

Report to	Scrutiny Committee for Transport and Environment
Date	16 June 2010
Report By	Chairman of the Scrutiny Project Board
Title of Report	Winter Maintenance (interim report)
Purpose of Report	To consider the lessons learnt from the response to recent severe weather.

RECOMMENDATION: The Committee is recommended to consider and comment on the attached interim report; decide whether further investigations are needed and refer any agreed recommendations to Cabinet and the Lead Member for Transport and Environment as appropriate.

1. Financial Appraisal

1.1 The financial implications of the recommendations are contained within the individual sections of the appended report.

2. Supporting Information

2.1 The Transport and Environment Scrutiny Committee at its meeting on 10 March 2010 examined the experiences and lessons learnt from the County Council's Transport and Environment Department's winter maintenance response to the severe winter in 2009/10. The Committee compiled evidence detailing the severe weather experiences and responses of a variety of individuals, agencies and partner organisations. Witnesses from the County Council included staff from Transport and Environment, legal services, the Risk and Insurance Manager and the Head of Communications.

2.2 The Committee has since considered the evidence further and has now produced the appended interim report detailing its interim findings, conclusions and recommendations for future action.

2.3 Alongside the work of the Committee, the County Council's communications team has consulted the Residents' Panel on a range of matters to do with winter maintenance and cold weather preparedness. The results of that consultation will need to be considered by the scrutiny committee and may affect its recommendations.

3. Conclusion and reason for recommendation

3.1 The Committee is recommended to consider and comment on the attached interim report; decide whether further investigations are needed and refer any agreed recommendations to Cabinet and the Lead Member for Transport and Environment as appropriate.

COUNCILLOR STOGDON

Chairman of the Scrutiny Project Board

Contact Officer: Paul Dean Tel. No. 01273 481751

Local Member: All

Email scrutiny@eastsussex.gov.uk

BACKGROUND DOCUMENTS: A summary of all responses received from partners and members of the public to the scrutiny committee's request for information.

Scrutiny review of winter maintenance in East Sussex

Background

1. The Transport and Environment Scrutiny Committee at its meeting on 10 March 2010 examined the experiences and lessons learnt from the County Council's Transport and Environment department's winter maintenance response to the severe winter in 2009/10. The committee is now recommending changes it considers necessary to help improve preparedness for severe weather in future years.
2. The committee compiled evidence detailing the severe weather experiences and responses of a variety of individuals, agencies and partner organisations. Witnesses from the County Council included staff from Transport and Environment, legal services, the risk and insurance manager and Head of Communications.
3. The scrutiny committee met on 24 May 2010 to review the latest position. It drafted this report detailing its interim findings, conclusions and recommendations for future action. Alongside the work of the committee, the County Council's communications team consulted the Residents' Panel on a range of matters to do with winter maintenance and cold weather preparedness. The results of that consultation will be published shortly.
4. This report will be considered by the Transport and Environment Scrutiny Committee on 16 June 2010. The committee may either refer the recommendations to the Lead Member for Transport and Environment and Cabinet. The committee may also decide to undertake further investigations if necessary and may in due course refine or add to its recommendations.
5. At the March committee the Transport and Environment department highlighted the endeavours and commitment of staff who had sought to maintain services throughout the severe weather period despite the huge difficulties faced. The Scrutiny Committee recorded its thanks and appreciation to all concerned.

The East Sussex winter service policy and plan

The policy and the effect of severe weather

6. The current winter policy is described in the document entitled 'Winter Service Policy and Plan 2009/10' available on the County Council's website. Transport and Environment officers conclude that the policy, as it stands, was adhered to during the severe weather periods of the 2009/10 winter and, as a result, the major road network in East Sussex remained largely open.
7. The policy itself derives from a 'risk-based approach' designed to provide the maximum benefit to the maximum number of people. This means that the roads with the greatest volume of vehicle traffic take priority within the policy. Revisions to the policy are undertaken every few years and changes made to reflect the most recent measured traffic flows.
8. In summary, the policy provides for:

- 840 miles – the *standard routes* – representing 42% of the road network (which falls within the responsibility of East Sussex) are ‘precautionary salted’ when icy conditions are forecast; no footways, pedestrian precincts or cycle ways are included at this stage.
 - A further 200 miles – the *snow routes* – are salted when there is a forecast of snow bringing the total coverage to over 50%. This represents the highest percentage of road network for any local authority in the south east.
 - Following snowfall, snow is removed from the standard routes first followed by the snow routes until clear; once clear, other roads are cleared to assist hospitals, fire services, ambulance and police stations; other public interchanges, difficult sites such as steep hills, shopping areas, schools etc.
9. During the extended severe weather periods during 2009/10, the volume of snow together with restrictions on salt supplies (see below) meant that the County Council’s winter maintenance activity was limited almost exclusively to keeping the standard routes clear. The snow routes and lower priority areas could not be treated after the first few days of the severe weather periods. Also there were short periods of such severe weather such as extremely heavy snow or freezing rain when no amount of treatment would have had any noticeable effect.
10. East Sussex contains a relatively small proportion of trunk roads, and therefore a higher proportion of local roads compared to most other counties; trunk roads are high priority when it comes to winter maintenance and these roads are managed by the Highways Agency. There is thus a relatively high burden on the County Council when devising its winter service plans because keeping the local road network open in East Sussex assumes particular importance.

Requests to change the policy

11. During and immediately following the severe weather the department received numerous requests from members of the public and external agencies for additional roads to be added to the standard and snow routes totalling some 100 miles. These requests included scheduled bus routes (and for scheduled bus routes on snow routes to be included in standard routes), steeply sloping streets, side roads within villages, roads on some housing estates, areas near doctors’ surgeries, shopping precincts, highly trafficked pedestrian areas and town centres. The cost to meet the received requests alone amounts to approximately £250,000.
12. If these requests were to be included in the policy then all other routes across the county falling into the same classifications would also need to be included to ensure that the policy remained fair. The cost of doing that currently exceeds any available budget or foreseeable reserve and would result in the coverage of a significantly higher percentage of the road network than any other local authority.
13. The committee argued strongly for consideration of *alternative* priorities to treating the more strategic roads on the basis that during periods of icy and snowy conditions, most people in the larger villages and towns consider it more important to be able to move around *within* their settlement and walk to local shops, say, than to be able to drive to the next town.
14. Transport and Environment considered that the policy should continue to reflect current priorities on the basis that:

- it aims to keep an open strategic road network which is essential to enable the access of supplies to towns and villages, and to maintain critical utility and other services
 - there is a large reduction in car use *within* settlements when conditions are icy and snowy as most people turn to walking (to local shops for example); therefore many in-settlement roads are not a logical priority for treatment
 - such an alternative policy may fail to comply with national guidelines and may lead to increased liability to meet some additional injury and damage claims should crashes occur on untreated high classification roads.
15. The department has undertaken to address some problems that can be dealt with by minimal adjustment to current operations. These include:
- Adding roads in the vicinity of Hastings bus depot to the standard or snow routes to enable buses to reach roads which have been pre-salted.
 - Adding access roads and internal road systems at the county's two hospitals (the Conquest, Hastings and Eastbourne District General Hospital) to the standard or snow routes.

Legal issues

16. Highway authorities are under a duty to ensure, *so far as is reasonably practicable*, that safe passage along a highway is not endangered by snow or ice. Advice by Council Legal Officers is that the current policy complies with this duty and with national guidelines.
17. An Equalities Impact Assessment will shortly be carried out on the winter maintenance policy as part of a cross council programme of assessments. This will establish whether the policy can be improved by examining the effect it has on different groups in the community. In particular the assessment will consider the extent to which Disabilities Discrimination Act legislation should influence any assessment about what constitutes a standard or snow route and priority areas for salting and snow clearance.

Recommendation 1.

That the outcomes of the Equalities Impact Assessment on the winter maintenance policy be reported to Transport and Environment Scrutiny Committee in due course so that the committee can consider whether further action is needed to comply with appropriate equalities legislation.

Local farmers using snowploughs

18. Some 30 local farmers across East Sussex are listed with Transport and Environment as available to clear rural roads using County Council provided snow ploughs attached to their tractors; they are paid at a National Farmers Union (NFU) agreed rate for the time they work. Approximately half of them were called upon during the 2009/10 winter. Other farmers have expressed an interest in undertaking the work and the department's latest assessment is that more of this type of coverage is needed, particularly in the east of the county. The criteria for engaging farmers under this scheme are that the roads to be cleared are public roads and would not normally be a priority for snow clearance due to their classification and importance.

19. Any contractor undertaking highways work, including farmers clearing snow, must have public liability insurance cover of £10m. Most businesses typically have less than this level of cover which is sufficient for their day to day activities. Some farmers reported that the additional insurance premiums are high; the committee requested estimates of indicative additional premiums and noted the fact that prolonged periods of severe weather requiring the calling up of farmers has happened only rarely over the last five years; a few days of snow clearance work is likely to be needed for a farmer to recover costs.

Bus routes

20. Many bus routes fall within standard routes with most of the remaining falling within the snow routes; therefore bus routes *per se* do not have standard route priority. During the winter, one bus company approached the County Council to explain its concerns and propose certain routes to be cleared. The committee considered it would be useful for Transport and Environment officers to contact all the bus companies operating in East Sussex to explain the policy and to ensure that all current bus routes are classified appropriately within the policy.

Recommendation 2.

That Transport and Environment officers contact all the bus companies serving East Sussex to elicit the impact of the policy, and to ensure that all current bus routes are classified appropriately within the policy.

Resources

21. In a 'normal' year the winter maintenance operation costs approximately £1.25m; in the winter of 2009/10 the cost was of the order of £1.6m. A winter maintenance reserve is funded from accumulated underspends in the winter maintenance base budget but because of the unprecedented winter weather in 2009/10 it was necessary to 'top up' the reserve from budget savings elsewhere. The department estimates that a reserve of £0.5m is sufficient to manage most winter situations.
22. The unpredictable severity of future winters means that winter service resource demands may vary significantly from year to year. At critical times of extreme weather when it is clear that additional resources are necessary, a resource activation strategy needs to be in place which should take account of contributions by partners.
23. Achieving efficiencies by working more closely with neighbouring local authorities and the Highways Agency is fraught with difficulties caused by different policy requirements and contract timescales between authorities. This makes the possibility of winter maintenance provision by a single contractor across different local authorities an unlikely proposition in the near future. Nonetheless, efforts by the Transport and Environment department are being undertaken to seek long term efficiencies along this path.

Working with partners

24. The committee documented and analysed a range of problems and suggested solutions provided by a number of partners. The reports indicate that:
- District, borough, town and parish councils had staff and volunteers available to clear snow and ice manually and to spread salt. This resource was only partially used because the County Council was required to limit

the supply of salt (see below); some parishes were concerned about the insurance and third party liability implications of clearing public areas.

- Some organisations demonstrated high levels of innovation in responding to the conditions; for example, one school head teacher used an emailing list to mobilise support from an ‘army’ of volunteers to help clear playgrounds and walkways within the school grounds enabling the school to open.
 - Many organisations requested snow clearance on privately owned land which the council could not provide.
25. Whilst Transport and Environment provided some advice to partners during the severe weather, the committee considered that more needed to be done to ensure that timely information is provided to enable individuals, partners and other agencies to develop effective contingency arrangements to deal with severe winter weather. For example, a head teacher reported that insufficient information on road conditions was available to enable her to decide whether to open the school with the risk of staff and parents/carers travelling on potentially unsafe roads.
26. In severe and extended periods of snow, the policy as it stands does not meet demand for a wide range of needs including the treatment of pavements and pedestrianised areas or indeed keeping every road in the county clear. The gap between the County Council’s winter service provision and what communities and other agencies want demonstrably widens as the weather deteriorates. Alternative and innovative ways need to be found fill that gap.
27. In the current funding climate, ultimately this means that individuals, the council’s partners and other agencies must take greater responsibility and greater *ownership of the problem*. The way forward requires a combination of initiatives including greater reliance on community self help, improved working arrangements with partners, and more targeted information. These points are discussed in the rest of this report.

Recommendation 3.

That Transport and Environment proactively engage with partner local authorities and other key agencies to proactively encourage them to develop their own severe weather contingency plans and to offer to store and provide salt to them cost effectively.

Salt supplies, salt distribution and grit bins

Salt usage and supplies

28. Rock salt, rather than grit (sand) or a mixture, is used on the roads of East Sussex. Salt does not provide or assist with vehicle tyre traction on road surfaces in icy or snowy weather. It works by preventing or delaying the formation of ice by reducing the freezing point of water. Salt is largely ineffective on roads if temperatures fall below -5 deg C. Some neighbouring authorities ‘stretched’ their salt supplies by using a mixture of salt and grit on their roads and footways. However the problems they experienced subsequently, such as clogged gulleys and blocked drains, suggests that the East Sussex salt-only policy is best overall.
29. East Sussex County Council, through its highways contractor, has capacity to store approximately 15,000 tonnes of salt. In a normal year supplies of around

10,000 tonnes are ordered initially as care is needed not to order too much because there are costs involved in storage. The ease of transportation of salt to East Sussex via Shoreham harbour means that in a normal winter sufficient additional stocks can always be acquired when needed. Therefore the department currently anticipates that the normal provision of 10,000 tonnes will be purchased for the start of next winter.

30. The introduction of the Salt Cell during the 2009/10 winter considerably reduced the ability of the County Council to provide salt to others who requested it. Requests came from a wide range of agencies including: parish, borough and district councils as well as schools, fire and rescue services, hospitals and the police.
31. Since the County Council is in a strong position to bulk purchase, store and sell salt to other partners, the committee considered that Transport and Environment should take a positive approach towards assisting district, borough, town and parish councils to buy salt from the County Council and take advantage of the economies of scale that can be achieved.
32. For Transport and Environment to be able to do this will require partner authorities to be clear about their contingency plans and priorities for severe weather, and to provide estimates as to how much salt they are likely to need. Whether 'salt cell' or other restrictions on salt supply will be imposed in future years is unknown at this stage; a position which adds to the complexity faced by all parties when attempting to plan for severe weather.

Grit bins for public use

33. Until 1997 the County Council supplied 'grit bins' (containing salt) at key strategic locations across the county. However, the cost was relatively high and problems arose such as the misuse of salt and damage to bins; in urban areas problems mainly revolved around finding suitably safe locations. These issues led to a change in policy under which existing bins are still maintained but no new bins are provided unless paid for by parish, town or district councils: small bins cost £150, large bins £250 and refills approximately £80 each.
34. During the recent severe weather, some bins were stolen and salt often used for personal use. Numerous calls were received to refill existing bins as they were rapidly emptied almost as soon as they were filled. Public demand for grit bins or the 'hippo bag' alternative remains high.
35. The County Council is able to bulk purchase grit bins and so it makes sense for any authority wanting a bin to obtain it through the County Council. There is a need for clarity that the policy still enables the provision of bins when paid for by parish, town and district councils.
36. Transport and Environment is unable to extend this service to include community organisations or residents' groups who wish to pay for the provision and re-filling of grit bins. This is primarily because of the administrative difficulties of collecting payments but also to avoid potential contractual problems where bins are stolen or the council is unable to reach a bin to re-fill it for example.
37. The public response demonstrates the need to publicise the location of grit bins more widely and to emphasise that they are specifically provided to treat public areas and not private driveways. It is difficult to envisage what more could practicably be done to resolve the misuse and security issues of grit bins.

Recommendation 4.

Publicity about grit bins should re-target all parish, town, district and borough councils to draw attention to the ability of the County Council to provide salt and grit bins cost effectively under the current policy; associated publicity should emphasise that grit bin salt is specifically provided for public areas and not for private use.

Community self help

38. The County Council's highway winter maintenance policy does not prioritise the treatment of many residential and side roads or pavements. Indeed, during the severe weather of 2009/10, there were periods when all resources were targeted at the standard routes and it was not possible to clear the snow routes let alone the lower priority areas for several days. To help fill this gap, the committee considers that the council needs to promote a greater sense of *civic responsibility* for individual householders and businesses to take action to clear snow and ice in their locality. As one participant in this review put it: "*We need to empower East Sussex residents and businesses who do not live on A or B roads to help themselves.*"

39. The widespread fear held by householders and businesses that they risk being 'sued' if they clear snow from the pavement outside their properties now appears largely mythical and media driven. There is advice available on the legal position contained in an advice note from the Council's legal officers provided to the committee in March 2010, and more recently from the Ministry of Justice which states:

.... The only person who is at risk of being sued is a person who clears the snow so badly that things are worse than before and that common sense would indicate that this is so; an example given is that of a person who clears a path with water in freezing temperatures and pays no attention to the fact that the water left behind freezes and creates slippery ice. ...

40. Town and parish councils, communities and individuals can therefore be given clear advice on the legal position about clearing snow and ice from public areas. The committee considers that the Council should actively promote snow and ice clearance by the community whilst providing an honest appraisal of the risks and liabilities.

Recommendation 5.

The expectation that householders and businesses in East Sussex are expected to clear snow and ice from public areas near their properties during periods of severe winter weather should be actively promoted during the autumn in preparation for next winter; the promotion should include appropriate guidance on how to carry out the tasks responsibly and an appraisal of the low risks involved.

Communications

41. The electronic reporting of faults via the Council's website and telephone calls to the department's contact centre are the prime means for the public to report

problems and faults. Such reports are welcomed by the department as they assist targeted planning.

42. During the 2009/10 severe weather the Transport and Environment Contact Centre handled approximately 12,000 phone calls and 6,000 emails (compared to 5,000 calls and 2,500 emails over a similar period the previous year). At times it struggled to cope with this volume. Many residents were satisfied with the response and information provided but others felt the response was unhelpful or not handled positively. Most requests were asking the Council to treat minor routes or pavements outside the priority treatment routes; this type of contact inevitably left callers disappointed.

Council Members

43. The committee sought to clarify the role that elected Members should play in disseminating information to constituents and acting as a conduit to channel information to the department during severe weather. The committee recognised that any duty manager would be extremely busy during severe weather periods and would be unable to carry out their job effectively if all Members telephoned him or her as a first port of call.
44. Instead, the department intends to improve the publicly accessible web based information in time for next winter. In particular it intends to disseminate information about the state of individual roads across the county using improved online maps and lists of roads grouped by electoral division from which Members can quickly access the local information they need.
45. The department advises that Members should telephone the T&E contact centre in the first instance if personal contact is required on a highways matter, including winter service maintenance; and if that fails to resolve the problem the Member can then contact an appropriate officer directly.
46. Most if not all Council Members individually received numerous calls, letters and emails of complaint from the public throughout the severe weather period. Some callers had been referred to Members by contact centre staff in cases where the questions were about how to influence or change the current policy. Members found many of these discussions frustrating because referred callers often held unrealistic expectations about the ability and power of individual Members to provide immediate changes to a County Council policy. An improved briefing is required for contact centre staff on when it is appropriate to refer callers to Members and to try to ensure that callers are given a realistic picture of what can and cannot be achieved through that process.

Recommendation 6.

A briefing is required for contact centre staff on when to refer callers to Council Members and to try to ensure staff provide a realistic picture of what is achievable through that process.

Improved communications

47. Many public and partner concerns can be addressed at least in part by improved information and more effective dissemination. The committee has identified the following areas where communications improvements could be made. These recommendations aim to:
 - Provide information about what the County Council can and does do, and what it cannot reasonably be expected to do

- Enable individuals, organisations, partners and other agencies to better plan for severe weather by being clearer about County Council's winter policy.
- Enable individuals, organisations, partners and other agencies to respond more effectively when severe weather occurs.

Recommendation 7.

That communications by the County Council be improved by:

a) publishing key 'facts and figures' about winter maintenance, such as: amount spent; amount of salt spread, miles of road covered, number of gritting lorries etc; this will assist in providing greater public and partner awareness of the limitations to the policy and what can realistically be expected

b) providing greater clarity, with clearer online maps, about which roads are treated under the County Council's winter maintenance policy; importantly including a description of which types of road are excluded and receive no priority treatment

c) noting that not all members of the public have computer access and therefore leaflet and poster campaigns should also be considered where appropriate

d) clarifying key terms for the public such as 'standard route' and 'snow route' which are not understood everywhere

e) investigating how the County Council or others can best disseminate live and timely information about the known state of each road during severe weather periods

f) using the autumn edition of the County Council's 'Your County' magazine and encouraging local media to provide positive encouragement and appropriate advice about community self help options and other cold weather precautionary advice as highlighted from the Residents' Panel survey when the results are published

g) using the Parish conference on 23 July to publicise the policy and offer advice on preparing for severe weather.