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Your ref: [REDACTED]
Our ref: [REDACTED]



Mr A Tweddle
HM Senior Coroner for County Durham & Darlington
HM Coroners Office
PO Box 282
Bishop Auckland
Co Durham
DL14 4FY

4th June 2014

Dear Mr Tweddle

Mr Melvin Bandtock, Deceased

Thank you for your letter and Regulation 28 report dated 3 April 2014. George Garlick, Chief Executive, has asked me to respond as I am responsible for this service area. This was a tragic accident and the Council wishes to express its sincere condolences to the family and friends of Mr Melvin Bandtock.

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

Statutory 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 Council takes this very seriously and has an effective Winter Service Plan in place to meet this duty. Winter maintenance is a top priority for the Council and despite major reductions in funding from central government this service has been fully protected and has benefitted from further investment. This is demonstrated by the fact that the Council treats 45% of its network which is one of the highest proportions in the UK.

However, winter maintenance is not an exact science and the decision to deploy gritters for precautionary salting relies upon weather forecasts and professional judgement. Whilst weather forecasting has greatly improved in recent years it is not 100% accurate and the actual weather conditions on 28 December 2013 were worse than forecast which was a significant factor in this accident.

Neighbourhood Services

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Also, even when precautionary salting is undertaken there is no guarantee that it will be effective. The effectiveness of salting is dependent upon it being trafficked and weather conditions.

In summary, the risk of danger from snow or ice and consequent accidents can never be completely eliminated. We can only reduce the risk as far as reasonably practicable.

Matters of Concern

Decision Making

We would like to clarify that the Council is responsible for decision making and that our Duty Managers rely on the following information:

- Weather forecasts;
- Actual weather conditions from our weather stations countywide;
- Intelligence on the ground from our Highway Inspectors.

Reports from the Police are helpful and are acted on as appropriate but we do not rely on reports from the Police.

Sharing of Information

Following receipt of your letter we met with Durham Constabulary on 29th April 2014 to review existing information sharing protocols and to identify how these could be improved.

I am aware that the Police are responding to you separately regarding this matter although I would like to assure you that there are effective communication mechanisms in place that enable us to manage our highways through partnership working. These protocols will be continually reviewed.

Improved Margin of Safety

We have reviewed our procedures and made a number of changes to improve the margin of safety against inaccurate weather forecasts and changing conditions:

Communication

When weather conditions are marginal, improved communication with the weather forecaster is essential, particularly when conditions deteriorate or change from that forecast. The Duty Manager will ensure that communication with the forecaster is meaningful in order that the extent and duration of the changes are fully understood and appropriate revised actions are implemented. The Council intends to meet with the forecasters prior to the next winter season to determine whether notifications relating to changes in weather can be improved.

Amber Warning

In circumstances where weather forecasts indicate an amber warning less than or equal to 1°C, with either high or low confidence, Duty Highway Inspectors will be deployed on standby at the key strategic depots for the purpose of monitoring forecast information and where appropriate to undertake a route inspection to assist the Duty Manager in the decision making process.

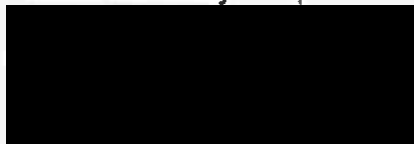
In circumstances where weather forecasts indicate an amber warning less than or equal to 1°C, with low confidence, winter maintenance vehicles will be deployed on standby at all strategic depots in readiness for gritting activity, therefore should weather conditions deteriorate from that forecast, an immediate gritting response can be implemented.

Safety First Reminder

Duty Managers have been reminded to ensure that appropriate action is taken and must 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 Duty Manager should 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 the above reassures you that Durham County Council is committed to providing an excellent winter maintenance service so far as is reasonably practicable.


Yours sincerely



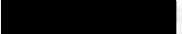
Corporate Director – Neighbourhood Services

CC:

George Garlick, Chief Executive

 Head of Legal & Democratic Services

 Head of Technical Services

 Chief Inspector, Cleveland & Durham Specialist Operations Unit, Durham Constabulary