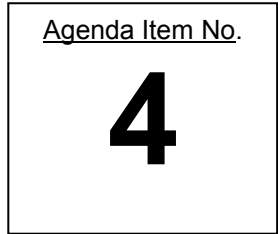


HERTFORDSHIRE COUNTY COUNCIL

**HIGHWAYS CABINET PANEL
9 MAY 2018 AT 2.00 PM**



HIGHWAYS TOGETHER

Report of the Chief Executive

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Executive Member:- Ralph Sangster, Highways

1. Purpose of report

1.1 This report is provided in response to the following motion raised at March 2018 Full Council by County Councillor S K Jarvis, which was referred to this panel for consideration;

“Council believes that closer working with Town, Parish and Community Councils has the potential to improve standards of highway maintenance in parished areas at little or no cost to the County Council but notes that the current Highways Together programme has had a relatively limited take up.

It believes that the scheme should be enhanced along the lines of the those successfully introduced elsewhere which allow Parish, Town and Community Councils to perform a much wider range of highway maintenance tasks after receiving appropriate training. Such an enhanced scheme should then be actively promoted to all Parish, Town and Community Councils.”

2. Summary

2.1 This report outlines the self-help opportunities on offer to Parish & Town Councils (P&TCs) in Hertfordshire under the existing Highways Together (HT) scheme and offers some possible explanations as to why the take up has been apparently low.

- 2.2 The report concludes that whilst the Highways service is always willing to explore closer working relationships with P&TCs, further general development to the HT is not merited. Instead it is proposed that individual formal agreements are considered with any P&TC that is seeking to take on more functions than currently enabled under the scheme.

3. Recommendations

- 3.1 That the Panel notes the contents of this report and the range of highway activities already 'enabled' under the existing HT scheme.
- 3.2 That the Panel notes that no further resource is devoted to generally developing the current HT scheme, but instead P&TCs are invited to make contact should they wish to take on more functions than currently enabled under the scheme, so individual formal agreements can be considered.

4. Background

- 4.1 The primary objective behind the HT scheme was to enable P&TCs to carry out some of the highway works they were seeking to do, without needing Hertfordshire County Council's 'permission' in advance each and every time they wished to act. P&TCs are under no obligation to carry out any of the works enabled under the scheme, as the County Council retains its statutory duty for highway maintenance in all respects.
- 4.2 Highways Together also forms part of the wider Localism agenda to improve the way in which the County Council, and P&TCs work together for the collective benefit of local residents, at a time when all public sector budgets and resources face significant pressure.
- 4.3 A partnership between P&TCs, Hertfordshire Association of Parish & Town Councils (HAPTC), Ringway and Hertfordshire County Council, led to the development of pilot projects in 2014/15. These pilot projects explored different ways in which P&TCs could undertake basic maintenance in their local area to enhance the core service standards provided by the County Council as Highway Authority.
- 4.4 In order to acceptably manage the health and safety risks associated with working on public highways (both to those undertaking any highway works and the general public passing by), the extent of 'enablement' was confined to low risk activities on low risk sites.

- 4.5 The list of 'enabled' highway works became known as the 'Specified Highway Activities' and consists of the following;
- a) Tree maintenance (basal growth, obstructing branches)
 - b) Cutting back overgrown vegetation, hedges etc.
 - c) Clearing overgrowth to edges of footways (siding out)
 - d) Clearing leaves from footways and road gullies
 - e) Weeding – removal and spraying footways & roadside
 - f) Maintenance of existing planted areas
 - g) Sign cleaning
 - h) Re-paint street furniture
- 4.6 For the purposes of the HT scheme, the highway network is divided into two categories namely;
- Class 1 - Local Access Roads (as defined in Herts Gazetteer), subject to a 30mph limit or below, with a footway with less than 250 pedestrians per day (and not within 15m of a Class 2 road)
 - Class 2 - All other roads, (including Class 1 roads within 15m of a Class 2 road).
- 4.7 Parish and Town Councils can carry out the Specified Highway Activities using their own resources or volunteers on Class 1 roads, without further regulation by the County Council, via the 'Letter of Enablement'.
- 4.8 If a P&TC wishes to carry out the Specified Highway Activities on Class 2 roads then consultation with the County Council is required, via its nominated Ringway District Service Agent. If the District Service Agent confirms no traffic management (pedestrian or vehicular) is required then works can proceed under this arrangement.
- 4.9 The HT scheme also includes arrangements where P&TCs can get highway works done through the Community Payback Team (Probation Service) or via Locality/Highway Locality Budget grants.
- 4.10 If a P&TC wishes to carry out more complex work not covered by the Letter of Enablement, then this can be requested and one-off permission given through a HT Works Licence.

4.11 Through the pilot projects a vast range of materials, tools, advice and 'how to' guides were developed and uploaded on to a special area of Hertfordshire County Council's website that P&TCs can access using a designated 'username' and 'password'. These documents are still available via the highways-together website and include the following;

(* denotes copy provided at Appendix A);

- a) Letter of Enablement (LoE)*
- b) List of the 'Specified Highway Activities'
- c) Classification of the highway network (Class 1 & Class 2)
- d) A series of 'How To' guides covering;
 - i. how works can be done by volunteers*, the probation service and via the Highway Locality Budget scheme
 - ii. how to deal with overhanging vegetation from private property
 - iii. how to access highway service information such as checking whether a road is 'highway' or not
 - iv. how to request licences to plant in the highway, close a road for a street party/event and organise Christmas lights
- e) Highways Together Works Licence application form (for more complex work not covered by the Letter of Enablement)
- f) An Agency Agreement template (to formally transfer responsibility for a specific function e.g. weed control)
- g) Risk Assessment guidance for planning & carrying out work on the highway
- h) Specification/Standards required for highway works
- i) A series of links to supporting websites e.g. roadworks.org, HAPTC, highways fault reporting etc.
- j) Contact details for Ringway District Service Agents and Hertfordshire County Council locality staff.

4.12 The development and implementation of the HT scheme was promoted through presentations given at the Hertfordshire Parish Conferences on 7 April 2014, 16 October 2014 and 5 November 2015, and the scheme had its 'official' launch at an event held at Wheathampstead Parish Council on the evening of 29 June 2015.

5. Review

5.1 The whole essence of the HT scheme is to enable P&TCs to do work on the highway (where it is safe to do so) without needing to seek permission from the County Council each time they wish to act. So by virtue of that the Highways service has not sought to maintain a list of all the individual projects or work packages delivered under the scheme.

- 5.2 However, since the launch of the HT scheme in June 2015, records exist showing that 4 P&TCs that have carried out work under the scheme as follows;
- a) Harpenden Town Council has been given Highway Locality Budget grants to enable it to carry out various works including sign cleaning and vegetation clearance (£11.6k in 15/16, £2.5k in 16/17 and £7.2k 17/18).
 - b) Hertford Town Council has been given Highway Locality Budget grants in 2016/17 totalling £5k, to enable it to carry out planting, vegetation clearance and bollard painting.
 - c) Wheathampstead Parish Council carried out some vegetation clearance in March 2016.
 - d) Little Gaddesden Parish Council carried out some drainage work in Nov 2015.
- 5.3 Since the launch of the scheme the Highways service has provided on-going support in the form of 4 additional Health & Safety training sessions (attended in total by 54 P&TC representatives, representing 25 P&TCs) and a one off briefing given to the newly formed Batchworth Community Council about the HT scheme on 6 September 2017.

6. Findings

- 6.1 In developing the HT scheme considerable resource was invested creating a portfolio of supporting material that enables a good range of highway activities. Despite that, the take up appears to be low, with only Harpenden Town Council continuing to utilise the scheme, via a series of grants from the Highway Locality Budget scheme.
- 6.2 No detailed research has been undertaken to ascertain the precise reasons behind the low take up, but anecdotal feedback gleaned through general day to day interactions and the Batchworth Community Council meeting suggests the following;
- a) The Health & Safety responsibilities placed on P&TCs for working on the highway are cited as a barrier
 - b) A lack of Hertfordshire County Council officer support since the launch of HT to maintain the momentum built up during the pilots
 - c) P&TCs find it a challenge to attract volunteers to do highways work
 - d) P&TCs officers have had bad experiences when trying to tackle overhanging vegetation from private property
 - e) P&TCs feel they are being asked to pick up responsibility for what the County Council should already be doing
 - f) Highways Together doesn't cover the main issues P&TCs are worried about; i.e. being able to get potholes fixed, gullies cleaned and traffic/speeding issues dealt with.

- 6.3 Devon County Council operates a Road Warden scheme which was introduced in 2014. It is comparable in many ways to Hertfordshire County Council's HT scheme, enabling a similar range of work with the main addition being the inclusion of minor pothole repairs in 2016 (but only for potholes that do not meet Devon's safety intervention criteria*) following a pilot exercise with 5 P&TCs. A copy of Devon's formal Road Warden agreement is provided at Appendix B, along with the list of basic tools that Devon Highways makes available for Road Warden use at Appendix C.

(40mm deep by 300mm wide for roads and 20mm deep by 50mm wide for footways)*

- 6.4 In 2016, following on from the pothole repair pilot, Devon introduced a £100k Highway Maintenance Community Enhancement fund (HMCEF) to support its Road Warden and Community Self Help schemes. The fund aims to help communities enhance their local area by providing financial assistance, as well as encouraging collaborative working between towns, parishes and voluntary and community groups. Parish and Town Councils make applications against the fund detailing the type of work that will be undertaken along with the overall benefit to the community.
- 6.5 In 2016/17 Devon received 79 applications from P&TCs for funds from its HMCEF and 41 were approved, enabling £168k of works/projects to be delivered. The financial contribution provided by Devon was £95k.
- 6.6 Since the development and launch of the HT scheme the Highways service has launched a number of initiatives such as the 2016/17 Restoration Project and the introduction of the High Impact Teams in order to improve routine maintenance service levels.
- 6.7 2018/19 will see the introduction of officer directed routine maintenance campaigns, known as category 6 works (partly funded from the changes to the Highway Locality Budget (HLB) funding restructure) to sustain the improved service levels achieved through the Restoration Project.
- 6.8 In addition there will be the extra £29m 'Investment to Improve' carriageway maintenance programme for local unclassified roads over the next 4 years, operating on a worst first basis.

7. Conclusions

- 7.1 The existing HT scheme already provides P&TCs in Hertfordshire with the opportunity to carry out or consider a wide range of highway activities; whether this is 'simple' work under the LoE arrangements, or more complex via a Licence or an Agency Agreement.

- 7.2 However, in all cases P&TCs will need to be ready to take on and properly manage the risks associated with working on a public highway, which naturally increase depending on the location and complexity of the proposed works. This is in order to safeguard the highway workers, the travelling public, any apparatus that might be within the highway, as well as any property that might be affected by the works.
- 7.3 It is possible that some of the local issues and priorities P&TCs were eager to address back in 2014 through the HT scheme are now being addressed, either through the HLB scheme, or one of the service improvement initiatives mentioned in section 6. If so this, coupled with a realisation of the requirements for working on the highway, could explain why most P&TCs have not taken up the HT scheme.
- 7.4 There appears to be a higher level of take up amongst P&TCs in Devon with their Road Warden scheme, although that scheme is broadly comparable to the HT scheme. Feedback from Devon officers is that offering P&TCs financial assistance through the introduction of their £100k HMCEF has helped to increase the level of take up since 2016.
- 7.5 The ongoing arrangements established with Harpenden Town Council show that the HT scheme already has the flexibility to work in a similar fashion and achieve comparable results to that seen under the Devon scheme. The Harpenden model could be replicated across Hertfordshire with similar local member support and financial assistance coming from Hertfordshire's £90k/member Highway Locality Budget.
- 7.6 The Highways service is always willing to explore closer working relationships with P&TCs. However there are no plans to develop the HT scheme any further, as at the moment there does not appear to be an obvious business case to justify the necessary investment.
- 7.7 So, rather than developing any further 'one size fits all' products, any further 'enablement' would probably be most effectively achieved by considering/developing specific formal agreements with those P&TCs that wish to take on more functions than currently enabled under the scheme.

8. Financial Impacts

- 8.1 There are no new financial impacts as a result of the report recommendations.

9. Equalities Impact

9.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.

9.2 Rigorous consideration will ensure the proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

9.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the 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.

The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

9.4 No equalities implications have been identified in relation to this report.

Background information:

None.

Appendices:

Appendix A - (i) HT Letter of Enablement (LoE)

(ii) 'How To' guide - how works can be done by volunteers

Appendix B - Devon's formal Road Warden agreement

Appendix C - List of basic tools provided by Devon Highways