

## Cabinet – 23 October 2019

### Winter Service Operational Plan 2019 - 2022

<b>Portfolio:</b>	Councillor Adrian Andrew, Deputy Leader & Regeneration Portfolio
<b>Related portfolios:</b>	None
<b>Service:</b>	Planning, Engineering & Transportation
<b>Wards:</b>	All
<b>Key decision:</b>	No
<b>Forward plan:</b>	Yes

#### 1. Aim

To implement a Winter Service Plan that complies with statutory duties whilst also recognising the implications of financial and practical operational constraints.

#### 2. Summary

- 2.1 The Council as the Local Highway Authority has a statutory duty under section 41(1) of the Highways Act 1980 to maintain public highways and to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

Under the Traffic Management Act 2004 (England), the Council also has a statutory duty to do all that is reasonably practicable to manage the network effectively to keep traffic moving.

In meeting its statutory duty to maintain and manage the public highway network during the winter period, the Council is required to implement contingency plans for dealing promptly and effectively with unplanned events, such as unforeseen weather conditions, as far as is reasonably practicable.

The Winter Service Plan sets out the arrangements for the winter maintenance and management of the public highway network within the borough to ensure that the Council discharges its statutory duties.

- 2.2 The plan covers approximately 40% of the highway network as given the scale of financial and other resources involved in delivering the winter service, it is not reasonable or practicable to:

Provide the service on all parts of the network.

Ensure running surfaces are kept free of ice or snow at all times, even on the treated parts of the network.

- 2.3 This report details the plans to be put into place to discharge the Council's statutory highway management and maintenance duties during the winter period.

### **3. Recommendations**

- 3.1 That Cabinet approves the Winter Service Operational Plan 2019 – 2022
- 3.2 That the Executive Director, Economy & Environment in consultation with the Deputy Leader and portfolio holder Regeneration, be authorised to make minor amendments to the Winter Service Operational Plan, as necessary, to ensure the ongoing efficient and effective delivery of the winter service.

### **4. Report detail – know**

#### **Context**

- 4.1 The Winter Service Operational Plan 2019/22 details arrangements for the precautionary treatment of roads and pavements prior to ice formation and the clearance of snow.
- 4.2 The plan sets out the use of weather forecasting, personnel, plant and vehicles, communications, salt supply and distribution, performance monitoring, comprehensive details of salting routes, position of salt bins, record keeping and the decision making process which determines the need for precautionary salting to take place.
- 4.3 The core winter service is delivered during the period 1 November – 31 March. However, the Council has contingency arrangements in place for the delivery of a winter service response during the period 1 October – 30 April should unusual weather conditions dictate a response.
- 4.4 During extreme weather conditions there may be a necessity to concentrate winter service treatment onto the resilience network routes (RNR) only. The RNR will be given priority during extreme weather conditions and situations where staff resource, salt stocks, plant and fuel is in short supply. Because of the significance of activating the RNR, this is undertaken in consultation with the Council's resilience team and will be prioritised over and above the delivery of any other route treatment.

- 4.5 Given the importance of the winter service in maintaining accessibility to schools, the provision of salt bins has again been offered. However, this remains on a chargeable basis to the individual school given the existing winter service budget is insufficient to meet this cost.
- 4.6 Maintaining the waste collection service during periods of snow and ice is important. When resources are available upon completion of the defined winter service route treatments, they will be directed to waste collection route treatments not covered under the defined highway treatment routes.
- 4.7 The Combined Authority regional transport aspirations may impact on the existing routes treated. Officers will continue to work through the regional and local governance arrangements to ensure appropriate ongoing strategic and local route treatments.
- 4.8 Winter season preparations are ongoing and as required by the Department for Transport, suitable salt stock levels are available for the winter season. Regional salt sharing arrangements are also in place should there be a need due to unusually adverse weather conditions.
- 4.9 General advice on preparedness for winter has been cascaded to the general public during October, with Walsall specific information and national guidance produced by the Department for Transport being provided.
- 4.10 Operation Snow Fall has taken place Saturday 12 October, where all plant and machinery associated with the delivery of the winter service was fully calibrated and tested ready for the start of the core winter season period beginning 1 November.

#### **4.11 *Council Corporate Plan priorities***

- 4.12 Economic growth for all people, communities and businesses is supported by the delivery of an appropriate winter service plan that ensures the safe and efficient movement of people and vehicles during periods of poor weather.
- 4.13 Delivery of the winter service through the Highways Infrastructure Services Contract ensures its efficiency and value for money.

#### **4.14 *Risk management***

- 4.15 The Council must produce a plan for the delivery of its winter service and deliver against that plan as a first priority. Additional requests for winter service treatment can only be considered once the requirements of the Council approved plan have been delivered.

- 4.16 The most significant risk is that of a particularly harsh winter with prolonged periods of heavy snowfall. Under such circumstances the service will have to consider concentrating its winter service treatments to the resilience network routes only as the limited resources available to us will be unable to maintain ongoing wider winter service treatments.

#### 4.17 Financial implications

- 4.18 The winter service revenue budget allocation for the 2019/20 season is £298k. Additional resources in excess of the existing budget may be required should a particularly harsh winter with periods of heavy snowfall prevail. Under such circumstances, the service will continue and every effort will be made to contain any overspend within the Economy and Environment cash limit.

#### 4.19 Legal implications

- 4.20 Under section 41(1) of the Highways Act 1980 (the “HA 1980”), the Council as the Local Highway Authority is under a statutory duty to maintain highways maintainable at public expense.

- 4.21 Section 111 of the Railways and Transport Safety Act 2003 amended section 41 (1) of the HA 1980 by the insertion of section 41(A) which deals with the Council’s public highway maintenance statutory duty in respect of snow and ice and provides:

“In particular, a highway authority is under a duty to ensure, so far as **is reasonably practicable**, that safe passage along a highway is not endangered by snow or ice.”

The Section 41 duty extends to all Highways maintainable at the public expense, with the exception of trunk roads and motorways. The Section 41 duty is not absolute. The Highways Authority must take such care in all the circumstances as is reasonably required to ensure the highway is not dangerous.

- 4.22 Section 150 of the Highways Act 1980 imposes a duty of the Highway Authority to remove an obstruction arising from the accumulation of snow or from the falling down of banks on the side of the Highway, or from any other cause.

- 4.23 Under Section 16 Part 2 of the Traffic Management Act 2004 (England), the Council as the Local Traffic Authority is under a statutory duty to manage the local road network to keep traffic moving. The section provides :

- (1) It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:

- (a) Securing the expeditious movement of traffic on the authority's road network; and
  - (b) Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- (2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing:
  - (a) The more efficient use of their road network; or
  - (b) The avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority;

and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).

#### **4.24 *Procurement Implications/Social Value***

- 4.25 The winter service is delivered through the Highways Infrastructure Services Contract, approved by Cabinet 12 December 2018 for awarded to Tarmac Trading Limited. The award followed a thorough evaluation of price, quality and social value aspects.

#### **4.26 *Property implications***

- 4.27 No implications as a result of this report.

#### **4.28 *Health and wellbeing implications***

- 4.29 The delivery of a suitable winter service will assist with maintaining accessibility to health facilities for residents of Walsall. Given the financial and practicability constraints associated with the treatment of the public highway within a reasonable timeframe, it is not possible to offer a routine ice and snow clearance service to a range of other parties. However, the winter service treatment routes are designed to ensure reasonable access is maintained to the Manor Hospital and other key facilities during periods of ice and snow. Where resources permit, requests for assistance with one off treatments that assist vulnerable people and those with special needs are always considered.

#### **4.30 *Staffing implications***

4.31 No implications as a result of this report

#### **4.32 *Reducing Inequalities***

4.33 The service will provide all citizens using Walsall's highway network during winter conditions, standards of service which will maintain the safe passage of vehicular and pedestrian traffic so far as is reasonably practicable.

#### **4.34 *Consultation***

4.35 The winter service plan has been developed in consultation with the Combined Authority core neighbouring authorities to ensure wherever possible a consistent winter service is delivered across the region.

4.36 The Council, along with all other Highway Authorities in England has provided a report to the Department for Transport on its preparedness for the winter season. The requirement to do so arose as a direct result of the Departments review of national resilience of the transport network to extreme weather events.

### **5. Decide**

5.1 The Council has to determine what level of winter service provision is reasonable and practicable to deliver given the constraints of financial and other resources involved in the delivery of the winter service. Taking into account these constraints, the main focus of the winter service plan is to deliver winter service treatments to 218 miles of the public highway within Walsall as set out in the winter service plan.

### **6. Respond**

6.1 The winter service plan will:

Provide precautionary salting and snow clearance to 218 miles of the public highway

Undertake snow clearance in the town and district centres

Provide roadside salt bins for self help

Provide snow and ice clearing equipment for 50 volunteer snow champions

Provide regular public updates in relation to road conditions and winter service treatments

Assist with maintaining access to schools, bus and waste collection routes

## **7. Review**


- 7.1 The winter service operational plan will require periodic review as work is ongoing with Transport for West Midlands to ensure that where possible, a consistent level of winter service is delivered across the wider Combined Authority Area, particularly in relation to the Key Route Network.

## **8 Background papers**

- 8.1 National Winter Service Research Group practical guide for winter service, March 2019
- 8.2 2019/22 Winter Service Operational Plan Appendix A

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Simon Neilson  
Executive Director

14 October 2019

A handwritten signature in blue ink, appearing to be 'Andrew', with a large loop at the end.

Councillor Andrew  
Portfolio holder

14 October 2019