

## REPORT TO CABINET

17 October 2018

<b>Subject:</b>	<b>Highway Winter Service Operational Plan 2018/19</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor David Hosell – Cabinet Member for Highways and Environment</b>
<b>Director:</b>	<b>Director – Regeneration and Growth – Amy Harhoff</b>
<b>Contribution towards Vision 2030:</b>	
<b>Key Decision:</b>	Yes
<b>Forward Plan (28 day notice) Reference:</b>	SMBC13/10/2018
<b>Cabinet Member Approval and Date:</b>	Councillor David Hosell
<b>Director Approval:</b>	Amy Harhoff
<b>Reason for Urgency:</b>	Urgency provisions do not apply
<b>Exempt Information Ref:</b>	Exemption provisions do not apply
<b>Ward Councillor (s) Consulted (if applicable):</b>	Ward councillors have not been consulted
<b>Scrutiny Consultation Considered?</b>	Scrutiny have not been consulted
<b>Contact Officer(s):</b>	Robin Weare – Highway Services Manager <a href="mailto:robin_weare@Sandwell.gov.uk">robin_weare@Sandwell.gov.uk</a>

### **DECISION RECOMMENDATIONS**

**That Cabinet:**

1. Approve the Highway Winter Service Operational Plan 2018/19.

## 1 PURPOSE OF THE REPORT

- 1.1 Road users and the wider community place a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so can result in public dissatisfaction and significant reputational damage.

- 1.2 The council has a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'. The duty is not absolute but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.
- 1.3 To meet this duty winter service operations are carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and remove snow accumulations.

## 2. **IMPLICATION FOR THE COUNCIL'S AMBITION**

- 2.1 The winter service plan supports 2030 Ambitions 5 and 6 in keeping the roads operating safely and efficiently during freezing conditions.

## 3. **BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Given high service costs it is not 'reasonably practicable' to provide the service on all parts of the network nor ensure running surfaces are kept free of ice or snow at all times.
- 3.2 Treatment of our road network is therefore prioritised as follows:  
  
Priority 1: classified A roads being strategic and main distributor roads carrying long distance traffic or routes linking urban centres;  
  
Priority 2: classified B and C heavily trafficked roads, all bus routes and roads serving key locations and important buildings e.g. hospitals, commercial centres.
- 3.3 Priority 1 and 2 routes are treated when forecasts indicate ice or snow is likely. No other roads receive planned treatment.
- 3.4 Priority 1 routes are our 'resilient network' and the first priority during periods of heavy snow or extreme winter weather in order to maintain economic activity and access to key services.
- 3.5 Priority 1 and 2 roads are 47% of the total carriageway lane length of 882 km.
- 3.6 Our key service standard is to complete precautionary treatment of Priority 1 and 2 roads within 4 hours from decision to treat at typical spread rates.

- 3.7 Resources and practicability mean that only pavements defined in our Category 1(a) Prestige Areas, being major shopping streets in town and district centres, are prioritised for treatment. No other pavements receive planned treatment. Prioritised pavements may receive precautionary treatment when the forecast indicates that hoarfrost or snow is likely.
- 3.8 There are only minor changes to the plan approved last year. These are minor changes to treatment routes necessitated by bus route alterations.

#### **4 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 4.1 In Autumn 2015, the council carried out a budget consultation exercise asking residents to prioritise spend on different services across the council. Residents were asked to say where they would accept a reduction in service level to generate budget reductions that the council is required to make. Residents were invited to state whether they would prioritise retaining the current level of winter gritting, or whether they would be prepared to accept a reduced service. Where faced with the requirement to make savings, respondents prioritised retaining the current level of winter gritting across the borough ahead of other services provided by the council.
- 4.2 Sandwell was among 112 highway authorities which took part in the 2017 National Highways & Transport Public Satisfaction (NHT) Survey. The survey asked two questions about satisfaction with council's winter gritting. Ranked against other councils public satisfaction with both the way we undertake, and keep residents informed about, our winter service is excellent as shown below:

Performance Indicator	Sandwell MBC Satisfaction %	Average satisfaction across all 112 participants %	Sandwell MBC Metropolitan Councils Ranking (out of 32 councils)	Sandwell MBC National Ranking (out of 112 councils)
Undertakes cold weather gritting	64%	59%	4	29
Informs residents about cold weather gritting	51%	43%	1	5

Sandwell is one of 113 councils taking part in the NHT survey in 2018. Results are published in October.

#### **5 ALTERNATIVE OPTIONS**

- 5.1 There is no recommended affordable alternative to mitigate the safety risks addressed by the Winter Service Operational Plan 2018/19.

## 6 STRATEGIC RESOURCE IMPLICATIONS

- 6.1 The Winter Service is funded from the Highways Maintenance target revenue with an allocation of £540,000 based on an 'average' winter.
- 6.2 There are both fixed and variable elements to the service cost.
- 6.3 Fixed costs incurred, irrespective of winter severity, are £371,000 and include plant (gritters), labour (stand-by), management and duty staff, weather forecasting, salt bins, annual service charges, training etc.
- 6.4 The variable costs depend on winter severity. The budgeted cost for an 'average' winter season based on 55 precautionary treatments is £169,000 and includes labour (turn outs), salt consumed, fuel, plant repairs etc.
- 6.5 Whilst the severity of the winter does impact on the actual level of expenditure incurred any costs associated with the winter maintenance service will be met from within Highways Services target budget.
- 6.6 A key service risk relates to third party liability claims arising from accident and injury due to condition of the highway or non-compliance with statutory obligations (see 6 below). The duty is not absolute but decisions must be taken on reasonable grounds with due care and regard to relevant considerations as set out in best practice guidance 'Well-managed Highway Infrastructure'. The Winter Service Plan 2018-19 sets out the council's arrangements for delivery of the winter service to meet its legal obligations to mitigate this risk.
- 6.7 The Corporate Risk Management Strategy has been complied with – to identify and assess the significant risks associated with this decision. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks. Based on the information provided, it is the officers' opinion that for the significant risks that have been identified, arrangements are in place to manage and mitigate these effectively. This assessment has identified there are no current "red" risks that need to be reported.

## 7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The principal statutory duty imposed on highway authorities to maintain the highway maintainable at public expense is set out in Section 41 of the Highways Act 1980.
- 7.2 Section 41 (1) of the Highways Act, as modified by the Section 111 of the Railways & Transport Act 2003, imposes a duty on a highway authority *'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'*.

7.3 The duty is qualified by '*reasonable* practicability'. So, therefore, it would not be reasonable to expect to:

- provide the service on all parts of the network; or
- ensure roads are kept free of ice or snow at all times.

7.4 The Traffic Management Act 2004 imposes a network management duty on a council to manage day-to-day operational use of its highways to 'keep traffic moving'. This duty extends to periods of severe winter weather.

## **8 EQUALITY IMPACT ASSESSMENT.**

8.1 An equality impact assessment has not been carried out for the Winter Service Plan as maintaining the highway infrastructure maintainable at public expense is not believed to impact significantly against the protected characteristics.

## **9 DATA PROTECTION IMPACT ASSESSMENT**

9.1 The proposals do not impact on data protection regulations.

## **10 CRIME AND DISORDER AND RISK ASSESSMENT**

10.1 There are no crime or disorder implications as a result of the plan.

## **11 SUSTAINABILITY OF PROPOSALS**

11.1 Given high service costs it is not 'reasonably practicable' to provide the service on all parts of the network nor ensure running surfaces are kept free of ice or snow at all times.

## **12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

12.1 The winter service plan supports 2030 Ambitions 5 and 6 in keeping the roads operating safely and efficiently during freezing conditions.

## **13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

13.1 Highway maintainable at public expense. This will help deliver the aims and objectives as set out in the Corporate Asset Management Plan and Highway Asset Management Plan in particular ensuring the safety of the highway network.

## **14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 14.1 Approval of the winter service plan will meet the statutory obligations of the Local Highway Authority by providing a decision taken on reasonable grounds with due care and regard to relevant considerations as set out in best practice guidance 'Well-managed Highway Infrastructure'. The Winter Maintenance Plan sets out the council's arrangements for delivery of the winter service to meet its legal obligations to mitigate service risks related to third party liability claims arising from accident and injury due to condition of the highway.

## **15 BACKGROUND PAPERS**

Well-managed Highway Infrastructure – Code of Practice Last updated October 2016

Regeneration and Economy Business Plan 2015 – 2018

Sandwell MBC Highway Asset Management Plan

### **APPENDICES:**

Appendix 1 – Sandwell MBC Winter Service Plan 2018 – 2019

**Amy Harhoff**  
**Director – Regeneration and Growth**