

Title of report: Subsidies to Parish Council - Parish Lengthsman Grant 2021/22**Decision maker:** Cabinet member Infrastructure and transport**Decision date:** Friday 21 January 2022**Report by:** Commercial and Contract Officer**Classification**

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose**To approve expenditure of £250k on the parish lengthsman grant scheme.****Recommendation(s)**

That:

- (a) the Interim Service Director Highways, Environment and Waste bring forward proposals for £250,000 lengthsman grant scheme funded from the council's settlement ear marked reserves, as set out in paragraph 5 and 6 below is provided as grant funding in support of Schemes that Parish councils bid for to be undertaken by their existing Lengthsman plans; and
- (b) the Interim Service Director Highways, Environment and Waste be authorised to approve grants, in consultation with the S151 officer, in accordance with the criteria as set out in paragraphs 6 below.

Alternative options

1. There is no alternative option as the investment, as described, has been derived with a view to maximising the opportunity for Parishes to suggest schemes that are of impact to the local area, and not necessarily of a risk rating that would ordinarily attract work through the public realm services

2. Do – nothing – maintains ear marked reserves, but does not satisfy requirement to assist and facilitate local drainage works.

Key considerations

3. At the full council meeting of 15 February 2019 the budget for 2019/2020 and the Medium Term Financial Strategy (MTFS) 2019/2022 were approved. Annex 7 of the MTFS set out that an additional one off funding of £250,000 would be allocated to a parish lengthsman grant scheme.
4. This funding was allocated by a Cabinet Member Decision Report on 30 April 2020 on the following basis:
 - Grants will be available for the restoration and improvement of drainage on unmetalled public rights of way routes, U and C roads where works can be carried out locally by the lengthsman.
 - This funding is to aid those parishes who have retained their lengthsman in financial year 2020/21 and it is estimated that each of the approximately 60 parishes with retained lengthsman will access the £250,000 grant funding.
 - Grants will only be available to those parish councils who have retained and self-funded the lengthsman scheme in financial year 2020/21 Parishes should state their planned activities through their lengthsman annual maintenance grant in the first instance. Any proposed schemes can then be captured and assessed. Once approved, should any schemes be out of scope for the lengthsman, i.e. requiring work over and above what is defined in his/her contract they could then be routed through the community commissioning model.
 - Any unspent grant will be carried forward, with the scheme to be reviewed at the end of the first year of operation. The remaining funds will be bid for in the same manner in subsequent years, until grant is spent.
5. This funding is currently drawing to a close and no additional funding was allocated to the scheme at the council's budget setting meeting on 12 February 2021. However, the issue of surface water on rural roads, the damage that it can cause and the dangers that it represents during inclement weather continues to be a concern raised by many parish councils. Although many lengthsman already deal with a number of highway ditch issues within their work, and landowners are being increasingly engaged in appreciating their riparian responsibilities, there remain local works which would be of benefit to local communities, such as the cleansing and restoration of roadside ditches, which can include significant pipe and drainage works for legacy systems.
6. This decision seeks to allocate a further £250K from the council's settlement reserve to support the lengthsman scheme drainage works in the same manner as the 2020/21 funding as detailed below:
 - a) Grants will be available for the restoration and improvement of drainage on unmetalled public rights of way routes, U and C roads where works can be carried out locally by the lengthsman.
 - b) This funding is to aid those parishes who have retained their lengthsman in 2021/22 and it is estimated that each of the approximately 87 parishes with retained lengthsman will be eligible to bid into the £250,000 grant funding.
 - c) Grants will only be available to those parish councils who have retained and self-funded the lengthsman scheme in financial year 2021/22 Parishes should state their planned activities through their lengthsman annual maintenance grant in the first instance. Any proposed schemes can then be captured and assessed. Once approved, should any schemes be out of scope for the lengthsman, i.e. requiring work over and above what is defined in his/her contract they could then be routed through the community commissioning model.

- d) Any unspent grant will be carried forward, with the scheme to be reviewed at the end of the first year of operation. The remaining funds will be bid for in the same manner in subsequent years, until grant is spent.
7. The Interim Service Highways, Environment and Waste, has delegated authority to approve, through the contract governance arrangements, final adjustments to the programme, budget allocation to each scheme, and applicability of scheme in relation to the Public realm.
8. Highway maintenance is commissioned as part of the public realm services contract with Balfour Beatty Living Places (BBLP). Consequently, the additional works being bid for by Parishes can also be commissioned as public realm services alongside maintenance activities. This approach should enable all grant requirements associated with this funding to be met along with the council's key priorities. Any BBLP costs associated with the approval and ratification of schemes will be funded from budget. Parishes will need to have BBLP oversight for the schemes being undertaken, schemes will be suggested via the Lengthsmans annual maintenance plan.

Community impact

9. There is clear evidence that the effective management of the public realm, which includes highways, parks and public rights of way, is an important contributor to the county's health, wellbeing and economy through improved safety, enabling exercise, enabling access to and the movement of goods and services and community engagement.
10. This Scheme will have a significant positive impact on local communities, and allow enhancement to existing Paris- led activities.
11. Effective investment in the public realm supports the council to achieve its County plan priority to secure better services, quality of life and value for money for the people of Herefordshire.

Environmental Impact

12. The environmental impact of this proposal has been considered through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management
13. The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

Equality duty

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
15. A public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - a) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - b) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Parish council’s will be made aware of their contractual requirements in regards to equality legislation when using this funding to make local improvements.

Resource implications

17. The additional revenue funding allocated for the schemes is £250,000 and will be funded from the council’s settlement reserve.

Revenue or Capital cost of project (indicate R or C)	2020/21 £000s	2021/22 £000s	2022/23 £000s	Future Years £000s	Total
	£250	£000s	£000s	£000s	£250
TOTAL	£250				

Legal implications

18. The council has significant responsibilities under the Highways Act 1980 and other related legislation to ensure that the highways and the public realm more generally is maintained. This additional investment assists the council in demonstrating that it has met its legal obligations.
19. The council will control the scheme applications through the public realm contract with BBLP, which was put in place in 2013 through a competitively tendered process and the council will ensure its duty to secure best value is met through scrutiny of the cost and quality of the works commissioned with these funds.

Risk management

20. The risks, their consequences and any mitigating actions have been considered in detail. Risk will be managed through the governance structures created for and supported by the public realm services contract, which links with and escalates to the council’s corporate risk management regimes.

21.

Risk / opportunity	Mitigation
Health and safety management	In administering the Schemes Health and safety checks will be undertaken to assure the requisite authorisation to undertake works on the network and maintain inspections in line with the Highways Maintenance Plan
Applications for works being undertaken will exceed budget	Applications will be monitored through the existing lengthsmen Annual plans, budget

	monitoring and administration of the scheme to maintain budget
Scheme delivery in accordance with the council's requirements and objectives do not match the expectations of the community.	Engagement with community stakeholders and parishes bidding for schemes against their priorities through the ir Annual lengths mans plan
There is a risk that schemes will not be delivered on time	Schemes will be monitored and administered against defined programme in the Lengthsmans Annual plan

Consultees

22. The development of the schemes will be derived from applications from the Parishes as above, those applications will need assessing for applicability against the funding, and to ensure Health and Safety concerns are addressed
23. The additional funding set out in this report will enable additional work to be delivered using those priorities expressed by the Parishes applying for the funding.
24. Political group leaders

Appendices

None

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Sarah Buffrey	Date 11/01/2022
Finance	Andrew Lovegrove	Date 11/01/2022
Legal	Sharon Bennet-Mathews	Date 20/12/2021
Communications	Luenne Featherstone	Date 20/12/2021
Equality Duty	Carol Trachonitis	Date 20/12/2021
Procurement	Mark Cage	Date 20/12/2021
Risk	Kevin Lloyd	Date 20/12/2021
Approved by	Neil Taylor	Date 13/01/2021

Please include a glossary of terms, abbreviations and acronyms used in this report.

Lengthsman – Worker engaged by some parishes, allowed to do specific duties on the network under the terms of his/her contract

Lengthsmans plans – submitted annually to BBLP planned work to be undertaken by the Lengthsman

U and C roads – those roads classified as U or C

Community Commisioning Model – Scheme ran by HC to allow access through BBLP for work on the network funded from elsewhere.