

**Open Report on behalf of Andy Gutherson - Executive Director of Place**

Report to:	<b>Councillor R G Davies, Executive Councillor for Highways, Transport and I.T.</b>
Date:	<b>Between 15 – 29 September 2021</b>
Subject:	<b>Winter Service Plan 2021</b>
Decision Reference:	<b>IO21978</b>
Key decision?	<b>Yes</b>

**Summary:**

This report sets out the proposed amendments to the Winter Service Plan for 2021/22, in line with national guidance and best practice.

The report invites the Executive Councillor for Highways, Transport and I.T. to approve the draft plan and its appendices attached to this report.

**Recommendation(s):**

That the Executive Councillor approves the Winter Service Plan 2021 as attached in Appendix A of this report.

**Alternatives Considered:**

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| 1. | Not to approve the Plan |
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**Reasons for Recommendation:**

The Winter Service Plan documents the robust policies, procedures and standards against which the Council fulfils its statutory duties in relation to snow and ice and otherwise manages its winter services.

The Plan is updated annually so as to:

- Maintain robust standards.
- Further implement proposed changes in national standards and best practice where appropriate.
- Streamline the document to reflect current practice.

The Plan has been reviewed and no changes are proposed for 2021

## 1. Background

- 1.1 The Winter Service Plan should be read as a supplement to the Highways Infrastructure Asset Management Plan, and sets out the policy and procedures required for Winter Service management.
- 1.2 The statutory basis for Winter Service in England and Wales is Section 41 (1A) of the Highways Act 1980 which places a duty on highway authorities to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.
- 1.3 Lincolnshire County Council carries out precautionary and snow clearance treatments on the road network in accordance with this policy across the County. The policy only provides for roads for which the Local Authority has responsibility. Trunk roads (the A1, A52 west of Grantham and A46 County Boundary to Carholme Road Roundabout Lincoln) within Lincolnshire and their respective winter treatment are the responsibility of Highways England.
- 1.4 The Winter Service Plan takes into account the guidance contained within the "Well Managed Highway Infrastructure – A Code of Practice" document published in October 2016. This document, commissioned by the Department for Transport, provides local authorities with guidance on how to develop a highways maintenance policy based on best practice.
- 1.5 The Authority has the capability of calling upon 43 gritters strategically placed around the county, with 4 spare gritters utilised as back-ups. Treatment time of the entirety of the Precautionary Salting Network will take a maximum of 3 hours, as dictated within the policy. This Precautionary Salting Network will be treated based on the Route Based Forecasting system. This system uses weather forecasts and measures the predicted impact on the road network, highlighting where the essential needs for salting treatment, if required, are located.
- 1.6 The Winter Service Plan outlines that a minimum of 25,000 tonnes of salt is in stock at the start of the winter season, with a minimum of 15,000 tonnes available at any time throughout the season. Salt stock is managed within this Policy, which is compliant with the recommendations of national best practice and the expectations of the Department for Transport.
- 1.7 In the winter of 2019/20, the Authority carried out 59 precautionary salting turnouts, and utilised 15,858 tonnes of salt. There were no "snow days" where Severe Weather Routes were run and snow ploughing took place. In 2020/21 there were 99 precautionary salting runs using 26,856 tonnes of salt and 3 snow days.
- 1.8 A Winter Rally is scheduled to be undertaken in the last week of September, as part of the final preparation for the Winter Season. This Winter Rally entails training and re-acquainting the Gritter drivers with the vehicles and the route, optimising the vehicles and performing final checks on the equipment used throughout the process.
- 1.9 The proposed Winter Service Plan has been reviewed and there are no policy or operational changes recommended for 2021.

## 2. Legal Issues:

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The Equality Act has been taken into account in this instance and an Equality Impact Analysis is attached at Appendix C. The Winter Maintenance Plan, although it is at a high level of generality, is considered to be positive in its impact on people with a protected characteristic when compared with people who do not share that characteristic. Please review the Equality Impact Analysis in Appendix C for more information.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The effect of the Winter Maintenance Plan on the JSNA and JHWS has been considered and deemed to have a positive impact. Our salting provisions are considered to be a means by which to ensure safety and subsequent health and wellbeing.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The duties under section 17 of the Crime and Disorder Act 1988 have been considered and it is deemed that the proposed changes to the Winter Maintenance Plan will have no direct impact.

### **3. Conclusion**

Following consideration of the report by the Scrutiny Committee, the Executive Councillor is requested to consider whether to approve the reviewed Winter Service Plan as set out in Appendix A. The Winter Service Plan 2021 will then become operational from the 1<sup>st</sup> October 2021.

#### **4. Legal Comments:**

While not a legal requirement in itself Winter Service Plan documents how the Council meets its statutory duties in relation to snow and ice.

The Council has the power to adopt the Plan as proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor

#### **5. Resource Comments:**

Although the Winter Service Plan (Appendix A) does not define an "average winter", the approved revenue budget to fund this service is based on 63 precautionary gritting runs per annum. As demonstrated by the first chart provided in Appendix B, this has been exceeded in six of the last ten years.

The resulting budgetary risk is mitigated by the availability of contingency funding within the approved revenue budget and the Financial Volatility Reserve.

#### **6. Consultation**

##### **a) Has Local Member Been Consulted?**

n/a

##### **b) Has Executive Councillor Been Consulted?**

Yes

##### **c) Scrutiny Comments**

The report will be considered by the Highways and Transport Scrutiny Committee at its meeting on 13 September 2021. Any comments from the Committee will be presented to the Executive Councillor for Highways, Transport and I.T.

##### **d) Risks and Impact Analysis**

An EIA has been carried out and is attached in Appendix C.

#### **7. Appendices**

These are listed below and attached at the back of the report

Appendix A	Winter Service Plan 2021
Appendix B	Winter Data Report 2021
Appendix C	Equality Impact Analysis for the Winter Service Plan 2021

## 8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Well Managed Highways Infrastructure	<a href="https://www.ciht.org.uk/ukrlg-home/code-of-practice/">https://www.ciht.org.uk/ukrlg-home/code-of-practice/</a>

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