

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY 9 FEBRUARY 2004 AT 2.00 P.M.**

Agenda Item
No.

7

COMMUNITY ENGAGEMENT ON ACCIDENT REMEDIAL SCHEMES

Report of the Director of Environment

Author: Mike Younghusband

Tel: 01707 356551

Executive Member: Derrick Ashley

1. Purpose of report

The purpose of this report is to seek the Cabinet's approval for a modified structure for community engagement on accident remedial schemes (Safety Engineering).

2. Summary

- 2.1 The Road Traffic Regulations Act 1988 places an obligation on the County Council to address injury accidents on its roads. The recent publication of the ACPO Road Death Investigation Manual adds a new perspective to the obligation by indicating that the Police should aim to 'investigate all road deaths as 'unlawful killings' until the contrary is proved. This underlines the need for the County Council to have a focused and incisive process for tackling known accident sites.
- 2.2 Several Members have increasingly questioned the current strategy for community engagement on accident remedial projects. The current strategy was agreed in 1993/4 and based on a principle of 'inform and not consult'.
- 2.3 In many other areas of the highways service, increasing emphasis has been placed on the need to consult and involve local communities. This contrast with the accident remedial engagement strategy has raised questions about the latter strategy.
- 2.4 The October 2003 Transport Panel considered these matters and recognised that a balance needed to be struck between providing the most technically effective accident remedial scheme within a reasonable time span and meeting the County Council's desire to involve local communities in decision making.
- 2.5 The Panel have recommended a revised engagement strategy with an emphasis on consulting on clear proposals rather than on seeking

solutions from the community. It also concluded that objections to schemes should be considered in a comprehensive, but effective and conclusive process.

3. Conclusion

- 3.1 A balance needs to be struck between providing the most technically effective accident remedial scheme within a reasonable time span and meeting the County Council's desire to involve local communities in decision making.
- 3.2 The Cabinet is requested to consider the Transport Panel's recommendation for the community engagement process and objection resolution process for accident reduction schemes.

1. Background

ACPO Road Death Investigation Manual

- 1.1 The recent ACPO Road Death Investigation Manual states that ‘many road deaths should be treated as homicides’. Hence, there is a requirement on the police to carry out a thorough investigation into any road death. The Statement of Investigation Standard states that the police service should aim to ‘investigate all incidents as ‘unlawful killings’ until the contrary is proved.
- 1.2 The Manual includes recent judicial guidance, which suggests two categories of unlawful killing that amount to Manslaughter. It would be under the category of Gross Negligence Manslaughter that the County Council, as highway authority, could risk prosecution.
- 1.3 Where the gross negligence leading to manslaughter attaches to a Corporate Body (such as HCC) fines against that organisation may be substantial and individual directors/senior officers/cabinet members could be exposed to personal prosecution for manslaughter, depending upon their level of involvement and responsibility.
- 1.4 Legal proceedings are rare and problematical. The Corporate Homicide Bill presented to the House of Commons in 2000 proposed a new specific offence of Corporate Killing. This has not yet progressed to become law.
- 1.5 However it should be noted that any previous accident history for the location will be included in the evidence. The Manual states ‘the prior knowledge held by the highway authority on a road is also of great significance’. Existing knowledge of untreated hazards at a site could be viewed as constituting evidence of future risk of injury being suffered by another ‘victim’.
- 1.6 The implication for HCC is that we must ensure that accident remedial schemes result in the necessary casualty reduction, and that consultation processes do not compromise the anticipated benefit, or the timeliness of implementation.

2. Current Policy and Transport Panel Recommendations

- 2.1 Several Members have increasingly questioned the current strategy for community engagement on accident remedial projects. The current strategy was agreed in 1993/4 and based on a principle of ‘inform and not consult’.
- 2.2 In many other areas of highway service, increasing emphasis has been placed on the need to consult and involve local communities. This contrast with the accident remedial engagement strategy has raised questions about the latter strategy.

- 2.3 The October 2003 Transport Panel considered the matters and recognised that a balance needs to be struck between providing the most technically effective accident remedial scheme within a reasonable time span and meeting the County Council's desire to involve local communities in decision making.
- 2.4 All accident remedial schemes within a particular year's Integrated Works programme (IWP) should be communicated to local members, with detailed information about the accident and casualty record of the location and the recommended proposals to address the injury accidents.
- 2.5 The Panel recommended that, in general, the emphasis of the engagement strategy should be based on consulting on clear proposals rather than on seeking solutions from the community. The necessary degree of engagement will be dependent upon the likely impact of the scheme on the local community, the following table sets out a framework for engagement. The Panel also recommended that best use is made out of existing communication channels.

Community Impact	Engagement Required
Low e.g. anti skid surfacing, road markings and additional warning signs.	Inform local members and Joint Member Panel Chairman and meet if appropriate.
Medium e.g. kerb alignment/ road marking adjustments that may have an effect on congestion or other local issues.	Establish need for public consultation with local member.
High e.g. Road Humps, new traffic signal installations etc.	Undertake public consultation.

- 2.6 The community engagement exercise should clearly explain the accident problems that need to be addressed plus the strengths and weaknesses of any options that have been examined prior to selecting the proposed scheme.
- 2.7 The Panel recognised that there would be occasions where different solutions may achieve the same desired outcomes. In these instances it is recommended that the options be subjected to public consultation.

3. Resolving Objections

- 3.1 The Panel also concluded that objections to schemes should be considered in a comprehensive, but effective and conclusive process.

3.2 The following process is recommended:

- A If a scheme consultation process identifies objections or the publication of required traffic regulation orders results in objections to the scheme, the local member will be informed. Officers will seek to resolve objections directly with the people involved. Should it not prove possible to resolve the issue in this way, the Executive Member will be consulted prior to a final decision.
 - B If a scheme consultation identifies a significant objection to the scheme (i.e. petition, majority view at an exhibition, conflicting member or JMP views) then the scheme will be referred to the Development Control Committee.
 - C If responses to the consultation demand a modification to the proposals that would significantly reduce the intended casualty reduction benefit then the scheme will be referred to the Development Control Committee.
- 3.3 These processes will have to be built in to scheme programming and on occasions could result in delays to scheme implementation.

4. Financial Implications

- 4.1 Implementing a systematic engagement process, which provides community engagement whilst ensuring that policy objectives and statutory obligations are met, incurs direct costs that will have to be met from within existing resources. Thus any increase in the costs of consultation will result in a reduction in the funds available to implement schemes.
- 4.2 Typically a minor exercise involving a member briefing and a local letter drop may cost £1,000 per scheme and an exhibition; results analysis; follow up discussions and consultation feedback may cost £8,000 - £10,000 per scheme.
- 4.3 There are risks of cost of litigation if a project is unreasonably delayed or an ineffective project is implemented. These litigation costs could be substantial.

Background Information

Transport Panel 7th October 2003 Item 4.