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Your Ref:
Our Ref: R&T 19/04/10 Item 7
Date: 24 May 2010

Dear Sir

WINTER MAINTENANCE – MAINTAINING CLEAR FOOTWAYS THROUGH PUBLIC SELF-HELP

Following the recent severe winter, and in response to public concerns around snow and ice clearance on Suffolk's roads; the Council's Roads and Transport Scrutiny Committee has recently considered the issue of winter maintenance. I am writing to you to bring to your attention the Committee's recommendation that there is a need to review the legal position with regard to members of the public taking responsibility for clearing snow and gritting pavements where they live.

On 19 April 2010 Suffolk County Council Roads and Transport Scrutiny Committee met and considered an item titled 'Winter Maintenance'. The purpose was to scrutinise the effectiveness of the council's policy and practice changes made as a result of lessons learnt nationally from the 2008/09 winter, implemented during the 2009/10 winter in Suffolk.

In exploring the issues around maintaining clear and safe roads and pavements, the Committee found that the severe nature of the 2009/10 winter resulted in a prolonged season of very high demand for the winter service, requiring the highway authorities in Suffolk to concentrate their time and resources on snow clearing operations and precautionary salting of the main road network.

On the subject of clearing pavements, Suffolk County Council operates a parish grit scheme, whereby nominated parish representative(s) maintains a locally kept sand bin and uses this to keep the most used pavements in the parish clear. However the parish scheme does not extend to Suffolk's main larger urban areas, and the Scrutiny Committee found that in these areas residents and local community were discouraged from assisting their communities by clearing and gritting pavements themselves due to the confusion around potential personal legal liability.

The role of Suffolk County Council Scrutiny Committees is to independently review, examine and monitor public services in Suffolk. The decisions and views taken by Scrutiny are separate to and independent of those taken by Suffolk County Council or its Cabinet.

The Roads and Transport Scrutiny Committee has asked the County Council's Director of Economy, Skills and Environment (previously Environment and Transport Directorate) to consider exploring how greater liaison across local councils and the encouragement of public volunteering can help during future winters to grit pavements in urban areas. However, there remains the national legal issue of residents being unsure whether they can clear snow and grit urban, residential pavements without the risk of being held liable should anyone subsequently sustain an injury when using the cleared pavement.

The main purpose in writing to you is to draw your attention to the issue of the perceived legal position with regard to members of the public taking responsibility for clearing snow and gritting pavements, and to request that the Department for Transport considers the need to establish a legal position whereby people can clear snow and spread grit on footways without fear of legal liability. A copy of an extract of the unconfirmed minutes of this meeting is attached. This includes the full set of recommendations, for your information.

I would like to be able to report your response to this issue to a subsequent meeting of the Suffolk County Council Roads and Transport Scrutiny Committee, and I therefore look forward to receiving your response.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mark Bee', written over a large, stylized circular flourish.

Councillor Mark Bee

Chairman of the Suffolk County Council Roads and Transport Scrutiny Committee and Suffolk Scrutiny Management Board.

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