



POLICY & FINANCE COMMITTEE

MONDAY, 20 SEPTEMBER 2021

ADDITIONAL PAPERS

Date published: Friday, 17 September 2021

Agenda Item 17

WINTER SALT POLICY

As requested by the Market Sub-Committee on 25 February 2021 (50/MK), to review the current winter salt policy (report and current policy **to follow**).
(Pages 1 - 6)

PLEASE BRING THE ATTACHED PAPERS TO THE MEETING IN ADDITION TO THE PREVIOUSLY CIRCULATED AGENDA.

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Policy and Finance Committee

Date: 20 September 2021

Title: Winter Salting Policy

Purpose of the Report:

To provide members with a considered review of a Council endorsed policy.

Contact Officer:

Ian Haynes, Head of Grounds and Environmental Services

Corporate Objective/s		
Implications:		
Financial		
Human Resources		
Operational/Service delivery		
Procedural/Legal	Yes	Numerous acts all listed within the report.
Risk/Health and Safety		
Environmental Aims		

1 RECOMMENDATION

Should the Committee be minded, the proposal is:

- 1.1 To note the report.

2 BACKGROUND

- 2.1 The purpose of this report is to review the Town Council winter salting policy which was endorsed in January 2014.
- 2.2 Officers have reviewed its legal duties surrounding snow and ice-related accident risks and vicarious liability.

3. LEGAL DUTIES

- 3.1 Officers have considered the legal duties surrounding snow and ice-related accident risks and vicarious liability. The advice note from the SLCC (attached) is clear that winter gritting or salting of roads or of the footways alongside roads

is not a function of parish and town councils.

- 3.2 In summary, the duties set out in the Highways Act 1980 are strict and only apply to the highway authority, and whether liability will be established will depend on the facts of each case. However, vicarious liability would apply as the Town Council is not the highway authority nor the land owner and would be considered to be acting **ultra vires** if an accident occurred as a result of our gritting or not gritting properly.
- 3.3 Officers have also spoken to our insurance company and they have stated that we would not be insured, as the Town Council has knowingly acted without the proper authority. This would include all staff and councillors. Councillors are strongly advised not to perform any winter salting as they will not be covered by the Town Council insurance.

4. CONCLUSION

- 4.1 Apart from updating the name of some of our sites within the attached winter salting policy, it is considered that this policy remains fits for purpose ensuring that the Town Council undertakes limited gritting of pathways and roadways to facilitate access to Town Council owned and rented properties.
- 4.2 There is clearly no power or duty available to the town council to grit or salt an area that is not our responsibility and the position of our insurance company and the SLCC is clear.

End.



LEIGHTON-LINSLADE TOWN COUNCIL

WINTER SALT POLICY

1. Purpose

- 1.1 This document sets out the Town Council's policy in respect of winter salting.

2. Introduction

- 2.1 The Local Authority, Central Bedfordshire Council, has responsibility for salting of the public highways in Leighton-Linslade. This includes the High Street and pavements in the town centre.
- 2.2 The Town Council has responsibility for the majority of parks, play areas and pavilions in Leighton-Linslade (exceptions include amenity land and play areas at Appenine Way and open spaces such as Tiddenfoot Waterside Park and Linslade Wood).
- 2.3 The Town Council also has responsibility for the two cemeteries (Vandyke Road and Old Linslade Road) and two allotment sites (Alwins Field and Weston Avenue) within the Parish.

3. Snow and Ice

- 3.1 Central Bedfordshire Council will undertake preventative salting measures on just under half of the road network in Central Bedfordshire (A road and B roads prioritised first).
- 3.2 Central Bedfordshire Council will also undertake salting in priority areas such as the High Street.
- 3.3 Residents, businesses and schools are responsible for any snow and ice clearance measures undertaken on their own premises. Central Bedfordshire Council encourages responsible and sensible self-help measures for clearing snow and ice (guidelines available on its website).

4. Responsibilities of the Town Council

- 4.1 The Town Council will endeavour to ensure that adequate supplies of winter salt are kept in stock at all times.
- 4.2 The Town Council will undertake limited gritting of pathways and roadways to facilitate safe access to the White House, Pages Pavilion, Mentmore Pavilion, Astral Park Pavilion, Vandyke Cemetery and Old Linslade Cemetery. Salt bins will be located at each site.

- 4.3 The Town Council will not undertake any gritting measures at the two allotment sites as it will be assumed that allotment-holders will be unable to work on site in snowy and icy conditions.
- 4.4 The Town Council reserves the right to amend this policy at any time.

Adopted by Council 27 January 2014

HIGHWAYS

AD 214 - Highways: Highway Maintenance

Whilst the local highway authority, is responsible for the maintenance of highways to a standard such that they are reasonably passable for the ordinary traffic of the neighbourhood throughout the year, the district council has the right to undertake the maintenance of certain highways which are maintainable at the public expense (s. 42, Highways Act 1980). It may also enter into agency arrangements with the county council in respect of the exercise of other powers.

Where a highway authority considers that a highway maintainable at public expense is unnecessary for public use and therefore ought not to be so maintained, it may apply to the Magistrates' Court for an order declaring that the highway shall cease to be maintained at public expense. However, no such application can be made in respect of a trunk road, motorway, footpath, bridleway or restricted byway (s. 47, 1980 Act).

Furthermore, where a highway the subject of a proposed application under s. 47 is situated within a parish or community, the highway authority must give notice of the proposal to the local council. The local council may, within two months of the date of service of that notice, notify in writing to the highway authority that it does not consent to the making of the application; and, if and when that occurs the highway authority is unable to proceed with the matter (s.47, 1980 Act). A similar provision requires notice to be given to the district council which may also refuse consent to the making of an application.

Winter gritting or salting of roads or of the footways alongside roads is not a function of local councils, although they may make arrangements with the highway authority to provide or re-fill roadside salt bins etc.

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