

Title of report: Highway Maintenance Plan

Decision maker: Cabinet member roads and regulatory services

Decision date: 24/04/2024

Report by: Corporate Director – Economy & Environment

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

To update the Highway Maintenance Plan, which sets out the reasonable system of inspection and repair that will be deployed by the Council to ensure that it meets its duty to maintain all publicly maintainable highways that it is responsible for

Recommendation(s)

That:

- a) **The revised Highway Maintenance Plan, as set out in Appendix A, be adopted.**
- b) **Overall operational control over the Highway Maintenance Plan and its delivery be delegated to the Service Director for Environment and Highways**

Alternative options

1. That the Highway Maintenance Plan is not updated and the Council continues to maintain Herefordshire's highway network in accordance with the 2016 version, as amended for Covid in 2020.

Key considerations

2. Herefordshire Council is responsible for in excess of 3,200km (2,000 miles) of publicly maintained highways, 724 bridges and approximately 14,000 street lights, illuminated bollards and signs. The Council also maintains some 3,380 km (2,100 miles) of public rights of way. The highway network is by far the single most valuable asset in the control of the Council, with an estimated replacement value of c £5.5 billion.
3. The Highway Maintenance Plan (HMP) sets out the performance that is required by the Council for it to continue to meet the duty to maintain the highway under section 41 of the Highways Act 1980. Where there is a breach of the absolute duty to maintain, the HMP enables the Council to make use of the defence available to it under section 58 of the Highways Act 1980, through a reasonable system of inspection and repair.
4. The last version of the HMP was produced in 2016, and amended for Covid in 2020. The purpose of this report is to seek approval to the adoption of a revised version of the HMP, that builds upon the 2016 version and the foundations for a risk based approach first established through the 2007 version.
5. A revised version of the HMP has been produced and is included in Appendix A. Changes in the document include:
 - a. Consideration of the equality duty and how risks to protected groups are included within our decision making process
 - b. Updating the history of the development of the HMP, to show evolution since initial adoption
 - c. Updating references of the Midlands Service Improvement Group to Midlands Highway Alliance+
 - d. Reinforcing the Local Street Gazetteer and National Street Gazetteer, which are datasets of streets, in cross border liaison
 - e. Revising the text in the Network Hierarchy section and the content of Appendix 1 to reflect suggested changes in the hierarchy to capture both unmetalled roads and high use Byways Open to All Traffic and other Public Rights of Way
 - f. Revising the Inspection Frequency Table, to reflect the above changes to the hierarchy
 - g. Adding in the opportunity to vary inspection mode in certain extraordinary circumstances, so as to allow for rapid response to situations like those of the Covid pandemic.
 - h. Creating a dedicated Appendix 2 for the section on Defect Repair Regimes for Carriageways, so as to allow for future updates to be undertaken more easily
 - i. Updating Appendix 11 (formerly 10) with a revised method of managing Skid Resistance to reflect the current system in use

Community impact

6. The revised HMP contributes to the County Plan ambitions, in providing a safe usable network for the localities and for the economy of Herefordshire.

Environmental Impact

7. The revised HMP seeks to deliver the council's [environmental policy commitments](#) and aligns to the following success measures in the County Plan.
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
 - Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport
8. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
9. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management

Equality duty

10. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
11. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

12. The revised HMP considers the equality duty and how risks to protected groups are assessed as part of the decision making. Section 4 of the HMP sets out the detail of the Risk Based Approach that is followed and how the decision making process now takes into account protected groups. Section 8 of the HMP sets out the Safety Inspection, Assessment and Recording processes and procedures, which now takes into account protected groups. Section 9 of the HMP details the Categories of Defect, which also now takes into account protected groups through the calculation of risk and therefore the response time that is allocated to a defect.

Resource implications

13. The decision has no implications on finance, ICT, human resources and property.

Legal implications

14. The legal implications of the recommendation are set out in this report.

Risk management

15. The Highway Maintenance Plan (HMP) sets out the performance that is required by the Council for it to continue to meet the duty to maintain the highway under section 41 of the Highways Act 1980. Where there is a breach of the absolute duty to maintain, the HMP enables the Council to make use of the defence available to it under section 58 of the Highways Act 1980, through a reasonable system of inspection and repair.

Risk / opportunity	Mitigation
Demand /deterioration on the network significant and budget not sufficient	Review within the overall annual and forward programme and deliver in line with the council's priorities.
Deliverability due to rising costs and available resources	Effective contract management processes will provide early warnings of such implications.
Reduction in personal injury and vehicle damage claims	Opportunity to potentially reduce claims and therefore costs to the Council.

16. Any risks will be managed at service level and escalated in accordance with the Risk Management Plan.

Consultees

17. As part of the revised consultation process for key decisions, a Political Group Consultation was undertaken on 10th April 2024 and the following matters were discussed:
- a. How the strengthening of the Highway Maintenance Plan with regard to our duty under the Equality Act impacts on the priority given to a defect, with Section 9 of the revised plan taking into account protected groups through the calculation of risk and as such the response time that is allocated to a defect.

- b. The need for the revised plan to be explained to the Locality Stewards who undertake inspections, with the potential for bespoke training sessions to be arranged to ensure staff understand the specific needs of those with protected characteristics.
- c. Clarification around the purpose that the Highway Maintenance Plan serves when the Council carries out its duty to maintain the highway and how the plan enables the Council to make use of the defence available to it through a reasonable system of inspection and repair.
- d. The condition of the highway network and the on-going investment by the Council.

Appendices

Appendix A – Highway Maintenance Plan 2024

Background papers

None.