

## CABINET

12<sup>th</sup> January 2021

### HIGHWAY AND TRANSPORT CONCERN PROCESS

#### Report of the Strategic Director for Places

Strategic Aim:	Delivering sustainable development, Protecting the vulnerable, Customer-focussed services	
Key Decision: Yes	Forward Plan Reference: FP/250920	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mrs L Stephenson: Portfolio Holder for Culture and Leisure, Environment, Highways & Transportation & Road Safety	
Contact Officer(s):	Moaz Khan, Interim Head of Highways and Transport	Telephone 01572 758342 email: mkhan@rutland.gov.uk
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the revised Highway and Transport Concern Process (HTCP) and timeframes.
2. Note that a further report will be brought to Cabinet (anticipated in March 2021) on the overarching Integrated Transport Capital Programme and associated funding.

## 1 PURPOSE OF THE REPORT

- 1.1 This report provides an opportunity to further review the processes relating to the Highway and Transport Concern Process (HTCP) so that, ultimately, the best service within the budgets available is delivered. With this in mind, this report sets out:
- the key issues associated with the current HTCP,
  - clarification of the existing HTCP protocols,
  - proposals for enhancing the HTCP, to both help clear the case work, but also address the key issues identified and in doing so, improve the way with which concerns are handled, and
  - target timeframes for handling concerns.
- 1.2 Please note - a separate report on the overarching Integrated Transport Capital Programme of works and the associated funding will be brought to Cabinet, anticipated in March 2021. This report focuses primarily on the HTCP.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The overall aim of the Highways and Transport department is to maintain a highway network that is accessible for all whilst maintaining the highest level of safety possible within budget. The HTCP should be viewed within this context: it is an essential conduit for residents and parishes to highlight concerns they have whether with regard to traffic management, walking and cycling infrastructure, parking provision or public transport infrastructure. This is a responsive process: analyzing concerns and where possible and reasonable offering engineering solutions to address them.
- 2.2 The HTCP works alongside the Highways Capital Maintenance Programme (which delivers asset management following DfT guidelines) and Fix My Street – a mechanism for residents to identify concerns relating to the maintenance of existing features.
- 2.3 The HTCP in its current form was approved at **September 2018 Cabinet**. The revised process aimed to speed up scheme approval, by removing the need to seek annual cabinet approval of the Integrated Transport Capital Programme.
- 2.4 The Integrated Transport Capital Programme is the name given to the programme of works delivered through funding received from the Department for Transport under the Integrated Transport Block.
- 2.5 Through the revised process, schemes to be funded through the Integrated Transport Capital Programme could be approved throughout the year via delegated approvals – with the Highway and Transport Working Group (also emanating from the 2018 report) providing a sounding board to discuss any contentious or complex schemes.
- 2.6 Since its inception, the HTCP has resulted in a greater output of completed

schemes and so has met the requirement for a more responsive service.

2.7 Lockdown, however, has resulted in a significant backlog of concerns, including many awaiting initial assessment. This has prompted a review of the whole process: whilst the system enables concerns to be raised with ease and throughout the year this has resulted in demand outstripping the available resources to manage the concerns effectively; the pandemic has highlighted this shortcoming which must be addressed if, as a Highways Authority, we are to deliver the best service possible for our residents.

2.8 Table 1 outlines the number of concerns (as of November 2020) currently in the HTCP – broken down by status.

2.9 *Table 1 - Number of concerns by status (at November 2020)*

<b>Status</b>	<b>No of concerns</b>
Closed (completed or determined schemes)	82
Open - scheduled for progress or construction	15
Open - in feasibility	8
Open - on hold (including new concerns) or awaiting initial assessment or feasibility	37
	142

2.10 Please note – when reviewing the remainder of this report, it should be noted that schemes approved through the HTCP make up just one element of the Integrated Transport Capital Programme. The Integrated Transport Capital Programme (see section 5) also includes schemes generated via the sources outlined in section 5.

2.11 This report focuses on the HTCP itself and not the Integrated Transport Capital Programme of works and the associated funding – this is due to be covered in a separate report to Cabinet, anticipated in March 2021.

### **3 KEY ISSUES**

3.1 Upon review of the existing HTCP (summarised in Appendix A), a number of issues were identified. Within this section we identify those concerns and provide clarification or resolutions to address these. A revised process – summarising the clarifications and changes outlined in the remainder of this report can be found in Appendix B.

#### **3.2 Submitting concerns**

3.3 **The issue:** It has been flagged that the mechanism for submitting concerns is not always clearly understood. This is of particular note for individual members of the public, who being unaware of the process for raising concerns, submit a

'fixmystreet' ticket, bypassing the HTCP. As such, these concerns are responded to and redirected resulting in double handling.

- 3.4 **Clarification/ resolution:** Communication is required with the public to raise awareness and differentiate between issues that are normal maintenance and those where new infrastructure or highway changes are required to resolve their concern, and in turn the mechanism for reporting each of these.
- 3.5 Maintenance matters can be reported by members of the public via Fix My Street: <https://rutland.fixmystreet.com/>
- 3.6 Conversely, those areas where there is a concern that cannot be resolved through maintenance of existing provisions – such as speeding or lack of pedestrian or cycle infrastructure, are dealt with through the HTCP.
- 3.7 We anticipate that with further education, and support of the HTWG, that all local residents will be made aware of these different reporting mechanisms.
- 3.8 Whilst localism is a key component of integrating parishes with the HTCP, there is however no requirement that could compel any member of the public raising a concern to go via the appropriate parish. As such, we may still receive concerns directly from residents. In most circumstances, such concerns will be referred back to the parish who would need to decide whether to submit the concern via the HTCP or not. However, whilst it should not be understated the absolute benefit that strong parish liaison brings, in exceptional circumstances, if the matter is, in the view of officers, requiring immediate attention it may be promoted as a capital project outside the HTCP without first consulting the local parish.
- 3.9 Post Cabinet, communication regarding the HTCP along with guidance on submitting concerns will be circulated to parishes and ward members.
- 3.10 **Backlog**
- 3.11 **The issue:** A backlog of concerns from the previous arrangements (24 concerns) has increased (to 37 concerns awaiting consideration) as a result of staff turnover and Covid 19 (having to suspend survey work and officers being redirected towards responding to the Covid crisis).
- 3.12 **Clarification/ resolution:** Whilst short term additional resource has been provided to help address the current backlog, as mentioned this is indicative of a need to address the volume of concerns in a timely and a well communicated manner.
- 3.13 The current process requires that an initial assessment should be carried out to identify if there is evidence to indicate a problem and as such, justify a full feasibility study. There is no requirement for all concerns to undergo a feasibility study.
- 3.14 Going forward this step will be retained and strengthened to enable concerns to be considered more quickly and to ensure officer time is directed towards those schemes that require a feasibility study.
- 3.15 Initial assessment will include a review of the following:
- police accident data and where available, evidenced local records

- any previous concerns / actions
- speed / traffic count data (noting the date)
- and where necessary a site visit to note features of the current highway environment and any existing traffic calming features.

- 3.16 To help further manage expectations and provide clarity to applicants, parishes and ward members, a category based system is also proposed and will be used during the initial screening process to identify and address issues that are causing actual harm, whether to individuals or to the Authority, and thus the tax payer – for example through the repeated replacement of highway features. In doing so, officer time will be directed towards those schemes where there is a strong need for action.
- 3.17 Through the initial assessment, works to address concerns will be classified as one of the four categories below:
- (i) Essential – a scheme that must be delivered as soon as possible to address actual harm to persons i.e. serious injuries
  - (ii) Necessary – works that are required to address sites that historically have injury or maintenance harm but are not currently occurring, but may occur again if not acted upon.
  - (iii) Beneficial – works that would provide benefit to the current situation but are not addressing a recorded history of harm. These will be schemes where the concerns or perception relating to a location feeling unsafe can be addressed.
  - (iv) Amenity – works that would provide amenity opportunities only.
- 3.18 The above categorisation will enable funding to be directed towards those schemes most in need.
- 3.19 As such, funding will be prioritised on essential and necessary schemes, with applicants, the parish/s and ward member/s notified that ‘beneficial’ and ‘amenity’ schemes are unlikely to receive funding through the ITCP, but that such schemes will be kept on a list for consideration should grant funding or developer contributions become available in the future
- 3.20 Within any given year where all essential and necessary matters are or are being addressed and there is an underspend then a list of community led beneficial and amenity schemes will be reported to the HTWG for consideration. Whilst officers will recommend schemes, the HTWG will have the opportunity to provide feedback in such scenario.
- 3.21 The HTWG would be presented schemes which would provide clear benefits but would not usually be promoted by officers for delivery as the recorded evidence does not support the scheme as being ‘necessary’ or ‘essential’.
- 3.22 This additional information will help officers to explain recommendations to the HTWG, highlighting the need to identify schemes that address evidence based issues as a first priority.

- 3.23 An example of how the category system will work can be found in Appendix C.
- 3.24 The HTWG would be supported with Local Plan policies, the Local Transport Plan and neighbourhood plans to make best use of residual capital funding to promote and deliver schemes that support the local concerns and the vision of the council. As such the HTWG will be delivering the schemes that will establish the character and context of Rutland, with schemes that improve the use of the highway for all users.
- 3.25 In the event that a concern is not deemed as Essential or Necessary, the parish may wish to consider funding improvements through their own budgets. In such instances, work must be approved by RCC and will be subject to the process and regulations outlined in our Road Safety Guide.
- 3.26 **Timeframes**
- 3.27 **The issue:** Under normal circumstances feasibility studies (where required) will be started within 9 months of the concern being submitted. However, timeframes have exceeded beyond this due to a number of factors, including: the current backlog, staffing capacity compared to number of feasibility studies being delivered, the time required to gather data and seek approvals.
- 3.28 **Clarification/ resolution:** On 13<sup>th</sup> October 2020, communication was sent to all parishes and ward members to advise that as a result of the impact of Covid 19, a backlog of concerns had developed. The letter stated that new concerns (unless identified by officers as a safety concern) would not be progressed until a report on the process was taken to Cabinet. This hold on new concerns is to help allow officers time to clear the backlog.
- 3.29 Once the backlog has been cleared (anticipated by 31<sup>st</sup> March 2021) the following target timescales will be used. However, please note that the below are for guidance purposes. Whilst every effort will be made to meet the below time frames, they may be subject to vary depending on weather related work, future changes to Covid 19 restrictions (and impact on travel patterns) and urgent safety schemes – which must take highest priority for delivery due to the need to address actual harm as quickly as possible.
- 3.30 Updates on scheme status will be provided at quarterly HTWG meetings.
- 3.31 ***Concern raised to initial assessment taking place***
- 3.32 Initial assessment will include the following (as necessary): a site visit or desktop assessment, review of collision data and speed survey data along with any other relevant records available.
- 3.33 If sufficient data is available to undertake initial assessment – 5 working days.
- 3.34 If insufficient data is available to undertake initial assessment - assessment carried out by end of the following quarter (to enable any speed surveys to be procured).
- 3.35 ***Feasibility study completed***
- 3.36 3 months from feasibility start date.

3.37 ***Construction/ delivery***

3.38 3 – 6 months from feasibility decision date.

3.39 ***Review periods***

3.40 The review periods outlined within RCC's Road Safety Guide will be adhered to. The guide states the following:

3.41 Where no action is recommended, requests to review the area again will not be considered for 36 months from the decision date, unless material changes have occurred that would alter the situation. E.g. a large development or KSI (killed or seriously injured) accident.

3.42 Where works are recommended, the site will not be reviewed nor further works considered until a bedding in period of between 12 – 18 months has occurred following completion of the works.

3.43 By adhering to the timeframes outlined in the Road Safety Guide, officers will have more time to review new concerns rather than revisiting those previously addressed.

3.44 **Alternative recommendations**

3.45 **The issue:** Where parishes don't concur with an officer recommendation it can result in delays if it requires the request to be reviewed further and reported back to the HTWG.

3.46 **Clarification/ resolution:** Any measures recommended will be done so in accordance with guidance, legislation and RCC's Road Safety Guide.

3.47 Historically, concerns raised through the HTCP have also promoted potential solutions. Upon review of evidence officers have recommended engineering solutions that differ from the potential solution offered by the parish and as such do not always receive support – thus causing delays.

3.48 Engineering solutions are designed to address issues relative to survey findings. Some HTCP requests have merit but ultimately are not supported by the findings. However, if survey data identifies an issue the engineers must act responsibly and promote a scheme that addresses the measurable issues.

3.49 In the past, the differing stances have not been adequately understood on both sides. The proposed category system outlined in 3.17 will go some way to help explain and justify decisions.

3.50 To further ensure all parties understand the concern at hand and the reasoning behind decisions, consultation and communication will be delivered as per section 4.

3.51 Finally, where there is still lack of resolve, contentious concerns (where there is disagreement over categorisation or recommendations) will come to the HTWG for consideration as a matter of course.

3.52 **Lack of clarity about the decision making process**

- 3.53 **The issue:** It has become apparent that there is a misunderstanding that decisions can only be made at HTWG meetings.
- 3.54 **Clarification/ resolution:** For clarification purposes, this report serves as a reminder that schemes do not need to come forward to the HTWG for consideration.
- 3.55 Furthermore, to speed up the process and make HTWG meetings more efficient, future HTWG meetings will be reserved for discussion of key issues requiring consideration, rather than considering all concerns raised through the HTCP.
- 3.56 The majority of concerns will be determined outside of the HTWG meeting – this is not a change to the approved process, but clarifies the controls in place. Indeed, through the approved process, in the first instance officers will set out their recommendations, which are then reviewed by the Senior Highways Manager or Senior Transport Manager. A delegated decision form is then completed and submitted for approval – as per the delegations set out in the relevant funding report.
- 3.57 However, in a similar manner to planning committee, where a scheme is more complex or contentious, and would benefit from wider input, the Senior Highway or Transport manager, Strategic Director for Places or Portfolio Holder may request that a concern be taken to the HTWG for consideration.
- 3.58 **Unrecorded accidents**
- 3.59 **The issue:** Police data does not include all accidents – only those attended by the police and where an injury was sustained; this has been a regular source of differing opinion: recorded data as compared to anecdotal from residents / parishes.
- 3.60 **Clarification/ resolution:** We propose to send communication to parishes, requesting that they keep their own evidenced log of accidents within their parish. This log can then be used to support police data when undertaking an initial assessment and/ or feasibility study (where required).

#### **4 CONSULTATION AND COMMUNICATION**

- 4.1 Currently, Ward Member and Parish support is identified at the outset of the HTCP process, as part of the concern logging process.
- 4.2 Moving forward, to ensure consistency and the progress of safety schemes as quickly as possible, communication and consultation will be carried out with the relevant parish/s and ward members, along with the applicant (if not the parish/ ward member) at the below stages and will be carried out by the officer dealing with the concern (to ensure consistency):
- At the beginning and end of initial assessment (to understand the concern, identify any relevant local evidence of accidents and to update on the outcome of initial assessment).
  - Upon completion of feasibility study (where required) for safety schemes. For safety schemes, parishes and ward members will be notified of the intended

works, however the measures identified will be not require parish and ward member support, as recommended measures will be based on engineering and legislative grounds.

- Ward Member and Parish support will be required prior to a feasibility study taking place on a community requested beneficial or amenity scheme. This is to ensure there is demand within the community for the potential improvements/ measures.
- Upon completion of feasibility study (where required) for beneficial and amenity schemes. For these schemes, parishes and ward members will be consulted on proposals. Findings from the consultation will be considered, a summary of the feedback included within the study along with any required updates.
- Prior to any works, notification of work dates will be provided to relevant residents, ward members and parishes.
- One month prior to a HTWG meeting taking place the agenda and associated feasibility studies (for any schemes requiring HTWG review) will be published on the RCC website.
- Updates on the status of all active concerns will also be reported to the HTWG quarterly – and a progress report published on line:  
<https://www.rutland.gov.uk/my-community/transport/transport-strategy/highway-and-transport-concerns/>

## **5 PROGRAMME OF WORKS**

- 5.1 Alongside approved community led schemes identified through the HTCP, the following schemes may also be included within the Integrated Transport Capital Programme:
- 5.2 Safety schemes resulting from the identification and review of:
- Accident cluster sites
  - Fatal and serious accident sites
  - Pro active road safety engineering programmes.
- 5.3 Strategically identified capital schemes, relating to or within the remit of the service areas of the Highway and Transport department, including but not limited to:
- Highway schemes,
  - Integrated transport schemes,
  - Parking schemes,
  - Passenger transport infrastructure,
  - In house fleet,
  - Public rights of way schemes and
  - Accessibility schemes.
- 5.4 Schemes identified through the HTCP are demand / response led initiatives requiring feasibility work to ascertain the matters that can be addressed with

engineering solutions. As such, schemes are not 'off the shelf' so cannot be immediately programmed in for delivery. Therefore, the Integrated Transport Capital Programme of works is constantly updating.

To provide transparency and ensure officer time and funding is prioritised where it is most needed, it is proposed that the programme of works be updated on a quarterly basis, with the first programme published in the forthcoming associated March 2021 cabinet report and following iterations provided at the quarterly HTWG meetings.

## **6 ALTERNATIVE OPTIONS**

- 6.1 Retain existing process – accepting the inherent delays and difficulties.
- 6.2 Move to a programme of work that is approved yearly – slowing the process further and reducing responsiveness.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report.
- 7.2 Approved schemes identified through the HTCP are funded by the Integrated Transport Capital Block grant, which is provided to highway authorities by the Department for Transport (DfT) to enable them to deliver the policies and projects set out in their local transport plan, and to tackle road safety issues.
- 7.3 Due to the complexity surrounding the HTCP, a separate report on the Integrated Transport Capital Programme of works and funding allocations will be brought to the March 2021 Cabinet.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The forthcoming March 2021 Cabinet report will seek approval for delegations required to approve funding and speed up the existing process.

## **9 DATA PROTECTION IMPLICATIONS**

- 9.1 A Data Protection Impact Assessments (DPIA) has been completed. Risks/issues were identified and have been addresses in the following ways:
  - Retain statement on web form that refers to 'only submitting personal data where requested'.
  - Ensure concern submissions are read before being circulated to other parties. If personal data other than the initiator is included, respond to the applicant and advise them to resubmit a redacted version
  - Ensure feedback is safely stored.
  - Add paragraph to all correspondence containing personal data, stating: 'This correspondence contains personal data. Please do not forward or circulate this correspondence.'

9.2 A copy of the DPIA can be obtained from the Transport Strategy Manager.

## 10 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed as a screening Equality Impact Questionnaire was undertaken and no adverse or other significant issues were found that required a full Equality Impact Assessment to be carried out.

## 11 COMMUNITY SAFETY IMPLICATIONS

11.1 Investigation of KSI (killed or seriously injured) accident sites will identify if there is scope to undertake improvements that may reduce the number of accidents at these sites.

11.2 Some schemes may result in road safety improvements.

## 12 HEALTH AND WELLBEING IMPLICATIONS

12.1 Some schemes will encourage walking and cycling, which in turn has the potential to improve health.

12.2 A number of the schemes being considered could improve wellbeing due to improvements that tackle both perceived and actual speeding and traffic problems.

## 13 ORGANISATIONAL IMPLICATIONS

13.1 **Environmental implications:** Where engineering works take place, consideration will be given to the impact on the environment and climate. In larger schemes, where necessary, the need for an environmental assessment and/ or habitat regulation assessments will be considered.

13.2 **Human Resource implications:** Should the number of concerns continue to increase, additional resourcing may be required.

## 14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 The recommendations are put forward with a view to speeding up the process going forward and ensuring a more responsive service.

## 15 BACKGROUND PAPERS

15.1 Cabinet report: 120/2019

## 16 APPENDICES

16.1 Appendix A: Highway and transport concern process flowchart.

16.2 Appendix B: Revised highway and transport concern process flowchart

16.3 Appendix C: Example of scheme categorisation.

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**