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**Decision Report - Non-Key Decision**

**Decision Date – 15/03/23**



**NON-KEY DECISION TAKEN BY THE**

PAULA HEWITT – DEPUTY CHIEF EXECUTIVE, LEAD DIRECTOR FOR ECONOMIC AND COMMUNITY INFRASTRUCTURE & DIRECTOR OF COMMISSIONING

**Author Contact Details:** Jeremy Fry – Service Manager / 01749 822747

**Details of the decision:**

That the Deputy Chief Executive, Lead Director for Economic and Community Infrastructure & Director of Commissioning authorises the authority to go out to tender (regardless of the estimated value of the contract award) to procure the 4 new gritting vehicles.

**Reasons for the decision:**

*Somerset County Council is the Highway Authority and as such has a statutory duty to keep the highway clear from snow and ice*

- **To comply with legal obligations concerning the safety of the travelling public.**

Under the Highways Act 1980 (England and Wales):

Section 41(1A) – "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."

Section 150 puts a responsibility on the highway authority to clear snow from the highway

**Background to the decision:**

The Council operate 23 precautionary gritting routes to ensure that complies with its statutory duties in line with national guidance. As such it owns and maintains a fleet of 23 dedicated gritters. The oldest of this fleet is now over 10 years old and reliability is creating a risk to service delivery. Due to the nature of operating with salt products and the weather conditions that the fleet usually operate, the condition of the vehicles deteriorates comparatively quickly by contrast to other service vehicles. The 4 gritters being replace were

brought into service in 2013 which are the oldest of the fleet and present the highest risk of failure. It is also the case that the current maintenance contract is priced on age appropriate pricing; i.e. the older the vehicle the higher the annual maintenance fee.

This decision is allowing the project to go to out to tender. A further decision paper will be required to award a contract.

#### *Risks*

- *The risk implications of a non decision are*
  - *Business – Reduced service. Winter gritting is a high profile function and any reduction in service or failure to deliver would result in significant reputational damaged to the council*
  - *Legal – Failure to comply with our Statutory duties. The risk of not treating the defined network in accordance with the national guidance on winter service provision would leave the council open to legal and insurances challenges.*
  - *Financial*
    - *Civil claims could arise from failure of service.*
    - *Increase maintenance costs and new cost risk with new TMC contract if the Council continue to operate older fleet.*

With due regard to the current ongoing TMC contract tender, details the age of the fleet are contained within the specification. It is likely that the decision to go to market at this time will positively influence the pricing of ongoing fleet maintenance in the TMC contract.

Due regard to the Council's climate emergency. The oldest of the fleet of diesel gritters are under the old Euro 5 emissions standards whereas the current emissions standards (Euro 6). The depots now provide HVO fuel alternative, however the oldest gritters cannot use the HVO fuel alternative.

We have considered leasing, however there is no revenue stream, leasing costs could not be covered by income received as in the case of other vehicles such as Transporting Somerset's Passenger Transport fleet.

#### **Background papers:**

*Attached is the capital bid proposal.*



CIP Proposal  
Document C22-004 I

#### **Compliance section:**

Members consulted; members informed :	<a href="#">Not considered necessary</a>
Officer consultations completed:	<a href="#">Not considered necessary</a>
Senior (including statutory) officer sign off completed	<a href="#">Finance officer Ian Trunks</a>

Public / other consultations undertaken	Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Strategic Manager?	Yes
Are there any legal considerations to be made?	No
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters?	Not considered necessary
Are there any TUPE implications arising?	No
Has HR/OD been consulted?	Not considered necessary
Is the decision likely to lead to a procurement exercise or contract award / change ?	Yes
Has the Commercial and Procurement Team been consulted?	Yes
Strategic Commissioning Group consulted for commissioning ?	Yes
Are there any risks arising? (liaise with Pam Pursley regarding these	No
Have mitigating actions already been taken?	Not considered necessary
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these)	Yes
<b>If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:</b>	
Nature of the decision is to go to market. Some of these will become relevant in the later Key decision at appointment.	

Member consultation completed:	Name(s)	Date
Relevant local County Councillors consulted where decision directly affects their Division	NA	
Relevant Cabinet Member(s) consulted (if applicable)	Mike Rigby	08 July 2022
Opposition Spokesperson informed (if applicable)		
Chairman of relevant Scrutiny informed (if applicable)	NA	

**Decision Maker**

**I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.**

**Signed by relevant Strategic Manager / SLT Director:**

A handwritten signature in black ink that reads "Paula R. Hewitt .". The signature is written in a cursive style with a period at the end.

**Name: Paula Hewitt**

**Post: Deputy Chief Executive, Lead Director for Economic and Community Infrastructure and Director of Commissioning**

**Date: 17 March 2023**

Note – a copy of this signed decision should be sent to Scott Wooldridge, Monitoring Officer, Democratic Services