

## **Winter Maintenance Policy Review**

Draft Report by the Director of Planning and Transportation

### **Summary**

This report informs Cabinet of the result of the review of Winter Maintenance Policy endorsed by the PTEWED Review Panel on 25 Nov 2004. It concludes that our current service levels meet expectations, that, our current practices in relation to policy are robust, and requests the adoption of the proposals as policy.

## **1. Background**

- 1.1. A new duty was contained in Section 111 of the Railways and Transport Safety Act 2003 and became effective on the 31 October 2003.
- 1.2. Section 41 of the Highways Act was amended to expressly include snow and ice in a Highway Authority's statutory duty to maintain the highway, as follows:-  
  
“(1A) In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that a safe passage along a highway is not endangered by snow or ice.”
- 1.3. The new legislation does not impose an absolute duty but rather involves a balance between the degree of risk and the steps necessary to eliminate the risk.
- 1.4. A legal interpretation of the Act and the County's position was sought. The Head of Law advises that amongst the appropriate issues to maintain a 'Section 58' defence was a review of winter maintenance services during 2004 to enable any changes to be implemented prior to the 2005/6 gritting season.

## **2. The Review**

- 2.1. We have undertaken a review of winter maintenance services.
- 2.2. Reports were presented to the Review panel at key stages during the project, initiation, the extent of consultation and content of questionnaire.
- 2.3. Our report to Panel on the 25 November 2004 (See Appendix A (i)) concerned feedback from consultation and recommendations for policy endorsement and reference to Cabinet.



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### 3. **Resource Implications**

- 3.1. **Finance:** Any financial implications will be contained within existing budgets.
- 3.2. **Property:** There are no implications.
- 3.3. **Staff:** It is anticipated that the review will utilise existing staff resources.
- 3.4. **IT:** There are no implications.
- 3.5. **Human Rights:** There are no implications.

### 4. **Alternative Options**

- 4.1. The review set out options for service levels and the recommended approach reflects the responses to the consultation. Therefore to further modify our service levels for winter maintenance treatment would be contrary to the results of the consultation and the PTEWED review panel view.

### 5. **Conclusion**

- 5.1. The outcome of the review, supported by the consultation exercise and PTEWED is that the county council's current approach should be retained as set out in Appendix B of the PTEWED report.
- 5.2. The existing grit bin policy should be retained with a minor clarification.

### **Recommendation**

Cabinet approve the following as policy ;-

- 1. The priorities for treatment during snow and precautionary gritting shown in App B of the PTEWED report.
- 2. Retain the existing policy on Grit Bins, with the clarification that the County would service these bins alongside our established facilities and only seek to recharge parish council's for servicing in exceptional circumstances.

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Background Documents : Report to P&T committee on the 28 September 1998  
Report to P&T committee on the 23 September 1999  
Code of Practice for Maintenance Management  
Report to PTEWED Review Panel 18 April 2002  
Report to Cabinet 20 May 2002  
Report to PTEWED Review Panel 6 March 2003  
Report to Cabinet 18 August 2003  
Report to PTEWED Review Panel on 27 Nov 2003  
Report to PTEWED Review Panel on 27 Mar 2004  
Report to PTEWED Review Panel on 25 Nov 2004

Item No  
**Planning, Transportation and the Environment,  
 Waste and Economic Development Review Panel**  
 25 November 2004

## Winter Maintenance Policy Review

Report by the Director of Planning and Transportation

### Summary

This report informs Members of results of the consultation regarding the Winter Maintenance Policy Review endorsed by the PTEWED Review Panel on 27 May 2004. It concludes that our current service levels meet expectations and that our current practices in relation to policy are robust.

### 1. Background

- 1.1. A new duty was contained in Section 111 of the Railways and Transport Safety Act 2003. It was enabled and became effective on the 31 October 2003.
- 1.2. Section 41 of the Highways Act was amended to expressly include snow and ice in a Highway Authority's statutory duty to maintain the highway, as follows;-
 

“(1A) In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that a safe passage along a highway is not endangered by snow or ice.”
- 1.3. The new legislation does not impose an absolute duty but rather involves a balance between the degree of risk and the steps necessary to eliminate the risk.
- 1.4. Section 58 of the Highways Act 1980 will continue to be the means for future defence in any action against a highway authority for damages for non-repair. Whereby it shall be a defence to show that the road was kept in reasonable repair, having regard to the traffic using it, the standard of maintenance appropriate to its use, and public safety”. This establishes the principle of maintaining roads according to their functional importance.
- 1.5. A legal interpretation of the Act and the County's position was sought. The Head of Law's advice was that the appropriate issues to maintain a 'Section 58' defence are as follows ;-
  - Utilisation of Section 13 of the Code of Practice for Maintenance Management, *Delivering Best Value in Highway Maintenance*.
  - robust Winter Service Operational Plan and procedures,



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- treatment priorities for preventative gritting of carriageway, footways and cycleways and a de-icing treatment of defined roads, footways and cycleways of local importance in prolonged wintry conditions, as resources allow in accordance with use and function as established by the highway network hierarchy and the review undertaken in 1999.
- It is for the Courts to decide what is 'reasonably practicable', and it is expected that case law from the Court of Appeal will take some 3 to 4 years to be established.
- planned review of winter maintenance services during 2004 to enable any changes to be implemented prior to the 2005/6 gritting season.

## 2. **Current Policy and Practice within Norfolk**

- 2.1. Our Winter Maintenance Policy was last reviewed in 1999 and the subsequent report went to Planning & Transportation committee on the 23 September 1999.
- 2.2. The County Council as highway authority has an established winter maintenance policy to carry out precautionary salting on an established route priority when ice is likely to form.
- 2.3. At times of snowfall the current policy is to clear snow from the highway in accordance with established duty from Section 150 of the Highways Act 1980, to remove obstructions (including snow) off the highway.
- 2.4. As part of the phased review of the July 2001 Code of Practice for Highways Maintenance and Management, a series of papers were reported to PTEWED during 2002. Improvements were detailed to address areas, which we could enhance, and a partial exemption sought from recommendations 6.3 and 13.6, concerning the extent of user and community consultation and annual review.
- 2.5. We treat our priority 1 and 2 routes whenever icy condition's are predicted and aim to complete treatment within 3 hours of mobilisation from the depot. During the 2003/4 season we achieved this response time in 98% of turnouts.
- 2.6. Climatic and thermal differences within the county are monitored and this can lead to different areas in the county receiving different actions dependant upon the daily forecasts throughout the gritting season.
- 2.7. The 2001 Code of Practice for Maintenance Management states that the:  
  
'Network Hierarchy for Winter Service should take as a starting point the hierarchy developed for other maintenance purposes, but this is likely to require modification to accommodate wider transport and other priorities'.
- 2.8. The current prioritisation of roads treated is based on the County route hierarchy and also accords with the national code of practice with the Department's Area Managers using local discretion to accommodate wider

transport and other priorities.

- 2.9. Our precautionary salting service covered 32% of the total network of metalled roads during the 2003/4 season. These routes include Norfolk's main strategic routes and roads which serve important bus or commuter routes and access to services such as schools. This is widely publicised before and during each winter period.
- 2.10. A leaflet (see Appendix A) containing routes together with useful advice on driving in wintry conditions is distributed to all parishes, district councils and emergencies services. They are available to the public at our area offices, public libraries and can be viewed via our internet site. It also accompanies a press release issued to the local media in mid to late November.
- 2.11. The last policy paper approved by Cabinet on 23 September 1999, and that of 28 September 1998 regarding the Signing of Cells within the Route Hierarchy commits to the treating the hierarchy roads as gritting priority routes, once signing has been completed.
- 2.12. The remaining cells have now been completed (2003/04) and as a result of the above policy, growth of some 132 km of gritting on priority 1 and 2 has occurred for the 2004/05 season.

### **3. Initiation of the Review**

- 3.1. Members will recall that at the meeting of PTEWED on 27 May 2004 there was agreement on the approach to the review process, the content of the questionnaire and a list of those to be consulted, based on:
  - 3.2. i. To consult a wide range of stakeholder groups (list agreed) via a questionnaire (content agreed) by 28 July.
  - ii. Analyse and report findings to PTEWED Review Panel in Nov 2004 accompanying a Policy paper to be endorsed or receiving further guidance from Members.
  - iii. Report to Cabinet in January 2005 suggesting Policy for approval
  - iv. Post Cabinet decision, discussions with Parishes concerning any specific changes in treatment priorities for the 2005/6 season.

### **4. Results of Consultation**

- 4.1. The consultation was targeted at a wide range of specific stakeholder groups to assess their aspirations. The overall response rate was 22% and of these some 76% were from Parish Council's. A document containing the full results of the consultation has been placed in the Member's information room.
- 4.2. The key points from the returns are detailed as follows:-

#### **4.3. Roads**

- 4.3.1. In the response to the question of whether we currently treat enough of the

road network when frost is predicted, 56% said 'yes' and 39% said 'no'.

#### 4.4. **Footways**

4.4.1. In the response to the question of whether we should treat footways when ice is forecast, 60% said 'no' and 36% said 'yes'.

#### 4.5. **Cycleways**

4.5.1. In the response to the question of whether we should treat more of the roads containing cycle lanes network when frost is predicted, 74% said 'same' and 19% said 'more'.

4.5.2. In the response to the question of whether we should treat off-road cycleways when ice is forecast, 14% said 'yes' and 80% said 'no'.

#### 4.6. **General Pattern of response**

4.6.1. The subsequent sets of questions related to roads, footways and cycleways, together with service priorities including routes to schools, doctors, post offices and those used by buses prior to 08:30 hours.

4.6.2. Generally these reflected the response to the main questions. Whilst some groups occasionally asked for an increased service there was no overall pattern which would give a clear indication of a demand for greater provision in pre-cautionary gritting.

#### 4.7. **Service priorities**

4.7.1. We asked those consulted to place service treatment priorities in relation to roads, footways and cycleways, in order of importance. There was no clear pattern. Some groups did not respond or only did so in part. Group returns and an aggregated response are contained in the questionnaire analysis document.

#### 4.8. **Communication**

4.8.1. In response to a question about methods of communication about winter maintenance preference was:-

4.8.2. First - Leaflets  
Equal Second - Contacting the Council  
NCC Website  
Equal Third - Newspapers  
Radio  
Television

### 5. **Winter Related Casualties and Claims**

5.1. We have examined the 'stats 19' data supplied by the police in relation to reported accidents over the last 3 years, where ice or snow was identified as a

contributory factor. Of these 61% are on precautionary gritted routes, indicating that there is only a limited correlation between casualties and untreated roads although we have no data on unreported damage only collisions.

- 5.2. We have also examined claims made to this authority in relation to winter maintenance. Prior to the change in the law this authority clearly has had a robust defence against claims. Since the change in law, October 2003 we have received 17 claims relating to winter gritting, most outstanding claims relate to the period between January 28th and February 27th during the period of snowfall last winter. The data indicates that we have a reasonable approach to winter service.
- 5.3. The Courts will at some time in the future make judgements, which give clearer guidelines on what it is they consider to be 'reasonably practicable'. We will review our approach in the light of these judgements

## 6. **Grit Bins**

- 6.1. In September 1995, the Planning and Transportation Committee established the current policy on Grit Bins. It was agreed to maintain the number of bins at present levels allowing for the relocation of bins, which become redundant because of network changes. The criteria for the provision of a bin should be on a heavily used part of the network where accidents may occur or where there are significant delays on part of the ungritted network. If parish or district councils wish to have additional bins then they are permitted to fund the provision and servicing of such local facilities, and by gifting the bin to the highway authority. If they are subsequently damaged there is no obligation on the County Council to replace them.
- 6.2. The number of grit bins in Norfolk (excluding Norwich) has risen from 205 (in 1995) to 626 (2004/05). A considerable number of Parish Councils have funded the provision of bins supporting this growth in service provision.

## 7. **Conclusions**

7.1. We have :-

- Examined current practice both inside Norfolk and within the Eastern Region, and in relation to the recommendations in the Code of Practice.
- Carried out a consultation to establish aspirations for winter precautionary gritting and have analysed the results.
- Considered the degree of risk in relation to service provision.

7.2. Our current practices in terms of a network hierarchy for winter service planning, decision-making, risk assessment and meeting public demand for the pre-cautionary gritting service appear robust. There would appear therefore to be no basis for a significant change in the current service levels.

## 8. **Proposals**

- 8.1. The priorities for treatment during snow and precautionary gritting shown in Appendix B need to be approved by the Cabinet.
- 8.2. The existing policy on Grit Bins should be retained, with the clarification that the County Council would service these bins alongside our established facilities and seek to recharge Parish Council's for servicing in exceptional circumstances only.

## 9. **Resource implications**

- 9.1. **Finance:** Any financial implications will be contained within existing budgets.
- 9.2. **Property:** There are no implications.
- 9.3. **Staff:** It is anticipated that the review will utilise existing staff resources.
- 9.4. **IT:** There are no implications
- 9.5. **Human Rights Act:** There are no implications

## **Action Required**

Members are requested to:

- 1. Consider the contents of this report
- 2. Recommend to Cabinet that they approve the proposals contained in this report.

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Report to PTEWED Review Panel on 27 Mar 2004

## Precautionary Gritting and Snow Clearance Priorities for Treatment

Subject	NCC Priorities	Situations when treated
Roads	<p><b>Priority 1 &amp; 2:</b></p> <ul style="list-style-type: none"> <li>• All primary and principal roads.</li> <li>• All Main distributor roads</li> <li>• All access roads (Local and HGV)</li> <li>• The most important urban traffic links with more than a local significance. This includes roads leading to important industrial and military establishments, hospitals, ambulance and fire stations.</li> <li>• Other roads serving a local purpose and connecting to strategic routes. This includes some roads leading to bus garages, important bus routes, important commuter routes, highways serving shopping centres, single access to villages, hamlets, rural communities, schools and known trouble spots but not all. *</li> </ul>	<p>When icy conditions are predicted.</p> <p>(In times of prolonged snowfall as resources permit)</p>
	<p><b>Priority 3:</b></p> <ul style="list-style-type: none"> <li>• Remaining roads serving a local purpose and connecting to strategic routes.</li> <li>• Local roads, including residential roads and local interconnecting roads but not all. *</li> </ul>	<p>After a prolonged period of icy or snowfall as resources permit.</p>
	<p><b>Priority 4:</b></p> <ul style="list-style-type: none"> <li>• Remaining roads including estate roads not included in priority 1,2 or 3.</li> </ul>	<p>After snowfall as resources permit, having first established reasonable conditions in clearing higher priority roads and footways.</p>

\*Based upon local discretion of Area Managers and Norwich City Councils Director of Development, considering the following:-

1. Wider transport and other priorities
2. Accessibility dependencies
3. Known problems including significant gradients, exposed areas and other topological factors
4. Co-ordination and co-operation with other authorities
5. Overall risk assessment including the need to maintain consistency.

## Precautionary Gritting and Snow Clearance Priorities for Treatment

Subject	NCC Priorities	Situations when treated
<b>Footways</b>	Important Traffic Restricted routes within King's Lynn, Great Yarmouth and Norwich. *	When frost is predicted or after snow.
	Main shopping areas and busy urban areas including footways leading to essential industrial establishments, hospitals, important bus routes and schools, and known trouble spots. *	Reactive Treatment After Prolonged Frost or Snow.
	Other remaining footways. Reactive	treatment after snowfall as resources permit, having first established reasonable conditions in clearing higher priority roads and footways.
<b>Cycleways</b>	On - road cycleways.	Treat as part of relative road priority.
	Off - road cycleways.	To treat as resources permit, having first established reasonable conditions in clearing priority roads, footways and on-road cycleways.

\*Based upon local discretion of Area Managers and Norwich City Councils Director of Development, considering the following:-

1. Wider transport and other priorities
2. Accessibility dependencies
3. Known problems including significant gradients, exposed areas and other topological factors
4. Co-ordination and co-operation with other authorities
5. Overall risk assessment including the need to maintain consistency.