

Winter Weather – Working Together Progress Report

Policy and Strategy Committee

4 October 2011

1 Purpose of report

- 1.1 To update committee on progress in implementing Winter Weather Working Together action plan from the meeting of 6 September 2011. The action plan is reproduced as Appendix 1.

2 Summary

- 2.1 The main subjects which form the basis of this report are:

- i The potential to re-introduce a snow clearance by-law
- ii The introduction of 'snow zones'
- iii The use of volunteers to clear snow
- iv Community engagement
- v External contractors arrangements

3 Main report

Re-Introduction of a Snow Clearance By-Law

- 3.1 As part of a motion by Councillor Burns to Full Council on 16 December 2010 it was noted that: 'many businesses and residents have maintained their property frontages but that there is no current byelaw which bestows an obligation on householders and businesses to keep the frontage of their premises free from snow in winter.' Similar customer feedback was received both during the severe winter weather of 2010/11 and the subsequent customer engagement exercise carried out under the auspices of the Winter Weather – Working Together project. The project team, in conjunction with the Council's legal service undertook to investigate how a re-introduction of a by-law might be practicably achieved.
- 3.2 In terms of the Roads (Scotland) Act 1984, a roads authority is obliged to take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads (it should be

noted that “public roads” also includes a publicly adopted pavement). There is no obligation on individual residents to maintain any part of a public road.

- 3.3 Previously, there was a cleansing by-law, enacted under the Edinburgh Corporation Confirmation Act 1933, which went into some detail about where and when residents were obliged to clear snow from their paths. However, all local legislation, including by-laws, were repealed on 31st December 1999 in terms of section 59(6) of the Local Government (Scotland) Act 1994 meaning that the obligations on residents in terms of the 1933 Act are no longer applicable.
- 3.4 Since the current situation is set out in primary legislation, amendments would have to be made by the Scottish Government. If the Council were to seek the re-introduction of legislation that was similar in effect to that existing from 1933, clauses would need to be promoted to introduce ‘enabling’ powers, such that individual roads authorities could promote local schemes. The parameters of these powers would need to be set out in the primary legislation, and details of local schemes would most likely be subject to approval by the Scottish Ministers.
- 3.5 If the Council were to pursue implementation a number of issues would need to be taken into account, centring on liability and enforcement. An indicative, but not exhaustive, list of such considerations is included as Appendix 2. Thereafter the routes to introducing a Bill into the Scottish Parliament are described in Appendix 3.
- 3.6 A frequent query from residents is their potential liability for accident claims in the event that someone is injured on a section of a public road or pavement which they have cleared. Guidance published by the UK Government states there is no law stopping members of the public from clearing snow and ice on the pavement outside their home or from public spaces. The guidance which is reproduced in Appendix 4 also indicates that it is unlikely that residents will be sued or held legally responsible for any injuries on the path if they have cleared it carefully. A “snow code” is provided on clearing snow and ice safely. A Private Member’s Bill is currently before the UK parliament to provide immunity from prosecution or civil action for persons who have removed or attempted to remove snow from public places although if passed this legislation would only apply to England and Wales.
- 3.7 In light of the points above the best approach open to the Council would be to encourage voluntary clearing of snow from residential and business frontages and ensure that the public are aware of the government advice on public liability and snow clearing methods.

Introduction of Snow Zones

- 3.8 At the Full Council meeting of 16 December 2010, Council agreed to ‘call for a further report to the Policy and Strategy Committee on appropriate measures to enable local authorities, in times of winter or other emergencies, to remove parked cars from streets to ensure access for emergency vehicles, public transport and snow clearing equipment.’

- 3.9 Obstructions to buses and essential service vehicles along key routes during severe winter weather events were also highlighted as a major barrier to service provision in customer feedback and consultation with partner agencies.
- 3.10 During the severe weather of December 2010, a number of bus routes had to be curtailed or diverted because access for large vehicles was blocked at certain locations by parked or abandoned cars. In many cases, residents who had got their cars out of residential areas either could not or would not drive them back into those areas. Cars were therefore left in the nearest cleared main roads, often for many days. As many of the kerbside parking spaces were already blocked by snow, vehicles were often effectively abandoned in the traffic running lanes.
- 3.11 Eventually the problem was tackled by using Council staff to visit the problem areas to record vehicle details and registration numbers, passing the information to colleagues in Lothian and Borders Police who then contacted the owners. This was particularly labour intensive, especially for the police who had many other calls on their resources.
- 3.12 The stakeholder engagement exercise carried out as part of the Winter Weather – Working Together review identified this as a key problem perceived not only by public transport operators but also by the wider public generally. Lothian Buses identified a number of locations where parked or abandoned cars was particularly problematic (see Appendix 5).
- 3.13 After discussion with the Council’s Head of Transport it has been agreed to progress Snow Clearway Zones to tackle these issues. In addition to the key locations set out in Appendix 5 it is proposed to designate the A71 (within the City of Edinburgh boundaries) as a ‘Snow Clearway’ on a trial basis for next winter. Variable Message Signs (VMS) will be utilised to provide notice / warning along the corridor. Flip down signs will also be utilised to provide information at the specific locations.
- 3.14 It is proposed to seek traffic regulation powers to enable the Council’s Parking Service lifting trucks to remove vehicle obstructions and move them to safe alternative locations.
- 3.15 It is not the intention to penalise motorists as would be the case if they committed parking offences in normal weather. The objective is to remove the obstructions and restore through running in the shortest possible time.

Volunteers

- 3.16 The Winter Weather-Working Together Report received by the Committee on 6 September 2011 identified considerable community support for volunteering to promote and encourage personal and community resilience. Throughout last winter’s severe weather and the subsequent stakeholder consultation over 150 people said that they would be willing to be involved in a voluntary effort in some way during any future winter weather emergency

- 3.17 Last winter the Council also received assistance with 4x4 vehicles from individual owners and the voluntary organisations including 4x4 User Groups. Local Authorities in the Lothian and Borders Emergency Planning Strategic Coordination Group are in the process of formalising these arrangements through Memoranda of Understanding with the Lothian 4x4 Users Group which can also call for assistance from other 4x4 User Groups in any widespread or severe emergency.
- 3.18 Sheffield City Council operated a successful Snow Warden scheme during the winter of 2010/11. Many of the ideas and experiences they have gleaned inform the proposals set out below.
- 3.19 Edinburgh citizens, individually or through their community organisations, can make a number of important contributions in any future severe winter weather event. These include:
- Providing 'Eyes & Ears' in local communities, supplying up to date information on snow and ice conditions, identifying problems and potential 'pinch points' preventing bus or gritter access.
 - Clearing and treating local pavements.
 - Organising local volunteers to clear and treat local pavements.
 - Acting as conduit for two way communication between the Council and citizens before and during any severe weather event.
- 3.20 It is proposed to make full use of community groups who are willing to organise snow clearance in their area and also to support individuals who have expressed an interest in volunteering. Measures are in hand to help those volunteering in terms of provision of salt and equipment as well as basic briefings on health and safety where appropriate.

Community Engagement

- 3.21 Preparations are well underway to feedback to groups who contributed to the consultation phase of the project. In keeping with previous engagement, members of the project team will attend meetings of Neighbourhood Partnerships and other community groups in order to feedback on improvements made.
- 3.22 Copies of this and any subsequent update reports will be circulated to the Neighbourhood Partnership network.
- 3.23 A list of meetings as they stand in mid September is included as Appendix 6.

External Contractor Arrangements

- 3.24 At the meeting of the Finance and Resources Committee of 30 August 2011 the establishment of a framework agreement for winter weather maintenance work with five external contractors was approved. This will allow a more cost-

effective use of external contractors in the event of severe winter weather. The Framework Agreement makes provision for an emergency 12 hour response and for contractors to carry out severe weather operations 7 days a week and through holiday periods.

- 3.25 At the time of writing a workshop is being arranged to include key council and contractor personnel in order to ensure all are familiar with winter treatment plans, roles, terminology, standards and procedure.

4 Financial Implications

- 4.1 Any costs will be contained within the relevant departmental budgets.
- 4.2 The cost of equipment and personal protective equipment for use by volunteers has been included within the overall Winter Weather – Working Together financial provision agreed in the report agreed by the Committee on 6th September.

5 Equalities Impact

- 5.1 There is no relevance to the public sector general equality duty to the matters described in this report and no direct equalities impact arising from this report

6 Environmental Impact

- 6.1 There is no adverse environmental impact arising directly from this report.

7 Conclusions

- 7.1 All planned activities are on schedule for completion, roll out and testing by the end of October. A further progress report will be submitted to the November meeting of the Committee. This will include feedback from the round of Neighbourhood Partnership meetings currently being undertaken.

8 Recommendations

8.1 It is recommended that committee

- a) Notes that the introduction of a by-law concerning snow clearing is not possible without an amendment to the relevant primary legislation
- b) Encourages the voluntary clearing of snow in front of residential and business premises
- c) Approves the introduction of Snow Zones
- d) Approves proposals for the development of a Snow Warden scheme and;
- e) Notes that a further update report will be submitted to the 8 November meeting of this committee

Mark Turley
Director of Services for Communities

Appendices	<ol style="list-style-type: none">1 Winter Weather – Working Together action plan2 Implementation issues3 Processes for promoting changes to primary legislation4 UK Government Guidance – Snow Code5 Locations where Car Parking / Abandonment Blocked Bus Routes6 Confirmed Community Engagement Meetings
Contact/tel/Email	Tony Lear, 0131 529 3436, tony.lear@edinburgh.gov.uk
Wards affected	All
Single Outcome Agreement	National Outcome 15 – Our public services are high quality, continually improving, efficient and responsive to local peoples needs.
Background Papers	Winter Weather – Working Together, report to Policy and Strategy Committee, 6 September 2011 Framework Agreement for Edinburgh Snow and Ice Maintenance (2011-2015), report to Finance and Resources Committee, 30 August 2011

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Appendix 1

Winter Weather – Working Together Action Plan DRAFT **Policy & Strategy Committee – 6 September 2011**

Project Area	Deliverables	Lead Officer	Deliverable Date	Reporting Date
Improved communications and customer contact	Develop effective pre-winter information and advice for residents, businesses and visitors covering preparations being made by the Council and advice to citizens about personal resilience. This will include gritting routes and priorities, locations of salt bins, strategic salt sacks and strategic waste collection points.	Alison Angus (SfC) Susan Hart (Corporate Services)	October 2011	N/A
	Development of systems and applications such as the Council's website, social media such as Facebook and Twitter, TV., radio, the local press and the Contact Centre to provide up to date, 'real time information' on gritting and snow clearing including activity during a severe weather event.	Alison Angus (SfC) Susan Hart (Corporate Services)	October 2011	N/A
	Develop Customer Alert system to provide 12 hour advance warning for notification of school closures, incident warnings etc.	Alison Angus (SfC) Susan Hart (Corporate Services)	October 2011	N/A
	Pre-winter communication in tandem with the Scottish Government Resilience Week.	Alison Angus (SfC) Susan Hart (Corporate Services)	October 2011	N/A
	Establish website content and updating process for immediate updates during severe weather incidents.	Alison Angus (SfC) Susan Hart (Corporate Services)	September 2011	N/A
	Develop internal communication plan to provide guidance for staff in incidences of severe weather, such as reporting for work and redeployment as well as severe weather warnings.	Alison Angus (SfC) Susan Hart (Corporate Services)	September 2011	N/A
	Incorporate neighbourhood severe weather communications plans, and Children & Families, Waste Services, Health & Social Care processes into the overall Council Communication plan	Alison Angus (SfC) Susan Hart (Corporate Services)	October 2011	N/A
	Develop plans for use of social media at Bronze, silver and gold command level and the links between each level	Alison Angus (SfC) Susan Hart (Corporate Services)	September 2011	N/A

Reintroduction of the By Law for Clearing of Snow	Options report for reintroduction of by law, as it would require enactment through primary legislation. Meantime promote messages of self-help and resilience in alignment with those issued by national government.	Tony Lear (SfC)	October 2011	October P & S Committee
Snow Zones (Controlled Parking)	Implement a scheme to suspend parking at key locations to facilitate the flow of Emergency Services, gritters and public transport. This will be achieved through installation of Temporary Traffic Regulation Orders (TTRO's) or Traffic Regulation Orders (TRO's).	Tony Lear/Nick Cairns (SfC) Tbc (City Development)	Subject to relevant statutory notice periods and signage	Feasibility report to be provided to October P&S Committee
Working with Farmers	Meeting with farmers to discuss arrangements to clear snow in rural areas to be held Friday 2 nd September 2011. Development of formalised arrangements under which local farmers will carry out snow clearance in certain rural areas will be reported to Committee as part of Winter Weather update report.	Tony Lear (SfC) Andrew McLeod (SfC)	October 2011	November P&S Committee
Vulnerable People	Definition of vulnerability in severe winter weather conditions; <ul style="list-style-type: none"> • agreed and communicated to all key partners • Used in all appropriate documentation and communications • Included in guidance to Elected members 	Edinburgh Vulnerable People Working Group (cross-Council)	October 2011 November 2011	November P&S
	Opt in database developed and ready for roll out (for those made vulnerable by severe winter conditions who wish to receive support / updates from CEC).	Edinburgh Vulnerable People Working Group (cross-Council)	October 2011	November P&S
	Communication of: <ul style="list-style-type: none"> • Opt in database • Advice and guidance in relation to vulnerable people (including helping yourselves / helping others messages) • Elected Members information pack 	Edinburgh Vulnerable People Working Group (cross-Council)	October / November 2011	November P&S

	Information / advice available on the Orb for staff dealing with vulnerable people requests (including process maps and FAQs)	Edinburgh Vulnerable People Working Group (cross-Council)	October 2011	November P&S
	Corporate Severe Winter Weather Business Continuity Arrangements updated to include process maps of key services and key dependencies linked to vulnerable people	Edinburgh Vulnerable People Working Group (cross-Council)	October 2011	November P&S
Volunteering	Snow Warden Volunteer Scheme to be developed in detail as outlined in September Report Update on costs and implementation of scheme to be provided to Committee as part of Winter Weather update report.	Lindsay Grant(SfC)	October 2011	November P&S

Appendix 2

Elements of local legislation

Effective legislation would have to take account of the following factors (this is not an exhaustive list)

Definition of obligations:

- Snow clearing (and extent eg minimum passage width of 0.9m where feasible)
- Gritting- appropriate or approved materials
- Salting
- Ice-clearing where temperatures are too low for salt to be effective

Exceptions to obligations

- Elderly/ disabled/infirm – and arbitration in defining these categories.
- Temporarily absent owners
- Other reasonable excuse –for example one parent families where the child is an infant.

Provision for shared obligations

- Houses in multiple occupation - how would this operate and who would be responsible for snow clearing?
- Tenement buildings – how would this operate and who would be responsible for snow clearing?
- Shared business premises –can the obligation be incorporated into Council owned property leased to 3rd parties?
- Contractual maintenance obligations of third parties (such as property factors)

Enforcement of obligations

- Penalties
- Recovery of costs of clearing in default
- Appeals (for example, to a Sheriff or special tribunal)
- How issues are resolved, for example conflicts over responsibility.

Public Liability

- Determination of liability as between the roads authority and frontager in the case of accident

Appendix 3

Processes for promoting changes to primary legislation.

Private Bill

A Private Bill can be introduced by a Corporate Body for the purpose of obtaining particular powers or benefits that are in addition to, or in conflict with, the general law.

On introduction, a Private Bill must be accompanied by a Statement of Legislative Competence from the Presiding Officer of the Scottish Parliament, Explanatory Notes, an Estimate of Expense and Funding Statement, an Environmental Statement, a Promoter's Statement, a Promoter's Memorandum, Maps, Plans and Sections, a Book of Reference and an assignation of copyright/licensing agreement.

Following the introduction of a Private Bill, there is a limited time period within which to object to the Bill, known as "the objection period". The objection period commences on the day after the introduction of the Bill and runs for 60 days. An objector may be any individual person, company or group of people who consider that their interests would be adversely affected by the Bill.

There are three main stages involved in the parliamentary consideration of a Private Bill:

1. At Preliminary Stage, a Private Bill Committee will consider and report to the Parliament on the general principles of the Bill and on whether the Bill should proceed as a Private Bill. It will also give preliminary consideration to objections and reject objections where the objector's interest is not clearly adversely affected. It will also decide whether the Accompanying Documents lodged with the Bill comply with the Parliament's Standing Orders (rules) and allow for proper scrutiny of the Bill. The Bill will then go before the whole Parliament for debate, on a motion proposed by the Private Bill Committee Convener. If the motion recommends the approval of the general principles and that the Private Bill should proceed, a vote in favour will mean that the Bill proceeds to Consideration Stage, but a vote against will mean that the Bill will fall.
2. If a Private Bill is approved by the Parliament at Preliminary Stage, it is referred back to the Private Bill Committee for Consideration Stage. At this stage, the Committee will first consider the details of the Bill and the details of admissible objections. It will then consider whether to make amendments to the Bill. The Bill as amended at Consideration Stage is then reprinted.
3. At Final Stage, the Parliament meeting in full session is concerned with further proposed amendments to the Bill as amended at Consideration Stage. Finally, the Parliament is required to vote on whether the Private Bill should be passed. If amendments are agreed at Final Stage, then, before the final vote, the Private Bill Committee Convener can move a motion to refer the Bill back to the Committee for further consideration. After any such consideration, the Bill will be sent back to the Parliament in full session for final approval or rejection.

The Rules that provide the procedural framework for the passage of Private Bills in the Scottish Parliament are set out in chapter 9A of the Standing Orders.
See http://www.scottish.parliament.uk/business/so/so_final.pdf

These Rules are underpinned by Guidance on Private Bills.
See <http://www.scottish.parliament.uk/business/bills/billguidance/gprb-c.htm>

Source: http://www.direct.gov.uk/en/NI1/Newsroom/DG_191868

Clearing snow and ice from pavements yourself

There's no law stopping you from clearing snow and ice on the pavement outside your home or from public spaces. It's unlikely you'll be sued or held legally responsible for any injuries on the path if you have cleared it carefully. Follow the snow code when clearing snow and ice safely.

The snow code - tips on clearing snow and ice from pavements or public spaces

Prevent slips

Pay extra attention to clear snow and ice from steps and steep pathways - you might need to use more salt on these areas.

If you clear snow and ice yourself, be careful - don't make the pathways more dangerous by causing them to refreeze. But don't be put off clearing paths because you're afraid someone will get injured.

Remember, people walking on snow and ice have responsibility to be careful themselves. Follow the advice below to make sure you clear the pathway safely and effectively.

Clear the snow or ice early in the day

It's easier to move fresh, loose snow rather than hard snow that has packed together from people walking on it. So if possible, start removing the snow and ice in the morning. If you remove the top layer of snow in the morning, any sunshine during the day will help melt any ice beneath. You can then cover the path with salt before nightfall to stop it refreezing overnight.

Use salt or sand - not water

If you use water to melt the snow, it may refreeze and turn to black ice. Black ice increases the risk of injuries as it is invisible and very slippery. You can prevent black ice by spreading some salt on the area you have cleared. You can use ordinary table or dishwasher salt - a tablespoon for each square metre you clear should work. Don't use the salt found in salting bins - this will be needed to keep the roads clear.

Be careful not to spread salt on plants or grass as it may cause them damage.

If you don't have enough salt, you can also use sand or ash. These won't stop the path icing over as well as salt, but will provide good grip under foot.

Take care where you move the snow

When you're shoveling snow, take care where you put it so it doesn't block people's paths or drains. Make sure you make a path down the middle of the area to be cleared first, so you have a clear surface to walk on. Then shovel the snow from the centre of the path to the sides.

Offer to clear your neighbours' paths

If your neighbour will have difficulty getting in and out of their home, offer to clear snow and ice around their property as well. Check that any elderly or disabled neighbours are alright in the cold weather. If you're worried about them, contact your local council.

- [Find your local council \(contacts section\)](#)

Road gritting and snow clearance by your council

Your local council will add grit to roads and pavements in your area and clear snow in winter. For information about where and when your council is gritting local roads, check its website.

Appendix 5

Locations where Car Parking / Abandonment Blocked Bus Routes

Drum Brae Drive
Gilmerton Dykes Avenue
Mansfield Road, Balerno
Balcarres Street
Morningside Drive
Greenbank Crescent
Oxgangs Avenue
Craigour Drive
Craigour Avenue

Appendix 6

Confirmed Community Engagement Meetings
(as at Mid September 2011)

Craigtinny & Duddingston NP	- 13 September 2011
South West NP Business meeting	- 13 September 2011
Forth NP	- 14 September 2011
Youth Issues Forum	- 26 September 2011
Pentlands NP	- 27 September 2011
Almond NP	- 28 September 2011
Western NP	- 5 November 2011
Gilmerton Neighbourhood Forum	- 6 November 2011
Kaimes Neighbourhood Forum	- 20 November 2011
Neighbourhood Partnership Convenor's Meeting	- 23 November 2011