seek advice from counsel and the council's insurance provider before introducing these to the policy. Treating these routes would require additional resources yet to be quantified.
- 5.4 Dependent on the advice from counsel and the council's insurance provider, a further report to be presented on any additional treatments required together with financial implications.

## **6. RECOMMENDATIONS**

- 6.1 As set out at the front of the report.