

Highways liability to support social distancing messaging in the Borough

Summary

Surrey County Council highways have been working with various teams within Boroughs and Districts to identify and deliver measures to enable safer active travel in the context of social distancing. Some, including SHBC approached SCC about installing social distancing stickers/decals on pavements to delineate safe distances for queueing. Up until the 5th June 2020, SCC's position was to not allow these, given a host of issues that they present in respect of liability and maintenance.

Surrey Highways have now recognised how important the need is to enable spaces to be as safe as possible as people return to the high street, SCC members have therefore agreed to allow these measures, including decals on pavements, for the period of social distancing, However, it is expected that liability be taken.

Portfolio: Leader

Date Portfolio Holder signed off report: 15 June 2020

Wards Affected: All

Recommendation

The Executive is advised to RESOLVE that temporary liability be accepted for social distancing decals on the pavements across the Borough which have been purchased and provided by the Council and/or Collectively Camberley BID.

1. Key Issues

- 1.1 Ascertaining social distancing during the pandemic is everyone's responsibility, however, as a Local Authority we need to support our communities in understanding the needs for social distancing, and ensuring we are supporting the Governments guidelines in the re-opening of our high streets and communal spaces whilst restrictions on lockdown are lifted.
- 1.2 Within Camberley and some smaller High Streets there is limited space for the deployment of A-Boards or signage to support information about social distancing, and of using pavements to provide details on social distancing have been adopted as a simple recognisable process UK wide during the Covid-19 pandemic.
- 1.3 Up until the 5th June 2020 Surrey County Council were not allowing for the utilisation of pavement decals across the Borough.

- 1.4 Boroughs and Districts across the County have been lobbying for this blanket disapproval to be lifted to enable them to support a variety of social distancing measures.
- 1.5 On the 5th June 2020 Surrey County Council Members agreed to lift this, with requirements for the Boroughs and Districts to take over the liability required to ensure the Health and Safety of users of the public spaces which are detailed between 4.1.1 – 4.1.6

2. Resource Implications

- 2.1 Internal teams and resourcing information is being sought.

3. Options

- 3.1 The Executive has the option to
 - 3.1.1 Refuse to accept the liability; or
 - 3.1.2 Accept the liability

4. Proposals

- 4.1 Surrey County Council have requested the following be agreed to at Borough and District level for the utilisation of pavement decals within the Borough to support social distancing during the COVID-19 recovery and relaxation of lockdown measures:
 - 4.1.1 agree the locations with all relevant parties (including the disabled groups – they may impact on partially sighted);
 - 4.1.2 install and maintain (regular maintenance as they could peel off and be a hazard);
 - 4.1.3 agree to cover costs and making good any damage they cause (i.e. to expensive materials such as Yorkstone);
 - 4.1.4 ensure that the materials used are sufficiently skid resistant (i.e. not slippery when wet);
 - 4.1.5 agree to deal with any correspondence relating to these measures;
 - 4.1.6 are liable for any insurance claims for slips of falls related to the decals; remove these measures if instructed by SCC (this would only be done where there were obvious health and safety or maintenance issues that could not be resolved)

5. Supporting Information

- 5.1 The utilisation of pavement decals will be reviewed on an on-going basis to ensure that they are supporting social distancing, are well maintained and are still providing the correct information as per the Government's guidelines.

6. Corporate Objectives And Key Priorities

- 6.1 Place – continued focus on our vision to make Surrey Heath an even better place to live – providing the tools to support the community during the time for the need for social distancing.
- 6.2 Prosperity – to sustain and promote our local economy so people can work and do business across Surrey Heath, promoting an open for business approach that attracts investment and complements our place – supporting local business to adhere to the guidelines set out by government enabling them to re-open safely

7. Policy Framework

- 7.1 Clarification is being sought with County Highways about requirements for maintenance.

8. Legal Issues

- 8.1 If the Council's public liability insurance does not cover the decals on the pavements across the Borough, the Council would be liable for the full value of any successful claims for personal injury which result from accidents. If applicable, the Council should consider any additional premiums to enhance the level of insurance cover.

9. Governance

- 9.1 The Council will liaise with its insurers to verify its level of cover and, if required, discuss options to mitigate the risk of claims including any options to enhance cover.

10. Risk Management

- 10.1 Details of where the decals are distributed and utilised will

11. Consultation

- 11.1 Discussions have taken place with SCC about use of decals on public Highways, and initially there was a blanket refuse, however

12. PR And Marketing

- 12.1 Through the re-opening of the highstreets fund, The Borough has been awarded £78,494 in European Regional Development Fund (ERDF) monies to enable it to procure materials to support the re-opening of the high street.
- 12.2 The Council's Marketing and Communications team has designed and procured posters and pavement decals which will support social distancing by indicating a safe distance for shoppers to distance themselves from others whilst is required in the Governments easing of

lock down measures, both supporting Camberley, and our other highstreets across the Borough.

- 12.3 Marketing and Communications will be distributing the material to Camberley, and other officers will distribute to other highstreets within the Borough (This must be in accordance with the funding).

13. Officer Comments

- 13.1 Decals have been designed so that shoppers are given information about social distancing and encouraging them to take responsibility and use their common sense when using our high streets.

- 13.2 Messaging will be updated as per Government guidelines when required.

Annexes	None
Background Papers	<u>Government guidance on re-opening urban and green spaces safely</u> <u>Re-opening high street safely fund guidance</u>
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