

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

17 November 2010

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WINTER MAINTENANCE – LOCAL PRIORITIES AND ARRANGEMENTS

A report to update Members on the Kent Highway Services (KHS) winter maintenance arrangements for 2010/11 and our own arrangements for our car parks during severe snow and ice conditions.

1.1 Introduction

1.1.1 The periods of heavy snowfall last winter created severe disruption of many services at a national, regional and local level. In Kent there were difficulties with highway and footway clearance extended by the prolonged period of very low temperatures. We also experienced problems dealing with land in the Council's control and car parks in particular.

1.2 Background

1.2.1 Earlier this year when it was clear that there was sufficient snow/ice on the ground to prevent some outside work we offered and released resources from Veolia and Kent Landscape Services to assist KHS in keeping the footways clear in central Tonbridge. This was generally during normal working hours and KHS were not charged for this assistance. Other District councils around the county also offered to help and it was plain that KHS welcomed this.

1.3 KHS Arrangements for 2010/11

1.3.1 KHS are keen to formalise this assistance in their Local Winter Service Plans which they are preparing for each District. Meetings have been held with their officers to tailor the local arrangements to fit in with the operational ability of each District to respond. We have agreed to release certain resources in the same manner as last year – i.e. when normal duties are suspended. This will be up to 10 litter pickers and 3 vehicles for transporting salt/sand together with potentially 5-7 Civil Enforcement Officers when priority car parks have been cleared and other parking management functions cannot be practically continued. Additionally

staff from KCC Landscape Services and some operational leisure staff could be released under certain conditions.

- 1.3.2 These people will assist with hand tools in the clearance of snow/ice as appropriate. KHS will manage and supervise these staff and will produce appropriate safety / risk assessments for the work undertaken.
- 1.3.3 KHS will provide salt/sand from their Haysden depot as necessary.
- 1.3.4 Their Winter Service Plan for 2010/11 (**Annex 1**) identifies a comprehensive list of footways and school approaches for hand salting, together with hospitals, Ambulance and Fire Stations, Crematoriums, Doctor's Surgeries and Care Homes for the elderly.

1.4 Our Own Arrangements for 2010/11

- 1.4.1 Our own arrangements have been strengthened by the purchase of a Land Rover and trailed salt spreader as agreed by the Council earlier this year. The salt spreader is here in one of the garages at Kings Hill and ready for use. The Land Rover is on order and should be delivered in November. Specialist training has begun for selected staff from Kings Hill and the Civil Enforcement team to ensure that they are able to safely operate this equipment. This will be complete within the next few weeks.
- 1.4.2 KHS has provisionally agreed that during a snow/ice emergency the spreader can be taken to their depot and filled with salt without charge. The spreader has a capacity of 1.2m³ and should be capable of undertaking one circuit of the running lane throughout each of our car parks before needing to be refilled. To supplement this we will store five days worth of bagged salt in the garages at Kings Hill and further reserves in two second-hand shipping containers located within Sovereign Way north car park.
- 1.4.3 An additional 48 filled salt bins are due to be installed this month within our car parks across the Borough to provide increased resilience at these locations.

1.5 Legal Implications

- 1.5.1 The Borough Council has no specific statutory legal duty to remove snow or ice from paths or other areas in the Council's responsibility. However, the Council owes a duty of care to people on its land to deal with hazards to persons and property which it can reasonably foresee may cause injury and/or damage. In addition the Occupiers Liability Act 1957 imposes a duty of care on the Council to take such care as is reasonable in the circumstances to ensure that visitors will be reasonably safe when using the Council's premises for the purposes for which they were invited or permitted to be there.
- 1.5.2 The Council has a duty to assess and manage risks to the public and staff from hazards occurring on land in their ownership and control under the Health and

Safety at Work etc Act 1974. In certain circumstances, this could be seen to include arrangements to treat paths and other areas for snow and ice.

1.6 Financial and Value for Money Considerations

- 1.6.1 There is funding within this years budgetary provision for the work which this Council is responsible for and keeping the car parks open should minimise the loss of income experienced during the last winter.
- 1.6.2 Snow and ice conditions are, of course, unpredictable and if we have a mild winter the salt supplies are likely to be largely still usable in the following winter, thereby reducing that year's revenue costs. Equally we could experience worse than average conditions which may need more attention.

1.7 Risk Assessment

- 1.7.1 The Borough Council has no specific statutory legal duty to remove snow or ice from paths or other areas in the Council's responsibility. However the basic principles of negligence apply, that is the Council owes a duty of care to people on their land to deal with hazards to persons and property which it can reasonably foresee may cause injury and/or damage. In addition the Occupiers Liability Act 1957 imposes a duty of care on the Council to take such care as is reasonable in the circumstances to ensure that visitors will be reasonably safe when using the Council's premises for the purposes for which they were invited or permitted to be there.
- 1.7.2 The Council has a duty to assess and manage risks to the public and staff from hazards occurring on land in their ownership and control under the Health and Safety at Work etc Act 1974. In certain circumstances, this could be seen to include arrangements to treat paths and other areas for snow and ice.

1.8 Recommendation

- 1.8.1 That the KHS Local Winter Service Plan for Tonbridge & Malling and our own winter maintenance arrangements **BE ENDORSED**.

Background papers:

contact: Mike O'Brien

Nil

Steve Humphrey
Director of Planning, Transport and Leisure

Screening for equality impacts:		
Question	Answer	Explanation
a. Has an equality impact assessment on the policy (to which the activity relates) already been carried out?	No	
b. Is the decision in line with the policy?	Yes	
Note: <i>If the answer is 'no' to either of the above questions, then the activity must be 'screened' for equality impacts using the questions below.</i>		
c. Does the activity have potential to cause adverse impact or discriminate against different groups in the community?	No	The report simply describes the arrangements for winter maintenance arrangements for KCC and TMBC.
d. Does the activity make a positive contribution to promoting equality?	Yes	The arrangements described in the report will make it easier to use the public areas in the event of ice/snow conditions thereby providing improved access for people including those who have specific difficulties in these conditions.
Note: <i>If the answer is 'yes' to any of the above questions, then a full equality impact assessment is required.</i>		

When a full equality impact assessment is required:	
Note: <i>If this is an interim report seeking clarification or guidance, then this section should be deleted and details included in the main report; if a final report, then questions e and f below should be filled in.</i>	
Question	Answer
e. Please provide a summary of the impacts	Improved accessibility for the public using the public highway and TMBC car parks.
f. What weight do the equality impacts have with regard to other factors relating to the decision?	The benefits from this work are not specifically targeted so weighting relative to other factors is not really an issue.