

620/16

Contact: [REDACTED]
Direct Tel: [REDACTED]
email: [REDACTED]
Your ref: CAO.LD.620.16
Our ref: JR/CB/0916

20 SEP 2016



Mr C A Oliver
HM Assistant Coroner for County Durham & Darlington
HM Coroners Office
PO Box 282
Bishop Auckland
County Durham
DL14 4FY

16 September 2016

Dear Mr Oliver

Mr Nathan Luke Charman, Deceased

Thank you for your letter and Regulation 28 report dated 22 July 2016. This was a tragic accident and the Council wishes to express its sincere condolences to the family and friends of Mr Charman.

In accordance with Regulation 28 we have considered whether any improvements can be made to our procedures to prevent future accidents.

Legal Responsibility and Duty

Section 41(1A) of the Highways Act 1980 (c. 66) (duty of Highway Authority to maintain highway) states:

"In particular, a Highway Authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice."

The Highways Act does not specify the level of winter maintenance. However, the national code of practice "Well-Maintained Highways - Code of Practice for Highway Maintenance Management" (the "Code") provides guidance in line with national best practice. The Code can be found at the following link:

<http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=C7214A5B-66E1-4994-AA7FBAC360DC5CC7>

Given the scale of commitment and other resources involved in delivering winter maintenance the Code recognises that it is not reasonable either to:

Neighbourhood Services

Durham County Council, County Hall, Durham DH1 5UF
Main Telephone (03000) 260 0000 Minicom (0191) 383 3802

[REDACTED]

We receive specialist winter weather forecasts from our provider MeteoGroup throughout the winter maintenance season. County Durham is a large area with different weather patterns due to its diverse geography. Therefore, for the purposes of weather forecasting County Durham is split into the following weather forecasting domains:

- Coastal;
- Central;
- Low Pennines; and
- High Pennines.

All our weather forecasting domains have been thermally mapped to help MeteoGroup provide the most accurate weather forecasts possible. The thermal mapping identifies cold spots so these can be taken account of in the weather forecast. We can confirm that the location where this incident occurred is not a known cold spot.

It is generally accepted that weather forecasts can have different degrees of confidence depending upon the stability of the weather conditions. Therefore, MeteoGroup places a High or Low confidence rating on each weather forecast to reflect their confidence in the forecast.

Weather forecasts are also colour coded as follows to reflect the risk of ice:

- Red: <0 degree Celsius
- Amber: 1 degree to 0 degree Celsius
- Green: >1 degree Celsius

Where the forecast is Red we send the gritters out.

We build a margin of safety into decision making to allow for changes in the updated forecast from the original forecast. Where the original forecast is Amber we put gritter drivers on standby in our depots. We then monitor the updated weather forecast and only send the gritters out if the updated forecast changes to Red. By having the gritter drivers on standby in our depots we save mobilisation time and can respond to changes in the weather forecast quicker.

The weather forecast in this domain was Amber (0.9 degree Celsius) for 1 hour at 06:00 on Saturday 5 March. Our Duty Manager in consultation with the Decision Validators used their professional judgement and decided not to put the gritters on standby for this route. The rationale for this was that the forecast for the period had been confirmed as high in confidence and the duration of the road surface temperature being Amber was limited to one hour with temperatures rapidly increasing after 06:00 (sunrise).

The standby is only confirmed as an action for treatment if the updated weather forecast changes to Red and it did not at any time. The updated forecast and the actual observed road surface temperature stayed Green. Therefore, the decision not to put the drivers on standby in this forecasting domain for 06.00 did not have any bearing on this incident which occurred early in the morning at 01:25.

It is vitally important that Duty Managers and Decision Validators follow the Winter Maintenance Operational Plan and therefore we have instructed them that they should not in future use professional judgement to reduce the margin of safety from that stated in the Winter Maintenance Operational Plan.

- [REDACTED]
- 1.6 Winter Maintenance Duty Managers (WMDMs) will ensure that appropriate action is taken and will at all times ensure that the safety of the highway network is the paramount consideration. Should there be any doubt with regards to the decision making process, the WMDM will always take a safety first approach and ensure the appropriate resource is in place to respond to changing conditions as quickly as is practicable”.

I hope that the above provides reassurance that the safety of highway users is the paramount consideration in all decision making. If in doubt about any decision, our Duty Managers are instructed and fully supported by senior management to deploy gritters.

In summary, we believe that we have robust procedures in place to allow for variations in conditions following decisions in accordance with the Code.

Formal Review

The Council is committed to providing the best services possible within the available resources and, as such, our teams are committed to continuous improvement and learning lessons where appropriate.

Incident Review

A review was undertaken following this incident by [REDACTED] Highway Services Manager, and discussed with myself. The decision making and actions were found to be in accordance with the Winter Maintenance Policy and the Winter Maintenance Operational Plan subject to the comments noted above.

As part of this review we examined the accuracy of the weather forecast with MeteoGroup and they advised that gritting route 28 on which this incident occurred would be better aligned with the Low Pennines weather forecasting domain rather than the Central weather forecasting domain. This was implemented on Monday 7 March 2016.

Annual Review

At the end of every winter maintenance season we undertake an annual review to identify what went well and areas for improvement. The Winter Maintenance Policy and Winter Maintenance Operational Plan are then updated as appropriate.

The Winter Maintenance Operational Plan has been amended to align gritting route 28 to the Low Pennines weather forecasting domain.

The Winter Maintenance Operational Plan has also been amended to confirm that Duty Managers and Decision Validators must not use professional judgement to reduce the margin of safety.

All the assumptions within the Winter Maintenance Operational Plan have been tested to ensure that they remain valid.

I hope the above reassures you that Durham County Council is committed to providing a comprehensive and safe winter maintenance service so far as is reasonably practicable in accordance with the Code.