

SNOW WARDENS ETC & INSURANCE REQUIREMENTS – CHRONOLOGICAL NOTES

24 December 2014 – Came & Company

Dear Mr Tigwell,

To Grit or Not To Grit

We understand that some County Councils are offering Councils the opportunity to join a Snow Warden Scheme. We have pleasure in confirming that cover arranged via Came & Company provides cover for the clearance of footpaths, however if the Council wishes to clear snow or ice from roads then they must contact us.

We would recommend the Council consider the following when clearing snow or ice:-

- A written risk assessment must be carried out and kept on Council files.
- The Council must take reasonable care to ensure the safety of the public, employees and volunteers.
- All employees and volunteers must be made aware that the clearance of snow and ice could be a 7 day a week task (including bank holidays), have received the adequate training and wear the appropriate protective clothing ie visibility jackets etc.
- The Council must communicate their plans to the community; this can be via a website, newsletter, notice boards or minutes of the meeting. If the plans change, this must also be communicated to the community.
- Once a clearance programme is implemented, it must be maintained for the whole period when there is snow and ice.
- Where a Council takes on the responsibility for clearing snow or ice from the paths, it must exercise reasonable care in doing so.
- If a Council intends to clear roads and not use a Contractor then they must contact their insurance provider.
- Care must be taken in deciding to where you move the snow – make sure that you do not block roads, paths or drains. Clear the middle of the path first so you have a safe surface to walk on.
- After the snow and ice has been cleared do not use water (this may cause black ice), use salt or grit on the treated areas.

With insurance a simple rule is: - 'you should always act as if you are not insured'

A Council should ensure that they have:

**Risk assessments,
Inspection regimes,
Asset registers and;
Procedures in place.**

Risk Assessments:

There should be a risk assessment in place for all Council responsibilities i.e. all playgrounds, allotments, buildings, open spaces, trees and ponds. These should be reviewed annually or if there is a change within the Council.

Inspection Regimes:

The council should maintain a robust programme of inspections across all responsibilities including weekly visual inspections of: playgrounds, skate parks and BMX tracks and an inspection regime of all other Council responsibilities as highlighted by risk assessments.

If the Council is responsible for trees, best advice indicates completion of an arboriculturalist survey. This usually provides a report illustrating remedial works (for 3 to 5 years) and more importantly highlighting work dependent on level of risk.

At this time of year buildings can present considerable/increased risk due to: evenings drawing in early, bad weather, lack of use or situated in isolated areas. These may allow for vandalism or damage by the weather. For this reason we ask that the Council ensures the buildings are inspected (especially after extreme weather).

Please remember that you must comply with the following:

- (1) All pipes and tanks in roof spaces and other void or unheated areas must be suitably lagged
- (2) Thermostatically controlled heating systems must be permanently on and set at a minimum temperature of 4 degrees centigrade
- (3) The location of the main stop valves must be clearly identified and indicate the direction of off/on"

Asset Registers:

This document is used by claims investigators as proof of ownership of items that have been damaged or stolen. We understand that Council Auditors require notification of the items original purchase price, however, insurance companies require the replacement sum insured to be recorded.

Policies and Procedures:

There should be fully documented policies and procedures for all aspects of the Councils' responsibilities, which should be reviewed annually or if there is a change within the Council.

All insurance policies include a duty of disclosure which means that we expect notification of all information that can affect a risk. This can include; claims that have been declared to your insurance company. Also, any occurrences when reported damage falls below the excess and a claim has not been made. This information helps to build a picture of 'the risk' and we may also be able to assist with advice on how to minimise further occurrences. Should a Material Fact not be disclosed to an insurer, the insurer may have the right to refuse a claim.

Examples of material facts

- (1) A Council/Organisation takes responsibility for a community building and adds the building to their insurance. The insurer asks for the construction of the building and it is confirmed that the walls are brick and the roof is tiled, but there is no mention of the new flat roof extension at the rear for a kitchen. The building will be used by various users but the Council/Organisation will be responsible for the community café which will be providing hot meals including chips but this is not mentioned to the insurer.
- (2) A Council/Organisation becomes responsible for the annual event. As part of the organising of the event the Council has arrange for a bouncy castle, archery competition, pony rides and a dog show but does not inform their insurer of the these activities.

I hope this provides the Council helpful information and advice that will assist in the minimising of claims in the future.

Yours Sincerely,



P.R.C. Came
CEO

27 December 2014 – David Worth

Hi Nigel,

There is quite a lot to chew over in that letter from our insurers. In terms of the Snow Warden scheme, I was under the impression that the whole point of joining the scheme and implementing the Devon CC recommendations was so that we were covered under the insurance scheme held by DCC. I can certainly not recall any suggestion that this activity came within the purview of insurance policies held by individual Parish Councils. Our current scheme covers a small amount of road clearance work - mainly the access roads into

the estates off the main Tavistock Road in Princetown such as Bellever Close, Burrator Avenue etc. If we are now facing the likelihood of bearing an increased insurance premium for this relatively modest workload, I am wondering if it is financially prudent to continue doing it. The insistence that once the Council has started snow clearance it must continue until the bad weather has passed also fits uneasily in a model where the Scheme relies on volunteers for its operation. We can not force volunteers out to carry on the work, would we be in a position whereby we could be forced to employ contractors to 'carry on shovelling' until a thaw came? As soon as the WDBC re-opens its offices in the New Year I think we will need to run this past Peter Dale for a view from higher up the chain of command.

As for the recommendations concerning weekly inspections of Council held assets such as the play park, given his current situation I don't know if Cliff will be willing to continue doing it on his own. It seems to me we may need to look into drawing up an inspection rota for the playpark, Postbridge Cemetery, and any other asset that we have control of. I'm not sure of where our responsibilities lie with regard to trees such as those in the playpark and any adjacent to Postbridge Cemetery. Perhaps we need to consult with the Duchy of Cornwall in that regard?

Currently our asset register should be a pretty thin document, but we would obviously expand it if we went down the internal resource route in respect to grass cutting. In terms of the Snow Warden scheme the inventory consists of 12 snow shovels - replacement cost £25, and approx three tonnes road salt - replacement cost approx £300.

I have no objection to developing a set of fixed plans and procedures for the carrying out of the Council's business, but I suspect it will be quite a burdensome task to complete.

Given all the above, with all the consequences for such a small parish as ourselves I wonder if we need to be looking to choose another insurance provider that has a slightly more 'realistic' approach to these matters. With a heavy heart I suggest we add this to the Agenda to be discussed at the next meeting.

Sorry for opening up such a can of worms at this time of year.

Regards,

David.

5 January 2015 – David Worth

Hi Nigel,

I've still not managed to track down John Doswell, but did manage to speak to somebody in his department who promised that J. D. would call me back tomorrow. However, from the conversation I had it does sound as though the scheme could well be in danger. Reading between the lines of what was said, it sounds as though the Snow Warden scheme was thrown together in haste in response to the bad winters we had a couple of years ago. The ownership of it has now been passed to Highways who are coming to the realisation that they now have a small army of untrained, under-equipped, and under-insured volunteers potentially loose around the county. I am quite expecting him tomorrow to say that if we want to keep the scheme going that we will have to abide by the conditions that Came and

Company have outlined. If that is the case, then I don't know if the Parish will want to bear the expense.

I will update you further as and when I hear anything.

Regards,

David.

7 January 2015 – David Worth telecon

John Doswell has confirmed that snow warden and volunteers are insured by highways for third long party liability only. Also the clearance of the entrances into estates does count as highways clearance, legally the same as clearing the main road, although the risk assessment can show it as low traffic density and low risk.