

<b>Decision maker:</b>	<b>Cabinet member transport and regulatory services</b>
<b>Decision date:</b>	<b>Tuesday, 4 December 2018</b>
<b>Title of report:</b>	<b>Winter Service Plan 2018 / 2023</b>
<b>Report by:</b>	<b>Engineering manager</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose and summary**

To seek approval for the arrangements being made for the provision of winter service during the period of 2018 through to 2023 season, as set out in the Winter Service Plan in appendix 1, the plan will be updated annually to ensure the plan is accurate and relevant to the service required by Herefordshire.

The Winter Service Plan continues to build on existing best practice and the findings of reviews that have taken place both locally and nationally. Herefordshire Council will continue to meet its duties towards the maintenance of the highway network in full and by working in partnership with Herefordshire's communities, wherever practicable, enhance the county's resilience to the impact of prolonged or severe winter weather. To ensure the plan remains accurate authority is sought for officers to annually update the plan; any changes proposed which significantly alter the plan priorities would be subject to further governance.

## **Recommendation(s)**

**That:**

- (a) The Winter Service Plan 2018/23 be approved; and**

- (b) the Acting Assistant Director (Highways and Transport) be authorised to take all operational decisions necessary to ensure the plan is refreshed on an annual basis and remains deliverable within approved budgets.**

## **Alternative options**

1. Due to the legal responsibilities there are no alternative options to managing the highway network during the winter period.
2. The Winter Service Plan could be authorised annually but due to the well-rehearsed service the authority provides, it would be deemed reasonable to delegate authority to the Acting Assistant Director (Highways and Transport) with the proviso for further authorisation as set out above.

## **Key considerations**

3. Under Section 41 of the Highways Act 1980, the council has a duty to maintain the highway.
4. The Railways and Transport Safety Act 2003 amended the Highways Act 1980 by adding a Statutory Duty Clause 41(1A) concerning dealing with snow and ice. This states: "In particular a Highway Authority are under a duty to ensure, as far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."
5. This Winter Service Plan explains the arrangements for dealing with ice and snow on the county's roads. It outlines the procedures and resources used, provides information on key personnel and sets out how the authority will manage periods of severe weather to ensure network resilience. The plan builds upon tried and tested operational standards developed to meet the needs of Herefordshire to set out what is "reasonably practicable" for the county.
6. The severe and prolonged weather experienced in past winters has had a significant impact on our community and tested the resilience of our services. 2017/18 saw 3 significant events, particularly the 'Beast from the East' which was a significant individual event. Whilst we have managed the network in Herefordshire well it is recognised there is always room for improvement. The Winter Service Plan has been regularly revised and updated to meet the challenges of severe weather.
7. The winter service plan is developed through the winter period and amended and refined during the summer in preparation for the following year, apart from the budget, the authorisation does not align with the annual plan process and governance. As such, the governance is sought through this report.
8. The Winter Service Plan for the 2018/23 has built on previous plans over a number of years with consideration of developments in national best practice guidance and code of practice, 'Well-managed highway infrastructure', together with our own assessment of the best practice that exists both within Herefordshire and elsewhere.
9. The 2018/23 Winter Service Plan amendments are not significant, there is reference to the council's own corporate estate and so far as reasonable and practicable, these areas are safe.
10. The effectiveness of communication with partner organisations and the customers of the service is enhanced through the detailing of our approach to communications in the

councils communication strategy.

11. The mid and end of season review of the winter service informs amendment requirements of the plan, this is undertaken as part of the annual plan process and will be incorporated into the plan if approved by the Acting Assistant Director (Highways and Transport).

## **Community impact**

12. Winter service can impact on all of Herefordshire's communities; the plan seeks to address the needs of all, within the constraints of the available resources and the prevailing conditions. The plan supports all the councils Corporate Plan priorities:
  - a. Enable residents to live safe, healthy and independent lives
  - b. Keep children and young people safe and give them a great start in life
  - c. Support the growth of our economy
  - d. Secure better services, quality of life and value for money.
13. Whilst the legal obligations of the council as a highway authority focus on the safe passage of traffic we recognise that prolonged and severe winter conditions do lead to significant issues in other areas. Healthcare issues not only result from increases in the likelihood of slips and falls from those who venture out, but from the isolation that can be experienced in both rural and urban situations. Other council functions and duties are impacted during winter, as such, the plan will develop to ensure the services are managed and provided where required during challenging periods.
14. Herefordshire has proven to be resilient as a community when dealing with these issues and through this Winter Service Plan we hope to build on this community support. Working with our partner agencies, parish councils, the third sector and individuals we hope to harness this community support and wherever able enable communities to help themselves through times when isolation becomes a real issue alongside our core road safety duties.
15. Through the plan we recognise that the issue of isolation can be most acute in our rural communities where the distance to a treated road may prevent access and egress for significant periods and it is here that we plan to expand self-help arrangements during this period.

## **Equality duty**

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

17. The winter service plan sets out the council's aims to keep road users safe through effectively managing the risk to the travelling public from the hazardous effects of ice and snow on highway surfaces for all users. The plan ensures resources are available to react to the circumstances and enable access, where possible, to key services such as hospitals, health care, schools, transport, shopping areas, etc.

18. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

## **Resource implications**

19. Herefordshire Council continue to develop and plan so that we can cope with a severe winter by ensuring that we do address the core requirements of our winter service effectively by focusing on a clear set of priorities, that we continue to introduce efficiencies and make prudent and timely investments that will best ensure the resilience of the service and deliver a safe and reliable highway network for our customers throughout this coming winter and in future years.

20. Through the Winter Service Plan we also plan to explore as part of Herefordshire Public Services the possibilities for savings through our partner organisations. These savings might be delivered through reduced demand on acute care in severe events, as a direct result of increased levels of preventative treatments, particularly on footways, in busier urban areas. Prevention is highly likely to be better, and less costly, than the cure.

21. The indicative winter service budget, which includes provision of salt and weather forecasting, is up to £350,000.00 revenue per annum, with consideration to uplift upon review. The service, budget and cost build up is set out within the public realm annual plan each year and approved by cabinet member Transport and Regulatory Services.

## **22. Legal implications**

23. This is an executive function and a non-key decision. Such decisions under the Constitution are delegated to the Chief Executive under Part 3 Section 3, on to officers in exercise of its functions in Part 3 Section 7 (officer functions) and subsequently to named officers under the Directorate Scheme of Delegation Economy and Place. The cabinet member as the decision maker in this instance has the authority to delegate matters of highway and transportation to the Acting Assistant Director for Highways and Transport (Traffic Manager designate).

24. Section 41 of the Highways Act 1980 confers statutory obligations on Herefordshire Council as the highway authority for the administrative area of Herefordshire to maintain the highway maintainable at the public expense.

25. Section 41(1A) of the Highways Act 1980 (as amended by the Railways and Transport Safety Act 2003) places a duty on the highway authority to ensure as far as is reasonably practicable that safe passage along a highway is not endangered by snow or ice. This

report recommends that the plan be approved and delegated powers be given to the named officer to ensure that the plan is monitored and updated to ensure compliance with the legislative duties.

## Risk management

26. Ice and snow affects the safety of the travelling public and the availability and reliability of the highway network throughout the winter period. As such the successful delivery of the winter service is key to supporting the economic and social well-being of Herefordshire. Failure to deliver this service on any occasion throughout the winter, could result in fatality or serious injury, prosecution (including the potential for corporate manslaughter) and serious loss of reputation.
27. In Herefordshire we have a history of delivering a high quality service. This Winter Service Plan builds on this level of service against a backdrop of heightened awareness and demand for winter services and public spending cuts, through the careful selection of products, and the evolution of methodologies, through trials. This aimed at improving the efficiency of the service whilst enhancing its quality or extent.
28. Additional risks are set out below:

Risk	Mitigation
National and local salt stock levels	Monitored, restocked as per plan and other measures implemented if trigger points as set out in the plan are realised.
Plant and fleet breakdowns	Regular service, spare fleet, option to commission resources
Fuel	Fuel supplies to be maintained and monitored.

29. National salt stock levels and plant are risks to providing the service, the resilience is planned and set out in the Winter Service Plan.

## Consultees

30. None.

## Appendices

Appendix 1 – Winter Service Plan 2018/23

## Background papers

Herefordshire Council 'Highway Maintenance Plan'

Herefordshire Council 'Transport Asset Management Plan'

Herefordshire Council 'Local Transport Plan'

Herefordshire Council 'Scrutiny Review of the Impact of the Winter Weather December 2009-February 2010 and the response to it' Agreed by the Overview and Scrutiny Committee on 2 July 2010.

Department for Transport 'The Resilience of England's Transport Systems in Winter - Interim Report' July 2010

Local Government Association 'Weathering the storm II; Improving UK resilience to severe winter weather' July 2010

UK Roads Liaison Group 'Code of Practice – Well Maintained Highways' 2016 and subsequent amendments thereof.