

## Agenda Item 9

**Overview & Scrutiny Co-ordinating Committee**

**15 September 2010**

**PJ/smep**



### Ice/Snow/Frost Treatment Policy

#### Summary

Following an enquiry from a Member of the Council questioning the policy of not gritting Council owned car parks SMT confirmed that the Council's current procedures are similar to other Councils, but that Members be given the opportunity to debate and approve a policy.

#### Recommendation

Members are asked to give consideration to this report recognising it as a potential growth item which would require inclusion in future budgets.

#### a) Reasons for Recommendation

The Council should be clearer about its approach to treating for Ice/Snow/Frost.

#### b) Alternative Options

Not to provide an ice/snow/frost/treatment policy, to agree an alternative policy, or to delay policy until there is better national clarity.

#### c) Risk Considerations

Failure to adopt a clear policy could result in the Council being held responsible for failing to act with due consideration.

#### d) Policy and Budgetary Considerations

##### Positive Impact Overall

Thriving Economy.  
Safe Environment.  
Excellent Customer Service.

##### Potential Negative Impact

Green Environment.

#### e) Date for Review of Decision

Review annually.

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## **1 Introduction**

The Council owns and controls a number of public access areas, and areas for staff, which can be slippery in times of heavy frost or after ice and snow. These areas include Housing community facilities, car parks, access paths, parks, play areas, depots and offices.

Under Health & Safety at Work legislation we have a specific duty to keep safe all workplaces, and under general 'duty of care' legislation such as 'Occupiers Liability Act' we could be held responsible for failing to act with due diligence. However all legislation is tempered by "reasonability" and "practicability".

Counter to this is a suggestion that treatment/clearing of areas suggests an acceptance of responsibility for the risk.

Clearly the extent of premises where we have some liability make it impossible to respond to all potential risks immediately.

In fact whilst grit/salt is used for treating (or pre-treating) frozen surfaces it is not always as effective as would be wanted, and has some side effects (including environmental). See Appendix A. As such the apparent solution to one issue can create other problems for which the Council may also be liable. Visits to provide treatment may also have a minor negative environmental impact.

During and after extreme snowfall the safety advice is generally that people should stay at home and not travel, unless essential. The main road networks will generally be gritted/salted as soon as possible, but many ancillary areas may remain impassable and pedestrians may find the surfaces difficult, especially people with mobility and balance difficulties. As such there will be reduced use of public areas in the early stages. Those organisations and individuals who are reliant on access (Emergency Services, livestock farmers etc) will tend to have vehicles more suitable for extreme conditions.

If adverse conditions persist for a longer period there will be more expectation that services return to near 'normal'. People will need to shop, go to work, attend appointments etc.

In practical terms treating iced surfaces requires:

- 1) A supply of grit/salt (and an appropriate secure, covered, storage)
- 2) Safe and unrestricted access to the area by staff able to apply the grit/salt.
- 3) A means to distribute the grit/salt (application by hand is only really suitable and efficient for very small areas).
- 4) Ability to reapply material when its effectiveness dwindles

All of which have a cost.

This is not just an issue for EDDC. The LGA are pressing for better legal clarity on responsibility and liability and it is known that the current government are unsympathetic to overzealous safety measures.

## **2 Policy consideration**

In order to demonstrate the Council's reasonable and practicable approach it is necessary to risk assess, and balance risks. This would mean looking at all of the public and staff areas where we have responsibility and determining the most appropriate response.

Criteria that may need to be used in assessing risks are:

- 1) How likely is it that people will need to use the area.
- 2) How soon are they likely to need to use the area.
- 3) Are there special risks (e.g. slopes without handrails).
- 4) How intensely are areas likely to be used (greater likelihood of salting being effective, but also likelihood of compaction and slipperiness e.g. at access points, payment machines etc).
- 5) To what extent it is reasonable to rely on the public's own judgement and caution.
- 6) Will the people who need to use the area include vulnerable groups

Applying these criteria will help determine whether and how soon it will be appropriate to take action.

The optional actions to be taken may also be considered

- 1) Is it best to grit/salt (and then have to continue to do so)
- 2) Is it more appropriate to just signpost the danger
- 3) Is it better to close the area to the public and publicise this
- 4) Is it best to provide grit/salt for the local community to use where Necessary.
- 5) Is action not necessary (it may be best in some circumstances not to mislead the public into thinking an area is safe) and to rely on public common sense.

### **3 Cost Issues**

Hand operated spreader – approximately £300

Large salt/grit box – approximately £250 (and lock = £5 in some circumstances to prevent theft)

Hardstanding, stacking wall and dry store cover for salt stocks - £7,200\* (advice from DCC) 28 tonnes (minimum bulk order) salt £1,008. \*NB a drain interceptor may also be required (high cost), and planning permission may be required for a storage area..

Thus to provide a large salt stock and cover, 2 hand spreaders and an extra 20 salt/grit boxes would cost from £13,800.

The minimum order of bulk grit salt is 28 tonnes, small bags are far more expensive.

Evidently it is not sensible or reasonable to assess all areas during each incident of extreme weather so it is necessary to take a predictive approach based on an initial assessment. Clearly it is also necessary to consider reasonable practicability.

### **4 Policy**

A suggested policy of the Council might reasonably be:

- 1) During the initial phase of frost, snow or ice, there will be no general gritting/salting of any areas as there is very limited benefit, and the likely risk to employees will outweigh the likely benefits.
- 2) Grit/salt boxes for manual gritting/salting would be provided, and manual gritting will take place at the highest risk areas (especially heavily used slopes with no handrail).
- 3) If heavy snow or ice is likely to persist beyond one day, and if gritting/salting is likely

to prove effective, then other small areas assessed as high priority will be treated (high likelihood of use, especial vulnerability of users, high risk of compaction and slipperiness e.g. access points, payment machines).

- 4) Where snow/ice persists for many days, and further snowfall is unlikely, it may be practicable to start to grit/salt larger areas of access paths or high demand car parking areas this shall commence in a phased way. The phasing shall be based on providing access to the most essential services first, and one main car park per town.

In car parks only the circulation areas will be treated (both for practical reasons and effectiveness). To this end a small stock of grit/salt shall be held at an EDDC depot and a suitable spreader.

- 5) Where we become aware that untreated areas have become especially slippery, and treatment is not reasonably possible (or they remain low priority, the areas shall be closed to the public and signed as to the danger.

The “set up” cost implication of this restricted approach would be approximately £13,800 (excluding contingencies and emergency signage).

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## **Legal Implications**

The Occupiers Liability Act 1957 places on the council a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

In determining whether the occupier of premises has discharged the common duty of care to a visitor, regard is to be had to all the circumstances, so that, for example, warning notices are effective if they enable the visitor to be reasonably safe.

There is no legal requirement laid down that the council should routinely clear snow or treat its car parks in order to discharge the legal duty referred to above. It will depend on the circumstances. As the report indicates, it may be more practicable to close car parks to ensure the visitor is reasonably safe. If the Council does adopt practice standards for snow clearing it should adhere to them.

On public highways it is Devon County Council that has the duty to ensure, so far as is reasonably practicable, that safe passage is not endangered by snow or ice.

## **Financial Implications**

There are no funds available in the 2010/11 revenue budget to cover these additional costs.

## **Consultation on Reports to the Executive**

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## **Background Papers**

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Overview & Scrutiny Co-ordinating  
Committee

## **Facts on Grit/Salt**

Salt or wet salt (salt mixed with brine) is now usually used instead of traditional grit (sand and small stones).

- Salt melts the snow when car-tyres mix it up, unlike grit which lies on the surface until buried by the next snow. To be most effective salting, therefore needs plenty of traffic.
- Salt dissolves down drains unlike grit which blocks them, but can be damaging to land around soakaways.
- Grit mixes with grass and vegetation safely, rather than salt which can kill it.
- Salt starts to lose its efficiency at  $-4^{\circ}\text{C}$  and is largely ineffective at  $-10^{\circ}\text{C}$ .
- Pre salting is usually more effective than laying salt onto ice or fallen snow.
- Salt is normally only effective for about 8 hours and is diluted or washed away if there is rain at any time.
- Salt might typically be spread at 40 grammes per square metre (a 25kg bag if well spread might cover 60 square metres).

## **Facts on EDDC land**

Approximately 200,000 m<sup>2</sup> of EDDC car parks surface across East Devon.

Approximately 15,000 m<sup>2</sup> of EDDC housing paths and access ways.