

To grit or not to grit: A lawyer's personal view

WITH the next snowfall on the horizon the debate over whether to grit or not to grit is back on the agenda.

Fear of litigation has been cited so the Wilmslow Express sought the views of a leading solicitor. Here, **Hilary Meredith**, a personal injury lawyer, gives her view.

She said: "The continued icy weather this winter has only served to fuel the confusion caused over the gritting situation. Whether you are a car owner, a pedestrian, or a business owner; the gritting, or lack of it, has affected us all. The fear of recrimination and claims against us has reached fearsome proportions.

"So what is the legal situation on the slippery problem of grit - is it best to leave the snow where it fell or attempt to clear it?

"The plain fact is the law is unclear, so no wonder there is confusion and it all depends whether you are a local authority, a business owner or a private individual. So let's take each scenario.

"Local authorities, Cheshire East Council in this area, have a duty to ensure, as reasonably practicable, that safe passage is not endangered by snow and ice.

"It's the 'reasonably practicable' that causes the problem, as each local authority has its own policy based on a code of good practice. The best we can do is look at the local authority's plan which must address the foreseeable risks and be implemented correctly.

"So I asked to see Cheshire East's plan. Its winter maintenance plan allows for 'Precautionary salting to be carried out when there is a clear probability of ice and snow, in that wet road surfaces are



expected to fall to, or below, freezing.'

"There is a priority route system in that, 'A' class carriageways, and designated A&E hospital routes are gritted first. After class 'A', the 'B' routes, commuter and bus routes, are only gritted if funds are available and anything else after that, forget it!

"You can go on line to see the winter up date, which will say for example, 'February 3 all priority routes salted from 2pm'. There are 'get out' clauses as well; 'when rain is followed by rapidly clearing skies', 'dawn frost' and 'rush hour snow fall'.

"So there we go, basically if you live

on a main road you may get out in the morning if you are lucky. I live on a main road and over Christmas it wasn't gritted for at least a week, but it was Christmas, so I tried to be forgiving.

"What about pavements? These are tricky. It has been suggested that you 'should not attempt to remove snow from the pavement outside your house unless you have public liability insurance.' The delay in the local authority gritting pavements, was supposedly because they couldn't get the go ahead to do so and may have been personally liable, financially, if a claim arose. So basically, with pavements, forget it!

"Businesses which decided to grit have a dilemma to face and must weigh up the risks of an accident for either case. But employees asked to clear the snow and grit must be properly trained to do so. If not, and they fall and slip whilst gritting, they may have a claim against the employer!

"It would also appear that it is preferable to use grit (if you could get hold of any this year) or cinder rather than use rock salt.

"I can find no clear guidance on private drives. I didn't grit my own drive this year and it turned into a sheet of ice, so I wish I had been more prepared.

"By the time I did manage to get hold of grit the snow had gone. Next year I will be gritting my own drive with the bags of the stuff I now have left over from this year; it's common sense I feel and would be less hazardous than not.

"I have not taken gritting classes, so if I fall I can presumably sue myself, as there will be no one else to blame."