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**HIGHWAY WINTER MAINTENANCE OPERATIONAL PLAN  
AND EMERGENCY REPAIRS**

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**Responsible Cabinet Member – Councillor David Lyonette, Transport Portfolio**

**Responsible Director - Cliff Brown, Director of Community Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek delegation to the Director of Community Services to make decisions in relation to the Highway Winter Maintenance Operational Plan and request the release of capital funds to accelerate repairs to highway infrastructure.

**Summary**

2. The Council has a statutory duty to ensure the passage along a highway is not endangered by snow or ice, so far as is reasonably practicable. The Highway Winter Maintenance Plan is in place to ensure this duty is undertaken.
3. A review was carried out during the summer of 2008 and a revised Winter Maintenance Plan was approved on 2 December 2008.

***Responding to Changing Circumstances***

4. The exceptionally cold weather that has been experienced in December 2009 and January 2010 nationally led to a statement from Central Government that local authorities should reduce their gritting. This authority had made appropriate arrangements to ensure it had sufficient grit in place to meet its needs. However there is an ongoing process to reassess whether grit would continue to be available and to consider Government advice. To enable officers to respond quickly to changing circumstances and statements from Government delegated powers are required to vary from the existing plan.

***Reacting to the Effects of Adverse Weather***

5. As the thaw set in obvious signs of deterioration of roads and pavements became evident throughout the country. Darlington is no exception and all of the network has been inspected with a view to undertaking immediate repairs to make roads and pavements safe. Assessments of the extent of the damage and longer term repairs will take some weeks to complete. However, it is clear that repairs on infrastructure will be significant.

6. The Department for Transport (DfT) has reissued guidance on how to claim emergency capital funding. At this stage in assessing the Councils position it is uncertain whether the claim criteria are met. The claim requires the submission of detailed evidence and this should not hinder the repair process. The report requests the release of £100,000 additional capital funding to accelerate repairs.

### **Recommendations**

7. It is recommended that Members approve:

- (a) An amendment to the scheme of delegation as detailed below:-

Under the powers of the Director of Community Services paragraph (I) in respect of Highways Matters, under Section 1 under the Highways Act 1980 add an additional paragraph (m).

Having regard to the Council's statutory duty under S41 (1) (A) of the Act vary the Highway Winter Maintenance Operational Plan to respond to exceptional weather conditions and grit shortages in consultation with the relevant Cabinet Member.

- (b) A request to release £100,000 of additional capital resources and authorise the Director of Community Services to accelerate a prioritised programme of repairs.
- (c) That the Director of Corporate Services be given authority to sign any documentation necessary to give effect to these decisions including the submission of any claims for funding.

### **Reasons**

8. The recommendations are supported:

- (a) In order to ensure that the statutory duty is fulfilled and that officers are able to respond to changing circumstances.
- (b) A programme of permanent repairs is commenced on the highest priority areas as soon as practicably possible.
- (c) The financial impact on the Council is minimised by seeking emergency capital funding if eligible.

**Cliff Brown**  
**Director of Community Services**

### **Background Papers**

- (i) 'Delivering Best Value in Highway Maintenance' published by the Institution of Highways and Transportation'.
- (ii) 'The Institution of Civil Engineers Design and Practice Guide: Highway Winter Maintenance'.
- (iii) DBC Highway Winter Maintenance Operational Plan.

S17 Crime and Disorder	This report has no implications for Crime and Disorder.
Health and Well Being	There are no issues relating to Health and Well Being contained in this report.
Sustainability	There are no issues relating to sustainability contained in this report.
Diversity	The content of the report impacts equally across all groups.
Wards Affected	The plan affects all the residents of Darlington.
Groups Affected	The content of the report impacts equally across all groups.
Budget and Policy Framework	This report recommends an increase of £100,000 in the Capital Programme, which is within the power delegated to Cabinet to vary the approved programme by up to £500,000 per annum.
Key Decision	This is not a key decision
Urgent Decision	This is an urgent decision
One Darlington: Perfectly Placed	<p>The objective of the winter maintenance service is to try and maintain communications and reasonable travel certainty during adverse weather conditions. These align to the following themes:</p> <p><b>Prosperous:</b> ensuring Darlington is accessible, particularly in periods of adverse weather, to ensure business continuity.</p> <p><b>Greener:</b> the plan has a priority to cover the bus network and thus ensure sustainable modes are given priority access and reliability.</p> <p><b>Greener:</b> managing the service effectively and efficiently to minimise the use of natural resources (rock salt and fuel) contributing to a low carbon Borough.</p> <p><b>Safer:</b> reducing the potential for road traffic accidents in adverse weather and providing public reassurance of a safer highway network and that it repaired with a reasonable timeframe.</p>
Efficiencies	The proposed action to accelerate permanent repairs and associated additional expenditure is considered to provide better value-for-money than delaying repairs.

## MAIN REPORT

### Information and Analysis

9. The Council conducted a review of the Winter Maintenance Operation Plan in 2008 and approved a revised plan on 2 December 2008. The plan enables the Council to fulfil its statutory duty to do what is reasonably practicable to ensure that safe passage along a highway is not endangered by snow or ice.
10. The Council at the start of the winter maintenance season in accordance with the plan ordered sufficient grit to enable it to carry out its statutory duties through the winter maintenance season. If due to poor weather conditions a greater quantity of grit is used then additional supplies are ordered to replenish stocks.

### *Responding to Changing Circumstances*

11. The extreme conditions in December and January led to the Government taking urgent steps to oversee the management of the distribution of grit. This could have put the Council at risk if supplies were reduced or stopped. The Government also asked Local Authorities to reduce the level of grit used with the Council receiving a request from the Secretary of State for Transport to consider options for reducing gritting activity by up to 60%. If this request had been actioned then there would have been a significant reduction in gritting to the network. The Government did not issue any formal instructions. If the Government had issued those formal instructions it would leave the responsibility for decision making to Local Authorities which would leave us balancing grit supplies and weather conditions against the unknown, the rest of the winter maintenance period and the national picture.
12. It is reasonable to assume that if Councils did not respond to the Government request and some Councils as a result were without grit all together, then immediate steps would have been taken to distribute what grit there is and to limit supplies to authorities who still have grit.
13. There are currently no delegations available to vary from the Winter Maintenance Plan to respond to a shortage of grit. Urgent decisions had to be considered by the Director of Community Services to respond to the exceptional national situation. In order to respond to changing circumstances it is necessary to ensure that the Director has the powers to make these decisions in exceptional circumstances. Any permanent change to the plan would require a further report to Cabinet and appropriate review.

### *Reacting to the Effects of Adverse Weather*

14. As the thaw set in obvious signs of deterioration of roads and pavements became evident throughout the country. Darlington is no exception. The problems have manifested themselves in a number of ways. The ingress of water into surfacing followed by its expansion during freezing has caused surfacing to fail. During the severe periods of cold the ground has exhibited high levels of ground heave. This has been a particular problem on paved footway areas, lifting the paving, creating hazards. Repairs to these areas are not possible until the ground returns to its original level. All areas of this type were marked with road cones to warn pedestrians of the problem.

15. To ensure roads were kept in a safe condition bagged tarmac (applied cold) was used during the holiday season and whilst mixing plants were closed. Once plants re-opened dedicated teams were tasked with undertaking emergency pothole repairs. Some of these will prove to be temporary fixes and will need revisiting.
16. The entire network has been inspected with a view to undertaking immediate repairs to make roads and pavements safe. Assessments of the extent of the damage and longer term repairs will take some weeks to complete. However, it is clear that repairs on infrastructure will be significant.
17. The Department for Transport (DfT) have reissued guidance on how to claim emergency capital funding. This is not designed to cover local authorities against every impact of the environment or other events, but rather to address serious unforeseeable requirements that need urgent capital resources and works.
18. The Government has indicated that claims would be looked at favorably as a result of the recent exceptional weather conditions. However, the details of the claim need to be developed. One of the claim criteria is that it would only cover costs above 15% of the capital allocation for highway maintenance. For 2009/10 this is £209,250.
19. The claim requires the submission of detailed evidence and it is recognised that this should not hinder the repair process and costs incurred before a claim can be included. The ongoing assessment will result in a prioritised programme of repairs. At this stage it is uncertain whether the claim criteria will be met. It is recommended that authority be given to the Director of Corporate Services to sign any documentation necessary to give effect to these decisions including the submission of any claims for funding.
20. Cabinet is, therefore, asked to approve the release of £100,000 of additional capital resources and authorise the Director of Community Services to accelerate a prioritised programme of repairs. The proposed expenditure can be funded by prudential borrowing, with annual financing costs of £22,000 over five years. Whilst this is not currently budgeted, it is expected that carrying out repairs earlier provides better value-for-money than delaying them. It is proposed that a report on the impact that the adverse weather has had on the road infrastructure be brought to a future meeting of Cabinet.

### **Outcome of Consultation**

21. The Highway Winter Maintenance Operational Plan is a management document used to demonstrate a statutory duty. The plan has not been subject to external consultation.