



The Use of Farmers for Winter Service – A Code of Practice

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in partnership with The Scottish Government

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Glossary of Terms

DLO -	Direct Labour Organisation. Workers employed directly by a local authority forming a group of their own employees executing maintenance (often highway maintenance, but not exclusively) works on behalf of the local authority.
Farmer -	In the context of this code of practice the term may also apply to agricultural contractors who provide a range of farming services to the agricultural industry.
High Speed Roads -	A single or dual carriageway road which is subject to a permanent speed limit of 50mph or more.
HSE -	Health and Safety Executive
“Minimum Winter Network” -	Resilience network which may be a subset of the normal treatment network of priority one, two, and three routes and should provide a minimum essential service to the public, including links to the strategic network, access to key facilities and other transport needs.
NFUS -	National Farmers Union Scotland
RIDDOR -	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
SCOTS -	Society of Chief Officers of Transportation in Scotland
SEPA -	Scottish Environment Protection Agency
SSG -	Scottish Salt Group. Formed to control the strategic management and distribution of salt. Comprising of Transport Scotland, SCOTS, the Convention of Scottish Local Authorities (COSLA) and Society of Local Authority Chief Executives (SoLACE)
“Winter Service” -	Sometimes called “Winter Maintenance”. The term has been used to align with “Well-maintained Highways Code of Practice for Highway Maintenance Management” produced by the Roads Liaison Group
WWRG -	Winter Weather Review Group

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Introduction

There are over twenty seven thousand working occupier farms and holdings¹ located throughout Scotland, and in some of the remotest of its rural areas. The farming sector provides an opportunity for councils to utilise farmer's resources and their position within the local communities to enhance the provision of winter services, improving the resilience of the road network and the quality of life for the people they serve.

Scotland is well used to the extremes of winter weather conditions however, the winters of 2009-10 and 2010-11 presented significant challenges to Scottish road authorities and to the businesses and communities they serve.

The winter of 2009-10 has been acknowledged as the most severe for thirty one years with the winter of 2010-11 repeating extremes of conditions, which included prolonged periods of sub-zero temperatures, and snow falls greater than 20cm in some areas of Scotland.

A number of lessons learned exercises and reviews have taken place since 2010 which have done much to strengthen winter service in Scotland in particular, the work undertaken in 2011 by the Winter Weather Review Group (WWRG). The group was set up by the Scottish Government to share best practice, to highlight and share lessons learned, and to inform planning and policy development for winter service and resilience of the transport network.

The WWRG made a series of recommendations² including:

“Service providers should be prepared to think innovatively and consider alternatives to traditional approaches for the delivery of services in challenging situations: exploring different methods of operation and opportunities to work with new partners”; and

“In addition to formal mutual aid arrangements, SSG partners should explore and utilise local sources of assistance, such as:

- partner agencies and other operators/service providers
- **local farmers and contractors**
- community groups and volunteers
- military assistance (but only as a last resource where all other avenues have been explored; capacity is overwhelmed; and where such aid is required for the purposes of the alleviation of distress and preservation and safeguarding of lives and property)”

¹ 2011 June Agricultural Census - The Scottish Government

² Winter Weather Review Group Report (October 2011)

On the 17th January 2012 Transport Scotland hosted a workshop with the National Farmers Union Scotland, representatives of SCOTS, and other key stakeholders to investigate the increased use of farmers as a resource in the delivery of winter service. Development of this code of practice and model agreement is an outcome of the workshop.

1.1 Overview and Purpose

The purpose of this code of practice is to support authorities in the utilisation of farmers to provide additional resources in order to enhance their current winter service operations. Although this code of practice relates specifically to the use of farmers, it can equally be applied to other contractors who are also looking to undertake winter services on behalf of authorities. It is recognised that some authorities use farmers to undertake limited salting/gritting operations however, the primary focus of this code of practice is on the use of farmers for snow clearing operations. In the provision of this guidance a model agreement has been included in order to assist councils develop their own forms of agreement consistent with the recommendations made within the code of practice.

A number of authorities already have established arrangements in place with farmers within their areas, utilising a range of informal and formal agreement mechanisms. A proportion of these arrangements have been in place for many years. It is acknowledged that significant value is placed on the existing wish of farmers to support their local communities, and it is recognised that risk exists that farmers are dissuaded from providing, or continuing to provide, services if procurement and management processes are imposed that are perceived to be unduly onerous. This code of practice seeks to take a proportionate approach balancing this risk against statutory requirements and best practice.

1.2 Scope of the “Code of Practice”

This code does not seek to impose requirements upon authorities and compliance with this code is **not mandatory**. It is recognised that authorities require flexibility in the development of services that meet the needs of their communities within budgetary limits.

The use of farmers for salt spreading/gritting and for the storage of salt stockpiles is not considered within this code

The objectives of this code of practice are:

- encourage and facilitate the better use of farmers through their engagement and improved service delivery in support of the authority’s existing winter service resources
- provide straightforward guidance for authorities engaging the services of farmers to undertake winter service operations, drawing upon best practice

- endeavour for a consistency in approach when planning and engaging farmers for winter service
- detail the minimum standards that should be applied in the management of the services procured
- highlight areas of regulatory compliance and risk

2 Service Planning

Authorities are encouraged to consider how the use of farmers to provide supplementary winter services, in addition to the core winter services, can enhance the capabilities of the authority during periods of severe winter weather and improve resilience of the Scottish road network and infrastructure.

2.1 Regulatory Considerations

In Scotland statutory responsibilities are defined by Section 34 of the Roads (Scotland) Act 1984 which requires that *“a road authority shall take such steps as it considers reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads”*.

Well-maintained Highways Code of Practice for Highway Maintenance Management is recognised as the benchmark for highway network maintenance for the non-strategic road network in the UK. Although compliance is not mandatory authorities who follow the guidance contained within, and develops winter service plans that follow the code are more able to demonstrate that they have acted reasonably in the discharge of their responsibilities under Section 34.

The Scottish Government published in 2010 ‘Ready Scotland’ advice in parallel with the UK Government’s ‘The Snow Code’. The Ready Scotland guidance promotes the principle of ‘self-help’ by providing the public with advice on how to clear snow and ice from pavements, while protecting them from the small risk of negligence claims. This advice covers the clearance of snow and ice from driveways, pathways, and public spaces. This guidance is not applicable for the clearance of snow or ice from the roadway.

2.2 Winter Service Policy

Authorities should formally approve and adopt policies and priorities for winter service, which are coherent with wider objectives for transport, integration, accessibility and network management, including strategies for public transport, walking and cycling. They should also take into account the wider strategic objectives of the authority³.

³ Well-maintained Highways Code of Practice for Highway Maintenance Management, Section 13.2 - Winter Service Policy

In the development of the winter service policy authorities are encouraged to consider the option of utilising farmers and the scope of service that will be procured. In considering the option the benefits of utilising farmers should be recognised:

- cost effective
- located in remote areas which can be difficult to access from outside
- good local knowledge of the road network, road conditions and local weather conditions
- resources that can be mobilised covering a wide geographical area that would be difficult to replicate using existing operational depots
- equipment suited to working on difficult terrain and in poor conditions
- capability to mobilise and deploy quickly
- can improve the revenue streams for farmers and strengthen the rural economy

These benefits should also be seen in the context of the wider strategic objectives of the Scottish Government to promote social inclusion by providing opportunities for everyone to use the road network, and ensuring winter service regimes maximise access to the road network in support of communities across Scotland.

Following completion of a winter service policy review the operational management of farmers should be included within the authority's Winter Service Plan as appropriate.

2.3 Resilience

In the development of winter service plans authorities should make an assessment of the required plant and vehicles to ensure that sufficient resources are available for the delivery of the winter service during severe and prolonged ice and snow. This should be compatible with the resilience standards adopted by the authority. The use of farmers will assist in achieving this objective.

When defining the scope of service consideration should be given to how the use of farmers may enhance resilience. Their primary function should be to support the winter service operations with ploughing and clearing of snow but thought should also be given to secondary roles. This may be in the form of providing support to the authorities' gritting fleet in maintaining the 'Minimum Winter Network', the deployment to maintain access to key infrastructure, provision of mutual aid, and in the support of the authority's resources during other severe weather events, as part of wider resilience planning.

3 Service Procurement

3.1 Procurement Options

In Scotland a number of authorities are utilising well established services with farmers employing a number of different procurement mechanisms ranging from the application of a 'self-help' scheme through to a full tender process. Various cost structures also exist with a number of authorities setting hourly rates each year.

This code of practice recognises that authorities have a responsibility to secure best value for the services provided to them, and require flexibility in the procurement and delivery of services, and does not seek to impose a universal procurement approach on the authorities. It does, however, recommend that a standard model agreement is used by the authorities based upon the recommendations made within this code of practice and embedded within each authority's procurement process. The recommended standard model agreement can be found in Appendix A of this document.

3.2 Insurance

The provision of appropriate insurance is an important element when considering and developing winter services supplied by third parties on behalf of an authority.

Authorities should consider the stipulation of public liability insurance when employing farmers to undertake winter service operations evaluating the activities for risk through their own risk management system and then ensuring that appropriate levels of insurance are in place.

It is recommended that farmers are required to make provision for public liability insurance to indemnify the authority when undertaking winter service operations, as they are best placed to purchase insurance as part of their own farming management. It is recommended that the minimum level of public liability insurance is set at £5 million in respect of any one incident. This level of cover is consistent with the levels required by the Employers' Liability (Compulsory Insurance) Act 1969 for employer liability insurance; however the authority should look carefully at the risks and liabilities associated with snow clearing to ensure an appropriate level of cover is in place. It should be noted that farmer's 'tractor insurance policies' usually provide at least £5 million of public liability cover so it is likely that the appropriate levels of cover are already in place.

However, it is acknowledged that placing a requirement on farmers to provide public liability insurance may, in some circumstances, impose an additional financial burden upon them that acts as a disincentive to provide services. The authority should consider this when evaluating the risk and may look to consider other options such as:

- risk being carried by the authority's insurance company
- risk capped by the insurance company with the authority self-insuring for lower value claims

- risk wholly carried by the authority i.e. self-insuring
- the agreed rates of payment made to farmers are set to allow for the overhead costs of their insurance premiums

In the circumstance that the local authority employs its own DLO it may wish to consider the DLO carrying the insurance for farmers undertaking snow clearing activities.

3.3 The use of Retainers

There is a general consensus that climate change is affecting weather patterns and the probability of extreme weather events has increased. In spite of the extreme winters experienced during 2009/10 and 2010/11 it is not certain whether the pattern of extreme winters will continue year on year. It is entirely possible, given the unpredictability of climate change effects, that a spell of relatively mild winters may follow with the result that a significant number of farmers are not deployed during the winter months.

For farmers who are considering investing in equipment to undertake winter service operations and to increase their insurance premiums to provide an appropriate level of public liability insurance, the unpredictability in revenue may act as a disincentive. The use of a retainer payable to farmers annually on confirmation of their operational readiness for the winter season would provide mitigation especially in more 'temperate' regions of Scotland, or where there is a shortfall in the number of farmers required. For example, a sum of £200.00 would, in the majority of cases, off set the increased insurance premium.

4 Health and Safety Management

By their very nature snow ploughing operations frequently require those undertaking them to work in difficult and challenging conditions, in remote locations, often working alone for significant periods of time. This can be especially so for farmers working on behalf of authorities.

An authority, when considering the employment of farmers for winter service operations, must be mindful of the requirements placed upon them by the Health and Safety at Work Act and other health and safety regulation, in particular the Management of Health and Safety at Work (MHSW) Regulations 1999.

Section 3 of the Health Safety at Work Act 1974 places a duty on every employer to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety. In regard to winter service this means all people using the highway network who may come into contact with those executing winter service operations, and those contracted to undertake the operations on behalf of the authority.

Regulation 3 of MHSW Regulations 1999 places a duty on an employer to assess the risks of their work activities on those undertaking the activities, and those who they may come into contact with them.

It should also be noted that the reporting requirements of RIDDOR will apply to snow ploughing operations undertaken by farmers on behalf of authorities and may fall under the investigatory remit of the HSE, dependant upon the circumstances surrounding an incident.

Irrespective of the existing mechanisms used to procure the services of farmers, whether through a 'self-help' scheme or a tender process, health and safety duties will be applicable and the authority should ensure that the management of the farmers in their employ is compliant.

Authorities should make reference to all relevant health and safety legislation, regulations and codes of practice but this code of practice recommends as a minimum the following is in place:

- documented risk assessments specific to the treatment routes and the operations being undertaken
- safe system of work (taking into consideration such issues as lone working, driver competencies, training, supervision, communication black-spots, route familiarisation, working at level crossings)

In the development of the above the authority should obtain from farmers employing five or more employees a copy of their written health and safety policy. The risk assessments and safe system of work should be shared with the farmers engaged, and may also form part of a training package.

4.1 Training

All those involved in the planning, management and delivery of highway maintenance services should receive training and regular updating, as necessary, in health and safety requirements of the service. Such training is of special importance for those involved in winter service and should be provided to all personnel, including temporary contractors. This approach is consistent with best practice and compliant with health and safety regulation.

The authority should consider training provision, its scope and extent, in coordination with the development of the risk assessment and safe method of working. The authority should take into account farmers' existing experience in the use of their machinery, their experience of undertaking similar activities through normal farming activities, and their knowledge of the road network and conditions that they will operate in. The authority should decide the levels of pre-requisite training, as part of defining and demonstrating the minimum level of core competency that the farmer must have before being appointed, and the levels of any supplementary training to be delivered by the authority. In considering the provision of training for farmers, the authority should examine existing training schemes available to them such as the SVQ (Scottish Vocational Qualifications)

and the elements of the modules covering winter maintenance, to determine a level of training which is reasonable, proportionate and avoids being unnecessarily onerous.

An example of core competency and training requirements is given below:

Core Competency	Supplementary Training
<ul style="list-style-type: none">• minimum of 2 years experience of driving agricultural vehicles• attendance at half day training session hosted by the local authority	<ul style="list-style-type: none">• annual tool box talk• route familiarisation exercise

In the development of any training the potential impact on the farmer's workload and availability to attend training needs to be considered to ensure that any training programme is proportionate, can be practically delivered and does not act as a disincentive to farmers offering their services.

The seasonal nature and relative infrequency of undertaking snow clearing activities creates a risk that the knowledge and skills required fade outside the winter season. The use of tool box talks is a valuable component of training plans and will be especially useful in the provision of 'refresher' training to farmers in order to mitigate this risk. This code of practice does not seek to prescribe the structure and delivery method for tool box talks and it is for the authority to decide on the most appropriate training methods. This code does, however, include example headings for a toolbox talk, which can be found in Appendix B.

It is recommended that winter training provided to farmers is recorded within the authority's own training system.

4.2 The safe use of agricultural vehicles for winter service operations

Ordinarily, vehicles routinely used for winter services operating on the public road network have been designed, or modified, for that purpose and should be compliant with the requirements of the Traffic Signs Manual Chapter 8: Traffic Safety Measures and Signs for Roads Works and Temporary Situations in relation to conspicuity, and the use of beacons. Agricultural vehicles, on the other hand, are not primarily designed for this purpose although tractors are generally well suited to working in snow and ice conditions, have good all round visibility, and are readily modified to carry a snow plough.

The authority should consider the specification of the vehicles to be used but, as a minimum, every vehicle should be equipped with either a roof-mounted amber warning light bar (comprising at least two independent light sources) or two independent roof-mounted amber warning beacons, visible through 360°. The vehicle operators should also be equipped with high visibility clothing to BS EN 471, Class 2

or 3 (Class 3 on motorways or other high speed roads) which should be worn at all times whilst working.

5 Operational Considerations

5.1 Vehicles and Equipment

The need to ensure winter service vehicles and equipment are correctly calibrated, well maintained and repaired quickly is fundamental to deliver efficient and effective winter service operations. The systems already employed by an authority in the management of their winter fleet should be extended to include the equipment used by farmers i.e. plough blades, and demountable snow blowers provided by the authority for use by farmers.

The authority should consider the relative benefits and disbenefits of farmers and the authority purchasing winter service equipment. Benefits may include:

- cost savings realised through the authority's bulk purchasing powers
- the retention of equipment as an asset held by the authority for re-use as agreements are transferred to new farmers
- a reduction in administrative costs by devolving purchasing to the farmers

It should be noted that some farmers may already own their own plough blades, or may prefer to purchase and retain the ownership of plough blades. This presents an acceptable alternative approach and the authority may consider off-setting the purchase costs to the farmer through the hourly rates employed within the agreement.

Whichever supply option is employed it is recommended that farmers should purchase and install the front linkage and trailer coupling to their tractors, and are responsible for its maintenance as part of the overall maintenance of the vehicle. Where the authority provides equipment such as snow plough blades they should make provision for the supply and fitting of spares, such as pins and rubber (squeezy) strips, and undertake repairs due to normal wear and tear. The farmer also has a role to play by being responsible for taking due care in the storage and use of authority supplied equipment and spares, in order to safeguard and prolong its operational life. This should be clearly explained within the terms of the agreement.

5.2 Operators' Licences

Operators of heavy goods vehicles must ensure that they are compliant with the operator licensing system. The licensing system exists to ensure the safe and proper use of goods vehicles and to protect the environment around the goods vehicle operating centres.

The Traffic Commissioner for Scotland is responsible for the issuing of licences and Examiners from the Vehicle and Operator Services Agency (VOSA) have duties to ensure that operators of heavy goods and passenger vehicles are compliant with legislation relating to, amongst other things, operator licensing, roadworthiness, and drivers' hours.

The Goods Vehicles (Licensing of Operators) Regulations 1995 identifies and lists vehicle exemptions; vehicles that do not need an operator's licence. This list includes:

- tractors, including agricultural tractors, used for the specific purposes described in Part II of Schedule 3
- vehicles being used for snow clearing, or for the distribution of grit, salt or other de-icing materials on the road network, including travelling for purposes connected with winter service operations

It is noted that the regulations may appear to create some uncertainty as the wording within Part II of Schedule 3 does not define the undertaking of snow clearing or gritting within the specific purposes for a tractor allowing licence exemption. However the exemption for 'A vehicle which is being used for snow clearing, or for the distribution of grit (etc)' is interpreted as meaning any vehicle undertaking this operation and will cover tractors used for this purpose.

This exemption must not be confused with excepted vehicles allowed to use 'red diesel'; which is dealt with elsewhere within this code of practice

It is highly probable that farmers being employed to undertake winter service operations will not require a goods vehicle operator's licence if their day-to-day activities already allow an exemption. However, it is the responsibility of the farmer and not the employing authority, to ensure that they are fully compliant with the regulations and the agreement between the farmer and employing authority should confirm this.

5.3 The use of 'Red Diesel'

Schedule 1 of the Hydrocarbon Oil Duties Act 1979 details vehicles which are excepted and may use rebated fuel 'red diesel'. Within winter service operations red diesel entitlement extends to:

- snow ploughs - a vehicle being used, or going to or from the place where it is to be or has been used for the purpose of clearing snow from public roads by means of a snow plough or similar device (whether or not forming part of the vehicle)
- gritters - a vehicle constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow (with or without articles or material used for the purposes of the machinery)

In the context of winter service operations a tractor can use red diesel only when fitted with a snow plough and undertaking snow clearing. If it is fitted with a trailer gritter, even if also fitted with a plough, it is no longer excepted and cannot use red diesel.

It should be noted that HM Revenue & Customs (HMRC) adopted a pragmatic approach during the extreme snow events in the winters of 2009/10 and 2010/11 by announcing that, in recognising the vital role farmers were playing in keeping rural roads clear, they would relax the conditions to allow the use of red diesel. HMRC will continue to assess severe winter weather events on a 'case by case' basis and may announce further relaxations if they believe appropriate. Routine winter conditions will not trigger a relaxation and it should be assumed, when undertaking the management of farmer supplied services that only the most severe prolonged conditions may result in a temporary relaxation.

At the time of writing HM Revenue & Customs have issued the consultation document 'Use of rebated fuels for gritting in rural areas' as part of a policy review. The guidance within this code will remain valid until such time as HM Revenue & Customs notify of a change in their policy.

Local authorities may wish to consider the logistics of fuel provision to the farmers during snow clearing operations, and may consider allowing farmers to re-fuel using the Council's own supplies at their operational depots. This may provide some cost efficiencies in the delivery of snow clearing operations benefiting from the bulk purchasing powers of the local authority. It may also improve the resilience of the operations during extreme snow events with periods of sustained snowfall.

5.4 Snow Ploughing and Snow Clearing

In order to maximise the effectiveness of the winter service operations best practice should be applied in line with the rest of the authority's winter service operations, in particular in the areas of planning, vehicle/plant maintenance and calibration, and training.

The majority of roads that will be snow ploughed by farmers will be minor rural roads serving remote communities and possibly some minor urban roads, predominately within urban housing estates. They are usually relatively lightly trafficked, positioned at the bottom end of the network hierarchy and maintained to lower maintenance standards. The network characteristics of these roads should be kept in mind when considering the appropriate levels and method of treatment.

In the event that farmers are proposed to be used to undertake salting treatments additional consideration should be given to the possible limitations of their use. For example; the effectiveness of rock salt is influenced by the action of traffic which helps in its distribution and activation, especially when applied to roads covered by shallow depths of snow. In the case of lightly trafficked rural roads there may be very limited value in the application of salt by farmers, with the alternative of the installation of salt bins/heaps providing a more cost effective option, with farmers engaged to only undertake snow clearing.

5.5 Response Times

Snow clearing by farmers will, generally, be undertaken on lower priority routes within the network and instructions to commence treatment will be given in line with the Council's winter service policy. The use of farmers may allow for the commencement of treatment of these lower priority routes before higher priority routes are clear, thus providing an opportunity of a winter service enhancement in excess of the policy.

The current arrangements with farmers providing snow clearing services generally allow them some discretion on the timing and commencement of operations. This is predominately due to the fact that the farmers employed are often significant in number, widely distributed across an area, and the weather conditions may also show variation in time and severity. This can create challenges for those tasked with the management of these operations and some delegation provides a pragmatic solution. The Council should consider the most appropriate method for provision of a 'mobilisation' instruction for their farmers. This may, for example, be in the form of a set of pre-arranged criteria which, when met, trigger action or verbal instructions made before or during a snow event.

The 'mobilisation' instruction criteria and method employed should be documented within a council's winter service plan.

5.6 Environmental Impacts

In the management of snow clearing operations there are potential environmental impacts, in particular as a consequence of collection, stockpiling and disposal of snow, that should be considered and form part of the safe system of work.

During severe snow events it may prove necessary to collect and stockpile snow to maintain access and remove heaps of snow pushed into locations that impede the passage of road users or the winter service operations themselves. On sections of the road network that are treated with salt it is likely that the snow contains high levels of de-icing chemicals that, once stockpiled, will leach into the environment in harmful concentrations as the snow melts. Consequently, snow must not be stockpiled within 30m of a watercourse or drain.

Consideration must also be given to the positioning of stock piles such that they do not increase the risk of flooding at a location during a thaw. The authority should identify vulnerable locations within their areas where stockpiling should not take place.

Further guidance and advice can be found by contacting SEPA or from their website (<http://www.sepa.org.uk>)

Appendix

Appendix A: Model Agreement

Terms and Conditions

1. For the purposes of this agreement [*insert name of authority*] are herein referred to as the 'Council'.
2. [*Insert name of the authority or farmer*] shall provide and maintain [snow ploughs and/or gritting machines (*delete as necessary*)] for the use of snow clearing operations undertaken on [their behalf/behalf of the Council (*delete as necessary*)].
3. Tractors offered by the Contractor for snow clearing operations shall have a suitable front linkage to enable the fitting and effective operation of the Council supplied snow plough blades.
4. Tractors offered by the Contractor for the towing and operation of the Council supplied gritting machines shall have a suitable coupling to enable the fitting and towing of the gritting equipment.
5. The Contractor is responsible for maintenance and repair to the tractor, including linkages, and all associated costs required to undertake maintenance and repair.
6. The Contractor shall ensure that they are fully compliant with the requirements of the Goods Vehicles (Licensing of Operators) Regulations 1995, the Vehicle (Excise) Act 1962 and all other regulations relevant to the use of tractors and vehicles employed under this agreement.
7. The Contractor shall be ready to commence snow clearing operations in line with a pre-arranged 'mobilisation' instruction, or after receiving a 'mobilisation' instruction from the Council's [*insert post title*], and undertake snow clearing operations in compliance with the Council's specified requirements.
8. The Council will pay for the use of the tractor whilst engaged on snow clearing operations undertaken on behalf of the Council at the inclusive rates, as follows:

Category of Operation	Hourly Rate (£/Hr)
<i>Insert category of operation</i>	<i>Insert hourly rate</i>

Such payments to cover all operational costs of the tractor (including fuel oil, maintenance, driver's wages and overtime), the costs of insurance, and road licensing in line with regulatory requirements, and in line with these terms and conditions.

9. The Council will undertake routine maintenance including 'normal wear and tear', repairs to the snow plough blades and/or gritting equipment supplied by them under the terms of the agreement. Where damage has occurred that, in the reasonable assessment of the Council, has been caused by the careless or negligent action of the Contractor, the Council may, at their discretion, re-charge the Contractor for the costs of such repairs.
10. The Contractor shall indemnify the Council in respect of all actions, claims, costs, proceedings, demands, charges and expenses in respect of personal injury (including injury resulting in death) to any person (including any person employed by the Contractor) loss of or damage to property real or personal (including property belonging to, or in the possession of, a person or persons employed by the contractor) arising out of or in connection with the Agreement.
11. The obligation by the Contractor to indemnify contained in 10 shall not arise where the injury to or death of any person or damage to property real or personal results from the negligent act or default of the Council.
12. The Contractor shall effect and maintain a policy of insurance in respect of any liability against which the Contractor is required to indemnify the Council. The liability of the Contractor shall be unlimited and requires a minimum public liability insurance of £5 million in respect of any one incident. A copy of the insurance policy shall be submitted with this agreement.
13. The Contractor shall supply completed time sheet records in an agreed format, or as supplied by the Council detailing the activities undertaken, in compliance with the specified requirements of the Council, in support of the Contractor's invoice, which shall be inclusive of VAT. Payment will only be made on receipt of timesheets completed to the satisfaction of the Council.
14. The Contractor shall ensure that a roof-mounted amber warning light bar (comprising at least two independent light sources) or two independent roof-mounted amber warning beacons, visible through 360° are fitted to the tractor whilst undertaking snow ploughing operations.
15. High visibility clothing to BS EN 471:2003 (Class 2 or 3) shall be worn at all times whilst working on behalf of the Council on the road network.
16. The Contractor shall undertake snow clearing operations in compliance with the risk assessment and safe method of working agreed with the Council.

17. Notice to terminate the agreement can be given by either party in writing.
Notice shall be given [*insert period*] in advance of the termination date.
18. Continuation of this agreement is dependent upon the satisfactory performance of the Contractor in relation to the delivery of the snow clearing operations in compliance with the terms of this agreement.

Appendix B: Sample Tool Box Talk

Tool Box Talk	
Activity	Snow clearing operations undertaken by farmers.
<p>This tool box talk is to be delivered to new and returning farmers employed to undertake snow clearing operations at the start of each winter season.</p> <p>Headings for discussion:</p> <ul style="list-style-type: none">• risk assessment - purpose and detailing of the specific hazards• safe method of working - including communication requirements and the issues specific to lone workers• vehicle and equipment checks - pre and post treatment checks• maintenance hierarchy - maintenance frequency and repair process• route plans - review of route highlighting any amendments since previous winter season• treatment specification and methodology - to include ploughing requirements on two-way and single track roads	

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