

RS.



Department
for Transport

From the Secretary of State
The Rt Hon. Chris Grayling

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000

Web site: www.gov.uk/dft

Our Ref: MC/204663

Peter Sigeo
Assistant Coroner
Greater Manchester North
Coroner's Service
Phoenix Centre
L/Cpl Stephen Shaw MC Way
Heywood
OL10 1LL

25 SEP 2017

Dear Mr Sigeo,

20 September 2017

Thank you for providing me a copy of your report into the death of Mr Roger Hamer.

I was very saddened to hear of the circumstances leading to Mr Hamer's death. The Department for Transport considers the safety of all road users, including cyclists, a priority. The Government is providing just under £6 billion from 2015 to 2021 to allow local highway authorities in England, outside of London, to improve the condition of local roads across they are responsible for. In addition, we have topped this funding up with an extra £250 million specifically to tackle the blight of potholes.

However, as you will be aware, local highway authorities, in this case Bury Council, have a duty under Section 41 of the Highways Act 1980 to maintain the highways network in their area. The Act does not set out specific standards of maintenance, as it is for each individual local highway authority to assess which parts of its network are in need of repair and what standards should be applied, based upon their local knowledge and circumstances. Central Government has no powers to override local decisions in these matters.

That said, the Department endorses a code of practice, issued by the UK Roads Liaison Group of which we are a member. This code of practice provides guidance to highway authorities on how to maintain and manage their highways: <http://www.ukroadsliasongroup.org/en/utilities/document-summary.cfm?docid=4F93BA10-D3B0-4222-827A8C48401B26AC>

In accordance with Section 41 of the Highways Act 1980 and the code of practice, it is for local authorities to decide and determine the dimension of a pothole as a basis for their decision-making. This could include adopting a risk-based approach where a highway inspector makes a judgement. Most authorities adopt an approach that combines consideration of both the dimensions and the risk.

I hope this letter has been helpful.

W.L. best wishes
C

Rt Hon Chris Grayling MP

SECRETARY OF STATE FOR TRANSPORT