

Agenda item:

Decision maker: Cabinet Member for Traffic and Transportation

Subject: Winter Maintenance Operational Plan 2016/17

Date of decision: 29th September 2016

Report by: PFI Network Coordinator - Highways PFI Team

Wards affected: All

Key decision: No

Budget & policy framework decision: No

1. Summary

Portsmouth City Council ("the Council") has a statutory duty to ensure that *safe passage along a highway is not endangered by snow or ice, so far as reasonably practicable*. This duty has been contracted out by way of the Portsmouth Highways PFI contract (the Contract) and the responsibility to provide the Winter Maintenance Service has been transferred under the Contract to Ensign Highway Limited ("Ensign").

The Winter Maintenance Plan (WMP) provides the framework for Ensign to manage routine winter maintenance, details those responsible for the management of weather emergencies, details those responsible for and provides the framework to manage the highways services response as part of a multi-agency response, and identifies activation triggers for action to be taken.

The plan comes into force during the winter maintenance period from 1st October to 30th April.

2. Purpose of report

For the Cabinet Member for Traffic and Transportation to approve that the proposed WMP will provide the required level of service as prescribed within schedule 4 of the Contract and legislation in order that it can be communicated to the relevant agencies and stakeholders.

3. Background

This requirement is pursuant to section 41 (1A) of the Highways Act 1980 , which prescribes a statutory duty on Highway Authorities to *ensure so far as reasonably practical, that safe passage along a highway is not endangered by snow and ice*.

The exercise of this function has been delegated to Ensign and is expressly contained within schedule 4, para 117 (1) of the Contract.

This plan is in support of the national arrangements introduced following the implementation of the Civil Contingencies Act 2004. Schedule 1 of the act and the supporting guidance set out clear expectations and responsibilities for Category One Responders at the local level to ensure that they are prepared to deal effectively with the full range of emergencies from localised major emergencies through to catastrophic events.

Part 1 of the Civil Contingencies Act 2004 establishes a consistent level of civil protection activity across the United Kingdom. Category One Responders include the Emergency Services, Local Authorities and other agencies.

The WMP covers city's core responsibilities and is updated in the summer of each year to take into account lessons learnt from the previous winter. In the case of extreme conditions, the WMP should be read in conjunction with emergency and business continuity plans.

No snow events occurred in the 2015/16 period. A brief summary of the actions taken after the review of the 2015-2016 winter season is listed below:-

- Due to the development works taking place at The Hard, Wickham Street will continue to be gritted and the completed bus deck will be included in Gritting Route 12 once buses start to use it.

In the event of snow conditions, priority 1 and 2 roads and footways will be cleared first, followed by key priority 3 roads and footways such as hill slope roads in the north of the city.

4. Recommendations

- 4.1 That the updated WMP be approved.

5. Reasons for recommendations

- 5.1 That the approval of this report demonstrates that the WMP will ensure safe passage along a prioritised network of roads and footways and that in periods of prolonged or severe weather conditions that a programme of treatment will be extended across the Project Network , so far as reasonably practicable.
- 5.2 That the approval of this report demonstrates that this Council has confidence that the proposed WMP conforms to the requirements of the Contract.
- 5.3 That the WMP reflects the recommendation contained in the independent review document published by the Department for Transport in July 2010 and the Code of Practice for Well Maintained Highways.

6. Options considered and rejected

- 6.1 No other options have been considered for the provision of the WMP as it supports a statutory duty.

7. Duty to involve

- 7.1 As the provision of the Winter Maintenance Service is a statutory duty consultation will be undertaken with interested parties such as Emergency Services, Hospital Trust, neighbouring Authorities and Public Transport organisations. A pre-winter meeting will be arranged during September with all Council services to present the WMP and to discuss how this will interface with their winter arrangements.

8. Implications

- 8.1 If the Winter Maintenance Service was not to be provided, then this would be a breach of the duty placed on a Highway Authority under Section 41 of the Highways Act 1980 by the Railway and Transport Safety Act 2003.
- 8.2 Untreated roads could cause safety issues, traffic disruption and high levels of complaint from road user, residents, commercial and industrial businesses.

9. Corporate priorities

This report contributes to the following Corporate Priorities:

- Protect and support our most vulnerable residents
- Improve efficiency and encourage involvement
- Improve public transport

10. Equality impact assessment (EIA)

A preliminary EIA has been completed for the Highways Management Service and no issues were identified.

11. Legal implications

The requirement to produce a WMP is in line with prescribed obligations for the Council as a Highway Authority to ensure, *as far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice* (S41 (1A) of the Highways Act 1980). This requirement has been expressly delegated to Ensign by way of Schedule 4 of the Contract and therefore the legal obligation to ensure (reasonably) that such requirements are met has been satisfied.

12. Head of finance's comments

There are no financial implications as result of the recommendations contained within this report. The WMP is a requirement as part of the existing Contract with Ensign.

13. Reason for the matter being dealt with if urgent

This matter is not urgent.

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Signed by:

Appendices:

Appendix A: The Winter Maintenance Operational Plan

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Highways PFI contract document	Transport and Street Management
2 Highways Act 1980	City Solicitor
3 Railways and Transport Safety Act 2003	City Solicitor

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet Member for Traffic and Transportation on 24 September 2015.

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Signed by: Cabinet Member for Traffic and Transportation.