

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.