

Appendix 8

Updated Highway Risk Management – 2015

The new Safety Inspection Code has now become operational from 1st June 2015. It includes a more detailed explanation of the risk assessment process the inspectors implement. It adds defect descriptions previously missing. It clarifies defect intervention levels for some defects and simplifies others but most importantly, it introduces Recordable Defects and Actionable Defects.

The code introduces definitions that are recordable but the council does not consider the defects to be dangerous so promotes no immediate repair. The idea here is that we will have record of defects we don't repair so that if a claim comes in some time after the incident, we can say to the court, yes there was a defect but it wasn't at intervention at the time of the alleged incident. The court will see we did a full inspection and judged the defect rather than the current situation where we have no record of any defect at all.

We also photograph 99% of defects, Recordable or Actionable. The only ones not photographed are those where it would be dangerous for the inspector.

We have introduced a 5 working day repair time. This has allowed for a more logical response time to defect repairs based on the use of the road. So, the most dangerous defects on the higher used / speed road get a faster response than lower roads. We retain Emergency, Urgent and 20 day response times.

We have also removed some of the confusing response time descriptions so we no longer have Cat 1 or Cat 2 descriptions, we simply refer to the number of days for the reply to be responded to.

Future actions are to review the council's web pages, making information more accessible and understandable. Making sure the public can see what standards Torbay Council strive to achieve in highway maintenance and to enable the online reporting tool to be easier to use. This may help encourage the public to report things to the Council by keeping them informed as to the intervention levels and the criteria applicable for intervention, thereby managing their expectations.

Also the highways department will be revisiting the inspection frequencies and the highway classifications ensuring that as the use of the highway changes, shops open / close, developments take place etc ... inspection frequencies remain fit for purpose and adjusting as necessary.

A full network review is due and it is envisaged that will commence within the next 3 months.

The Council contracted out the highway repair function in 2010 to Tor2 but we retain very close working relationships with our contractors to actively manage the Council's statutory

highways responsibility. So in order to promote this stance, the Council's in house highway team have relocated and are now working alongside Tor2 contractors in the same offices. This ensures the most efficient possible exchange of information between the parties and eliminates any delay or confusion over remedial works whilst improving our service to the Public.

Resurfacing works to reduce pothole risks.

As part of the Council's on-going investment into road maintenance targeted additional funding has been provided for resurfacing works aimed at reducing the risks of potholes. Micro Asphalt has been used to provide a skid resistant and road surface texture, seal the surface against water, prevent potholes and improve ride quality and appearance of the existing surface.

By undertaking the works the risk of potholes forming in the future is reduced. The work is cost effective, preventative treatment which can only be used on roads that are still structurally sound but showing signs of deterioration.

Highway Risk Management - 2014

The Torbay Council Highway section are developing some improvements and have implemented others already designed to improve our ability to maintain our network and provide a substantial Section 58 defence. We have taken a number of claims to court over the last couple of years which is a great indicator of how the councils policies and procedures are considered by the courts. We also gain a lot of experience in trial procedure, evidence delivery and court process which will help us to deliver even further improvements in years to come.

Our court defences have on the whole been successful, 4 wins from 6 cases in the last couple of years but every case gives us a clue as to how courts make their decision and how we can therefore improve our policies.

A couple of improvements we have implemented already include:--

Photographs – we have replaced the Personal Digital Assistants (PDA) that the inspectors use and they now have built in camera's. Inspectors are now instructed to photograph each defect (where safe to do so) so that we have a record of all works issued to Tor2 (the council's highway contractors). This also benefits Tor2 in that they have pictorial insight into their works instructions and we can have greater confidence that the correct defect is repaired. When and if a claim is received in relation to the defect, it is also a great asset to call on for the Claims Team to be able to assess the condition of the area and validity of the claim.

Urgent works are issued automatically to Tor2 as soon as data is electronically added into our Maintenance Management programme (Mayrise). Previously, only the Emergency

works were issued without delay with other priorities waiting for a Contract Supervisor to issue. This eliminates the possibility of urgent works being left on the highway whilst remedial work is waiting for issue.

Re writing of the Torbay Council Safety inspection Manual;-

The re writing of the manual most significantly formalises a risk assessment approach to defects, to prompt inspectors to consider the use of the highway, severity of the defect and likelihood of occurrence of an incident. This has allowed us to have a more considered response to the defect and the risk it poses to the user of the highway with an additional 5 day response time added for defect repairs. We shall also record highway defects at a lower intervention than the current document requires although not all defects recorded will prompt an immediate response. As an example, a carriageway pothole will be recorded when it reaches 20mm in depth but the response to that intervention will be to record as Planned. The Planned response is recorded for the council to consider whether the area requires large scale renewal programmes. Where the pothole exceeds 40mm, a 20 day, 5 day, Urgent or Emergency responses will be undertaken dependent upon the risk. The benefit of recording lower interventions will be twofold:

- A) contribute towards a more accurate assessment of the condition of the highway for targeted resources
- B) demonstrate to a court that a defect was noted before its condition causes a danger to the user of the highway.

We have added defect descriptions that had previously not been considered, such as defects on steps and drainage facilities through kerbs. Intervention levels for depressions have been reconsidered introducing a standard length of 600mm to measure a defect over for footways and carriageways but with differing measurements for the depth and added descriptions of shared surfaces where pedestrians and vehicles.

The revised Safety Inspection Manual will of course look to mitigate the potential of the highway risks and provide a robust section 58 defence. The document is currently undergoing consultation with the Council's own legal claims handling team prior to being adopted.