



STRATEGIC POLICING AND CRIME BOARD
7th June 2016

<p>Report on the hearing into delays on the M6 Motorway on Thursday 4 February 2016</p>
--

PURPOSE OF REPORT

1. To enquire into the level of co-operative working between the emergency services, local highways authorities and Highways England following a fatal incident on the M6 Motorway on Thursday 4 February 2016.
2. To discover what lessons can be learnt in the aftermath of the incident and whether these lessons will prevent similar disruption in the future.
3. If necessary, to make recommendations to the relevant authorities to indicate how they could open a motorway as quickly and safely as possible following future incidents.

BACKGROUND

4. On Thursday 4 February 2016 an incident between junctions 5 and 6 of the M6 Motorway tragically led to the death of a young man. The way the incident was handled led to a section of the M6 being completely closed for almost 24 hours.
5. After considerable public feedback, the West Midlands Police and Crime Commissioner, David Jamieson, called for a hearing into the incident to establish the effectiveness of multi-agency work to get the motorway open in a safe and timely manner and manage traffic in the vicinity of the incident site.
6. Representatives from Highways England, West Midlands Police, Birmingham City Council, Solihull Metropolitan Borough Council, Coventry City Council and Warwickshire County Council were invited to attend the hearing and provide written submissions detailing their involvement with the incident.

7. The hearing took place at Birmingham City Council House on Friday 18 March 2016 and was open to members of the public as well as being streamed online on the West Midlands PCC webcast portal: www.westmidspcc.public-i.tv/core/portal/home.
8. Representatives from the relevant organisations were asked questions by a panel consisting of: David Jamieson - the West Midlands Police and Crime Commissioner, the late Darren Cooper - Chair of the Police and Crime Panel and members of the Strategic Policing and Crime Board.
9. The hearing was designed to look into the aftermath of the fatal incident; the incident itself is the subject of an operational investigation from West Midlands Police and as such outside the realm of scrutiny at the hearing.

TIMELINE OF THE AFTERMATH OF THE INCIDENT

10. Using information provided by Highways England and West Midlands Police, a timeline was compiled to be used as a reference point by members of the panel.
11. The timeline detailed how, after the incident occurred at 01:50am on Thursday 4 February, Highways England gained control of the scene at 08:47am before announcing the road was reopened at 2:05am on Friday 5 February.
12. The timeline is available in Appendix A.

PRE-HEARING SUBMISSIONS

13. Prior to the hearing the PCC invited written submissions from the statutory involved in the aftermath of the incident. This provided the organisations with the chance to answer initial questions and inform the PCC on the level of co-operative working that was involved in the clear up and re-opening of the M6.
14. Each party was provided with a series of questions that the written submission should address. (Available in Appendix B)
15. Each relevant party provided a written submission prior to hearing, with the exception of Solihull MBC who provided theirs shortly after the initial recommendations were published. (Appendix B)
16. The Office of the Police and Crime Commissioner also consulted with members of the public to establish their experiences in the aftermath of the incident. In total there were 114 responses to the consultation, a sample of these responses can be found in Appendix B.

RECORD OF HEARING

17. The hearing received information from 3 organisations, West Midlands Police, local highways authorities and Highways England.
18. At the opening of the hearing the PCC expressed that this was an exercise to establish how events could be handled more effectively in the future and not to point fingers and blame organisations for the delays.

19. The PCC outlined the importance of the transport infrastructure of the West Midlands to the region's economy and particularly to the, soon to be established, West Midlands Combined Authority (WMCA) . He added that long periods of congestion on the region's motorways over the last 12 months meant that the West Midlands is suffering damage to its economy and its reputation.
20. West Midlands Police were represented by the Chief Constable, Dave Thompson and Superintendent Paul Keasey.
21. Superintendent Keasey detailed how in the aftermath of such an incident, the area is considered to be a crime scene and thus access to the site is restricted. This meant that Highways England officers were not able to assess the damage to the site until the scene was handed over to them around 9am.
22. West Midlands Police informed the PCC that the responsibility of traffic management around the scene of an incident remains with Highways England. As such Highways England were in complete control of traffic building up around the incident, if traffic builds on local roads around the motorway then this is the responsibility of the local authority.
23. This meant that West Midlands Police did not actively assist with diversions until they were requested to guide materials through the traffic later in the day.
24. Superintendent Keasey stated that the work Highways England did whilst West Midlands Police were in charge of the scene included diverting traffic onto the other side of the motorway and diverting traffic away from the scene – he added that they were planning ahead but did not foresee the need to re-surface the road.
25. The Chief Constable noted that one of the main issues to arise from the incident was whether or not there was need to trigger humanitarian aid. If the weather was slightly more severe then the need to declare an emergency would have been there.
26. Birmingham City Council was represented by Kevin Hicks & their contractor Eddie Fellows (Amey), Solihull Metropolitan Borough Council was represented by Paul Tovey, Coventry City Council was represented by Colin Knight & Warwickshire County Council was represented by Gez Romano.
27. Solihull and Coventry Councils stated that they were notified of the incident through the automated system Highways England currently have in place, this meant that details of the incident were only picked up when officers arrived at work between 8-9am. Warwickshire detailed how they have no formal agreement in place with Highways England and were notified through the same mechanism as Solihull and Coventry.
28. Birmingham City Council are the only one of the four authorities to have a dedicated 24 hour control room and were informed of the incident at 03:24 by Highways England.
29. All authorities used social media and local media outlets to inform the public of the tailbacks around the incident, minimal contact from Highways England was received during the day with Solihull recording only two phone calls.

30. All authorities showed their willingness to participate in planning exercises to improve reaction to future incidents.
31. Highways England was represented by Mike Wilson, Melanie Clarke & Andrew Butterfield with other staff in attendance to provide information at various stages.
32. In their opening statement Highways England indicated that they were willing to explore different ways of responding to these incidents to improve their response in the future. It was also stated that the de-brief document that had been given to the OPCC was not a finalised document. The PCC challenged Highways England around what they would change in the document, despite admitting that they would make changes there were no specifics given.
33. Highways England confirmed that it is their responsibility to manage traffic around the site of a Police investigation. They detailed how traffic that had built up after the incident was successfully diverted away from the scene as they work towards getting the scene open in the morning of Thursday 4 February. However, as it became clear the site required resurfacing traffic had been let back onto the motorway, causing substantial delays.
34. Highways England confirmed that their contractor Kier had been allowed access to the site at 03:25am and had not identified any fuel spillage, West Midlands Police did not report any spillage either. However, at 07:11am Highways England Officers were given partial access to the scene and identified the fuel spillage. The reason why the spillage could not be identified at an earlier time was not established by the hearing.
35. It was confirmed by Highways England that a substantial delay to repair work was due to problems getting tarmac to the site, after this there was a standard period which allowed the new surface to dry before white lines were applied. It was identified during the hearing that tarmac was delivered to the scene from Leicester, despite the availability of the same materials from closer depots such as Wolverhampton. The hearing also heard that a police escort was required for the tarmac trucks after they became stuck in the congestion resulting from the incident.
36. The M6 toll could not be opened free of charge to the public because the criteria set out by Operation Freeway was not met. The hearing also established that traffic built up past the entrance to the toll road and thus motorists could not make use of this route. However, it was also confirmed that the toll road was for sale and new owners may be able to negotiate with authorities such as the WMCA to change the criteria necessary to launch Operation Freeway.
37. It was identified that although Highways England have a standardised plan for dealing with incidents such as this, there is/was no specific plan for the area known as the 'Birmingham Box'. Members of the panel identified this as key due to the importance of the West Midlands motorways to both the local and national highway network.
38. Highways England conceded that with hindsight they should have named this as a 'major incident'; this would have triggered a different set of procedures to clear the motorway and deal with the humanitarian aspect of the situation.
39. Panel members suggested a grading system that could be used to advise local authorities and other partners of the severity of an incident. Highways England appeared to be receptive to discussion about this.

40. The PCC ended the hearing by indicating he was pleased with proceedings and hopeful that the following recommendations would be taken into account by all the relevant parties. He also hoped that a similar hearing should take place in the near future to establish how all the agencies involved had developed their collaborative work. The PCC indicated that this future hearing may be best handled by the WMCA.

RECOMMENDATIONS

41. The hearing and the documents submitted beforehand highlighted a number of serious shortcomings in the response to the incident. As Highways England conceded at the hearing, this incident should have been classed as a 'Major Incident' when the extent of the repair work needed became clear.

42. The Commissioner is concerned that Highways England should be seen to adopt a culture of openness and transparency. Although he welcomed Highways England's attendance at the hearing and the frank evidence provided by their staff, he had concerns about their apparent unwillingness to be open and answerable in the public domain about their shortcomings. The default position appears to be to withhold information rather than freely making it available for public scrutiny. It may be an appropriate time for Highways England to revisit the Nolan principles of Openness and Accountability.

43. On Tuesday 22 March the PCC met with Transport Minister, Andrew Jones MP, to discuss the findings of the hearing. At this meeting the PCC presented the following 11 recommendations:

1 - West Midlands Police / CMPG¹ are recommended to review protocols for informing Highways England of potential large diesel and petrol spillages

2 - West Midlands Police / CMPG and Highways England are recommended to review Senior Investigating Officer protocols for Highways England to access incident sites to allow assessment of the condition of the carriageway and likely repairs, before the end of the investigative phase

3 - West Midlands Police / CMPG, Highways England and local authorities are recommended to agree a programme of exercises to handle unplanned motorway closures, with particular emphasis on understanding the consequences of four-lane running and the likely scale of roadworks associated with HS2 construction, and with the specific intention of developing a major incident response plan for the "Birmingham Box"

4 - West Midlands Police / CMPG, Highways England and local authorities are recommended to review their protocols for declaring a "major incident"

5 - West Midlands Police / CMPG, Highways England and local authorities are recommended to consider the creation of a graded incident scale that allows for mobilisation of responses by the respective agencies that are proportionate to the scale of an incident on the motorway

¹ CMPG – The Central Motorway Police Group is made up from Officers from West Midlands, West Mercia & Staffordshire. Their focus is to disrupt criminality and make the region's roads safer.

6 - Highways England and local authorities are recommended to review their protocols for activating local authority out-of-hours traffic management capabilities in the aftermath of significant incidents

7 - Highways England are recommended to develop and implement collaboration agreements with local authorities for the shared response to significant incidents on the motorway network

8 - Highways England, West Midlands Combined Authority and the Department for Transport are recommended to renegotiate the criteria for activation of “Operation Freeway” to:

~ Lower the thresholds for activation of Operation Freeway

~ Devolve decision-making to the West Midlands Metro Mayor in consultation with Highways England, West Midlands Police and local authorities

~ Review how the M6 (Toll) might be more effectively integrated into the response to significant incidents on the motorway network

9 - Highways England is recommended to review its operational command arrangements for significant incidents to ensure there is clarity on roles, responsibilities and delegated authorities

10 - All agencies should immediately examine their response to risks to the welfare of those trapped in vehicles and develop a plan to provide rapid assistance to vulnerable people

11 - West Midlands Combined Authority is recommended to convene within six months a follow up event for West Midlands Police / CMPG, Highways England and local authorities to consider progress against these recommendations

44. Note: Decisions regarding the full establishment of the West Midlands Combined Authority and subsequently the Metro Mayor are awaiting completion.

NEXT STEPS

45. Following the hearing the PCC met with the Transport Minister, Andrew Jones MP, to discuss the recommendations. The discussion was positive and the Minister pledged to talk with the Leader of the Shadow Board of the West Midlands Combined Authority about how these recommendations can be implemented.

46. This was followed by a letter from Councillor Sleight, Leader of the West Midlands Combined Authority, which can be seen in Appendix C. The letter expresses that the WMCA are willing to take forward or be involved in the implementation of recommendations 3, 7, 8, 9 & 11.

47. The Combined Authority have founded a Network Resilience Group for the West Midlands and, following the hearing, representatives from the Office of the Police and Crime Commissioner and West Midlands Police have been invited to sit on this group.

48. The Office of the West Midlands PCC has engaged with neighbouring PCCs to establish their experiences of dealing with Highways England following incidents

like the subject of the hearing. It has become apparent that similar communications issues mean that delays are often longer than may be necessary. These offices have agreed to continue dialogue with the goal of establishing better working between the emergency services, local authorities and Highways England following events such as this.

49. Local resilience forums have held initial discussions about the design of a contingency plan for the area known as the 'Birmingham Box.' The West Midlands PCC will work with the new head of the Central Motorway Policing Group to make sure this plan is formed.

Andy Moore
Management Trainee

Appendix A

Combined Summary timeline:

West Midlands Police

Highways England

01:50 - Log created

01:50 – Police control room notified – Command & Control Log commenced.

01:53 - 30's set / S5797A – S5805A / Accident

02:00 – OT94 arrives – CMPG Patrol

02:02 – Regional Control Centre (RCC) set tactical signs back to J3 M6

02:04 – National Incident Liaison Officers (NILO) - Initial tweet issued on WM feed

02:04 – RCC set tactical signs on M42 back to J6 on N/B and J9 on S/B

02:06 – Verbally confirmed as fatal by CMPG

02:09 – Officers at the scene confirm fatality

02:09 – Total closure sigs set at S5782A M6, LDL (Lane divert left) set over LBS3 LBS4 at S5776A, M6

02:09 – CMPG request LBS4C on S/B and incident screens

02:12 – Fire and Rescue Services confirmed attending

02:13 – WN41 RRB (Rolling road block) on p171/5a

02:14 – NILO – Non critical report raised and issued to media

02:15 – CMPG also putting RRB on at J5 M6

02:16 - OT23 closes J5 – CMPG Patrol

02:16 – WT52 ARRIVED (on road TM)

02:16 – Trapped traffic back to J5

02:17 – Ambulance arrive

02:18 – Operations Manager advised

02:21 - Fire and Rescue at J5

02:22 – LBS3C LBS4C set at S5789B – 5782B M6

02:25 - TV14 arrives – CMPG Supervision

02:25 – NILO upgraded to critical incident (C9), HE senior personnel advised, breaking news set and tweeted on WM feed.

02:29 - CMPG Collision Investigation Unit (CIU) called out from home

02:29 – Closure on M6 at J5 in place – all traffic off at J5

02:31 – Decision to open LBS1 S/B J6/5 to allow traffic to run in 2 lanes, but only once closure is out

02:33 - Life pronounced extinct

02:53 – NILO advised of diversion route

02:55 – S/B backlog of traffic cleared

03:07 – M6 NB level of service boards (Toll VMS) set to reflect NTIC's signing S5626A & 5642A - M6 J5-6 CLOSED, M6 TOLL CLEAR

03:11 – Police anticipate closure being on for approx. 3hrs

03:23 - CIU arrive at scene (arrived within one hour service level agreement)

04:48 – All trapped traffic cleared on NB

05:45 – CH8 installed on S/B

05:50 – CH8 installed on N/B

05:58 – Dignity Funeral Services requested

06:16 - Mansfield vehicle recovery requested

06:31 - Formal request for forensic recovery of vehicles.

06:35 – CMPG advised full forensic lift arranged for both vehs on North Bound

06:42 – CMPG SGT – body still to be extracted – recovery to take place after this – possible reopening at 07:30

06:50 – AREA9 updated with estimated reopening time and to have units ready to remove the closure

06:54 - Forensic reconstruction complete

07:02 – AREA9 advised no crews available until after 8AM – Duty OM updated

07:03- Mansfield arrived at scene awaiting recovery and removal of deceased from scene.

07:12 – SB congestion 15.8km

07:26 - Dignity arrived and removed the body.

07:28 - Recovery commenced.

07:34 – WT20 – All lanes affected by oil – cway needs to remain closed

07:35 – M40 FTMS boards set to advise drivers to use the M42/M5/M6 – S9660A / S9673A / S9678A / S9681A / S9689A / S9697A

07:37 – WT20 – Also a fuel spill onto the SB cway – LBS3 & LBS4

07:54 – M6 N/B congestion – 9.6km

07:55 – M42 running ok

07:56 – M6 S/B congestion 18.1km

07:56 – M5 N/B congestion 10.6km

08:47 - Scene handed over to HE

08:52 – CMPG left scene **HE scene**

09:02 – Recovery complete for truck

09:23 – South Bound closure lifted – TSO needs to get boards out of LBS1

09:37 – Looking at 10:00 for opening

10:04 – WT20 oil not lifting from main cway - LBS3/4 may need a full resurface

11:02 – Safety concern for cway state – AREA9 duty manager Richard Hancox advised by OM that we are not setting speeds to run traffic through with there being safety concerns - OM will escalate to Gary Webb

11:06 - **REGIONAL ALERT**

11:45 – TELECONFERENCE

11:52 – WT20 – AREA9 advised total resurface required

12:15 – From teleconference – AREA9 confirm the cway is not safe to open - no eta for resurface

13:21 – R.Hancox – planers to make from j5 to plane all 4 lanes – AREA9 crews to meet at Perry Barr 14:30 – no eta for reopening

17:23 – ETA for reopening 22:00

19:56 – RCC request NTIC to set VMS along the lines of 'for M6N use M42 AND M5 – NTIC advise already set

20:16 – NILO reported challenges faced at scene due to amount of tarmac required – tweeted all profiles, afternoon and evening, above normal

20:34 – NILO 19 TWEETS sent so far

21:00 – All area9 trucks on scene

21:00 – All incident access lanes reopened – LBS4O S5755A – 5761A LBS3O LBS4O 5771A

21:04 – Resurfacing complete – awaiting white liner

23:00 – TELECONFERENCE - Road workers veh stuck in traffic

23:20 - ***NO LONGER AT REGIONAL ALERT****

23:49 – White liner on scene - eta for reopening 01:00

01:47 – WN11 traffic now moving N/B under controlled RRB

01:53 – WN11 traffic released

02:05 – NILO – Positive VMS set advising road open / final tweet sent and media and stakeholders advised

Appendix B

Prompt questions included in requests for written submissions

Local Authorities:

1. Local Authority Response

- Did Highways England provide instruction to your organisation around closing motorway slipways and providing diversions? If so, what time were these instructions passed through to you, and by whom?

2. Other information

- In the event of extreme weather (ice/snow or a heat wave) are there additional plans to provide assistance to those stuck in traffic following an incident such as this?

West Midlands Police:

1. General Information:

- When the incident was reported, what was the rank of the Officer that was assigned to oversee the response?
- Does WMP have a set procedure for traffic management following incidents such as this one? If yes, please provide details (including whether the procedure is ever tested).
- How many times a year is a Motorway closed to this extent for 24 hours in the West Midlands region?
- What time did Highways England arrive on the scene and what work did they carry out before WMP handed over to them around 9am?

2. Communications:

- How did WMP Communicate with the public to let them know that the carriageway was shut?
- Were local authorities in the area of the incident notified and if so what time did this occur?
- Is there a plan for communication in the event of an incident such as this? If so, how closely was this followed on Thursday 4th Feb?

3. Other information

- In the event of extreme weather (ice/snow or a heat wave) are there additional plans to provide assistance to those stuck in traffic following an incident such as this?

Highways England:

1. Highways England Response

- What time were Highways England alerted to the incident on the M6 and to which level in the organisation was it elevated?
- Is there a general plan in place for incidents such as this, and if so was this plan implemented on Thursday 4th Feb 2016?
- Is there a performance management tool in use by Highways England to assess the actions of contractors in situations such as this?

2. M6 Toll

- Why is the M6 toll not available for free use during situations like this on the M6 Motorway?
- What are the circumstances for deciding to implement “Operation Freeway”, i.e opening the M6 toll free to all users?
- Who makes the decision to implement Operation Freeway?

3. Communication

- Does Highways England have a communications plan in the event of an incident like this, if so was this implemented fully on Thursday 4th Feb 2016?
- What level of communication was there between Highways England and West Mids Police / local authorities in the area to maintain the flow of traffic throughout the period that the motorway was shut?
- How did Highways England communicate information about the delays to members of the public on Thursday 4th Feb?
- Why were vehicles allowed back onto the blocked M6 before the road was ready for use?
- What efforts were made to contact people in vehicles who may have been distressed after being stuck for many hours?

4. Other information

- In the event of extreme weather (ice/snow or a heat wave) are there additional plans to provide assistance to those stuck in traffic following an incident such as this?

Submissions Received:

Coventry City Council:

1. Coventry City Council get a notification of incidents via the Nilo system. We receive the opening and closure notice and the updates in between. We do not receive any instructions on diversions from HE.
2. Coventry City Council do not have any plans currently in place to accommodate this activity.

Birmingham City Council

1. Chronology of Event from BCC Perspective

The following is a summary of the contact between BCC and Highways England (HE) during the incident.

- Call received by BCC Control Room from HE at 3:24am informing that there had been a fatal accident between junction 5 and 6 on the M6 and that traffic was being diverted off the motorway at junction 5 on to the A452 and re-joining the motorway at junction 6 via the A47 and Lichfield Road.
- BCC Urban Traffic Control (UTC) Centre receives description of incident from BCC Control Room as UTC centre opens at 7:00am.
- BCC UTC operator enters incident on the MATISSE database which feeds data on to public website “Help To Travel” The entry on “Help to Travel” was: “RTC between jnc. 5 – 6 No Access onto the A38M into Birmingham”
- Traffic conditions on local road network are monitored throughout incident through UTC Centre.

- Calls made from UTC operators to HE Regional Control Centre at 7:30am, 9:30am and 2:00pm requesting information on estimated duration of incident. On each occasion BCC operator informed that a time could not be given and the incident was still being investigated.

In summary BCC have no records of any contact being made after the original call to the BCC Control Room at 3:24am. BCC did attempt to gain further information from HE throughout the day as to the potential duration of the closure but this information could not be provided by HE.

2. Actions taken by BCC to manage traffic around Motorway entrance and Exit Points

During the period of incident local traffic conditions were monitored as far as the road network coverage of CCTV and traffic signal controls allows. The extent of our available actions in this regard is to remotely alter traffic signal timings to cater for the increased traffic flows and the queueing of vehicles which results from the diverted motorway traffic. In this case the key signalised junction at the interface of the local road network with the Motorway network is Salford Circus at junction 6. Traffic signals were running on optimised timings during the incident. However traffic signals have a limit as to their effectiveness as they reach their full operational capacity. Where incidents of the type encountered on 4th February occur, during peak traffic times this finite capacity is massively exceeded by the volume of traffic and the ability to manoeuvre traffic by the adjustment of traffic signals is nullified.

The information we rely on to inform decisions on potentially altering signals timings is provided through live traffic flow data from key traffic signal sites being relayed back to the BCC UTC centre or through CCTV coverage, although the latter is constrained by the number of cameras locations provided on the network. However in such incidents the extent to which traffic signal operation on the local road network can assist in managing traffic flows is severely limited due to the volume of vehicles and the competing demands of traffic in all directions; that is those looking to divert east-to-west between the motorway junctions due to the closure and those looking to access the city (in the morning peak predominantly traveling north-to-south).

During the incident, in general, traffic conditions within the City Centre were light and free-flowing largely due to the closure on the motorway preventing traffic entering in to the City Centre. The road corridors in to the City which act as alternative routes for motorway traffic (A34, A47, etc.) were understandably heavily congested. The main reported incidents of congestion and significant delays on the BCC local road network were encountered to the north of the City Centre (Erdington, Tyburn and Sutton Coldfield) where commuters in the morning peak seeking to access the City Centre via the A38M were held in traffic caused by queueing from the southbound motorway slip roads at junction and diverted traffic from the motorway network using local roads as an alternative routes.

The BCC UTC Centre also has a representative from National Express present during its hours of operation. This close working liaison enables the exchange of information both from and to bus services on the network enabling messages to be passed to drivers, inspectors and passengers with regard to the incident or reported congested routes and also feed live data (GPS tracking is available on all of National Expresses buses) back in to BCC UTC relating to journey times and congestion hot spots on local routes. This method of working was helpful during the incident on 4th February.

3. Current arrangements BCC has with HE to manage incidents of this nature.

Historically Local Authorities have worked with HE to developed Detailed Local Operating Agreements (DLOA) which broadly establish the processes and protocols for diverting motorway traffic on to the Local Authority roads in the event of an incident or planned

roadworks. These agreements did not deal specifically with operational procedures or agreed lines of communication during incidents. They largely address potential alternative routes on local roads if a section of the motorway was to be closed and sought to agree protocols regarding signing and messages to drivers in the event of planned closures due to road works.

Whilst these agreements have been updated periodically to cater for minor changes in operational matters, for some time there has been in need to carry out a wholesale review of the documents. In January 2016 HE began the process of consultation with Local Authorities in order to develop Partnership Agreements to replace the DLOA.

Since this time Local Authorities including Birmingham have been providing feedback to HE on the proposed replacement Partnership Agreement. In response to these initial discussions BCC is advocating a wider approach to partnership than simply identifying diversion routes on local roads and agreeing protocols for legends on signage as proposed by HE. BCC believes that both the existing and proposed arrangements need to be expanded in terms of scope and detail to more adequately address incident management protocols but also other interfaces such as communication strategies around planned works, development control issues and reciprocal maintenance arrangements.

In response to this incident BCC would recommend to the Hearing that the emerging Partnership Agreements being developed by the HE have a stronger emphasis on the specific roles, duties and responsibilities of the HE and other key organisations when such incidents occur on the motorway network.

4. Did Highways England provide instruction to BCC around Motorway Slip Roads?
No instruction was provided by HE.

5. Additional Plans to provide assistance to drivers in the event of Extreme Weather
If the combination of factors during such an incident as that which occurred on 4th February had included extreme weather and resulted in circumstances where many people were deemed to be at risk, this would constitute a threat of serious damage to human welfare and BCC would expect a major incident to be identified (in this instance by the HE) and a Tactical Co-Ordination Group (TCG) established to lead on a multi-agency response to the incident.

A TCG can be activated in response to or in preparation for an emergency, major incident or significant event. The Civil Contingencies Act 2004 defines an emergency as:

- An event or situation which threatens serious damage to human welfare in a place in the UK;
- An event or situation which threatens serious damage to the environment of a place in the UK; or
- War, or terrorism, which threatens serious damage to the security of the UK.

An emergency is also deemed to be in progress when an organisation's ability to perform its functions is considerably tested.

As an Executive Agency of the Department for Transport, HE is responsible for operating, maintaining and improving the strategic road network (SRN) in England on behalf of the Secretary of State for Transport. The SRN includes motorways and designated trunk roads. During a major incident the HE would be expected to liaise with Lead Responders (such as emergency services and the City Council) to best manage the SRN in order to ensure the safe movement of the public around any scene or from an evacuated area and provide necessary access for emergency responders so they may execute their duties.

The HE Regional Control Centre (RCC) has the ability to communicate with the travelling public through the use of Variable Message Signs, local and national media and for those about to travel, through internet access to CCTV on motorways. Operating in collaboration with the National Traffic Control Centre (NTCC), public media messages can be distributed beyond the boundaries of the region in the event of a major incident being declared. HE have capability to operate Gold, Silver, Bronze command structures in the event of a major incident and may implement, or engage in a multi-agency structure, commensurate with the prevailing circumstances. Also in the event of a major incident being declared, HE has primacy for planning and activating recovery plans for the SRN. The City Council as with all other agencies and organisations which have such duties under the Civil Contingencies Act would support the multi-agency process through the TCG structures including where appropriate providing welfare facilities for those affected by the incident.

Warwickshire County Council:

Written submission to the M6 hearing on Friday 18th March 2016, from Warwickshire County Council.

Warwickshire County Council would like to take the opportunity to highlight the problems faced by the residents of Warwickshire and those who travel on our network. The network in North Warwickshire especially around the town of Coleshill was severely congested throughout the day on Thursday 4th February 2016. This severely impacted our highways depot on Coleshill Heath Road, such that some works were cancelled and reprogrammed for the following week. It impacted our ability to carry out our day to day business from the depot, especially our winter maintenance.

The A446 which runs between the M6 junction 4 and M42 junction 9 and serves the town of Coleshill to the east and Chelmsley Wood and East Birmingham to the west was congested all day on the Thursday. This prevented the free movement of traffic in the area and also resulted in the surrounding minor road network becoming congested also especially the network of minor roads to the east which run North/South. The Industrial estate located at Hams Hall was affected considerably by the congestion as it has single point of access off the A446. The Warwickshire villages of Water Orton, Curdworth and Gilson were seriously affected by the congestion and at times villagers were unable to get into the local amenities. The connecting road B4116, between the A446 and east Birmingham was severely congested and prevented the free flow of traffic along it.

In answer to your questions:

1. Local Authority Response

- Did Highways England provide instruction to your organisation around closing motorway slipways and providing diversions? If so, what time were these instructions passed through to you, and by whom?

We have no record at all, of being contacted by Highways England at any time on the Thursday. We have checked all the call logs for that day with both the Emergency Planning team and the call centre responsible for all Highway's enquiries. We were first made of aware that there was such large incident from both National and Local media updates on websites. We could see from the Roadworks.org portal where traffic was heaviest and tried to arrange for roadworks to be suspended, if it was safe to do so.

2. Other information

- In the event of extreme weather (ice/snow or a heat wave) are there additional plans to provide assistance to those stuck in traffic following an incident such as this?

Yes we have plans for this. We could always use our emergency plan, which covers any incident, however, for this we also have a stranded motorist plan, rest centre plan, which includes welfare (feeding, blankets clothes etc). We also have plans we could invoke to get aid out if required eg transport etc. We were never asked to provide assistance in any way during the incident.

Solihull Metropolitan Borough Council:

Taken from a letter submitted to the OPCC following the hearing.

We have now completed your questionnaire; I would add, without hindsight or the knowledge of the information shared at the hearing. We would though like to this opportunity to clarify some of the information shared at the hearing. On checking our records we did not receive a copy of Highways England's NILO notification for this incident in the early hours of the 4th February 2016. At the time, it was considered this notification would have been sent to all local authorities but that appears not to have been the case. Highways England is now routinely sending these notifications to us.

Secondly, it was confirmed at the meeting that Solihull operates a 24 hour Highway Services Standby Officer contactable by phone through our Out-of Hours customer contact centre. We did however omit to confirm that we also operate a 24 hour Emergency Planning Officer which is a shared service by agreement with Coventry, Solihull and Warwickshire Councils. Neither service was contacted by either Highways England or West Midlands Police in respect of the incident or to instigate the Major Incident protocols during this incident.

West Midlands Police

Available here: <http://www.westmidlands-pcc.gov.uk/media/422755/West-Midlands-Police-Written-Submission.pdf>

Highways England:

Available here: <http://www.westmidlands-pcc.gov.uk/media/422749/Highways-England-submission-report-M6-closure-4th-Feb.pdf>

Summary of Public Consultation Responses

Questions Asked:

Where were you travelling to?

Where were you travelling from?

What was the purpose of your journey (for example business, leisure, other...)?

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day?

Were you kept properly informed during the delays?

Length of delay you experienced?

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation?

Did you know where to go for the information on the delays?

Did you experience any direct or indirect financial costs from the delays?

Are you an individual, business or on behalf of an organisation?

Any other comments?

We have now received over 100 responses to the survey which was hosted at:

www.westmids-pcc.gov.uk/m6delay - we have selected 10 random responses to give a flavor of the submissions we have received.

1)

Where were you travelling to? Nechells, Birmingham

Where were you travelling from? Coleshill, Hams Hall

What was the purpose of your journey (for example business, leisure, other...)? I was coming back from work I did 12 hours night shift

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? Saw the police

Were you kept properly informed during the delays? No one informed anything the only thing I saw was on an overhead sign

Length of delay you experienced? Around 4 hours and it's usually 20 to 25 Mins journey

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? I did night shift I was tired and wanted to go to bed and I had to come back for night shift again, it was torture for me to be honest, I got home late couldn't get proper sleep and went back to work still long delays on every road

and it took me another 3 hours to get back to work. I got sick because of that.

Did you know where to go for the information on the delays? No

Did you experience any direct or indirect financial costs from the delays? No

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? That was worse journey of my life had to go in toilet but no facility I think it's time to learn lesson from this next time if anything happen Atleast open one or 2 lanes so people can go through

2)

Where were you travelling to? Birmingham Airport

Where were you travelling from? Walmley

What was the purpose of your journey (for example business, leisure, other...)?

Business

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? None.

Were you kept properly informed during the delays? By lic radio

Length of delay you experienced? Job would normally take 30 minutes. I ended up back at their house after 2 and a half hours. Then experienced delays for rest of day.

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? I'm a private hire driver. I was taking an elderly couple to the airport. They were due to fly to Belgium to visit family. Picked them up at 7.45 am. By 9.15 we hadn't reached Kingsbury Road at Curdworth. Elderly gentleman not in best of health asked me to take them back home. Took another hour to get them back home.

Did you know where to go for the information on the delays? Local radio

Did you experience any direct or indirect financial costs from the delays? Yes.

Reduced earnings. And of course the cost to passengers of missing flight and not visiting family.

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? No

3)

Where were you travelling to? Atcham, Shropshire

Where were you travelling from? Kenilworth

What was the purpose of your journey (for example business, leisure, other...)?

Business

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? None. My line manager called the highways agency at about 3pm concerned for my welfare. I was 7.5 months pregnant at the time and most uncomfortable for the whole time I was stuck. The highways agency managed to locate my car via the cameras and I had two calls from them asking if I was ok. They stated that they couldn't reach me to escort me off the motorway because the whole motorway was blocked including the hard shoulder because of road works too. A highways agency gentleman came and found me on foot to see if I was ok. There was nothing he could do, I wanted to be removed from the motorway but that was not possible. I didn't need an ambulance but after being stuck in the delays for so long, I wanted to not be there anymore. I was tired, distressed, emotional, needed the toilet, was hungry and thirsty, and incredibly frustrated as I'm sure you can imagine.

Were you kept properly informed during the delays? Only by listening in to local traffic radio reports which were not helpful. They were suggesting other motorists 'avoid m6 if they can' which was assured. If the slip roads on to the motorway had been closed then so many people would have not been caught up in the delays. There was not much information given over the radio only that there were long delays due to the M6 being closed due to a fatal accident earlier that morning at 2am

Length of delay you experienced? 8.45 am until 6.30 pm sp 9.5 hours roughly.

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? I joined the M6 motorway at the Coleshill junction heading northbound. Even though the accident had reportedly happened at 2am, the slip road was still open and allowing people to join the M6. I would have expected all slip roads onto the M6 to be closed and a diversion in place by 8.45 am when I joined the M6. I then crawled for one junction to Castle Bromwich which was the next available junction where every motorist was being funnelled off the motorway again which took approximately 8 hours to do so with no escape off the motorway. It then took me an hour to get from castle Bromwich back home because of the time of day (5pm rush hour) and the backlog of people coming off the motorway and being dispersed into the surrounding area. I lost a day of being able to do my job and therefore had to spend additional time making up for what I had missed and catching up on work from that day. I got home feeling tired and frustrated at the whole encounter. It has genuinely left me nervous to travel on the motorway, especially on the M6 for the rest of my pregnancy. I used the M6 toll today for work because I didn't want to use the M6 if I didn't have to. I understand that using the motorways in a 'smart' way using the hard shoulder when it is busy can be of benefit but it makes me nervous that if there were to be a accident or problem, the emergency bays are few and far between to be effective in that scenario when there is a problem.

Did you know where to go for the information on the delays? Not other than local radio traffic alerts on the radio. Even if there had have been other information available then I wouldn't have been able to do anything about it after I had joined the M6 motorway.

Did you experience any direct or indirect financial costs from the delays? Petrol wasted for the journey. Financial implications to the business I work for by me not being present at the meeting I was supposed to be at all day interviewing.

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? If I had have gone into labour or if someone had an emergency situation then how would it have been handled? No one could get to us or get us safely off the motorway. Would you have had to have closed the carriageway on the other side of the motorway to gain vehicular or helicopter access to extract the person? In European countries you can remove sections of the hard shoulder or the central reservation to get

people out of the motorway. The hard shoulder should have been left clear for access in an emergency. It didn't help that there were roadworks too which meant there were less lanes available. The service vehicles couldn't get through to start their work for resurfacing the road after the accident.

4)

Where were you travelling to? Sutton Coldfield Crematorium

Where were you travelling from? Nottingham

What was the purpose of your journey (for example business, leisure, other...)? My Nan's funeral

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? ZERO. Nothing. No warning that the junction was blocked and the M6 toll was closed at this junction

Were you kept properly informed during the delays? No. Nothing on the radio or internet at the time

Length of delay you experienced? Combined approx' 4 hours it was only this little because I took action.

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? At the roundabout of junction 9 M42 the entrance to the M6 toll was closed causing the roundabout to be at a solid standstill. I could not get to my exit and was stuck for 2 hours with my young daughter. We were approx 10 minutes away from our destination but with no way to get there. We missed my Nan's funeral and could only continue with the journey when I got out of my vehicle and asked other motorist to move so we could cross three lanes to escape the carnage. If there had been an emergency no vehicle would have been able to get anywhere near the incident. We continued the only way we could which was south and ended up stuck on the Coventry Rd in solid traffic for another 2 hours. We could not get back north on the m42 due to traffic and had to stay in a hotel overnight.

Did you know where to go for the information on the delays? I knew where they should have been and where they were 5 hours after we'd left the scene.

Did you experience any direct or indirect financial costs from the delays? Yes. A day's work missed and hotel and food costs

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? The fact that one lone traffic officer and info on the boards of the M42 could have saved the day where we were is inexcusable. The delays throughout the region were nonsensical, there were multiple failings by multiple agencies. They are all an embarrassment. They made our entire country look inept. These agencies caused anger,

distress, hurt and monetary loss to an extraordinary amount of people as well as putting every single one of those people in danger.

5)

Where were you travelling to? Birmingham

Where were you travelling from? Leicestershire

What was the purpose of your journey (for example business, leisure, other...)? I am a serving West Midlands Police Officer, and was trying to get to work for my tour of duty.

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? None. No Police or HATO's see throughout the 5 hour delay.

Were you kept properly informed during the delays? No - matrix signs were incorrect.

Length of delay you experienced? 5 Hours

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? I was totally unable to reach my place of work.

Did you know where to go for the information on the delays? Radio

Did you experience any direct or indirect financial costs from the delays? No

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? I travel down the M42 and matrix signs related to a closure on the M1 not the M6 - otherwise I would have found an alternative route. Matrix signs on the M6 carried no info at all other than the motorway was closed. I only received info by phoning work. Police and Highways were not visible at all.

6)

Where were you travelling to? All over the Midlands

Where were you travelling from? Gravelly Park Erdington

What was the purpose of your journey (for example business, leisure, other...)?

Delivery Beers Wines Spirits Minerals

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? N/A

Were you kept properly informed during the delays? N/A

Length of delay you experienced? minimum 1 hour and maximum 7 hours over shift time.

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? 765 work hours planned actual worked 963 numerous customer service levels failed. Drivers running out of hours etc.

Did you know where to go for the information on the delays?

Did you experience any direct or indirect financial costs from the delays? 178 hours over budget 40 vehicles £2372 plus all the extra fuel used idling in traffic.

Are you an individual, business or on behalf of an organisation? Business

Any other comments? N/A

7)

Where were you travelling to? London

Where were you travelling from? Birmingham

What was the purpose of your journey (for example business, leisure, other...)?

Business Haulage firm

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? police

Were you kept properly informed during the delays? I had to keep ringing the highways agency for eta

Length of delay you experienced? 9 hours

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? We are a small family business and rely heavily on the smooth running the m6. My driver left at 4.51 am and didn't get to London till 2.15pm On the way back he was stuck again and he was running out of hours he could drive. We advised him to take the toll but it was still busy around the area. we were trying to get him back to Birmingham so we could use the vehicle during the night for another driver to take it out on a job. It wasn't possible and the driver had to stop on the m6 services to take his daily rest. We lost a nights worth of work. The driver also went over on his daily driving hours in order to find a suitable place to stop as the traffic was horrendous. He now has to sign and acknowledge the infringements for going over by a couple of minutes for something which was out of his control. Vosa could pull us up on this and doesn't seem fair.

Did you know where to go for the information on the delays? yes i did

Did you experience any direct or indirect financial costs from the delays? We lost alot that day directly of the delays of around £1500. We had to pay the driver more to stop the night which isnt in his job description. The other driver we still had to pay. We lost a load back up from london to birmingham and lost our night run because vehicle was stuck. We had to pay the toll and parking charges at the services.

Are you an individual, business or on behalf of an organisation? Business

Any other comments? I think it should have been dealt with much quicker and sympathies go out to the person who lost their life.

8)

Where were you travelling to? Walsall

Where were you travelling from? Luton

What was the purpose of your journey (for example business, leisure, other...)?

Travelling home.

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day?

Were you kept properly informed during the delays? Listened to the radio which said the road should open around 10 but it never did

Length of delay you experienced? 9 hours

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? I was travelling with my 5 week old baby and the almost standstill traffic was ridiculous! I had to keep stopping on the hard shoulder/refuge area to take my baby out of the car seat every 90 mins. I was stuck in the traffic for almost 9 hours. With a newborn baby you cannot imagine how much of an ordeal this became for u both!

Did you know where to go for the information on the delays? No

Did you experience any direct or indirect financial costs from the delays? N/A

Are you an individual, business or on behalf of an organisation? Individual

Any other comments? N/A

9)

Where were you travelling to? The Belfry Hotel at Wishaw

Where were you travelling from? Knowle

What was the purpose of your journey (for example business, leisure, other...)?

Business. To achieve funding for a charity.

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? None. There was no Police presence at any road

junction or roundabout trying to resolve the gridlock caused by the traffic trying to seek alternative routes to bypass the closed portion of the M6. Traffic was still allowed to join the M6 prior to the closed section.

Were you kept properly informed during the delays? No

Length of delay you experienced? 3.5 hours going and 4.75 hours on the return.

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? When my team eventually reached The Belfry, those other organisations whom we were meeting had already decided to leave in an attempt to avoid the chaos caused by the M6 closure.

Did you know where to go for the information on the delays? N/A

Did you experience any direct or indirect financial costs from the delays? My charity lost the opportunity to bid for £50, 000.

Are you an individual, business or on behalf of an organisation? Organisations

Any other comments? N/A

10)

Where were you travelling to? Sutton Coldfield

Where were you travelling from? Coventry

What was the purpose of your journey (for example business, leisure, other...)? Work - attending a training course at Lindens Primary School.

What evidence of work by statutory agencies (police, Highways England and local authorities) did you see on the day? We saw nobody for hours on end. About 5.30pm a traffic car went down the motorway but that was it. No police were seen.

Were you kept properly informed during the delays? We were only informed from traffic reports on the radio - there was no information given out to any drivers as we sat in the motorway.

Length of delay you experienced? 8.30am began. We left the motorway at 6.30pm arriving home at 7.15pm

How did the delays after the fatal crash on the M6 on Thursday 4th February impact upon you/ your business/ organisation? We set off at 8.30 to attend training to begin at 9.30 am. We did not get further than junction 4 and missed the whole training session.

Did you know where to go for the information on the delays? No

Did you experience any direct or indirect financial costs from the delays? We were charged for the training course.

Are you an individual, business or on behalf of an organisation? Organisation

Any other comments? I cannot understand why the authorities did not close the entrance to the motorway to prevent any vehicles driving onto it. They knew the problems were there but didn't seem to do anything to prevent the traffic building g up. Once on the motorway we had no access to food or water for a considerable number of hours. Nobody came down to check anybody was in need of medical attention, or actually check that everyone was coping well with the situation. As a woman it was extremely difficult to cope with no toilet access. Very disappointing that here didn't seem to be any strategies in place to cope with these situations. More care and thought needed to be given to a) the access to motorway should have been closed - they must have know. It was going to be closed for a considerable amount of time. B) the consequences of so many people being trapped on there. Was there no way some cars could have been reversed and removed from the carriageway. C) could somebody not have supplied at least a drink of water?

Appendix C

Letter from Councillor Bob Sleigh:

Available here: <http://www.westmidlands-pcc.gov.uk/media/422761/Letter-from-Cllr-Bob-Sleigh-26-04-16.pdf>