

**Forward Plan reference number: 524/10/22**

<b>Report title:</b> Winter Service Review – Snow Clearing Farmers Rates	
<b>Report to:</b> Councillor Lee Scott- Cabinet Member for Highways Maintenance and Sustainable Transport.	
<b>Report author:</b> Paul Crick, Director Highways and Transportation	
<b>Date:</b> 3rd July 2023	<b>For:</b> Decision
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<b>County Divisions affected:</b> All Essex	

## 1. Everyone's Essex

- 1.1 As Highway Authority, Essex County Council has a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice and to remove obstructions resulting from the accumulation of snow. In Essex this is known as the 'Winter Service'. During a harsh winter, typically over 2000 miles of roads in Essex (about 40% of our road network) may be treated by our snow clearing contractors, mainly farmers and agricultural contractors, who have the machinery to be able to do this. Necessary plant and operators are then used in times of heavy snowfall to supplement the Council's own snow clearing operations.
- 1.2 In order to ensure that this service is in place for winter 2023/2024, the costs paid by the Council to the snow clearing contractors to provide this service will need to increase in comparison to the rates paid for this service in previous years. This report sets out the reason for this and recommends that new rates are agreed.

## 2 Recommendations

- 2.1 Agree to increase the rates paid to snow clearing contractors for providing the winter service in October 2023 to April 2024 as set out in Appendix 1 of this report which would result in a 20% increase in labour costs, and a 25% increase in plant costs in comparison to the rates paid in the period October 2022 to April 2023.

## 3 Background and Proposal

- 3.1 The clearing of snow from the network during severe winter weather events is undertaken by two work forces. Firstly, our own Essex Highways teams will plough snow at the same time as spreading salt on the Winter Service precautionary gritting network. Secondly, ECC enters into a number of 'snow clearing contracts' with farmers and agricultural contractors to provide this service, should it be needed, in times of heavy snowfall. This team will plough

snow on the minor roads, as well as supporting our Essex Highways teams, as determined, and directed by our gritting decision maker, depending on the winter weather forecast. These contracts are procured and entered into annually.

- 3.2 The snow clearing contract contains a variety of rates for different types of plant as well as labour, ploughs and a small allowance of 5% for overheads and profit. Although annual contracts are entered into, the rates paid by the Council have not increased since at least 2014. These winter services are only provided if there is an inclement winter weather (ploughing) event, and the contractors are actually mobilised for ploughing operations. If there is no snow event, they will not be mobilised and no payment is made.
- 3.3 When trying to agree the annual contract for this year based on rates that have not been increased since 2014, most farmers have refused to commit to being able to deliver this service because they cannot recover their costs. Whilst it is possible to operate without the support of these contractors, the effect on local communities and especially our minor roads could be significant, should a prolonged inclement weather event occur.
- 3.4 The majority of farmers have responded confirming they can no longer operate at these rates and will sadly not be participating, unless our rates are substantially increased. The National Association of Agricultural Contractors (NACC) 2022 survey confirms that a national rate for snow clearing is £67.26/hr inc. labour based on red diesel at £1/lt.
- 3.5 The proposed rates included in Appendix 1 to this report are above that NACC national survey level, but these rates are proposed as they need to be attractive enough to entice local farmers on little notice throughout the whole of the winter season. We already pay +20% uplift for evening and weekend working, +25% for Bank Holidays. Reviewing all the above, it is recommended the plant rate is increased by 25% and the labour rate by 20%. It is impossible to predict exactly what the financial impact could be if the proposed increases are agreed but it is worth noting that ploughing events are rare. The ECC Snow Clearing Contractors (Farmers) were last mobilised in February 2021, February/March 2019 and the 2013/14 season. A two to three day ploughing event would usually result in current ECC Snow Clearing Contractors costs of between £20,000 - £40,000. The resulting additional costs are therefore likely to be a further £5,000 to £10,000 in total if this service is needed.
- 3.6 Ensuring that key parts of the Essex highway network are treated to reduce the impact of winter weather conditions supports a sustainable economy by supporting the movement of people and goods; supports independence for all ages by facilitating the movement of passenger transport services; and supports Essex being a good place to children and families to grow by supporting access to schools and other key services during the winter months.

## **4 Links to our Strategic Ambitions**

- 4.1 This report links to the following aims in the Essex Vision:

- Connect us to each other and the world
- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:
- potentially reducing the need to drive routes unnecessarily, thus reducing overall the carbon impact of the winter service.
- 4.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':
- A strong, inclusive, and sustainable economy
  - A high-quality environment
  - Health wellbeing and independence for all ages
  - A good place for children and families to grow.

## 5 Options

### 5.1 **Option 1 (Recommended) - Agree to the new rates proposed (increase of 20% in labour costs, 25% in plant costs). Recommended**

If this option is agreed, the Council is likely to secure more farmers agreeing to the contract and will have more resources to clear snow from the highway network if required during the winter. If this option is not agreed, it is likely very few farmers will accept the proposed contract on the existing rates and there will be little or no resources to clear snow from the minor road network should it be needed.

### 5.2 **Option 2 - Do not agree to increase the rates**

If this option is agreed, the effect on local communities and especially our minor roads could be significant, should a prolonged inclement weather event occur. If this option is chosen, very few farmers will accept the proposed contract and there will be little or no resources to clear snow from the minor road network should it be needed.

### 5.3 **Option 3 - Suggest an alternative (lesser or greater) increase in rates.**

The greater increase will increase costs to ECC or conversely, a lesser increase in rates could lead to less farmers accepting the contract and therefore this service not being provided. For this reason, this option is not recommended.

## 6 Issues for consideration

### 6.1 **Financial implications**

6.1.1 By agreeing this new rate, it is likely to present a pressure on the Winter Service budget of up to £10,000. This assumes that the service would be required for up to 3 days. The last time the service was used it cost circa £26,000 in 2021. The service will ensure any pressure is contained within their existing budget allocation and no additional funding is required in the MTRS.

6.1.2 Payment at the higher rate will only be made if the service is required, as a result the pressure is only realised if there is snow in Essex.

## **6.2 Legal implications**

6.2.1 This service should be procured in compliance with The Public Contracts Regulations 2015 and the Council's internal procurement policies and procedures.

## **7 Equality and Diversity Considerations**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **8 List of Appendices**

8.1 Equality Comprehensive Impact Assessment

8.2 Proposed Snow Clearing Rates

## **9 List of Background papers**

None

<b>I approve the above recommendation 1, for the reasons set out in the report.</b>	<b>Date</b> <b>01/08/2023</b>
<b>Councillor Lee Scott, Cabinet Member for Highways and Transportation</b>	

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Director, Highways and Transport</b>	<b>26/07/2023</b>
<b>Paul Crick</b>	
<b>Executive Director, Corporate Services (S151 Officer)</b>	<b>21.10.22</b>
<b>Stephanie Mitchener on behalf of Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	<b>5.10.22</b>
<b>Katie Bray on behalf of Paul Turner</b>	