

Cabinet: Item 6(a)

Notice of Motion – Highways Infrastructure and People with Disabilities

Background and context

- 1 The Chairman of the County Council referred the notice of motion on highways infrastructure and people with disabilities, submitted to the County Council on 22 July 2016, to the Cabinet Member for Highways and Transport. The motion resulted from the work of the Carers' Task and Finish Group which was chaired by Mrs Millson. The Cabinet Member and Mrs Millson had a meeting on 25 July 2106 to discuss the notice of motion.
- 2 The general fields of concern highlighted in the motion are currently managed and addressed as appropriate, in line with the Highways Authority's obligations and powers, and both annual and extraordinary investment programmes are also aiding the improvement of infrastructure for accessibility by those with impaired mobility.

Legislation

- 3 The County Council, as Highways Authority, is responsible for key areas of maintenance, improvement and enforcement of the highway under legislation. In respect of delivering the services, the Highways and Transport delivery teams comply with:
 - The Disability Discrimination Act 1995 and 2005
 - The Equalities Act 2010
 - Highways Act 1980
 - Road Traffic Act 1988

whilst also being cognisant of developing legislation and codes of practice.

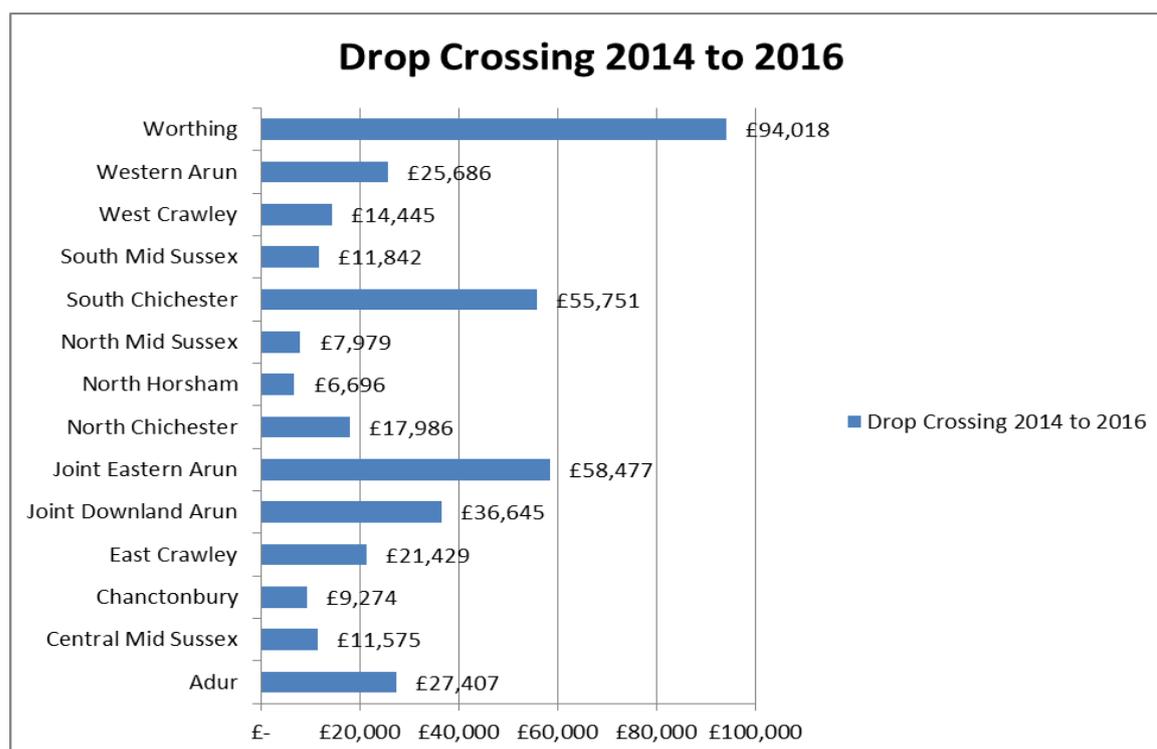
Management and enforcement: Jurisdictions

Area	Authority/ Enforcement	Responsibility
Improvements to highway infrastructure	WSCC	Identify and deliver reasonable adjustments to provide equality of access.
Fixed highways assets	WSCC	Managed as part of the overall highway infrastructure assets.
Parking on footways	Police, Borough, District and Town Councils and WSCC	It is an offence to drive onto the pavement, whether with intention to park or not. Because this is a criminal offence, as opposed to the vast majority of civil parking offences, it is enforceable by the police, not the local authority. Sussex Police guidance on reporting pavement parking by calling 101 http://www.sussex.police.uk/contact-us/report-online/parking-issues/ .

Area	Authority/ Enforcement	Responsibility
Parking on footways (cont)		Issues of nuisance may also be under the auspice of local authorities. Subject of the Parking Task and Finish Group which has been convened by the Cabinet Member for Highways and Transport to meet from September 2016.
A-boards and other street furniture	WSCC, Borough and District Councils	Where agreements have been established local district and borough councils are responsible for maintaining street furniture such as benches, noticeboards, refuse bins and bus shelters. Where WSCC retains jurisdiction there is a well-established process for action and escalation for enforcement.

Annual Maintenance

- 4 In cognisance of legislation, the County Council has included an ongoing programme of drop-crossing improvements purely to upgrade accessibility for a number of years. Monthly, quarterly and annual inspections of the levels of footway hierarchy by engineers focus on safety and accessibility issues, identifying and helping to prioritise works for delivery within the overall annual maintenance spend.
- 5 Over the financial years 2015/16 and 2016/17 some £400,000 has been spent delivering improved dropped crossings to improve accessibility at some 102 sites.



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- 6 A further £50,000 will be spent in the remainder of this financial year at a further 25 sites.
- 7 The County Council's 'Safety Plus Policy' was formulated using the nationally-recognised guidance '[Well Maintained Highways - A Code of Practice](#)'. The code has been fully endorsed by the Department for Transport. It recognises the needs of all users that would ordinarily be expected to use the highway, and sets intervention levels based on risk. Contractors carrying out works on the highway are expected to do so in accordance with '[Safety at Street Works and Road Works – a code of practice](#)'.

This pays particular attention to the needs of disabled and vulnerable users.

- 8 A Cabinet Member [report](#) dated October 2007 dealt with the issue of advertising signs on the highway. It states that those signs or 'A' boards placed in a position that results in the highway being significantly obstructed, restricts visibility, or creating a high degree of difficulty for highway users to pass by, should be dealt with within 24 hours as it constitutes an immediate or imminent hazard to highway users.

Design & Build

- 9 As a Highways Authority, the County Council's compliance in relation to the design and build of new infrastructure can be summarised as follows:

New schemes commissioned by the County Council follow the national guidance for dropped crossings and provision of tactile paving, this is currently LTN 2/95 [Design of Pedestrian Crossings] as modified by '[Guidance on the use of Tactile Paving surfaces](#)' 2007.

- 10 Consultation to modify this guidance took place in 2015 but it has not yet been revised.
- 11 In addition to this, new highway schemes that alter the layout of the network are subject to the Road Safety Audit process. This is intended to reduce the numbers and/or severity of collisions occurring at new schemes constructed on the highway network. It includes a review of the design and constructed scheme, by independent qualified Road Safety Auditors, as well as members of the Highways Authority and the Police, and is governed by national guidance ([Highways England's The Design Manual of Roads and Bridges, section HD 19/15](#)).
- 12 In relation to vulnerable road users, the standard makes particular provision, as follows:

2.25. Road Safety Auditors must examine the overall layout of the Highway Improvement Scheme. All users of the highway shall be considered including motorists, pedestrians, cyclists, equestrians and facilities for those working on the highway... Particular attention should be given to vulnerable road users such as the very young, older users and the mobility and visually impaired.

Transition Fund 2016 – Footway Improvement Programme

- 13** The County Council report of 15 April 2016 – ‘Future West Sussex Plan and Medium Term Financial Strategy 2016/17 to 2019/20: Budget Update’ sought the Council’s approval to allocate £5m of the Government ‘Transition Fund’ to Footway Improvement, over two years. Paragraph 11 of the report set out the aims for the spend:
- (a) Focus on access for vulnerable users, schools, clinics, hospitals etc. to improve footway surfaces with direct benefits to help alleviate slips, trips and falls (and thus reduce the community costs: i.e. cost of NHS treatment, social services etc. and potential insurance claims for personal injury). It will tie into ‘Future West Sussex’ values of helping the most vulnerable feel safe and supported.
 - (b) Also focus on areas of high usage including shopping areas/key links around carparks/bus/rail stations etc.
 - (c) To make improvement to higher risk areas including footways where repeat visits are made to address safety concerns that are not covered by the above or business as usual programme.
- 14** The Performance and Finance Select Committee referred the proposed strategy and criteria for prioritising sites for improvement to the Environmental and Community Services Select Committee (ECSSC) for scrutiny and endorsement.
- 15** On 22 June 2106 ECSSC resolved ‘That the Committee supports the criteria and strategic approach to investing the Transitional Grant funding in the Footway Improvement Programme.’ The strategic approach in developing the programme is contained in the report to ECSSC: agenda item 6 ‘Highways Transition Fund - Prioritisation Criteria’.
- 16** A key element of developing and informing works for delivery in year 2 of the programme is stakeholder engagement, to include:
- (a) A survey of residents through the County Council’s ePanel on the perceptions of condition of the footway network and its impact upon pedestrian journeys;
 - (b) A questionnaire for members to submit their top three streets generating complaints of footway condition; and
 - (c) Engagement with focus groups to explore the needs, desires and solutions impacting groups with restricted mobility issues, in liaison with Public Health.

This programme for works delivery has commenced and the stakeholder engagement has been initiated.

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Parking – the Road Space Audit Task and Finish Group

- 17** Parking in many towns and villages across West Sussex is known to be problematic, with limited supply often in those areas of greatest demand as well as associated access/safety problems caused by indiscriminate parking. In many areas, the introduction of waiting restrictions, including Controlled Parking Zones, has facilitated some degree of traffic management but invariably, the parking problem is merely moved into another unrestricted area.
- 18** Via a pilot study carried out in Chichester, County Council officers have, therefore, sought to investigate whether a more progressive approach might offer the solution to future parking needs in these areas. This new approach is known as a Road Space Audit (RSA).
- 19** Having considered the initial results of the pilot study in Chichester, the Cabinet Member has appointed an Executive Task and Finish Group (TFG) to help him determine if/how RSAs might be refined, prioritised and applied in the future to other towns and villages within the rest of West Sussex. The terms of reference for the TFG can be found [here](#).

Human Rights Act Implications and Social Value

- 20** The rights of those living within the county have been considered in each aspect of the service delivery. Vulnerable users form an integral part of the assessment criteria for prioritizing maintenance and improvements to the highway infrastructure. The current approach in the delivery of maintenance and improvements to the highway infrastructure takes consideration of social value and provides all members and communities to progress and deliver their concerns through a consistent route to enable social, economic or environmental benefits to the county.

Conclusion

- 21** While the Cabinet Member understands the concerns of the members of the Carers' Task and Finish Group, and thanks them for their invaluable contribution, a review of current practice and standards for progressively improving the pedestrian realm in terms of accessibility has demonstrated that systems and processes are in place and functioning to address the responsibilities of the Authority.
- 22** In conclusion, the Cabinet Member does not support the notice of motion. The formation of a working group would not be in the best interests of the County Council but the Cabinet Member invites all members to continue to raise site specific concerns they may have in their constituency with their Highways Area Manager.
- 23** The Cabinet Member's decision on this matter was published via the Executive Decision Database on 11 October 2016.

John O'Brien

Cabinet Member for Highways and Transport

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Background Papers

None