Winter Maintenance Review

Executive Summary

1. The winter of 2009/10 was one of the harshest experienced across the United Kingdom in over 30 years. The freezing temperatures and significant snowfalls experienced from Thursday 17th December 2009 to Friday 15th January 2010 impacted on almost the entire country. In Buckinghamshire the majority of schools had to close at some point during the harshest conditions and many residents struggled to travel to their places of work.

2. There were many rumblings of discontent from the public and through the local media about the County Council’s winter maintenance response (gritting and the clearance of snow). As a result the Overview and Scrutiny Commissioning Committee set up a Task and Finish Group (T&FG) to examine the topic of winter maintenance. The group sought to review the Council’s performance against the Winter Maintenance Policy and Operational Plan, what went well and what obstacles there were to success.

3. Members of the T&FG were keen to engage with a wide range of stakeholders to inform both the evidence gathering and outcomes of the review. Consultation documents and questions were sent out to District, Town and Parish Councils across Buckinghamshire, all County Councillors and residents were asked to contribute via two press releases. The consultation with Town and Parish Councils in particular provided an excellent information source with over a 75% response rate.

4. Additional information was gathered through desk based research and evidence gathering meetings. Three meetings were held across June and July 2010 and involved a wide range of witnesses. The T&FG questioned representatives of the County Council, public transport providers, the emergency services and from a neighbouring local authority.

5. The prolonged nature of the winter event meant that national salt stocks were running low going into the New Year. At this point the Government, through Salt Cell, told Highway Authorities (such as Buckinghamshire County Council) to reduce their salt usage by 25% to preserve national stocks. This impacted on the county and the rationing of supplies meant that the Council made the call to only grit emergency routes from the 6th January, this included A and B roads and links to settlements.

6. The hazardous weather conditions led to difficulties for the Council in terms of the provision of transport for vulnerable people, social care staff assisting the most vulnerable, the emergency services responding to calls and the public in going about their day to day lives. The fact that those who are perceived to be most in need received any sort of service during the winter is a testament to the dedication and commitment of staff and volunteers from across the county.

7. The importance of communicating in a timely manner with residents, schools, emergency services, public transport providers and the different levels of local government was a key theme that emerged throughout the evidence gathering process. Not all of these parties were able to access information instantly during the height of the harsh weather conditions, this in the cases of schools and public transport providers made decisions about whether to open or run services more difficult. The introduction of a new tool on the Transport section of the County Council’s website will provide instant information about the routes that have been gritted. If communications are clear then it is hoped that residents’ expectations will
become more realistic and there will be a clear understanding of when roads, pavements and cycleways will and won’t be cleared.

8. The rural nature of Buckinghamshire means that some towns and villages will be relatively isolated during prolonged periods of ice and snow. Due to the hazardous road conditions the Council and the emergency services have to prioritise their workloads. The Council can only serve those clients perceived to be most in need, while the emergency services must prioritise the calls where people are perceived in the most danger. As a result there are some people who may require minor assistance from members of their community to continue their normal day-to-day activities. For example, an older member of the community may not be able to buy key supplies from the local shop and a community minded resident may offer to do this on their behalf.

9. The Government’s policy drive towards the ‘Big Society’ where communities actively work to improve their local areas is particularly pertinent during harsh winters. In some countries, such as Germany, residents and shopkeepers are required by law to clear footpaths of snow and ice. In the United Kingdom many people will not take such action as they fear they may be sued if someone injures themselves on the area they have cleared.

10. The County Council is able to clear 40% of the road network of ice and snow at best. The many minor roads are left untreated when prolonged periods of snowfall occur. Harnessing the rural population is vital to ensure that residents and businesses can continue to function during the winter. In the past the Council had informal agreements in place with some farmers for them to clear snow from roads on their behalf. However due to the onset of milder winters they were not needed. The T&FG have recommended that the Council and its partners work to develop an updated list of volunteer farmers to clear roads on their behalf during periods of prolonged snow and ice.

11. The T&FG have made the following recommendations to the County Council’s Cabinet for their consideration.
1. The County Council should ensure that access routes to key strategic sites, such as bus depots, waste sites, household waste recycling centres, railway stations and schools, are included on the list of primary routes within its Winter Maintenance Policy and Operational Plan.

2. The County Council should equip social care staff and carers appropriately in order for them to access the most vulnerable during prolonged periods of ice and snow, e.g. snow tyres.

3. The County Council’s Resilience Team should engage with and support Town and Parish Councils to establish and implement Community Resilience Plans. These plans must include details of how the local community can mitigate the impact of prolonged snow and ice events.

4. The following resources should be used by the County Council to communicate information about snow and ice events:
   - County, District, Town and Parish Council websites
   - Local radio
   - Local press
   - County Council internal communications
   - Email alerts to schools and a governing body representative
   - Members of the public given the opportunity to sign up for email and text alerts from the County Council
   - Neighbourhood Watch Groups
   - Thames Valley Police (TVP) Community Messaging.

5. The County Council should provide a practical guide advising members of the public of the safest methods to clear snow and ice without fear of litigation. This will ensure local areas are safer and more accessible for the local community.

6. The Council, with the assistance of the National Farmers Union (NFU), Local Area Forums (LAFs), Town and Parish Councils, develop a list of farmers from across the County to clear local roads of snow on its behalf.

7. The County Council, in partnership with the local authority representatives on the South East Winter Group, should lobby Central Government to allow farmers to use red diesel on public highways when gritting the roads on behalf of Highway Authorities.

8. The Council should work with neighbouring authorities to ensure that there are consistent levels of gritting on priority routes crossing county borders. This will enable the emergency vehicles to travel safely during ice and snow incidents.

9. The County Council and its partners should develop a database of 4 x 4 together with any other volunteer staff who would be willing to assist during periods of prolonged snow and ice.
Introduction

1. The United Kingdom (UK) experienced its worst winter for over 30 years in 2009/10 and as a result the nationwide transport network came to a near standstill. In Buckinghamshire, as in all neighbouring counties, the County Council faced a difficult challenge in keeping its major transport routes open and the county moving. Such a harsh winter led to criticism and complaints from the general public, and in response to this the Overview and Scrutiny Commissioning Committee set up a Task and Finish Group (T&FG) to examine the topic of Winter Maintenance.

2. The purpose of the review was to examine the County Council’s performance during the harsh winter of 2009/10 against Transport for Buckinghamshire’s (TfB) Winter Maintenance Policy and Operational Plan, what the obstacles to success were and the associated issue of road maintenance.

3. To ensure that Members were informed of the full range of issues in relation to winter maintenance, a number of individuals and organisations were consulted. These included District, Town and Parish Councils, emergency services, public transport providers, other local authorities and most importantly Buckinghamshire residents. For a full list of witnesses please see Appendix 5.

Methodology

4. The review took place from April 2010 – June 2010. The following frontline Councillors were appointed to the Task and Finish Group (T&FG): Michael Edmonds (Chairman), Bruce Allen, Doug Anson, Mary Baldwin, Michael Brand, John Cartwright, Bill Lidgate, David Rowlands, David Polhill, David Schofield and Ruth Vigor-Hedderly.

5. The review was carried out using the following methods:
   - Initial planning meeting to clarify the key lines of enquiry
   - Evidence gathering Task and Finish Group meetings
   - Questionnaires and other requests for information
   - Desktop research

Members of the Task and Finish Group visiting the Griffin Lane Depot, Aylesbury.
Background Information

The Winter of 2009/10 and Looking Forward

6. From Thursday 17th December 2009 to Friday 15th January 2010 the UK experienced a spell of low temperatures and significant snowfalls that affected almost the whole country. This period of prolonged snow and ice tested the ability of the country’s transport network, public services and local economies to operate. It is important that highway authorities such as Buckinghamshire County Council attempt to keep open a core network of roads to prevent transport networks, local economies and public services from grinding to a halt.

7. As the winter progressed the biggest issue nationwide became the availability of salt. This is used to keep the roads clear as a precautionary treatment and turn snow into slush using traffic movement, following the clearance of large accumulations through ploughing.¹

8. At the start of the winter Buckinghamshire had full salt stocks and Transport for Buckinghamshire were fairly confident that this salt stock would be more than adequate to see them through the winter. Due to the prolonged nature of the snow event gritting routes were re-examined on 6th January 2010. In order to preserve salt the decision was taken by the Cabinet Member for Transport to concentrate on salting an emergency network, this included A and B roads and links to settlements. This decision was taken in line with the Council’s Winter Maintenance Policy and Operational Plan and influenced by national guidance, low salt stocks (local and national) and emerging/predicting weather forecasts.

9. Salt Cell, which was set up in the winter of 2009 by Government, was tasked with attempting to manage salt supplies and stocks nationally. Through its advisory role Salt Cell advises on the distribution of salt supplies around the country. The main supplier of salt, which is based in Cheshire, was not able to produce the tonnage of salt required to manage the winter event nationally for a prolonged period. It is important to note that unlike some other local authorities the County Council did not run out of salt. During the worst periods of the winter event the County Council was able to secure additional salt through Ringway Jacobs from North Africa to supplement its own stocks.

10. For the forthcoming winter the County Council it anticipating having 12,500 tonnes of salt held within its storage facilities. This is 25% more salt than was available in the winter of 2009/10 and 50% more than was available in 2008/09. This salt is also likely to go further due to the new technique of pre-wetting which uses 30% less salt than normal. Effectively this is equivalent to having approximately 16-17,000 tonnes of salt. Therefore if Buckinghamshire experiences an equivalent winter to 2009/10 the County Council is a lot better prepared than in previous years.

11. For further detail of how Buckinghamshire County Council carries out its winter maintenance duties, please see Appendix 1.

Clearance of Town and Village Centres

12. The winter weather caused problems for the many businesses located in town and village centres across Buckinghamshire. In many cases pavements and cycleways were not cleared

¹ Weathering the Storm II: Improving UK Resilience to Severe Winter Weather, Local Government Association, July 2010
for several days. The Council’s Winter Maintenance Policy and Operational Plan states that pavements and cycleways in main shopping areas will be treated within 24 hours (See Appendix 3). However the plan also states that during prolonged periods of ice and snow the treatment of these areas within 24 hours is subject to the availability of resources. The extraordinary nature of the winter of 2009/10 and the rationing of salt imposed on local authorities by central government meant that some main shopping areas were left untreated for several days. These unfortunate circumstances meant that the trade of some businesses was greatly affected, also that residents were unable to access some key amenities during this period.

13. As the winter progressed offers of assistance were received by the County Council from District, Town and Parish Councils to help with the clearance of snow and ice in town and village centres, including main shopping areas. The County Council also contacted representatives from the remaining District, Town and Parish Councils to request assistance within their local areas.

14. For example, during such prolonged periods of winter weather there are some staff employed by District Councils that are unable to carry out their day-to-day jobs. Wycombe District Council kindly offered eight gangs of staff, for free, to assist the County Council with the clearance of snow and ice in shopping areas and town and village centres in the District.

15. Such an approach was undertaken in an ad hoc manner, the formalisation of these arrangements in preparation for future winters would ensure a more timely response and greatly benefit residents and businesses.

16. Transport for Buckinghamshire (TfB) as part of their internal review of winter maintenance have contacted Town and Parish Councils to see if they can offer any support to clear pavements and shopping areas during prolonged periods of harsh winter weather. The Task and Finish Group strongly endorse this approach and hope that assistance at a local level is forthcoming to allow people to access key amenities in town and village centres during hazardous conditions.

Prioritising Key Routes & Business Continuity

Gritting access roads to key strategic sites and services:

17. The ability for residents to travel around the County during prolonged periods of ice and snow is an important one. Due to restricted resources it is not possible to grit all roads across the County, nor would this be a good use of public money. However if some strategic routes and sites are kept open then this allows for core activities such as bus travel, waste disposal and emergency service responses to occur to a certain level.

Transport:

18. During evidence gathering sessions the Task and Finish Group heard from representatives of one of the larger bus providers in Buckinghamshire. It was stated that the access roads to one of their bus depots during the winter of 2009/10 was not gritted by the County Council, this led to hazardous conditions for drivers and staff attempting to get vehicles in and out of the depot.

19. In many areas the trains were the safest and fastest way to travel in and around the County. Similarly to the bus depots, the access roads to the main railway stations were not always gritted during the harshest of winter conditions. Once the emergency gritting routes were
implemented by the Council in January 2010 some access routes to stations were neglected, unless they were roads adjacent to the County Council emergency gritting routes.

20. In order for the residents of Buckinghamshire, in particular key workers (such as the emergency services, care workers, teachers, etc…), to travel around the county the main travel hubs need to be kept open where possible. The County Council must work with public transport providers to ensure that key access routes to bus depots and stations are kept clear during extreme winter conditions. Such a solution may include the Council working with public transport providers to update their business continuity plans to include a section on snow and ice. The Council may be able to delegate responsibility to the public transport provider for clearing access roads to depots and transport hubs, possibly with the provision of resources such as salt. In addition to this bus companies should consider the use of snow tyres, or mud and wet weather tyres to improve grip for their vehicles during periods of winter weather.

Waste:

21. During the winter of 2009/10 many residential roads were impassable due to the hazardous conditions caused by snow and ice. Across the county a large proportion of household waste and recycling was not collected by the District Councils (who sub-contract such services) for a number of days due to the treacherous conditions.

22. In their response to questions sent out by the Task and Finish Group, South Bucks District Council highlighted the following issues that led to household waste and recycling collections being disrupted between 18\textsuperscript{th} December 2009 and 15\textsuperscript{th} January 2010:

- Icy roads resulting in dangerous driving conditions
- Icy pavements increasing the risk of slips, trips and falls
- Roads being on a slope or incline
- Parked cars resulting in roads being too narrow to risk access by a large vehicle
- Landfill site closure

23. The County Council have the responsibility in terms of the Transportation Service to maintain the public highway. During evidence gathering it was stated that there would be an expectation for the waste team as part of their Business Continuity Planning to discuss access routes with Transport for Buckinghamshire. As part of any discussions the waste team will need to encourage their contractors to be more proactive in clearing snow and ice to supplement the work of the County Council.

Recommendation 1:
The County Council should ensure that access routes to key strategic sites, such as bus depots, waste sites, household waste recycling centres, railway stations and schools, are included on the list of primary routes within its Winter Maintenance Policy and Operational Plan.

Social Services Staff

24. The work of key frontline services, such as social care, does not stop during events such as harsh winter weather. People with complex needs, who are increasingly cared for in the community, are reliant upon social care support from County Council staff.

25. During the winter of 2009/10 County Council clients had to be categorised according to need as the difficult weather conditions made it treacherous for staff to negotiate the county’s roads safely. Category One clients are the most vulnerable and require a physical service; these were the people who received a service during prolonged periods of snow and ice.
Clients with lesser needs were communicated with by telephone. In addition to this Meals on Wheels drivers delivered frozen meals to cover 3 days during the severe weather to ensure that clients had a meal. In order to reach areas which were isolated due to the weather the Council requested assistance from the Bucks and Oxon 4x4 Response Group (BORG), which is a voluntary group, to deliver Meals on Wheels during some of the most difficult periods of weather. In addition to this BORG also took district nurses and social care workers to service users throughout the winter period.

26. The T&FG were informed by the Cabinet Member for Adults and Families that social care staff went above and beyond the call of duty by walking over a mile to some vulnerable clients.

27. Members of the Task and Finish Group are keen to ensure that the health and safety of all Council staff in extraordinary weather events such as the winter of 2009/10 is paramount. The dedication and commitment of staff to walk to vulnerable clients in treacherous conditions is admirable and the T&FG want to ensure this does not go unrecognised. However to ensure that such journeys can be carried out without undue risk to staff the County Council must equip social care staff to carry out such duties. The T&FG would like the Adults and Families Service to ensure that staff have access to the following equipment; warm clothing, non-slip footwear and if required a vehicle with snow tyres.

**Recommendation 2:**
The County Council should equip social care staff and carers appropriately in order for them to access the most vulnerable during prolonged periods of ice and snow, e.g. snow tyres

**Community Resilience Plans**

28. As discussed above, during such weather events the County Council are unable to visit all of the vulnerable clients on their books across the county. In addition to this the emergency services, such as the ambulance service, must also prioritise their workloads to meet the needs of those perceived to be in the most need. This will mean that within every community across the county there will be a small number of people who require some assistance with day-to-day activities that most of us take for granted, e.g. food shopping.

29. Within the responses received from Town and Parish Councils to the Task and Finish Group questionnaire (Appendix 7) the highest rated response to the question ‘How could local people assist to mitigate against the impact of wintry conditions in your parish?’ was by checking on vulnerable people. This type of community spirit should be encapsulated and formalised through the drafting of a community resilience plan. In fact some Town and Parish Councils in question 6 of the questionnaire stated that the County Council should ‘access and take notice of Parish Emergency Plans’.

30. The Draft Community Emergency Plan Guidance² provided by the Home Office provides the basis for the County Council, or its partners, to advise local communities on how to plan for emergency situations. This guidance includes information on how to identify and assist vulnerable people within local communities, how to identify and mitigate risks using community volunteers and also provides a template for the Community Emergency Plan.

31. The template includes sections on local risk assessments, local skills and resources assessment, key locations, emergency contact list, sample telephone tree, list of community organisations, activation triggers, first steps in an emergency, draft community emergency group, first meeting agenda and the actions agreed with Council in the event of an evacuation.

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32. Within Buckinghamshire such work has already begun. The County Council’s Resilience Team have developed a workshop on Community Resilience to offer to Town and Parish Councils in the county. The County Council developed a ‘Guide to Developing a Community Self Help Plan’ in 2005 in partnership with the District Council’s. This guidance was printed and delivered to all Town and Parish Councils across Buckinghamshire and is also available on the public website. The County Council has also developed a Community Resilience Strategy. Information about this and a request for Town and Parish Councils to develop Community Resilience Plans was sent out by the Resilience Team, although there has been little take-up to-date on the implementation of plans.

33. The purpose of the workshop is to offer Town and Parish Councils assistance with establishing Community Resilience Plans. By June 2010 responses had been received from 53 Parish Councils across Buckinghamshire.

34. During the evidence gathering sessions an officer from Buckinghamshire Fire and Rescue Service highlighted some areas where communities could work together to improve resilience:

- Encouraging groups to work in a better co-ordinated fashion as local communities have greater local knowledge.
- Companies have been helping by effectively ‘adopting’ neighbours. A company has adopted the doctor’s surgery next door to ensure that once they have cleared their pavements, car parks, etc... they help clear the doctor’s surgery.

35. The need for communities to help themselves during prolonged periods of ice and snow, and other emergencies, has never been so great. With the onset of the economic downturn and the limited resources available to public sector partners, such as local authorities, emergency responses will inevitably have to involve a certain level of prioritisation. For vulnerable people living in communities, especially the more remote communities, assistance will be needed from the more able in their local area. This is also in line with the Council’s support for the Government’s Big Society agenda which has recently been announced. The establishment of Community Resilience Plans in town and parish areas would provide a formal structure for such plans to be implemented. The initial work to establish these plans has been started by the Resilience Team, however more impetus should be given to the establishment of Community Resilience Plans countywide to ensure that vulnerable people receive the assistance they require in a timely manner.

**Recommendation 3:**
The County Council’s Resilience Team should engage with and support Town and Parish Councils to establish and implement Community Resilience Plans. These plans must include details of how the local community can mitigate the impact of prolonged snow and ice events.

**Communicating Key Messages**

36. During the evidence gathering sessions a clear theme emerged around communicating key messages to the public, partners and Councillors. Such information is vital to ensure that all of these groups and individuals are fully aware of the work that the Council will carry out during the winter and areas of the county that will not be treated so that travel and services can be planned to avoid treacherous areas.

37. Bus providers are responsible for providing both public transport and in some cases school transport. One public transport provider, during an evidence gathering session, highlighted

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http://www.buckscc.gov.uk/assets/content/bcc/docs/emergency_planning/Emergency_Self_Help_Plan_Guidance.pdf
that they had no access to live information about which routes had been gritted on a daily basis. Such information is vital when making decisions around whether to send vehicles out on the roads and to ensure driver and passenger safety.

38. The Service Information Centre on the Transport section of the Council website\(^4\), from October 2010, will include a section called ‘Winter Maintenance- Live’. This will display live information about which routes will be gritted and will display the live location of the gritting vehicles. The screen shot below is an example of how the information will be displayed with part of a route displayed in blue, interested parties will be able to download individual routes if required.

39. Each school across the county makes the final decision on whether to remain open during periods of harsh weather such as snow and ice. One of the criteria for making such a decision is around the ability of teachers and pupils to travel to the school site. If live information is available, such as the routes which have been gritted, then schools and staff will be able to make informed decisions on whether it is safe to travel in a timely manner.

40. The innovation of the Service Information Centre is a positive step forward and ensures that a greater number of individuals, businesses and Council partners can access this information directly via the internet, whereas in the past they may have had to contact the Council direct. However the Council must ensure that those families who do not have access to the internet are kept informed about road closures, school closures and which roads have been gritted. This information must be communicated in a clear and accessible manner using resources

such as the local press, radio, television and text alerts such as those currently utilised by schools to inform parents of important information.

41. The need for a clear communication style was also highlighted by County Councillors responding to questions circulated by the Task and Finish Group. One Councillor stated in their response ‘we need to set up a clear communication style for emergencies which gets across to the public the reasons things are happening as they are’. Numerous Councillors stated that their constituents were unaware why certain roads were gritted, while others were not.

42. The Task and Finish Group are recommending that a number of different resources are used to communicate information about road closures, school closures and which roads have/have not been gritted. Such action will allow partners and the public to make informed decisions about whether it is safe to travel during periods of prolonged snow and ice. For example, the County Council could instigate a scheme where members of the public can sign up to free email or text alerts to alert them of key information relating to Council business, such as news on the impacts of winter weather around the county.

Recommendation 4:
The following resources should be used by the County Council to communicate information about snow and ice events:

- County, District, Town and Parish Council websites
- Local radio
- Local press
- County Council internal communications
- Email alerts to schools and a governing body representative
- Members of the public given the opportunity to sign up for email and text alerts from the County Council
- Neighbourhood Watch Groups
- Thames Valley Police (TVP) Community Messaging

Helping People to Help Themselves- Public Clearing of Snow and Ice

43. As with roads, the County Council do not have the resources to clear all footways (pavements) across the county. During an extreme winter event when either priority 1 routes or emergency routes are in use due to the level of snow and ice, footways will often not be gritted. If resources allow footways and cycleways in main shopping areas and key pedestrian cycle facilities will be cleared within 24 hours. These form part of the Council’s priority 2 network. The Council is committed to clearing footways in busy urban areas to schools hospitals and other high use areas within 7 days, subject to the availability of resources. Such a delay in clearing footways in towns and villages can lead to some individuals being unable to leave their homes, unless community minded individuals take some responsibility for clearing footways near their homes and businesses.

44. Salt bins are provided as a resource to allow local people to treat pavements or roads in areas such as town centres or on steep inclines. These bins are no longer free, however Parish or Town Councils, members of the public or other community groups may provide funding for the provision of salt bins at locations on the public highway with the approval of the local Area
Office. The cost of purchasing a salt bin is £450 and this includes the future maintenance and refilling of the bin. During prolonged periods of ice and snow these bins are not filled as a priority due to the need to conserve salt for priority and emergency routes.

45. In many countries, such as Austria, Germany and Switzerland, householders and shopkeepers are required to keep the pavement, and sometimes the side of the local road, clear of snow and ice. In the United Kingdom there has been confusion around whether people can clear pavements without fear of being sued if someone has an accident. The Task and Finish Group sought to clarify the legal position in order to ensure local pavements can be made more accessible for those wishing to use them during prolonged periods of snow and ice.

46. The legal position as set out by the Ministry of Justice is as follows:

“A snow-clearer does have the duty to anyone who passes along the pavement to do the clearing with reasonable care so as not to create a new or worse risk, but 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 this was so... If a person clears snow with a shovel and a brush and leaves the pavement clear, it is very difficult to see how a claim could be launched with any prospect of success.”

47. This guidance shows that the public, provided common sense is used, is able to clear pavements without fear of being held liable for any accidents which may occur.

48. Such an approach is supported by a press release issued by Westminster City Council in January 2010 that encouraged local people to clear ice and snow in order to keep London moving. The following four self-help tips, supported by legal advice, were circulated through the media to residents:

1. DO NOT USE HOT WATER. This will melt the snow, but will replace it with black ice, increasing the risk of injury.

2. If shovelling snow:
   - Use a shovel with the widest blade available
   - Make a line down the middle of your path first, so you have a safe surface to walk on. Then you can simply shovel the snow from the centre to the sides.

3. Spread some ordinary table salt on the area you have cleared to prevent any ice forming. Ordinary salt will work and can be purchased cheaply from any local shop, but avoid spreading on plants or grass.

4. Use the sun to your advantage. Simply removing the top layer of snow will allow the sun to melt any ice beneath, however you will need to cover any ice with salt to stop refreezing overnight.

49. In fact in Minneapolis members of the public can be fined for not carrying out their ‘Civic Duty’ to remove snow from the pavements within 24 hours of snowfall ending (See Case Study 1).

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5 Winter Maintenance Policy and Operational Plan, Transport for Buckinghamshire, September 2009
6 Letter from Bridget Prentice MP, Ministry of Justice to Nicolas Soames MP, 28 February 2010
Case Study 1

In Minneapolis, United States, it’s your legal duty to clear the pavement of snow within 24 hours of snowfall ending. Residents are given free “sidewalk (pavement) sand” to do the job.

"Keeping our sidewalks free of ice and snow is the neighbourly thing to do, and it's the law... please do your part," says the local authority’s website.

If the public works department gets a complaint or discovers that a pavement is not properly cleared, it gives the property owner a chance to do it. If the pavement has still not been cleared upon re-inspection, city crews will do the job and the home owner will be sent the bill.

50. In light of the guidance from the Ministry of Justice and the examples set by other countries, the Task and Finish Group are recommending that the County Council issue clear communications to the public to highlight how snow can be cleared safely without fear of legal action. Such communication should include clear and concise bullet points, such as those used in the Westminster press release, be published prior to the winter of 2010/11 as a press release and also in the form of a booklet on the Council’s website.

51. This approach is supported by recommendations set out in both the Local Government Association’s (LGA) Weathering the Storm II report and the Winter Resilience Review’s report The Resilience of England’s Transport Systems in England: Interim Report.

Recomendation 5:
The County Council should provide a practical guide advising members of the public of the safest methods to clear snow and ice without fear of litigation. This will ensure local areas are safer and more accessible for the local community.

Utilising Farmers

52. During prolonged periods of ice and snow it is clear that the County Council is unable to clear all of the county’s roads, as is the case in the UK as a whole. In the past there were ad-hoc arrangements with some local farmers asked by their local Council to use their vehicles to clear snow from the roads on behalf Council. However these arrangements petered out as the winters became generally milder.

53. Recent winters have highlighted the need for the Council to put in place other snow clearing arrangements to supplement their own during periods of prolonged snow and ice. In other counties, such as Hampshire, Somerset and East Sussex, there are arrangements in place for farmers to clear snow on pre-designated routes in exchange for an hourly payment.

54. According to the law such arrangements are allowed and this is clarified by the National Association of Agricultural Contractors (NAAC):

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8 ‘Is it your Civic Duty to Clear Snow?’, BBC News Website, 7th January 2010: http://news.bbc.co.uk/1/hi/8443745.stm
9 Weathering the Storm II: Improving UK Resilience to Severe Winter Weather, Local Government Association, July 2010
55. In order to maximise the number of roads open during periods of prolonged snow and ice, the County Council should utilise the ability of farmers to assist in such efforts. Therefore the T&FG would like the Council to work with the National Farmers Union, Local Area Forums and Town and Parish Councils to produce an updated list of farmers who are prepared to be called upon to clear snow from pre-designated roads during harsh winter conditions.

**Recommendation 6:**
The Council, with the assistance of the National Farmers Union (NFU), Local Area Forums (LAFs), Town and Parish Councils, develop a list of farmers from across the County to clear local roads of snow on its behalf.

56. The arrangements that are currently in place across the UK with farmers do not include requesting them to grit roads on behalf of local authorities. Members of the T&FG felt that this option should be explored in greater depth, but understood that there are legal issues at present which hinder using farmers in this way. The main issue that hinders such a practice is the use by farmers of red diesel in their vehicles to grit a public road on behalf of a local authority.

57. Farmers are unable to use tractors, fuelled with red diesel, to spread grit on public roads. HM Revenue and Customs (HMRC) state categorically in their guidance that only vehicles constructed or adapted to spread grit on roads can be used, therefore meaning that farmers are unable to use tractors or other farm vehicles to undertake this task on public roads without fear of prosecution.

8.11 Gritters

A vehicle in this category must be constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow (with or without articles or material used for the purposes of the machinery).

Many of these vehicles are converted HGVs that are used as gritters in the winter months. If the gritting equipment is fitted in a workshop and is attached for the duration of the winter the vehicle is deemed to meet the requirements of the law despite the fact that the legislation states that it should be used ‘solely’ for gritting.

The following do not qualify:

- vehicles towing gritting equipment mounted on trailers
- vehicles into which gritting equipment is merely dropped or held in place with straps
- drop-sided vehicles carrying grit or other suitable material for manual spreading.

58. In the opinion of the T&FG such a law is counter productive as farmers could be used to grit roads on behalf of the Council during prolonged cold spells. It does not seem logical that

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farmers are able to use tractors, run on red diesel, to clear the snow from roads using ploughs but are unable to use vehicles powered by the same fuel to grit roads as well. Therefore the Council, in partnership with other local authorities in the South East, should lobby Government to change the law and allow farmers to use vehicles powered by red diesel to grit public roads.

**Recommendation 7:**
The **County Council, in partnership with the local authority representatives on the South East Winter Group, should lobby Central Government to allow farmers to use red diesel on public highways when gritting the roads on behalf of Highway Authorities.**

**Cross Border Consistency when Treating Priority Routes**

59. During one evidence gathering meeting a representative from the Buckinghamshire Fire and Rescue Service highlighted the importance of bordering local authorities working together. The officer highlighted the need for local authorities to consult with each other on the level of gritting on roads crossing county boundaries. If there is no consistency then the emergency services, as well as the public, cannot have confidence in the standard of road safety when travelling to emergency calls in harsh weather conditions.

60. The need for cross border consistency and partnership working is supported in the Local Government Association’s publication ‘*Weathering the Storm II*’:

*A further issue, highlighted by bus operators and by Government Offices in particular, is the councils need to work together to ensure consistency in the way in which roads that cross local authority boundaries are treated*.

61. The Task and Finish Group are of the opinion that it is vital that the County Council consults with all neighbouring local authorities in order to ascertain the level of gritting they will be delivering on priority routes. Once there is an agreed level of gritting this information should be communicated to all key partners, such as the emergency services and public transport providers. The Task and Finish Group recognise that local authorities in the South East have formed the South East Winter Group, this group should ensure that key strategic decisions are communicated amongst all local authorities in the South East of England.

**Recommendation 8:**
The **Council should work with neighbouring authorities to ensure that there are consistent levels of gritting on priority routes crossing county borders. This will enable the emergency vehicles to travel safely during ice and snow incidents.**

**Utilisation of 4 x 4 vehicles**

62. During the evidence gathering meetings a representative from the Buckinghamshire Fire and Rescue Service stated that at times some of their vehicles were moving around the County with seats to spare. It was suggested that with coordination from one body such vehicles could be utilised to move supplies or people from one location to another. Such an approach is supported by the example below:

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13 *Weathering the Storm II: Improving UK Resilience to Severe Winter Weather, Local Government Association, July 2010*
63. The County Council’s Resilience Team contacted Council staff by email on the 22nd December 2009 during the first period of prolonged snow and ice. Staff were asked whether they owned a 4x4 and if they were prepared to volunteer to assist in transporting people and supply deliveries around the County. A limited number of volunteers came forward. If such a scheme is to be successful the request for volunteers must be made prior to the onset of winter, this will allow some pre-planning to take place between volunteers and County Council services requiring such support during periods of extreme weather. Staff were also contacted again on when the weather worsened again in early January 2010.

64. When responding to questions sent out by the Task and Finish Group some County Councillors supported the idea of holding a central list of 4x4 drivers and vehicles to assist in emergencies such as snow and ice. It was suggested that the Council’s Resilience Team could coordinate the list of prospective volunteers across some partner organisations.

65. The Task and Finish Group want to ensure that all available 4x4 vehicles and their drivers are utilised during prolonged periods of ice and snow. Such a proactive response would lead to those individuals in the most need across the county having increased access to supplies and assistance if/when required.

**Recommendations 9:**
The County Council and its partners should develop a database of 4 x 4 together with any other volunteer staff who would be willing to assist during periods of prolonged snow and ice.

**Conclusion**

66. The winters of both 2008/09 and 2009/10 are, at present, deemed to be extraordinary events. It is very difficult to say if we will experience a similar winter in 2010/11, or even one of a greater magnitude. What is clear is that those authorities responsible for keeping the core of the highways network moving must prepare for the worst in order to ensure that the economy continues to function and that key workers, such as the emergency services, can travel safely to their places of work.

67. The truth is that no-one can predict the weather we will experience during the forthcoming winter. The best that both central and local government can do is learn from the past two winters and improve their preparation and equipment. However at a time when Councils are faced with challenging budget settlements from Government it would be deemed to be an irresponsible use of public money to invest heavily in winter maintenance operations.

68. The Government’s recently published paper on the Big Society includes the priority ‘Encourage people to take an active role in their communities’. Local people can make a real difference during periods of prolonged winter weather by clearing the pavements outside of their homes and checking on and assisting vulnerable people. By providing people with information on how to clear pavements and by promoting Community Resilience Plans the

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14 Weathering the Storm II: Improving UK Resilience to Severe Winter Weather, Local Government Association, July 2010
15 Building the Big Society, Cabinet Office, 18 May 2010
County Council can provide people with the co-ordination that is needed to react effectively during such extraordinary events.

69. The realisation that the County Council cannot clear every pavement and road across the county is important for residents to take into account. Because of this it is important for the Council to work with partners and local people to mitigate the impact of the winter weather. In line with this the Council must engage with local farmers in order to gain assistance, when required, in clearing rural roads of snow. The Council should seek to work with farmers who have suitable equipment to plough roads and create a list of those willing to assist.

70. Working to keep the county moving, as much as resources allow, is vital during events such as that in the winter of 2009/10. The Council must work with its partners such as District Councils, the Emergency Services, public transport providers and waste partners in an attempt to sustain normal day-to-day services where possible. If a core network of buses are kept running, waste depots kept open and schools given the best possible chance to stay open then this will be beneficial for the county as a whole. By giving schools the best possible chance to open, for example by clearing access roads to bus depots and allowing more services to run in a timely manner, this will mean that more key workers (such as care workers and paramedics) will be able to work and assist in providing assistance during treacherous conditions.

71. The Task and Finish Group are of the opinion that the service provided during the winter of 2009/10 was of a high quality from both the County Council and its partners. Like any service that is provided there are learning points from every event that is experienced. With greater co-ordination of resources, the utilisation of people in their local communities and farmers the impact of extraordinary weather conditions can be minimised but not eradicated. If the Council communicates key messages to the public prior to the winter and before the onset of heavy snowfall this will alert people of the actions they can take to assist within their communities. The best that the Council and its partners can do is be prepared for the worst as the weather for the forthcoming winter is an unknown.
1 Statutory Legal Duty

In England and Wales, section 111 of the Railways and Transport Safety Act 2003 inserted a new section 41(1A) into the Highways Act 1980, to the effect that “a highway authority is under a duty to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice”.

- Section 130 – gives the highway authority a general duty to protect the right of the public to use and enjoy the highway; and
- Section 150 puts a responsibility on the highway authority to clear snow from the highway, but only if it is causing an obstruction.

There is a question as to whether the use of the term ‘highway’ includes the pavement. There is no statutory definition of a highway, only a common law one. That definition is quite clear: a “highway is a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right, not on sufferance or by licence”. Thus the term will cover most pavements.

2 What happens in practice?

2.1 Code of practice

The relevant code of practice is Section 13 and Appendix H of Well-maintained Highways: Code of Practice for Highway Maintenance Management, published in July 2005 by the UK Roads Liaison Group (UKRLG). It is not a statutory document but is published with the backing of central and local government. The legal position of local authorities is set out in the Code of Practice. However, in December 2009 the UKRLG published Complementary Guidance, updating the 2005 Code of Practice as follows:

[The duty in section 41(1A) of the Highways Act 1980] is not an absolute duty, given the qualification of “reasonable practicability” but it does effectively overturn previous legal precedence, albeit not with retrospective affect. Section 150 of the Highways Act 1980 still imposes a duty upon authorities to remove any obstruction of the highway resulting from “accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause”.

In addition, the Traffic Management Act 2004 placed a network management duty on all local traffic authorities in England. It requires authorities to do all that is reasonably practicable to manage the network effectively to keep traffic moving. In meeting the duty, authorities should establish contingency plans for dealing promptly and effectively with unplanned events, such as unforeseen weather conditions, as far as is reasonably practicable.

Given 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.

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16 Roads: Winter Maintenance, House of Commons Library, 12 January 2010
Authorities should formally approve and adopt policies and priorities for Winter Service, which are coherent with wider objectives for transport, integration, accessibility and network management, including strategies for public transport, walking and cycling. They should also take into account the wider strategic objectives of the authority.

Issues for consideration in developing policy should include:

- treatment of facilities for public transport users;
- treatment of facilities for road users;
- treatment of facilities for walking and cycling;
- treatment of transport interchanges;
- treatment of promoted facilities;
- extent of priority for emergency services;
- extent of priority for key public services and critical infrastructure;
- extent of priority for vulnerable users;
- other local circumstances.
<table>
<thead>
<tr>
<th>Subject of the Review</th>
<th>Winter Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman</td>
<td>Michael Edmonds</td>
</tr>
<tr>
<td>Review members, including co-optees</td>
<td>Bruce Allen, David Polhill, John Cartwright, Ruth Vigor-Hedderly, Bill Lidgate, Doug Anson, David Rowlands, David Schofield, Michael Brand, Mary Baldwin</td>
</tr>
<tr>
<td>Officer contact</td>
<td>Michael Chard (x7728)</td>
</tr>
</tbody>
</table>

**Purpose of the Review**

To focus on the provision of safe highways and footways during periods of severe winter weather to enable access for the public to their employment, essential services and local amenities.

To review the current Winter Maintenance Plan and investigate the success of the Council’s response to the previous two years of severe winter weather.

To consult with partner organisations on how the future Winter Maintenance Plan can be enhanced and services to the public can be maintained and improved.

To investigate the use of new technology or alternative materials to ensure the highways network (including road and footway maintenance) remains useable during severe winter weather.

To review the Council’s policy for the procurement of salt and grit.

To make recommendations to Cabinet and partner organisation on how winter maintenance can be improved in the future.

**Anticipated outcome(s)**

Recommendations to Cabinet and partner organisations, if necessary, around improving the efficiency, value for money and communication of winter maintenance in Buckinghamshire.

**Key Issues for the review to address**

- How did we perform against our winter maintenance plan targets?
- What was done well?
- What could have been done better?
- How could prompt clearance of snow and ice on footways/footpaths in towns/villages be best achieved to aid safe use by pedestrians?
- The use of salt bins to salt local public highways including misuse
- Is our procurement of salt providing value for money?

**What is the potential impact of the review on**

- Residents
- Equality issues, e.g. access to services, vulnerable groups
- Health inequalities
- Adding value to the organisation
- Partners

Improved understanding for residents of the County Council’s gritting policies for highways and footways.

With partners/stakeholders and public input improved understanding of concerns and how access to key amenities could be improved during exceptional weather events.

Potential for improving value for money for the
| Link to Council Corporate Plan priority | • Manage, Improve and Protect Our Exceptional Environment  
| • Build and Sustain Prosperity  
| • Promote Community Spirit  
| • Support People Who Need Our Help  
| • Deliver Effective and Efficient Services |
| Consideration of Local Area Agreement targets |
| Methodology | Desk based research- looking at national and international practices  
| Site visits- countywide and nationally  
| Internet consultation  
| Task and Finish group discussions |
| Press & Publicity | Press Release |
| Key background papers | BCC Winter Maintenance Plan  
| Weathering the Storm- LGA  
| Ringway Jacobs contract for winter maintenance  
| Keep Buckinghamshire Moving: A (Scrutiny) Review of Road and Footway Maintenance in Buckinghamshire |
| Use of demographics/ needs data | N/A |
| Written evidence to be provided by: | Buckinghamshire Parish Councils (through BALC)  
| Buckinghamshire Economic and Learning Partnership (BELP)  
| Buckinghamshire District Councils  
| Residents  
| Local Area Forums (LAFs) |
| Oral evidence to be provided by: | Val Letheren, Cabinet Member for Transport  
| Jim Stevens, Head of Transport for Buckinghamshire  
| Mark Averill, Network Operations Manager  
| Local Area Technician representative  
| Thames Valley Police  
| Buckinghamshire Fire & Rescue  
| South Central Ambulance Service  
| NHS Buckinghamshire |
| Potential partners | Buckinghamshire Association of Local Councils (BALC)  
| Local Involvement Networks (LINks) |
| Resources required | Policy Officer resource  
| Democratic services resource |
| Timetable | April-July 2010 |
| Reporting mechanism | Cabinet |
Appendix 3- How is Winter Maintenance Carried Out in Buckinghamshire?

The County Council, as Highway Authority through its Head of Transportation, has responsibility for maintenance of the highways in the County excluding Motorways and Trunk Roads. Winter maintenance is a function that Transport for Buckinghamshire carries out on behalf of Buckinghamshire County Council during the winter months as part of its duty to maintain the highway in a safe condition.\(^{17}\)

Winter Maintenance responsibilities for the winter of 2009/10 in Buckinghamshire were delivered using the following resources:

- 4 salt depots- Gawcott, Aylesbury, Amersham and Handy Cross
- 25 salting vehicles across the county. The vehicles were a mixture of pick-up trucks and purpose built machines
- BCC had been very well-prepared for the severe weather, with all salt stocks at full capacity
- BCC gritted c. 40% of its road network prior to emergency routes being initiated (similar to comparative authorities)

Buckinghamshire’s Winter Maintenance Policy and Operational Plan 2009/10 was developed in line with national policy guidance from the Department for Transport. The plan for 2010/11 is currently under development and will take into consideration lessons learnt from the winter of 2009/10.

**Priority One Network**

The following priorities will be applied to the gritting network:-

The **Priority 1 gritting network** will comprise of the following elements of highway network.

i) **Core network**

The core network includes roads that are classified within network maintenance hierarchy Category 2 3a. This includes all A and B classified roads throughout the county.

ii) **Risk Assessed network**

The risk assessed element will prioritise roads taking into account the following factors,

- Traffic Flows
- Gradients
- Bends not subject to a speed limit
- Community link.
- Historically salted route
- Public and School Bus Routes
- Adjacent key facilities
- Route practicality and efficiency

Subject to weather forecast and prevailing conditions the Priority 1 gritting network will be treated prior to the formation of ice or fall of snow.

**Clearance of Footways (Pavements) and Cycleways**

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\(^{17}\) Winter Maintenance Policy and Operational Plan, Transport for Buckinghamshire, September 2009
The clearance of pavements falls under the jurisdiction of the County Council as these are included under the definition of a ‘highway’. In general pavements and cycleways will be cleared on a priority basis, but unlike priority roads these are treated post-ice formation and snowfall.

The Transport for Buckinghamshire Winter Maintenance and Operational Plan outlines the policy on clearing pavements and cycleways:

**Priority 2 Network-**

- Footways (pavements) & Cycleways in main shopping areas and key pedestrian and cycle facilities will be cleared within 24 hours (Subject to available resources in prolonged periods of ice or snow).

**Priority 3 Network-**

- Footways (pavements) in busy urban areas to schools, hospitals and other remaining high use footways. These will be cleared within seven days (Subject to available resources in prolonged periods of ice or snow).
- Remaining cycleways and other residential footways. In prolonged periods of ice or snow, as soon as resources become available (Subject to available resources in prolonged periods of ice or snow).
Appendix 4- Bibliography

Key Documents

Building the Big Society, Cabinet Office, 18 May 2010

Winter Maintenance Policy and Operational Plan, Transport for Buckinghamshire, September 2009


Roads: Winter Maintenance, House of Commons Library, 12 January 2010


Weathering the Storm II: Improving UK Resilience to Severe Winter Weather, Local Government Association, July 2010

Winter Maintenance Policy and Operational Plan, Transport for Buckinghamshire, September 2009

Correspondence

Letter from Bridget Prentice MP, Ministry of Justice to Nicolas Soames MP, 28 February 2010

Newspaper/Web-Based Articles

‘Is it your Civic Duty to Clear Snow?’, BBC News Website, 7th January 2010: http://news.bbc.co.uk/1/hi/8443745.stm


Appendix 5 - List of Contributors

Acknowledgements

Members would like to thank the following members and officers who contributed to the review:

Task and Finish Group Membership

Michael Edmonds (Chairman)       Bill Lidgate
Bruce Allen                    David Rowlands
Doug Anson                    David Polhill
Mary Baldwin                  David Schofield
Michael Brand                 Ruth Vigor-Hedderly
John Cartwright

Written Evidence

The Task and Finish Group would like to thank all of the members of the public who sent correspondence in response to two press releases published in the local media. These comments have been taken into account for the report and also been forward onto the Transport for Buckinghamshire team who are responsible for reviewing the Winter Maintenance Policy and Operational plan for the forthcoming winter.

The Task and Finish Group also wish to thank all County Councillors that responded to email correspondence from the group.

Local Authorities

Mark Averill, Network Operations Manager, Transport for Buckinghamshire
Dale Foden, Head of Highway Operations, East Sussex County Council
Geoff Dight, Highways Manager, Somerset County Council
Tim Lawton, Highways Manager, Hampshire County Council
Gillian Garrigan, Overview and Scrutiny Officer, Durham County Council
Lesley Clarke, Leader of the Council, Wycombe District Council
Elizabeth Cullen, Contracts Manager, South Bucks District Council

Emergency Services

John Nichols, Divisional Director, Oxfordshire and Buckinghamshire Division, South Central Ambulance Service NHS Trust
Superintendent George Wrigley, Superintendent Operations, Thames Valley Police

Other Contributors

Jim Waddington, Service Director, Amey plc
John Archer, Regional Environment & Land Use Adviser, National Farmers Union (NFU)
Kevin Maddison, Policy Support Officer, County Councils Network (CCN)
Paul Watters, Head of Public Affairs, Automotive Association (AA)

Verbal Evidence
Val Letheren, Cabinet Member for Transportation, Buckinghamshire County Council
Jim Stevens, Head of Transport for Buckinghamshire
Tim Fowler, Area Maintenance Manager North, Transport for Buckinghamshire
Eric Meek, Area Maintenance Manager South, Transport for Buckinghamshire
Sean Rooney, Compliance Manager (Contract and Locality Strategy), Buckinghamshire County Council
Patricia Birchley, Cabinet Member for Adults and Families, Buckinghamshire County Council
Kerry Stevens, Head of Service Provision, Adults and Family Wellbeing, Buckinghamshire County Council
Robert Murdoch, Resilience Officer, Buckinghamshire County Council
Brian Short, Southern Area Engineer, Oxfordshire County Council
Ian Taylor, Group Manager, Emergency Planning and Resilience, Buckinghamshire Fire and Rescue Service
Brian Fordham, Depot Manager- High Wycombe, Arriva
Steve MacDonald, Depot Manager- Aylesbury, Arriva
Appendix 6 - Letter from Bridget Prentice MP, Ministry of Justice to Nicolas Soames MP

Ministry of JUSTICE

The Hon Nicholas Soames MP
House of Commons
London SW1A 0AA

Our ref: MC268715

February 2010

Dear Nick,

The Lord Teviot, Oak Hall Park Residents’ Association, 28 Hazel Grove,
Burgess Hill, West Sussex, RH15 0BY

Thank you for your letter of 4 February, to Jack Straw, on behalf of your constituent Lord Teviot, who is concerned about the risk of litigation caused by clearing snow during adverse weather. I am replying as the Minister responsible for civil law and justice issues.

Thank you for bringing Lord Teviot’s concerns to my attention. I hope it is helpful if I outline the general law in this area. The prospects of a person who volunteers to clear snow from a pavement being successfully sued for damages by a person who subsequently slips on the cleared area and is injured are very small.

A snow-cleaner does have a duty to anyone who passes along the pavement to do the clearing with reasonable care so as not to create a new and worse risk, but 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 this was so. A job done very badly indeed which makes the pavement clearly more dangerous than before might give rise to a risk if a person who would not have slipped otherwise slips and is injured as a direct result of that more dangerous state of affairs.

An example might be a person who clears a path with water in freezing temperatures and pays no attention at all to the water left behind which freezes and creates slippery ice. Any reasonable person taking reasonable care would be able to see that that creates a risk; but even then, a person who slips and is injured would have to prove that he or she slipped as a result of the risk that was created and not for another reason (such as his or her own carelessness). If, however, a person clears snow with a shovel and brush and leaves the pavement clear, it is difficult to see how a claim could be launched with any prospect of success.

If ice formed because of fresh snowfall following the clearing which partly melts and re-freezes so that the area becomes more dangerous than the surrounding area, a person who slips on the ice will be hard pushed to prove that the reason for the slip was the clearing of the pavement rather than the later new snow and conditions leading to ice. A person who slips on a cleared area which is less dangerous than the surrounding cleared area will be even more hard pushed to prove that the slip occurred because of the snow being cleared rather than because the area generally was slippery.
Lord Teviot also refers to Lord Justice Jackson’s report into the costs of civil litigation. The Master of the Rolls appointed Lord Justice Jackson to undertake an independent review of the rules and principles governing the costs of civil litigation and to make recommendations that promote access to justice at a proportionate cost. Sir Rupert commenced this review in 2009 and, following intensive information gathering and consultation with stakeholders, published his final report on 14 January 2010. The report and further details of the review can be found at http://www.judiciary.gov.uk/about_judiciary/cost-review/index.htm

This wide ranging report sets out what Sir Rupert sees as the reasons for high legal costs in particular types of litigation. He makes a broad range of significant recommendations to reduce costs. This includes recommendations relating to fixed recoverable costs in cases valued up to £25,000 (including public liability claims and some other recommendations aimed specifically at personal injury claims.

Sir Rupert has undertaken an independent review. We are committed to addressing high costs in civil litigation while ensuring appropriate access to justice. However, many of Sir Rupert’s proposals will require further detailed analysis before they can be progressed - in particular to determine the impact on various groups, the potential costs savings which could be achieved and what further consultation may be necessary. It is inevitable, given the scale of his review and the number of recommendations Sir Rupert makes, that this analytical process will take some time. Nevertheless, we will complete our analysis as soon as possible and we will then announce a more detailed timetable for reform. We will also give notice of the consultation which will accompany any Government proposals for reform, so that all stakeholders have a proper opportunity to comment on the detail of the proposals. I urge Lord Teviot to ensure that their views are expressed in any future Government consultation on proposals for reform in relation to personal injury claims.

I hope this information is helpful and I enclose a copy of this letter for you to send to Lord Teviot should you wish to do so.

Yours ever,

Bridget

BRIDGET PRENTICE
The winter weather conditions during 2009/10 were the worst experienced across England in 30 years. This was a challenging period for all concerned in Buckinghamshire and especially the County Council who have the responsibility to clear roads and pavements.

As a consequence of residents raising concerns with Councillors and negative press publicity, a Task and Finish Group (T&FG) was commissioned by the Overview and Scrutiny Commissioning Committee (OSCC). The aim of the T&FG is to examine what aspects of the Winter Maintenance Policy and Operational Plan worked well, consider what worked less well and suggest where improvements can be made.

The T&FG, consisting of County Councillors (non-Cabinet), within its scoping document identified that they wanted to consult with key stakeholders and local residents in order to inform the final report and recommendations.

As part of the consultation process a questionnaire was sent out to all Parish Councils across Buckinghamshire to gather their views and ideas about how the County Council and its partners performed during the cold snap and how they could improve in the future.

The consultation received an extremely high response rate, with 149 Parish Councils responding. The T&FG would like to thank the Parish Councils for their informative and valuable contributions.

The following questions were sent to all Parish Councils across Buckinghamshire:

1. What were the parish’s three major concerns in relation to winter maintenance during the recent cold snap?

2. What three actions do you feel the County Council and its partners could do to reduce the impact of the winter weather in your parish?

3. How do you feel local people could assist with mitigating the impact of wintry conditions on roads and pavements in your parish?

4. How do you feel the County Council performed its statutory winter maintenance duties during the recent wintry conditions?

5. In the aftermath of the winter weather, the roads and pavement across Buckinghamshire suffered a high level of damage. How do you feel the Council have reacted to the maintenance and repair of the damage in your Parish? What do you feel could be improved?

6. Any other comments?
Analysis of Responses

1. What were the parish’s three major concerns in relation to winter maintenance during the recent cold snap?

Parish Council’s were asked to state their three major concerns relating to winter maintenance (Please note that the segments do not equal 100% as each Parish had to choose three options). Of the 149 respondents to this question there were four major areas of concern in relation to winter maintenance. The concern that ranked highest was the Level of Road Gritting (83.22% of respondents), followed by Potholes (75.84%), the Availability of Salt Bins (45.64%) and Dangerous Pavements (37.58%).

Parishes were also given the opportunity to provide supplementary answers to this question. Of the 17 received, the following were the most common concerns from Parishes:

- Lack of snow clearance
- Communications
- The level of precautionary gritting on minor roads and steep inclines
Parish Councils were asked to identify the three actions that the County Council and its partners could take to mitigate the impact of the winter weather in their Parish. Of the 143 responses received the overwhelming action that Parishes would like to see taken is to have More Roads Gritted (75.52%). Of the other actions, the second most important the County Council and its partners could take would be to Ensure Key Transport Routes are Gritted (49.65%) and following in a close third is Consult With Local Parishes about Local Issues (46.15%). The availability of salt bins, similarly to question one, is also a big concern and a large proportion of Parishes (39.16%) would like more to be made available.

Parishes were also given the opportunity to provide supplementary answers to this question. Of the 15 received, the following were additional actions that Parishes felt the County Council and its partners could take to reduce the impact of winter weather in their area:

- Communicate more effectively with the Royal Air Force (RAF) in Buckinghamshire
- Ensure that the County Council has sufficient salt stocks to deliver its Winter Maintenance Policy and Operational Plan
3. How do you feel local people could assist with mitigating the impact of wintry conditions on roads and pavements in your parish?

In a rural county such as Buckinghamshire the onset of heavy snowfall and icy conditions can lead to towns and villages being isolated (Please note that the segments do not equal 100% as each Parish had to choose three options). Parishes were asked how local people could assist with mitigating the impact of harsh winter conditions in their parish, 140 responses were received. The most important action that Parishes felt local people could take would be to **Check on Vulnerable People** in their local area (71.43%). Of the other options, Parishes felt that local people have an important role to play in **Highlighting Problems to the Council and its Partners** (67.14%) and residents could have an important role to play in **Helping to Clear Pavements** (55%).

Parishes were also given the opportunity to provide supplementary answers to this question. Of the 30 received, the following were actions that Parishes felt local people could take to mitigate the impact of winter weather in their area:

- Allow farmers to clear local roads
- Clarify/reassure local residents that they will not be held liable if they clear snow from footpaths
- Provide and fill salt bins to allow local action

4. How do you feel the County Council performed its statutory winter maintenance duties during the recent wintry conditions?

Buckinghamshire’s Winter Maintenance Policy and Operational Plan sets out which roads and pavements will be treated during harsh winter conditions. There are statutory duties contained within this plan to clear major roads during extreme winter weather, this may be at the detriment to those roads which are classified as less strategically important.

There were 135 responses to this question from Parish Councils, in answer to this question there were extremely mixed responses, with marginally over half leaning towards being negative. The positive responses included comments such as:
• ‘...feel the Council did well in rather extreme conditions’
• ‘I think the County Council did its best considering the unusual amount of snow that fell and the restrictions on spend’
• ‘Generally quite good’

The negative responses included the following:

• ‘abysmally’
• ‘extremely badly’
• ‘it was a shambles’

There were several supplementary comments from Parish Councils, some of which show that there is not a full understanding/communication of the Winter Maintenance Policy and Operational Plan, these included the following:

• Rural roads were neglected
• The poor maintenance of roads
• Treacherous conditions on pavements
• Insufficient gritting
• Bus routes need to be cleared, especially those that serve schools
• Access to train and bus stations needs to be cleared

Within the comments submitted there were several references to specific roads, these will be passed on to Transport for Buckinghamshire for them to consider during their planning process for the 2010/11 winter.

5. In the aftermath of the winter weather, the roads and pavement across Buckinghamshire suffered a high level of damage. How do you feel the Council have reacted to the maintenance and repair of the damage in your Parish? What do you feel could be improved?

There were 134 responses to this question from Parish Councils, in answer to this question there were mainly negative and constructive comments, there were very few comments that were positive in nature.

The general themes from Parish Councils covered the following topics:

• The need for more communication and information about road maintenance
• The need to repair damage in inclines
• Potholes that exist on a stretch of road should be filled simultaneously and not be priority categorisation
• The plain and patch approach to road maintenance should be taken, not just short term fixes

Some examples of the comments submitted by Parish Councils are as follows:

• ‘In the circumstances the Council reacted well, although more work needs to be done’
• ‘I understand that funding is an issue, but the cost of damage to vehicles will be more if everyone claims against the County Council’
• ‘Better information is required to advise parishes/residents on when road repairs will take place’
• ‘Despite numerous requests for pothole repairs, to-date nothing has been done’
• ‘Early liaison with Parish Councils to prioritise the repair of dangerous pavement.s and roads’

6. Any other comments?

The final question gave Parish Councils an opportunity to add any additional comments which they thought would be useful for the Task and Finish Group to consider. In total 79 respondents submitted additional comments.

The general themes from Parish Councils covered the following topics:

• The lack of road and pothole repairs
• The longevity of patching potholes
• Communications to Parishes/residents/RAF
• Improved consultation with Parishes
• The County Council should access and take notice of Parish Emergency Plans
• Major inclines must be treated
• The redeployment of District Council staff during harsh winter weather to help clear roads and pavements
• The need to treat the roads and pavements around local schools
• The need for the County Council to clarify and provide information on whether residents and businesses will be liable if someone falls and injures themselves on an area of pavement they have cleared