

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 20 April 2010
Report of: Strategic Director - Places
Subject/Title: Notice of Motion – Highway Winter Maintenance
Portfolio Holder: Councillor Rod Menlove

1.0 Report Summary

- 1.1 At its meeting on 25 February 2010, Council considered the following Notice of Motion submitted by Councillors A Arnold and R I Fletcher and resolved that the motion stand referred to Cabinet:

"Cheshire East Council acknowledges and gives thanks to the hard work carried out by its staff, in extremely difficult weather conditions, whilst gritting some of Cheshire East's roads and footways.

Council also calls for the adoption of a Cheshire East policy, by a review of priorities for future years especially with regard to bus routes and roads in the vicinity of primary schools".

2.0 Decision Requested

- 2.1 That Cabinet requests that the planned Environmental Scrutiny of our 'Winter Learning' includes the priority to be given to bus routes and roads in the vicinity of primary schools.
- 2.2 That Cabinet endorses the actions of the Chief Executive and Strategic Director Places in thanking all staff that worked hard to respond to the most challenging winter in almost 30 years.

3.0 Reasons for Recommendations

- 3.1 To ensure that when scrutinising this winter's events Environmental Scrutiny Committee Members consider the priority to be given to bus routes and roads in the vicinity of schools when formulating recommendations for Cabinet approval.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

5.1 All Ward Members.

6.0 Policy Implications including - Climate change - Health

6.1 None arising immediately from this report.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 There are no immediate significant costs in the work proposed.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Most highway maintenance and management activities are based upon statutory powers and duties contained in legislation and precedents developed over time as a result of case law, notably the Highways Act 1980, which imposes under Section 41 a duty to maintain a highway at public expense. This duty was expanded with effect from 31 October 2003, by virtue of section 111 of the Railways and Transport Safety Act 2003, to include a duty to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

9.2 Even in the absence of specific powers and duties, highway authorities have a general duty of care to users and the community to manage the highway in a condition that is safe and fit for purpose.

10.0 Risk Management

10.1 The Council maintains a Winter Service Plan to address the duties of a Highway Authority in relation to the removal of snow and ice.

11.0 Background

11.1 In its first year, the Council has been challenged by the worst winter conditions for many, many years and steps to make the winter service

more resilient, such as the training of extra gritter drivers and increasing salt storage, have been proven to be sound. Above all the commitment of our staff and contractors in delivering services throughout the whole of this severe period has been commendable.

- 11.2 The Chief Executive and Strategic Director Places have provided highly visible leadership through this demanding period. This has included supporting and recognising the hard work of the staff and contractors bearing the brunt of these strains through site visits, briefings (verbal and written) and in many cases by letter. It is considered that this aspect of the Motion has already been ably executed on behalf of the Council and should be endorsed by Cabinet.
- 11.3 As a Highway Authority, Cheshire East Council has a duty to maintain the highway as set out by Section 41 of the Highways Act 1980 and amended by S111 of the Railways and Transport Safety Act 2003. In particular, the Council is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. To comply with this duty the Council has a Winter Service Policy and Strategy contained in its Winter Service Plan 2009/10. Of course, the Duty does not mean that all highways have to be free from ice or snow at all times.
- 11.4 The Winter Service Plan 2009/10 was produced during last summer and the Head of Environmental Services will again oversee the production of our plan for 2010/11. Learning from this year will inform the 2010/11 Plan and the specific suggestions in relation to bus routes and roads near primary schools made in the Motion can ably be included in the considerations that inform next year's plan, as can other former policies such as those relating to Safer Routes to Schools. The Plan contains all the policy requirements for the Council and indicates clearly the priorities for clearing snow and ice. Therefore, the Motion in calling for 'the adoption of a Cheshire East policy, by a review of priorities for future years especially with regard to bus routes and roads in the vicinity of primary schools' will be addressed through the Council's current review arrangements.
- 11.5 The longest and deepest winter for some thirty years has been testing for a new council in its first year. It is widely accepted, particularly as the challenge of the winter conditions were better understood by all commentators that the Council has worked well in most areas once the resources of the Council were fully mobilised. However, we know we can do better and expectations are high and rising. A determination to address this situation has led to a request that Environmental Scrutiny Committee receive a 'Winter Learning' report produced by the Head of Environmental Services as the basis for examining the challenges of the recent winter events.
- 11.6 This report suggests that the main lines of inquiry for Scrutiny Members may be:

- **Minimising travel difficulties, particularly keeping highways open**
- **Supporting isolated communities.**
- **Ensuring all vulnerable people are supported**
- **Managing communications**
- **Disruption/suspension of the waste collection services**
- **Avoiding school closures**

11.7 These lines of inquiry will, of course, enable the specific areas of concern in the Motion to be examined by Elected Members.

12.0 *Access to Information*

The background papers relating to this report can be inspected by contacting the report writer:

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