



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Winter Maintenance Arrangements
Date:	10 December 2010
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer(s):	Ciaran Quigley, Town Solicitor & Assistant Chief Executive Suzanne Wylie, Director of Health & Environmental Services

1. Purpose of the Report

- 1.1 To inform the Committee of recent correspondence from NILGA and the RoadsService in relation to ice and snow clearance.
- 1.2 To update the Committee on the current inter-agency arrangement in place between the Council and DRD Roads Service in relation to Winter Maintenance for the clearance of ice and snow from public footpaths and roadways in Belfast.
- 1.3 To take the Committee's views on entering into further discussions with DRD to develop such arrangements further.

2. Relevant Background Information

2.1 The Committee is reminded that the Council has no statutory function in relation to clearance of ice and snow from roads or footways.

Article 9 of the Roads (NI) Order 1993 empowers the Department for Regional Development (DRD) to take such steps as it considers reasonable and practicable to prevent snow or ice interfering with the safe passage of persons using a road (including footways), and for that purpose may enter into an agency arrangement with any persons for the treating of roads affected by snow and ice.

2.2 Heavy snow and a prolonged period of bad weather in January 2008 prompted a meeting between the Council, BCCM and DRD. This resulted in proposals being taken to the Health and Environmental Services Committee for the Council to enter into an arrangement with DRD to assist in certain circumstances with the clearance of snow and ice from footpaths and roadways **in the city centre**. The reason why this was limited to the City Centre was as a result of limited resource in terms of staff and equipment to undertake such work in a wider area.

On 6 February 2008 the Health and Environmental Services Committee noted, that as a matter of civic leadership, the Council should seek to ensure that the city centre footways remained accessible during times of severe winter weather. As such, the Committee

approved the purchase of equipment to be used for the clearance of snow and ice and recommended that a suitable form of agreement with DRD be drawn up by then Director of Legal Services [a copy of the minutes is at Appendix 1].

3. Key Issues

Current Position

3.1 Under sections 104 and 105 of the Local Government Act (NI) 1972, the Council is empowered to exercise functions on behalf of, and to enter into arrangements with other Statutory Agencies (including government departments) for the supply of services. The Council entered into an agreement with DRD on 27 November 2008 [copy agreement at appendix 2] whereby, during extreme conditions following heavy snow falls or prolonged freezing, the Council will assist the Department with ice and snow removal from footways and pedestrian areas and with the treatment of such areas affected by snow or ice by the provision of labour, material and vehicles. This agreement is renewable annually. The arrangement only extends to certain specified streets within the city centre area which are considered to be the main pedestrian thoroughfares and approaches to the city centre (map attached in Appendix 3).

3.2 Under this agreement, a request for assistance is made to the Council by DRD, and works will only be carried out when it is practicable for the Council to do so and when resources are available (up to 20 staff members from Dunbar Depot). An annual service fee, calculated in accordance with the Service Fee Scale, is currently payable to the Council by DRD. This amounts to about £5,000 annually.

3.3 The Committee is also reminded that the Council's Cleansing Department has expended £30,000 to purchase snow removal and gritting attachments for a number of the Councils mechanical sweepers. Accordingly, under Article 19 of the local Government Northern Ireland Order 2005, the Director of Legal Services approached the Department of the Environment (DOE) regarding this expenditure in order to obtain sanction and that sanction was duly granted.

3.4 The Council's insurers were provided with a copy of the agreement with DRD along with copies of the Health and Safety risk assessments which had been carried out, and then confirmed that they were satisfied that work carried out by the Council under this agreement would not result in an increase to the Council's premium for public liability insurance

3.5 There has been no increase to the Council's insurance premium as a result of entering into the agreement with DRD. However any action taken by the Council in relation to the gritting of pavements will expose the Council to the risk of litigation from members of the public. It is the opinion of the Town Solicitor that this risk is relatively low, and in any event would be outweighed by the benefit offered to the general public. Legal Services have been informed by DRD Claims Department that over the last 3 years there have been 21 claims due to slipping on ice all of which were successfully defended.

3.6 NILGA held a meeting with the DRD Minister on Monday 6th December and the press release following that meeting stated that an agreement had be reached in terms of indemnification of Councils and third parties (contractors) to carry out such work in city and town centres. Belfast City Council already had such an agreement. NILGA and the Roads Service have now written to Councils following their meeting and copies of both letters are attached at Appendix 4.

4. Proposals for further discussions

4.1 During the current prolonged spell of cold weather, it has become evident that there is a need for public service agencies to provide more support to communities. It would be impractical to grit and salt all footpaths and side streets on a regular basis. However it is proposed that the Council should enter into urgent negotiations with DRD and the Road Service to assess the possibility of:

4.2 Exploring with the DRD and Roads Service the potential of identifying 'hot spot' sites across the city which need to be gritted to allow access to essential public services. The DRD have indicated that resources do not permit regular gritting of side streets and footways but in the same way as agencies have worked together to identify sites particularly 'at risk' of flooding, it is suggested that a similar exercise should now be conducted in relation to key sites rendered inaccessible by snow and ice. Such a conversation could be enabled through the Council's emergency co-ordination arrangements.

4.3 Exploring with the DRD the potential of the gritting of some side streets to enable essential operational services such as refuse collection to be maintained.

4.4 Exploring with the DRD the potential of making grit/salt available to members of the public to allow local communities to help themselves via local action. Roads Service have indicated that resource availability and cost issues would need to be overcome to enable this to happen but it would be worthwhile to examine whether the Council could facilitate such a process using Council sites where resources permitted.

4.5 Reviewing the list of city centre streets within the current agreement to assess if they are sufficient in periods of prolonged severe weather.

4.6 Clearly there will be considerable logistical issues which would need to be worked through. However it is anticipated that there will be further extreme weather conditions this winter and hence these discussions should happen as soon as possible.

Resource Implications

Financial

The Council has expended £30,000 for the purchase of snow removal attachments for some of its existing mechanical road sweepers. An annual service fee, calculated in accordance with the Service Fee Scale, is currently payable to the Council by DRD. This amounts to about £5,000 annually.

Human Resources

Council staff are only currently deployed for the removal of snow and ice in circumstances where normal operations are rendered impracticable.

Any additional agreements for support to DRD would have staffing implications.

Asset and other implications

Depending on the agreements reached it is likely that further equipment and, potentially, vehicles will need to be purchased.

Recommendations

The Committee is asked to:

1. Note the existing arrangements in place with DRD
2. Agree that officers should enter into urgent discussions with DRD Roads Service and other agencies to develop the partnership approach further, within existing resource constraints.

Decision Tracking

A further report will be brought back to the Committee updating it on progress made and to formally endorse any additional agreements.

Key to Abbreviations

DRD – Department for Regional Development.

DOE – Department of the Environment

BCCM – Belfast City Centre Management Company Limited

Documents Attached

Appendix 1 - Agreement dated 27 November 2008

Appendix 2 - Minutes of Health and Environment Committee dated 6th February 2008

Appendix 3 - Map of Snow Clearance Area

Appendix 4 - Copy letter from Roads Service & copy letter from NILGA