

Extract from minutes of –

HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

6th FEBRUARY, 2008

“Options in Respect of Snow/Ice Clearance

The Committee considered the undernoted report:

‘Relevant Background Information

The Council has no statutory function in relation to ice or snow clearance from roads or footways. This function rests with the Department of Regional Development’s Roads Service which, although it has no statutory duty, has a discretionary power under Article 9 of the Roads (NI) Order 1993 to take such steps as it considers reasonable and practicable to prevent snow and ice interfering with the safe passage of persons and vehicles using the road (including footways). Although the Council has no statutory function, it has always been disposed in principle to lend assistance where the Cleansing workforce is prevented, through extreme weather, from performing normal duties.

The Council declined on a number of occasions some years ago to enter into formal agreement with the Roads Service to provide such support during extreme winter weather conditions, the principal reasons being the Department’s unwillingness at that time to indemnify the Council and the Council’s perception of the magnitude of the potential for claims. A secondary issue was that the resources available to the Council to lend such assistance had become comparatively small with the increasing mechanisation of the street sweeping operation.

Subsequent discussions with Roads Service and the Northern Ireland Local Government Association approximately four years ago, supported by the Council’s Legal Services Department, resulted in an agreed form of indemnity which enabled the Council to enter into a pilot agreement. This agreement covered only a very limited number of City Centre streets, in view of the Council’s limited available relevant resources.

Friday 4th January 2008 was the first occasion on which that agreement was invoked, following the heavy overnight snowfalls. On Monday 7th January, the Lord Mayor convened a meeting attended by the Chairman of the Health & Environmental Services Committee, representatives of Belfast City Centre Management,

Roads Service and the Health & Environmental Services Department. At this meeting the Lord Mayor highlighted the high number of complaints he had received from the public about the apparent lack of action to clear snow and ice from footways in the City. Following discussion at the meeting, the Director of Health and Environmental Services undertook to convene a meeting of relevant Roads Service and Council staff with the aim of bringing forward fresh proposals to the Health & Environmental Services Committee at its next meeting. Two such meetings were held on 15th and 25th January from which the options outlined below were developed.

Key Issues

Roads Service requested deployment of Council staff to assist in clearing snow from pavements on the morning of Friday 4th January. The subsequent experience showed the limited impact which manual staff can have when faced with a substantial fall of snow and also the impracticability of using standard mechanical street sweeping equipment to disperse or clear snow from pavements. It emerged at the subsequent meetings however that equipment is now on the market which would allow adaptation of standard street sweeping vehicles for snow clearance and gritting. Roads Service officials were asked therefore to consider whether the Department for Regional Development could reimburse the Council if such equipment were to be purchased to enable some of the Council's existing mechanical sweepers to be adapted for snow clearance and gritting when extreme winter weather prevented normal street sweeping operations. At the second meeting it was confirmed to the Council that Roads Service's current policy is to direct its resources during extreme weather to preventative maintenance to maintain the free flow of traffic. This means that salting of the road network takes priority. Roads Service also indicated that any decision to fund the Council to enable it to lend assistance at such times would inevitably require replication in other council areas.

Another issue considered at the meetings was that of potential claims and liability. This matter has been discussed with the Council's Director of Legal Services and with the Council's Insurance Officer. The Insurance Officer has advised that, based on earlier discussions with the Council's Insurance Broker and in the context of the Council's policy excess for public liability claims of £1.4m, it seemed unlikely that any additional insurance premium would be sought but that before a definitive answer could be provided the insurers would require:

- A copy of the intended agreement with the Department for Regional Development;
- Details of the expected areas where snow/ice clearance is to be carried out;

- **Copies of the Health & Safety Risk Assessments relating to the activity.**

Against this background, the Director of Legal Services has advised that, in his view, the degree of risk that the Council would be undertaking in connection with this scheme would appear to be relatively low and that, accordingly, the potential benefit to the public in entering into agreement with the Department for Regional Development would far outweigh any perceived risk of claims being made against the Council.

It would seem therefore that the Council is unlikely to face additional insurance costs arising from entering into a formal agreement but should the Council's insurer subsequently take a different view, Roads Service has, unfortunately, indicated that, in line with its position on the financing of acquisition of equipment, it could not reimburse the Council for any such additional costs.

The Director of Legal Services has confirmed that the Council would have statutory authority under the Local Government Act (Northern Ireland) 1972 to enter into an agreement with Roads Service to provide technical services in relation to snow clearance etc, but on the basis that the Council agrees to incur any additional revenue costs. He has advised however that the Department of the Environment be notified, with the request that the Department grant sanction to the incurring of any expenditure in relation to the proposed arrangements. He has also advised that the agreement will need to deal specifically with these matters and to accompany the sanction application.

Two options now appear to be open to the Council in terms of future provision of assistance to Roads Service for snow/ice clearance during extreme winter weather.

Option 1

The Council could purchase the necessary equipment to enable some of its existing mechanical street sweepers to clear snow from footways and/or spread grit. The Council's Cleansing Service has identified, in liaison with Roads Service, a number of the main pedestrian thoroughfares in the City Centre and the main approaches to the City Centre which could be made passable for pedestrians during weather conditions similar to those experienced on 3rd/4th January if three of the Council's existing street sweeping machines were to be deployed with suitable equipment. The equipment to do this would cost in the region of £30,000.

Option 2

The Council could review the manual resources that could be deployed in such circumstances, in the light of experience on 3rd/4th January, and enter into agreement on the basis of a purely manual operation with relatively minor additional equipment costs.

The streets that could be treated by the mechanical operation identified under Option 1 could also be gritted manually during severe frost or ice where no snow clearance would be required. Under Option 2, only a comparatively small area could be treated by a manual operation, which includes manual shovelling of snow and manual gritting, once the snow is cleared. It should be noted that manual operations for both snow clearance and gritting would be much slower than mechanical operations so clearance of key areas would not be completed until later in the day thus prolonging disruption for the public.

Resource Implications

Financial

Option 1 would require initial expenditure of approximately £30,000 but the equipment would then be available for use for a number of years. Given the comparative rarity of such extreme weather conditions, it is likely that equipment would last for a considerable time and maintenance costs would be minimal. No budgetary provision has been made in the 2008/09 Revenue Estimates. Option 2 would not involve any additional costs.

Human Resources

Council staff would only be deployed in circumstances where normal operations were rendered impracticable and consequently no significant human resources implications are anticipated.

Asset and other Implications

None

Recommendations

The Committee is requested to consider whether it wishes to pursue either of the options described above and, if so, to authorise the completion of a suitable form of agreement with the Roads Service, the terms of which to be as advised by the Director of Legal Services, and subject to:

- requested information being made available to the Council's insurers and their initial assessment that no additional premium would be required being confirmed;
- identification of available finance from within the 2008/09 Revenue Budgets (if option 1 is to be adopted);
- The Department of the Environment's agreement to grant sanction for the incurring of any expenditure in relation to implementation of the agreement (if Option 1 is to be adopted).¹

The Head of Cleansing Services highlighted various aspects of the report and outlined the extent of the area of the City Centre which could be treated under each option. In relation to the level of expenditure which would be required under Option 1, he pointed out that, whilst no provision had been made within the 2008/2009 Revenue Estimates, the Cleansing Services Section would endeavour to identify sources from within its budget for this purpose.

During discussion, Members expressed their disappointment at the failure by the Department for Regional Development, Roads Service to agree to reimburse the Council for the purchase of any equipment to be used in the clearance of snow/ice. However, the point was made that the Council, as a matter of civic leadership, should seek to ensure that the City Centre footways remained accessible during times of severe winter weather.

After discussion, the Committee adopted Option 1 within the foregoing report, subject to:

- (i) the completion of a suitable form of agreement with the Roads Service, to be drafted by the Director of Legal Services;
- (ii) confirmation by the Council's Insurers that no additional premium would be required; and
- (iii) the Department of the Environment agreeing to sanction the incurring of any expenditure relating to the implementation of the agreement."

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