

The council's key liability with respect to keeping the highway clear of snow and ice is as follows.

Under section 41(1A) of the Highways Act 1980 the council is obliged to ensure that safe passage along a highway is not endangered by snow or ice, but only **so far as is reasonably practicable** [my emphasis].

What "reasonably practicable" amounts to will vary according to the circumstances, but during periods of extreme weather and with a finite supply of gritters, grit and personnel, it may only be reasonably practicable to treat the main routes and those deemed a priority - as in fact we did in December and January. In other locations during these conditions, it was only reasonably practicable to fill grit bins, at least enabling local residents to apply grit themselves.

During the period of extreme weather we also issued advice, via the council's website, to residents and businesses about their potential personal or corporate liability arising from measures to clear their own pavements

Advice for residents/businesses clearing pavements

While we cannot give categorical legal advice for residents wishing to clear the pavements in their streets, we can say that it is unlikely to give rise to legal liability. Following any accidents, the claimant would need to show that:

1. the way the householder tried to clear the ice created or made the situation worse
2. the injury sustained is the result of the actions of the householder and not just snow/ice
3. the actions of the householder were not what one would expect a reasonable householder to have done
4. it was reasonably foreseeable that their action would cause damage or injury to passers by

It is therefore unlikely that any such claims would succeed.

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