

## CABINET

11 May 2016

### Present:-

Councillors J Hart (Chairman), S Barker, J Clatworthy, R Croad, S Hughes, A Leadbetter, J McInnes and B Parsons

### Apologies:-

Councillors A Davis

### Members attending in accordance with Standing Orders 8 and 25

Councillors Brazil, Connett, Hook, Julian and Westlake

\* 22

### Minutes

**RESOLVED** that the minutes of the meeting held on 13 April 2016 be signed as a correct record.

\* 23

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 24

### Chairman's Announcements

The Chairman welcomed Mrs Mayes who was attending the meeting in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

\* 25

### Petitions

There was no petition received from a Member of the Public or the Council.

\* 26

### Question(s) from Members of the Council

There was no question from a Member of the Council.

## **KEY DECISION**

\* 27

### Highways Safety Policy (Cabinet Minute \*403/14 October 2015)

(Councillors Brazil, Connett, Hook, Julian and Westlake attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Highways, Capital Development & Waste (HCW/16/39) on, and seeking approval to, a revised Highway Safety Policy.

The proposed operational policy (Version 6, May 2016) had been designed to enable the Council to meet its statutory duty to maintain the highway network as safe as was reasonably practicable in all the circumstances and in so doing had also taken account of:

- guidance provided in the National Code of Practice (Well Maintained Highways);
- the draft update of the National Code of Practice (Well-managed Highway Infrastructure);

- best practice in other authorities and the results of trialled policy changes.

The Policy would, as now proposed, enable defect repairs to be focussed on the highest priorities, improve resilience and enable more effective working; reflecting the trialled changes on footway cracks and gaps, roadmarkings, road traffic signs, potholes and obstructions set out in detail in Appendix B to Report HCW/16/39 which had generally proved successful and upon which no negative impacts had been observed.

The main change from the proposals considered previously and upon which the aforementioned trials had been based would, if now adopted, also see the introduction of a risk matrix to assess the impact of a defect and determine the most appropriate response, to see if action was required immediately or whether repairs could be undertaken later as part of any planned maintenance work. This would provide a practical, risk based approach to highways safety inspection and defect repair throughout the County.

The Place Scrutiny Committee had, as promised, been asked for its views on the results of the trialled policy changes which it had welcomed as providing a more flexible approach to highway maintenance generally although concern was expressed by Members attending this meeting under Standing Order 25 at any reduction in standards contained in the revised policy.

The Head of Service's Report also incorporated an Impact Assessment relating to the possible impacts of the proposal, which had been circulated previously for the attention of Members at this meeting in order that as part of its determination of the next steps in the process the Cabinet might have full regard to the responsibilities placed upon it to exercise its Public Sector Equality Duty, under s149 of the Equality Act 2010, where relevant. That assessment recognised that while, inevitably, highway defects could expose highway users to risk, the Policy attempted to mitigate those risks through a risk based approach, appropriate reporting and corrective mechanisms being undertaken at an earlier opportunity than hitherto and more resilient repairs. No unmanageable impacts had been identified.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

(a) that the Highway Safety Policy set out in Appendix A to Report HCW/16/39 be approved and the Head of Highways, Capital Development & Waste be authorised, in consultation with the County Solicitor and the Cabinet Member for Highway Management and Flood Prevention, to approve further minor amendments to the Highway Safety Inspection Policy prior to the next full review in September 2018;

(b) that Highways & Traffic Order Committees be made aware of the revised operational policy.

*[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].*

#### **STANDING ITEMS**

##### **\* 28 Question(s) from Members of the Public**

There was no question from a Member of the public.

\* 29 **Minutes**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and

**RESOLVED** that the Minutes of the County Farms Estate Committee held on 28 April 2016 and any recommendations to Cabinet therein be approved.

\* 30 **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>.

\* 31 **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <https://new.devon.gov.uk/democracy/how-the-council-works/forward-plan/>).

**NOTES:**

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 10.57 am