

## **Cabinet – 18 October 2023**

### **Winter Service Operational Plan 2023 – 2028**

**Portfolio:** Councillor K. Murphy – Street Pride

**Related portfolios:**

**Service:** Winter Service - Highways, Transport & Operations

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### **1. Aim**

- 1.1. The council has a statutory obligation to maintain the highway in a safe condition. This includes the provision of winter maintenance to provide a safe environment in which road users can navigate the road network efficiently and effectively.

#### **2. Summary**

- 2.1. The council has a statutory duty to develop and implement a winter service operational plan to ensure so far as reasonably practicable, that traffic keeps moving even in unforeseen weather conditions and that safe passage is not endangered by snow and ice.
- 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 sections of the public highway; and
  - ensure running surfaces are free from ice and snow at all times even on the treated parts of the public highway.
- 2.3. This report details the arrangements to be put into place to discharge the statutory duty.

#### **3. Recommendations**

- 3.1. That Cabinet approves the Winter Service Operational Plan 2023 – 2028 attached as **Appendix A**.

- 3.2. That the Executive Director, Economy, Environment & Communities in consultation with the Portfolio holder for Street Pride, 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 2023 / 2028 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 council policy, route planning strategy, 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 resilient network routes (RNR) only. The RNR comprises routes that are considered essential for economic activity and for key services such as maintaining power supplies and emergency health care.
- 4.5. 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.
- 4.6. 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.
- 4.7. 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.
- 4.8. 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 is cascaded to the general public during October and throughout the winter service period, with Walsall specific information and national guidance produced by the Department for Transport being provided.
- 4.10. All winter service staff are fully briefed on the plan in advance of the winter season. Plant and machinery associated with the delivery of the winter service is fully calibrated and tested ready for the start of the core winter season period beginning 1 November.

### ***Council Plan priorities***

- 4.11 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.
- 4.11. Delivery of the winter service through the Highways Infrastructure Services Contract ensures its efficiency and value for money.

### ***Risk management***

- 4.12. Well Managed Highway Infrastructure, industry guidance published in October 2018, emphasises the importance of adopting a risk-based approach for selecting winter service routes. It sets out the need for local highway authorities to prioritise routes based on factors such as traffic volume, critical infrastructure, and weather conditions.
- 4.13. By analysing data and assessing the potential impact of adverse weather, councils can allocate resources more efficiently and ensure safer winter travel. This approach allows for a proactive response to winter challenges, reducing road closures, incidents, and maintenance costs while enhancing overall network reliability and performance.
- 4.14. 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 approved plan have been delivered.
- 4.15. 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 will be unable to maintain ongoing wider winter service treatments.

### ***Financial implications***

- 4.16. The winter service revenue budget allocation for the 2023 / 2024 season is £341k. 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, a decision will be made by the service director, in consultation with the portfolio holder and director of finance, about continued

service delivery. Any spend above allocated budget will be contained within the Highways & Transportation cash limit. However, this has not been the case in the last 5 years where spend has been within the allocated budget for Winter Service.

### ***Legal implications***

4.17. Section 41(1) and (1A) of the Highways Act 1980 impose a statutory duty to maintain highways which are maintainable at public expense:

- The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty to maintain the highway.
- 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.

4.18. The case of *Goodes v East Sussex CC* [\[2000\] All ER \(D\) 808](#) confirmed that a highway authority's duty under [section 41\(1\)](#) of the Highways Act 1980 to "maintain the highway" was an absolute duty to keep the fabric of the highway in such good repair as to render its physical condition safe for ordinary traffic to pass at all seasons of the year. However, it did not include a duty to prevent the formation of ice or remove the accumulation of snow on the road.

4.19. Section 16 of the Traffic Management Act 2004 imposes a statutory duty to manage the local road network in order to keep traffic moving:

(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).

4.20. Given the extent of the statutory obligations, consideration of case law and the scale of financial and other resources involved in delivering the winter service, it is not reasonable either 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.

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

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

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

4.22. The winter service is delivered from the highways maintenance depot in Apex Road Brownhills.

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

4.23. Delivery of a suitable winter service will assist with maintaining accessibility to health facilities for residents of Walsall. Given the 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 specific needs are always consider.

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

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

4.25. A well-maintained highway network that includes appropriate winter service treatments plays a pivotal role in reducing inequalities by enhancing accessibility and connectivity. It supports equal opportunities for economic growth, social development, and improved quality of life. In remote or marginalized areas, a reliable highway network connects residents to essential services, education, healthcare, and employment opportunities in urban centres. This access enables people from all backgrounds to participate in the economy and access resources that otherwise may be out of reach.

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

4.26. None as a result of this report

### ***Climate Impact***

- 4.27. Historically the winter service was delivered across 6 pre-defined treatment routes. Through the use of specialist salt spreading route optimisation techniques, the same roads can be treated but across 5 pre-defined routes. This has achieved an overall 5% reduction in fossil fuel used by the gritters and associated carbon emissions.
- 4.28. Looking to the future, climate change is set to have significant implications for the maintenance and operation of public roads during the UK's winter season. Rising temperatures and altered precipitation patterns may lead to milder winters, reducing the frequency of snow and ice events. While this might seem positive, it presents challenges as road infrastructure is primarily designed for colder conditions. More erratic weather could increase the unpredictability of road conditions, demanding flexible maintenance strategies. Additionally, increased rainfall may lead to more frequent flooding events placing an alternative pressure on service delivery and network operation.

### ***Consultation***

- 4.29. The winter service plan has been developed in consultation with neighbouring authorities and Transport for West Midlands to ensure wherever possible a consistent winter service is delivered across the region.

## **5. Decide**

- 5.1. The council has to determine what level of winter service provision is reasonable and practicable to deliver.
- 5.2. The council could expand the service to incorporate a greater proportion of the network. This would come at a greater revenue cost and would need to take account of the impact on current routes i.e. if more roads were added it would be necessary to re-introduce a sixth route and the staff, fleet and salt needed to service that route. In recent years, both complaints and claims in respect to winter service have remained low. On that basis, this is no significant requirement to expand the scope of the service.
- 5.3. The council could reduce the scope of the winter maintenance service however this would only deliver significant savings if an entire route could be removed from the gritting schedule. Moreover, the current routes have been designed to encompass the most important sections of the road network ensure access to key infrastructure is maintained whenever it is reasonably practicable to do so. Based on the expectation that the authority will take a risk based approach, reducing the current services is not recommended due to the implications for essential network operation.
- 5.4. The proposed level of service, set out in the winter service plan, places a focus on delivering winter service treatments to 218 miles of the public highway within Walsall, deemed to be the highest priority in respect to providing a safe

environment in which road users can navigate the road network efficiently and effectively.

## 6. Respond

6.1. Subject to Cabinet approval, 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 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 maintained across the wider Combined Authority Area, particularly in relation to the Key Route Network.

## Appendices

Appendix A Winter Service Operational Plan 2023 - 2028

### Background papers

None

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Signed



Signed



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