

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

**Direct Line: 0208 545 3616
Email: democratic.services@merton.gov.uk**

Date: 11 December 2017

Dear Councillor

**Notification of a Decision taken by the Cabinet Member for
Regeneration, Environment and Housing**

The attached non-key decision has been taken by the Cabinet Member for
Regeneration, Environment and Housing, with regards to:

- London Borough of Merton Winter Maintenance Operational Service
Plan 2017/18

and will be implemented at **noon on Thursday 14 December** unless a call-in
request is received.

The call-in form is attached for your use if needed and refers to the relevant
sections of the constitution.

Yours sincerely

**Lisa Jewell
Democracy Services**

NON-KEY DECISION TAKEN BY A CABINET MEMBER

See over for instructions on how to use this form – all parts of this form must be completed. Type all information in the boxes. The boxes will expand to accommodate extra lines where needed.

1. Title of report and reason for exemption (if any)

London Borough of Merton Winter Maintenance Operational Service Plan 2017/18

2. Decision maker

Councillor Martin Whelton, Cabinet Member for Regeneration Environment & Housing

3. Date of Decision

28 November 2017

4. Date report made available to decision maker

15 November 2017

5. Date report made available to the Chairs of the Overview and Scrutiny Commission and of any relevant scrutiny panel

N/A

6. Decision

I agree to its implementation having considered the recent reviewed and completed Winter Service Operational Plan 2017/18 for the London Borough of Merton's Winter Maintenance activities in accordance's with the policies and recommendations set out in this document.

7. Reason for decision

The last Winter Service Operational Plan was approved in 2006, this is now out of date and required to be updated due to a number of changes to legislation.

There is a statutory duty under The Highways Act 1980 Section 41 (1A) to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. In addition, Section 150 of the Highways Act 1980 imposes a duty upon authorities to remove any obstruction of the highway resulting from "accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause".

The amended Winter Service Operation Plan for 2016/17 aims to comply with legislation by prioritising treatment of its highway network and how the Council acts, as far as is reasonably practicable, to ensure the safe movement of all highway users in the borough, keeping delays and accidents caused by adverse weather to a minimum.

In addition, the Winter Service Operational Plan purpose is also to clarify both the standard and extent of the winter maintenance service the council provides and has clear, realistic and achievable response and treatment times.

8. Alternative options considered and why rejected

The alternative options is to do nothing and continue to use the current Winter Maintenance Operational Plan that was approved in 2006, However, this is now out of date due to a number of changes to legislation.

9. Documents relied on in addition to officer report

Appendix A – Winter Maintenance Operational Service Plan 2017/18

10. Declarations of Interest

None Known

11. Publication of this decision and call in provision

Send this form and the officer report* to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.



Cllr Martin Whelton

Cabinet member for regeneration, environment and housing

28 November 2017

Cabinet Member for Regeneration, Environment and Housing

Date: 15th November 2017

Wards: Borough Wide

Subject: London Borough of Merton Winter Service Operational Plan 2017/18

Lead Officer: Chris Lee – Director of Environment and Regeneration

Lead Member: Councillor Martin Whelton – Cabinet Member for Regeneration, Environment and Housing

Contact Officer: Gary Marshall – Infrastructure Engineer Tel – 0208 545 3848

Recommendations:

1. That Cabinet Member notes the content of this report.
2. The recently reviewed and completed Winter Service Operational Plan 2017/18 (see appendix A) for the London Borough of Merton's Winter Maintenance activities in accordance's with the policies and recommendations set out within the document is approved.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of the Winter Service Operational Plan is to clarify both the standard and extent of the winter maintenance service the council provides.
- 1.2. The Winter Service Operational Plan sets out how the Council provides its service to ensure safe and functional operability of its highway network during periods when it is or may be affected by ice and/or snow.
- 1.3. The Winter Service in Merton is consistent with the requirements of "Well Managed Highways Infrastructure" – A Code of Practice for Highway Maintenance Management updated in October 2016; and under The Highways Act 1980 Section 41 (1A) it imposes a duty on the highway authority 'to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice'.

2 DETAILS

- 2.1. The amended Winter Service Operation Plan for 2017/18 aims to comply with legislation by prioritising treatment of its highway network and how the Council acts, as far as is reasonably practicable, to ensure the safe

movement of all highway users in the borough, keeping delays and accidents caused by adverse weather to a minimum.

- 2.2. Clear, realistic and achievable response and treatment times are specified in the Winter Service Operational Plan (see appendix A)

3 BACKGROUND

- 3.1. Winter Service deals with regular, frequent and reasonably predictable occurrences like low temperatures, ice and snow, as well as with exceptional events.
- 3.2. The general approach and strategy is recommended by the “Well Managed Highways Infrastructure” – A Code of Practice for Highways, this is accepted as an appropriate basis for the delivery of Winter Service in the borough and all standards and procedures are generally in accord with the principles set out in that Code.
- 3.3. The last Winter Service Operational Plan was approved in 2006, this is now out of date and required to be updated due to a number of changes to legislation.
- 3.4. Merton’s highway network is 363 km in length (34 km principal roads, 38 km other classified roads and 291 km minor roads). There are also 7.5 km of roads maintained by Transport for London.

4 PRIORITY, SECONDARY, FOOTWAY AND RESILIENCE NETWORKS

- 4.1. The priority road network (known as the Primary Road Network) for salting will comprise all classified roads, bus routes and other important local traffic routes which, because of the volume of use and/or physical characteristics justify priority treatment. The Primary Road Network will be pre-salted first to prevent, as far as practicable, the formation of ice or the settlement of snow and post-salted as necessary to remove any ice or snow which has formed on the surface. The target treatment time for precautionary salting of this network will be 1 hour to mobilise and 2 hours to treat. The total length of the priority road network is approximately 113 km, which is 31% of the overall highway network.
- 4.2. The secondary road network for salting will comprise local roads which provide access to specific local facilities such as schools and Day Centres. The secondary network will be pre-salted where widespread ice or snow is forecast and post-salted as necessary to remove any ice or snow which has formed on the surface. The target treatment time for precautionary salting of this network will be 3 hours after completion of the Primary Road Network. The total length of the secondary road network is approximately 62km, which is 17% of the overall highway network.
- 4.3. Merton has three footway treatment networks:- the precautionary footway network, day 1 snow clearance network and day 2 snow clearance network (as two days are required to cover all such footways). Generally, the precautionary network will be treated when snow or severe ice lasting more than 24 hours is forecast and then only during normal working hours. The

aim will be to treat all day 1 footway routes within 24 hours of snow settling. Day 2 footway routes will be treated as soon as practicable after completion of day 1 footway routes and the aim will be to complete within 48 hours of snow settling, resources permitting.

- 4.4. Merton has a Resilience Network of carriageways as part of the London Wide Resilience Network. Merton has identified the precautionary footway network as its resilience footway network should it be required. The total length of the resilience carriageway network is approximately 92km, which is 25% of the overall highway network and length of the resilience footway network is approximately 27km, which is 5% of the overall footway network.

5 RECOMMENDATION

- 5.1. That the Cabinet Member considers approving the recent reviewed and completed Winter Service Operational Plan 2017/18 (see appendix A) for the London Borough of Merton's Winter Maintenance activities in accordance with the policies and recommendations set out within the document.

6 CONSULTATION UNDERTAKEN OR PROPOSED

- 6.1. None for the purpose of this report.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1. The costs of the winter maintenance service are made up of 2 main elements:
- a) Seasonal costs relating to the provision and maintenance of vehicles and the requirement for vehicles and personnel to be on 'Standby' during the winter season
 - b) Operational and material costs associated with undertaking salting in response to predicted or actual weather conditions.
- 7.2. The annual budget for Winter Service will be set at a level which meets the fixed contractual costs of setting up and maintaining the Winter Service operation.
- 7.3. Should, during the course of the winter season additional funds be required due to weather conditions leading to these budgetary provisions being exceeded, these additional funds will be sought from the Council's central contingencies
- 7.4. Identified Winter Emergency Duty Officers (WEO) will be on duty 24 hours a day during the Designated Winter Period to monitor weather forecast information and local conditions and to instruct the Service Providers on the level of response, if any, required to deal with the impending conditions.
- 7.5. Detailed route planning and for each aspect of Winter Service will need to be optimised to ensure economic, efficient and effective resource allocation.
- 7.6. A key factor in ensuring that response and treatment times are met once a decision has been taken to treat is the availability of appropriately trained personnel.

- 7.7. Delivery of a successful Winter Service is dependent on the individual decisions made and actions taken by all those involved.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The first part of Section 41 of the Highways Act 1980 (as amended on 31 October 2003) reads:

“a) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (3) below, to maintain the highway.

b) (1) In particular, a highway authority 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.”

- 8.2. This is not an absolute duty, given the qualification of “reasonable practicability”. Section 150 of the Highways Act 1980 still imposes a duty upon authorities to remove any obstruction of the highway resulting from “accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause”.

- 8.3. The Traffic Management Act 2004 places a network management duty on all local traffic authorities in England. It requires authorities to do all that is reasonably practicable to manage the network effectively to keep traffic moving. In meeting the duty, authorities should establish contingency plans for dealing promptly and effectively with unplanned events, such as unforeseen weather conditions, as far as is reasonably practicable

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1. The effective maintenance and improvement of the adopted highway network in the borough is essential to meet our statutory duty to maintain a safe environment for residents, businesses and users of the network. This is especially important for disadvantaged groups such as those with mobility difficulties and the elderly.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1. None for the purpose of this report.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. The efficient operation of many essential services may be dependent upon ice or snow removal from key areas.
- 11.2. Effectively run winter maintenance operations will minimise insurance or injury risks to the Council by ensuring that the public highway is safe so far as is reasonably practicable.

11.3. All contractors engaged on winter maintenance activities on the public highway will be required to comply fully with the relevant Health and Safety legislation.

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Merton Winter Service Policy & Plan 2017/18.

13 BACKGROUND PAPERS

13.1. None.

LONDON BOROUGH OF MERTON



WINTER SERVICE

OPERATIONAL POLICY AND PLAN
2017 – 2018

ENVIRONMENTAL & REGENERATION DEPARTMENT
WINTER SERVICE OPERATIONAL PLAN 2017 TO 2018

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1. INTRODUCTION

1.1 Objectives of the plan and legislative context

This London Borough of Merton Winter Service Operational Plan sets out how the Council provides its service to ensure safe and functional operability of its highway network during periods when it is or may be affected by ice and/or snow. The Highways Act 1980 as amended in 2003 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.

The Winter Service in Merton is consistent with the requirements of “Well-Managed Highway Infrastructure- A Code of Practice” published in September 2016, specifically Part B.7. The Operational Plan also draws upon the National Winter Service Research Group (NWSRG). Practical Guide for Winter Service.

The Winter Service is provided by the Future Merton Infrastructure Division of the Environment and Regeneration Department on behalf of Merton Council. This plan aims to ensure adequate resources are available to respond to adverse conditions affecting public highways as a result of the winter climate.

The Winter Service exists specifically and exclusively to ensure safe operability of the highway network, and therefore other Council services which may be affected by snow and/or ice (other than on the highway) should have in place their own arrangements for business continuity which do not rely on resources that are part of the Winter Service.

1.2 The Designated Winter Period

The Designated Winter Period commences on the last Monday of October and ends on the first Sunday of April. During this Period designated personnel are on standby to carry out salting and other Winter Service operations, and all dedicated vehicles and equipment are available for use.

This Plan also specifies contingency arrangements for Winter Service operations should adverse weather conditions occur outside the Designated Winter Period.

1.3 Geography and Climatic Conditions Affecting Merton

Merton’s area is 3796 Ha. Its highway network is 363 km in length (34 km principal roads, 38 km other classified roads and 291 km minor roads). There are also 7.5 km of roads maintained by Transport for London.

Merton’s climate reflects its Outer London location and as such is subject to periods of below freezing temperatures and occasional falls of snow during winter. Adverse and extreme weather conditions rarely last for long periods. This Plan provides resources that reflect these climatic conditions, taking into account the longer and more adverse weather conditions that occurred in past years.

2. LEGISLATION

2.1 Legislation

The first part of Section 41 of the Highways Act 1980 (as amended on 31 October 2003) reads:

“a) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (3) below, to maintain the highway.

b) (1) In particular, a highway authority 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.”

This is not an absolute duty, given the qualification of “reasonable practicability”. Section 150 of the Highways Act 1980 still imposes a duty upon authorities to remove any obstruction of the highway resulting from “accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause”.

In addition, the Traffic Management Act 2004 places a network management duty on all local traffic authorities in England. It requires authorities to do all that is reasonably practicable to manage the network effectively to keep traffic moving. In meeting the duty, authorities should establish contingency plans for dealing promptly and effectively with unplanned events, such as unforeseen weather conditions, as far as is reasonably practicable.

The legislative background lays down clear duties on highway authorities in terms of safety and traffic movement, and recognizes, through the phrase “as far as is reasonably practicable” that authorities face resource constraints including financial. In addition, a service based on spreading salt / physically clearing snow, takes time to provide. Therefore it is inevitable that under adverse winter conditions some roads will remain affected by ice / snow and budgets need to reflect a service prioritized by likelihood of occurrence / impact of occurrence.

3. WINTER SERVICE POLICY STATEMENT

3.1 Statement of Service.

The Council aims to provide a Winter Service which will, as far as is reasonably practicable, ensure the safe movement of all highway users in the borough and keep delays and accidents caused by adverse weather to a minimum.

3.2 Winter Service Plan.

The means by which the policy standards set out herein will be achieved are specified in detail in the Winter Service Plan.

3.3 Approach & Strategy.

The general approach and strategy recommended by the Code of Practice for Highways (“Well-Managed Highways”), is accepted as an appropriate basis for the delivery of Winter Service in the borough and

all standards and procedures are generally in accord with the principles set out in that Code.

3.4 Personnel.

Identified Winter Emergency Duty Officers (WEO) will be on duty 24 hours a day during the Designated Winter Period to monitor weather forecast information and local conditions and to instruct Service Providers on the level of response, if any, required to deal with the impending conditions. All Winter Service operations will be coordinated and instructed by the WEO in consultation, when necessary, with the Head of Future Merton, the Head of Sustainable Communities and the Waste and Infrastructure Manager.

3.5 Weather Information.

The London Boroughs Winter Weather Forecast Service provided by the Met Office will be monitored daily by the Winter Emergency Officer, who will also, if necessary, consult directly with the Met Office forecasters to clarify specific local conditions at any time.

3.6 Carriageway Primary & Secondary Road Network.

The priority road network (known as the Primary Road Network) for salting will comprise all classified roads, bus routes and other important local traffic routes which, because of the volume of use and/or physical characteristics justify priority treatment. The secondary road network for salting will comprise local roads which provide access to specific local facilities such as schools and Day Centres. The Primary Road Network will be pre-salted first to prevent, as far as practicable, the formation of ice or the settlement of snow and post-salted as necessary to remove any ice or snow which has formed on the surface. The target treatment time for precautionary salting of this network will be 1 hour to mobilise and 2 hours to treat. The secondary network will be pre-salted where widespread ice or snow is forecast and post-salted as necessary to remove any ice or snow which has formed on the surface. The target treatment time for precautionary salting of this network will be 3 hours after completion of the Primary Road Network.

Requests for ad hoc treatments to roads that do not appear on the Primary or Secondary road networks will be declined unless an emergency situation applies.

3.7 Footway & Cycleway Network.

Merton has three footway treatment networks:- the precautionary footway network, day 1 snow clearance network and day 2 snow clearance network (as two days are required to cover all such footways). Generally, the precautionary network will be treated when snow or severe ice lasting more than 24 hours is forecast. The aim will be to treat all day 1 footway routes within 24 hours of snow settling. Day 2 footway route, will be treated as soon as practicable after completion of day 1 footway routes and the aim will be to complete within 48 hours of snow settling, resources permitting.

Requests for ad hoc treatments to footways that do not appear on the precautionary, day 1 or day 2 networks will be declined unless an emergency situation applies.

As a policy cycleways will not be treated separately from the road or footway prioritisation, due to it being operationally very difficult to send a gritter down such routes. It could also mislead people into thinking that when part of a cycle route had been treated as part of the carriageway gritting that the whole cycle way has been treated. The question on whether it is sensible to encourage the riding of a bicycle in such weather also is of concern. This policy will be reviewed if new methods of treating such routes become available.

3.8 Resilience Arrangements.

Merton has a Resilience Network of carriageways and footways which has been identified in our Winter Plan.

3.9 Co-Ordination with Other Local Authorities

During the winter months details of the proposed action for Merton will be sent by email to all neighbouring highway authorities. Whilst Winter Service information regarding treatments is openly shared between neighbouring authorities, LBMerton will not allow its resources to be used on neighbouring highways without prior agreement.

3.10 Budgets.

The annual budget for Winter Service will be set at a level which meets the fixed contractual costs of setting up and maintaining the Winter Service operation together with provision for a winter of average severity. Should, during the course of the winter season additional funds be required due to weather conditions leading to these budgetary provisions being exceeded, these additional funds will be sought from the Council's central contingencies.

3.11 Public Highway.

The Winter Service exists specifically and exclusively to ensure safe operability of the highway network, and therefore other Council services which may be affected by snow and/or ice (other than on the highway) should have in place their own arrangements for business continuity which do not rely on resources that are part of the Winter Service.

3.12 Winter Service Operational Plan

A winter service operation plan setting out how these policy objectives are to be achieved will be reviewed annually in consultation with various stakeholders to ensure that consideration can be given to changing circumstances which might affect the performance of the winter service.

3.13 Review Procedures.

The Council's Winter Service Plan (including this Policy Statement) will be reviewed at the end of the Designated Winter Period to enable the effectiveness of the Service to be assessed and necessary changes in

the Policy Statement and operational specification to be identified and incorporated within the Winter Service Plan for ongoing winter seasons.

Merton Council - call-in request form

1. Decision to be called in: (required)

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2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864