

# Report to Cabinet

**18 May 2022**

<b>Subject:</b>	Use of Road Weather Forecasting Service Contract
<b>Cabinet Member:</b>	Councillor Bob Piper Cabinet Member for Environment
<b>Director:</b>	Alice Davey Director of Borough Economy
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Robin Weare – Service Manager, Highways  Mathew Burling – Senior Engineer Maintenance <a href="mailto:Mathew_Burling@sandwell.gov.uk">Mathew_Burling@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 To authorise the Director of Borough Economy in consultation with the Cabinet Member for Environment to approve the use of a contract for the supply road weather forecasting services for winter service operations, following a compliant competitive tender process in collaboration with Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton Councils.
- 1.2 To authorise the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable 1.1 above.
- 1.3 That any necessary exemptions be made to the Procurement and Contract Procedure Rules to enable the course of action referred to in 1.1 above to proceed.
- 1.4 To approve working in collaboration with Dudley MBC, as lead authority, for the provision of road weather forecasting services for winter service operations.



## 2 Reasons for Recommendations

- 2.1 Road users and the wider community place a high value on keeping traffic moving safely in snow and freezing winter weather. Failure to do so can result in adverse economic and social impacts, public dissatisfaction and significant reputational damage.
- 2.2 The Council has a statutory duty 'to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice'. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations set out in best practice guidance.
- 2.3 To meet this duty, winter service operations are carried out to prevent ice forming (precautionary salting), melt ice already formed (post salting) and to assist with winter decision making forecast stations are used to provide accurate and up-to-date information on current and predicted weather conditions.
- 2.4 To enable the effective and required operation of the Highway Winter Service Plan; Sandwell utilises specific road weather forecasting services, that detail incoming weather and forecast road conditions/temperatures. This also enables wider forecasts to be received and high-resolution radar images.
- 2.5 The forecasting service will utilise the weather stations Sandwell has alongside our neighbouring authorities to produce high quality and specific road weather forecasting details for our area.
- 2.6 By utilising the road specific forecast services this will allow winter service operations to best plan the time any precautionary action is taken, during spells of bad weather it will also help identify timings and resources required during prolonged bad spells of winter weather.
- 2.7 Historic forecast data from this service will be held by the provider and will also help support the council should any third-party claims arise following action taken by the council against the received forecasts.



2.8 The new contract will also provide additional resource where Sandwell can opt to receive forecasts around the year rather than just through the winter period. This will help the council plan and prepare for maintenance work and provide further specific to the area details where or when summer storms are likely to occur.

### 3 How does this deliver objectives of the Corporate Plan?

	<p><i>Best start in life for children and young people</i> Good, well maintained highway infrastructure will encourage more walking and cycling among our younger people increasing their wellbeing, improving road safety and promoting cleaner air quality.</p>
	<p><i>People live well and age well</i> The Highway environment plays an important role in the life of the community, particularly the positive opportunities that they can bring from social inclusion and interaction.</p>
	<p><i>Strong Resilient Communities</i> Good quality Highways infrastructure will make our communities feel safe, more protected and confident in their homes and neighbourhoods.</p>
	<p><i>A Strong and Inclusive Economy</i> The implication for our 2030 vision is if we fail to recognise upcoming winter weather events we will be unable to deliver our Highway Winter Operational Plan which will lead to reduced economic and physical activity resulting from residents being less likely to travel as well as higher costs for users of our highway from increased wear and tear and accident damage.</p>
	<p><i>A Connected and Accessible Sandwell</i> Our highways are the arteries of our communities. They connect our residents to employment, education, local services and indeed the wider world. They enable economic growth, social mobility and are vital in ensuring good health outcomes.</p>



## 4 Context and Key Issues

- 4.1 Cabinet approval is sought for delegated authority to use a framework tender working in collaboration with Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton Councils for a period of up to 5 years to support the efficient and effective running of the Winter Service Operational Plan. The initial contract will be for 3 years with the option to extend by a further 2 in collaboration with all consortium members.
- 4.2 The tender exercise was carried out by Dudley MBC acting as lead authority.
- 4.3 Tender evaluation will be carried out by all consortium members.
- 4.4 It is anticipated that the combined value of the framework agreement over a 5-year period for Sandwell will be approximately £12,000. For an additional fee the new contract will also allow road forecasting services to be received throughout the year; which can warn of storms and/or high surface temperatures and potentially help contribute to improved planning for extreme weather and other weather dependent work across the highway network.
- 4.5 The tender will be evaluated by 30% price and 70% quality with tender evaluation completed by all consortium members.
- 4.6 The exercise is a joint procurement with Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton Councils. The benefit of joint procurement is to enable authorities to benefit from greater economies of scale by combining volumes and the continue with collaborative working practices throughout the winter season.

## 5 Alternative Options

- 5.1 There are no recommended affordable alternatives to mitigate the safety risks arising from winter weather.



## 6 Implications

<p><b>Resources:</b></p>	<p>The Winter Service is funded from the Highways Maintenance target revenue with an allocation of £540,000 based on an 'average' winter.</p> <p>There are both fixed and variable elements to the service cost.</p> <p>Fixed costs incurred, irrespective of winter severity, are £371,000 and include plant (gritters), labour (stand-by), management and duty staff, weather forecasting, salt bins, annual service charges, training etc.</p> <p>The variable costs depend on winter severity. The budgeted cost for an 'average' winter season based on 55 precautionary treatments is £169,000 and includes labour (turn outs), salt consumed, fuel, plant repairs etc.</p> <p>Whilst the severity of the winter does impact on the actual level of expenditure incurred any costs associated with the winter maintenance service will be met from within Highways Services target budget.</p> <p>A key service risk relates to third party liability claims arising from accident and injury due to condition of the highway or non-compliance with statutory obligations. The duty is not absolute, but decisions must be taken on reasonable grounds with due care and regard to relevant considerations as set out in best practice guidance 'Well-managed Highway Infrastructure'. The Winter Service Plan 2020-21 sets out the council's arrangements for delivery of the winter service to meet its legal obligations to mitigate this risk which requires the use of ground rock salt.</p>
<p><b>Legal and Governance:</b></p>	<p>The principal statutory duty imposed on highway authorities to maintain the highway maintainable at public expense is set out in Section 41 of the Highways Act 1980.</p>



	<p>Section 41 (1) of the Highways Act, as modified by the Section 111 of the Railways &amp; Transport Act 2003, imposes a duty on a highway authority <i>‘to ensure, so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice’</i>.</p> <p>The duty is qualified by <i>‘reasonable practicability’</i>. So, therefore, it would not be reasonable to expect to:</p> <ul style="list-style-type: none"> <li>• provide the service on all parts of the network; or</li> <li>• ensure roads are kept free of ice or snow at all times.</li> </ul> <p>The Traffic Management Act 2004 imposes a network management duty on a council to manage day-to-day operational use of its highways to <i>‘keep traffic moving’</i>. This duty extends to periods of severe winter weather.</p>
<b>Risk:</b>	<p>Highway maintainable at public expense. This will help deliver the aims and objectives as set out in the Corporate Asset Management Plan and The Highway Asset Management Plan aimed at ensuring the safety of the highway network.</p> <p>The council has a duty to meet its legal obligations to mitigate service risks related to third party liability claims arising from accident and injury due to condition of the highway, the cabinet approved Winter Maintenance Plan sets out the council’s proposed arrangements for delivery of the winter service for which rock salt is required for effective and efficient use on the public highway.</p>
<b>Equality:</b>	<p>An equality impact assessment has not been carried as maintaining the highway infrastructure maintainable at public expense is not believed to impact significantly against the protected characteristics.</p>
<b>Health and Wellbeing:</b>	<p>The procurement and maintenance weather stations will support the effective running of the winter service plan which supports 2030 Ambitions 5 and 6 in keeping the roads operating safely and efficiently during freezing conditions.</p>
<b>Social Value</b>	<p>Not applicable in this instance.</p>



## 7. Appendices

None

## 8. Background Papers

- 8.1 Well-managed Highway Infrastructure – Code of Practice Last updated October 2016
- 8.2 Highways Winter Maintenance Plan 2021-22.

