

# **Protocol for joint working on Highway Cleansing issues between Sub Regional Local Authority Districts, Highways England and their Contractors**

## **Introduction**

The cleansing of any public highway that is not a motorway and where responsibility for its cleaning has not been transferred to a highways authority (Highways England or County Highways) under EPA S86(11) is the responsibility of the local authority.

Section 89(2) of the Environmental Protection Act 1990 places a duty on the Secretary of State in respect of motorways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean. This is in addition to the section 89(1) requirement which relates to litter and refuse and therefore means removal of detritus.

In such cases the EPA requires the duty bodies to ensure their roads are kept clear of litter and refuse as far as is “practicable”.

“Practicable” however simply means “physically possible” without the need to take account of cost, time and trouble. This is in contrast to “reasonably practicable” where these considerations would come into play. Local authorities cannot therefore use traffic management as an excuse for not carrying out cleansing work on trunk roads; however such works are labour intensive, costly and hazardous.

In order to fulfil these obligations representatives from local authorities within the sub-region, Highways England and the Highways Contractor have joined together to produce this protocol, a shared approach for public highway cleansing.

The aim being by improving communication and co-operation sub-regionally safer working practices can be implemented and efficiency savings can be made.

Members signed up to the protocol:

Highways England  
Contractors of Highways England  
Warwickshire County Council Highways  
Rugby Borough Council  
Warwick District Council  
Stratford District Council  
North Warwickshire Borough Council  
Nuneaton & Bedworth Borough Council  
Coventry City Council  
Solihull Metropolitan Borough Council  
Tamworth Borough Council

## PROTOCOL

### Co-operation & Co-ordination

1. We commit to working together wherever practicable, sharing resources in terms of crews and equipment in order to improve the general appearance of the road network
2. We will promote the work that we carry out sub regionally to illustrate the benefit of joint working
3. Highways England and/or their contractor will produce quarterly and annual programmes of work and circulate them to the relevant local authority at the earliest opportunity
4. A weekly list of road closures will be produced and circulated by the Press Office, Highways England. There will be a presumption that LAs will be able to share those road closures and undertake works alongside the contractor unless specifically told otherwise. Local Authority Officers will access this list weekly and wherever possible act on the information provided in order to carry out cleansing works within road closure areas, liaising with the Contract Officer on site responsible for the traffic management arrangement.
5. All Local Authorities will send a relevant person for induction with HE contractor. This induction training will be cascaded through the team. We will not send anyone who has not been inducted or certified by HE. Trained personnel will be added to the central EM register.
6. Operational staff will attend site inductions as and when required prior to carrying out works
7. Highways England or their contractor 'site supervisor' will be the lead officer on site and shall direct crews accordingly. Any issue with works should be reported to the site supervisor immediately. Where possible a Local Authority Supervisor will attend the start/completion of works and conduct a debrief.
8. It is the responsibility of each Local Authority to ensure appropriate PPE is provided and worn at all times within the designated working area. All to conform to the minimum standard colour of orange and reflective strips must be to EN471 class 3 (reflectivity classification.) Must have two reflective strips on the leg of the trousers, must have belt and braces on the long sleeved top.
9. Where practicable, Local Authorities will endeavour to take a common sense approach to cross border working and will cease works at a convenient and predetermined point, i.e road junction, which may encroach into a neighbouring authority's area.

10. Local Authorities will communicate regarding cross border working, providing extra resources, physical and mechanical, as necessary. All to make available an Asset List of available plant
11. Highways England and their Contractors will provide timely information via the generic Inbox regarding road closures, in order that the LA's can access the closure (whenever practicable) to carry out cleansing works
12. Should road closures be cancelled or deferred Highways England contractors will notify respective Local Authorities Immediately and have a 'back up plan' to direct crews elsewhere if practicable
13. Should Local authorities be unable to commit to resources and works agreed, they shall notify Highways England or their contractor as soon as possible before the works are due to commence.
14. Local Authorities will commit to a working arrangement which allows for staff to undertake a flexible working approach, mirroring night time road closures, whilst complying with working time directives and drivers hour's responsibilities.
15. Local Authority operational staff will be the responsibility of the Local Authorities, not HE contractor. Any 'on site' incidents should be reported to the named contact in this agreement ASAP. A debriefing session will be held on completion of each closure
16. Appropriate risk assessments and safe systems of work will be the responsibility of each local authority to provide, though information will be shared.
17. All generic requirements and amendments will be shared with group members for Risk Assessment inclusion, as required and reviewed every six months
18. Half yearly reviews of practices and appendices as necessary

## **Grievances**

In such instances where there may be a grievance between one or more of the parties a grievance procedure will be invoked and a team of Officers not involved in the grievance will be allocated to arbitrate. The senior officers of the local Contractor and Authority will investigate and try to resolve in the first instance, if necessary HE will be the final arbitrator.

**Contact Details**

<b>Organisation</b>	<b>Contact / job title</b>	<b>Contact Details</b>
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