

Revenue Lengthman's Grant

Decision maker: Cabinet Member Infrastructure and Transport

Decision date: 6th October 2022

Report by: Commercial and Contract Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

To approve the addition of revenue grant funding to the Lengthsman Scheme, together with the changes to the scheme that will target help towards parishioners through their Town or Parish Council to better meet their riparian drainage responsibilities where such assistance will benefit highway users.

Recommendation(s)

That:

- a) Up to £250k annually for 5 years will be made available from ear marked reserves to support the Lengthsman Scheme in the matter described in paragraph 9 of this report; and**
- b) The Corporate Director for Economy and Environment be authorised to agree, following consultation with the S151 officer, any adjustment to the programme and budget allocation in the Public Realm Services Contract Annual Plan to include for administering the above funding and operations in support of the Lengthsman Scheme.**

Alternative options

1. That the scheme remains as is, however with no council financial support. This is not recommended as participation in the scheme will decline resulting in the benefits of the scheme, as part of the highway asset management strategy, not being realised.
2. That one or other of the elements of this proposal are not progressed. This is not recommended, as the full potential of the scheme as described will not be realised.
3. That the levels of funding available to support one or other of the elements of this proposal are reduced. This is not recommended, as the full potential of the scheme as described will not be realised.

Key considerations

4. The Lengthsman Scheme is an initiative that devolves some minor highway works to town and parish councils, It has proved to be successful and popular with both Members and communities alike.
5. The highway asset management strategy, Highway Asset Management and Maintenance – Herefordshire Council, which is described in greater detail in the Local Transport Plan, local transport plan 2016-2031 policy (herefordshire.gov.uk), has the five key components:
 1. Initial major investment over two years (2014/15 and 2015/16); (completed)
 2. Sustained Investment over the whole life of the highway asset;
 3. Reduce the need for reactive ‘temporary’ pothole repairs as a response to safety defects;
 4. Shift our routine resources further towards preventative activities, such as the clearance of drainage, well-drained roads decline at a slower rate and are more resilient to damage from severe weather; and
 5. Provide the support that enables routine maintenance work to be delivered locally so that defects on the road can be responded to locally when they are

recognised as an issue by local people. This means that more defects can be fixed before they become a hazard to road users. Through our approach to locality working we will ensure that this local delivery complements our countywide programme of works.

The Lengthsman Scheme is a mechanism through which the council can provide the support that enables such work to be delivered locally through Town and Parish Councils.

6. Works carried out under the scheme are delegated under Section 101 of the Local Government Act 1972.
7. The allocation of grants from the council to parish and town council is discretionary. The addition of revenue grant funding will encourage participating parish and town councils to, where possible, take action to protect residents and property in their areas from the threat and anxiety of flooding and help parishioners better meet their riparian drainage responsibilities where such assistance will benefit highway users.
8. The proposal is that up to £250k will be made available to support parishes and towns with an existing Lengthsman Scheme in place. It is proposed that:
 1. A finite sum of £250k is made available annually to support the Lengthsman Scheme from the 2022/23 financial year onwards for 5 years. This fund will remain available until expended, or until a future decision is taken to adjust the fund.
 2. A base sum of £60/km for the length of C and U classification roads in any participating town or parish will be provided by the council.
 3. For “urban parishes”, those with more than 50% of the C and U classification roads in the town or parish defined as urban roads the potential to increase funds by up to a further £100/km on a 1:2 (council : town/parish) ratio match funded basis.
 4. For “rural parishes” those with less than 50% of the C and U classification roads in the town or parish defined as urban roads, the potential to increase funds by up to a further £60/km on a 1:1 (council : town/parish) ratio match funded basis.
 5. Rural and Urban Town and Parish definitions are at appendix 2, and are based on the methodology used by the Department for Transport to calculate urban and rural road lengths for the purposes of providing statistical returns on road length in Great Britain as Road Lengths in Great Britain: 2020 (publishing.service.gov.uk).
9. All council match funding is conditioned on the participating town or parish (as appropriate):
 - a) Undertaking repairs in accordance with the specification included in the Lengthman Scheme as part of their annual plan.
 - b) The Town or Parish annual plan should include where appropriate the purpose of any Flood Protection Group work being undertaken as part of the parish’s annual plan,

which can include where possible, action to protect residents and property in the town or parish from the threat and anxiety of flooding; and

- c) To arrange for works to clear roadside ditches and other drainage into which any highway drainage discharges.
 - d) Undertaking to target help towards residents, enabling them to better meet their riparian drainage responsibilities as described in the following paragraph.
 - e) Undertaken types of work in line with Appendix 1 of the report and demonstrate appropriate safe working practises and qualifications required to undertake work on the network.
 - f) The maximum scheme allocation (£250K/annum) is not exceeded. In the event of applications exceeding funding any remaining funds will be apportioned between the remaining applications.
10. All training, start-up costs, labour, plant, hand tools & equipment and operational costs may be met by the participating towns and parishes from within the council's financial contribution to the scheme or any match funding contribution from the Town or Parish Council.
11. The Public Realm Services Contract with Balfour Beatty Living Places (BBLP) includes (Clause 219) for working in partnership with all Localities within Herefordshire and Town and Parish Councils in developing the Forward Programme and the Annual Plan for Public Realm Services. BBLP, as an integral part of the Services, administers the Parish Lengthsman Scheme and the P3 Scheme. Consequently it is proposed that the Corporate Director for Economy and Environment be authorised to agree, through the contract governance arrangements, adjustment to the programme and budget allocation in the Public Realm Services Contract Annual Plan to include for the administration required in support of the Lengthsman Scheme.

Community impact

12. The proposal will provide a greater level of financial support for the delivery of routine maintenance work delivered locally by local people. This means that more defects can be fixed before they become a hazard to road users in a way that complements the council's countywide programme of works as developed in line with the highway asset management strategy, the Corporate delivery Plan and County Plan
13. Further, the support for local drainage clearance will incentivise residents, with the support of the town or parish council and the council, to better meet their riparian responsibilities towards the clearance of drainage. This will ultimately benefit all who use the public highway.

Environmental Impact

14. The proposal seeks to deliver the council's environmental policy commitments through its alignment to the following success measures in the County Plan. It can:
- a) Increase flood resilience, through improved local drainage clearance.

- b) Reduce the council's carbon emissions, through encouraging locally delivered solutions, a greater proportion of which can be repaired before the need for more extensive, or more reactionary intervention. Extensive repairs or reactive responses all tend to have a greater carbon footprint than a timely locally delivered solution.
 - c) Increase the number of short distance trips being done by sustainable modes of travel. Walking, cycling and public transport will be encouraged by improving road condition for all users, this is a consequence of delivery to the highway asset management strategy.
15. There is potential for a detrimental impact of the biodiversity and ecology, particularly if the clearance of drainage systems such as roadside ditches is not undertaken in a considered way. Further the arisings from ditch clearance can contain higher concentrations of hydrocarbons and other substances that may have a detrimental impact on the environment locally. The specific environmental impacts of this proposal in each parish will be considered both through the service specification, as the lengthsman contracts, which will be amended, over time, to include appropriate requirements on the town/parish and lengthsman 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 and through the annual plans that are developed with each participating Town or Parish Council.
16. The development of this scheme has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance through the service planning process that is a key part of the Lengthsman Scheme.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
18. 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. The Town and Parish Councils and the lengthsman contractors participating in this scheme will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

19. The funding to support the decision will be finite and it is proposed that it is made available from the Settlement Monies.
20. The table below setting out the financial implications of the proposal.

Revenue cost of project	2022/23	2023/24	2024/25	2025/26	2026/27	Total
	£000	£000	£000	£000		
Additional grant funding to the lengthman scheme	250	250	250	250	250	1,250
Total	250	250	250	250	250	1,250

Legal implications

21. 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 are maintained.
22. The proposed grant will support the council in demonstrating that it has met its legal obligations.
23. S101 of the Local Government Act 1972 allows the council to enter into arrangements for the discharge of any of its functions to another local authority which would include a town or parish council.
24. There are no other direct legal implications arising from this report.

Risk management

25. Consideration is given to the risks / opportunities to the council if the recommendations are agreed and how these will be managed; and the risks / opportunities to the council if the recommendations are declined and how these will be managed, in the table below.

Risk / opportunity	Mitigation
That participation in the Lengthsman Scheme declines, undermining the achievement of the objectives set by the County Plan as realised through the delivery to the Highway Asset Management Strategy.	The availability of funding should encourage participation in the scheme.
That the ecology and biodiversity of habitats across the County suffers as a consequence of inconsiderate or inappropriate works, particularly in regard to the clearance of drainage and the disposal of arisings and waste.	Specifications in the lengthsman contract will require the appropriate management of the impacts on the local environment of all works that are agreed as part of each participating Town or Parish Council's annual plan.
That the safety of all those persons working in the highway (including carriageways, footways and verges) is compromised through unplanned delivery of works by unskilled workers who do not hold the correct competencies to work on the public highway.	The safety of all roadworkers and the public is paramount. The lengthsman contract requires that all necessary training and qualifications to work safely within the highway are in place.
That the safety of the public, including those using the highway is compromised through unplanned delivery of works by unskilled workers who do not hold the correct competencies to work on the public highway.	
That highway users have their journey disrupted / delayed as a consequence of poorly planned roadworks.	All works undertaken will be subject to the same streetworks management controls as other roadworks undertaken on behalf of the council, the statutory undertakers, or others who have licence to undertake streetworks. Key to meeting these requirements will be the detail within the annual plans developed

	by each participating Town and Parish Council.
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26. If approved the above risks will be managed at a service level through each lengthsman contract.

Consultees

27. Political group members were consulted on this matter on 4 August 2022, Via presentation.
28. In summary the responses were as follows:
- a. The scheme was welcomed and supported. Clarification on the match funding and engagement plan was supplied.

Report Reviewers Used for appraising this report:

Governance	Simon Cann	Date 22/08/2022
Finance	Louise Devlin	Date 22/08/2022
Legal	Alice McAlpine	Date 26/09/2022
Communications	Luenne Featherstone	Date 22/08/2022
Equality Duty	Carol Trachonitis	Date 22/08/2022
Procurement	MarK Cage	Date 13/09/2022
Risk	Kevin Lloyd	Date 13/09/2022

Approved by	Ross Cook	Date 21/09/2022
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Appendices

Appendix 1 - Parish Lengthsman Scheme

Appendix 2 - Rural and Urban Town and Parish Definitions

Appendix 3 – Presentation slides

Background papers

The Lengthsman Scheme webpage Lengthsman Scheme – Herefordshire Council

The 'New Lengthsman Scheme' Decision papers as the decision taken in December 2014
Decision - NEW LENGTHSMAN SCHEME - Herefordshire Council

The 'Lengthsman/P3' Decision papers as the decision taken in April 2016 Issue details -
Lengthsman / P3 - Herefordshire Council

The Public Realm Services Contract, Clause 219 in particular public-realm-services-contract-
2013 (herefordshire.gov.uk)