

# Cabinet

## Dorset County Council



Date of Meeting	8 March 2017
Officer	Cllr Peter Finney, Cabinet Member for Environment, Infrastructure and Highways Mike Harries, Director For Environment And Economy
Subject of Report	<b>Arrangements for the delivery of minor highway maintenance services by Town and Parish Councils</b>
Executive Summary	<p>Since August 2015 senior officers within the highway service have been collaborating with colleagues within the Dorset Association Of Parish and Town Councils (DAPTC) to establish closer working, improved communication and exploration of alternative methods of delivering additional minor highway maintenance across the highway network.</p> <p>As a result of this work, a SharePoint page has been developed which provides Town and Parish Councils with a portal which offers them immediate access to all key highway documents and to receive regular performance management updates. This has been very well received and to date one hundred and five Councils are registered users of the site.</p> <p>Cabinet Members will be aware that highway officers have been working with DAPTC representatives to compile a process that will allow Town and Parish Councils to carry out a specific scope of minor highway maintenance functions that exceeds the statutory service which the County Council is required to provide.</p> <p>A document titled "Working Together – Highways" has been collaboratively produced which outlines a process that will enable Parish Councils to choose one of four commissioning routes should they wish to carry out works within their respective boundaries.</p> <p>Extensive consultation has been carried out with Councils across the County, with highway officers leading a number of well attended roadshows and specific one to one briefings to highlight</p>

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	<p>the contents of the scheme and to encourage engagement in the initiative. As a result, a number of Town and Parish Councils have indicated that they are keen to be involved and further work to identify the legal framework within which the scheme can operate has been investigated.</p> <p>Legal advice received has determined that, where Town and Parish Councils have no existing statutory power to arrange minor highway maintenance the best course of action is to delegate highway maintenance functions to each participating Town or Parish Council. In accordance with Section 101 of the Local Government Act 1972: the fourth option in the 'Working Together – Highways' document. The delegation and details of the arrangement will be recorded in an Agency Agreement to be entered into with Town and Parish Councils as and when requested and on a case by case basis. It is proposed that governance of the arrangement will be led by the Service Director Highways in consultation with the Portfolio Holder.</p> <p>This report outlines the principles of the Working Together - Highways initiative, and seeks the approval to convey the necessary delegations to enable the scheme to commence from 1 April 2017.</p> <p>It should be emphasised that although delegation to carry out certain minor maintenance functions will be secured through this process, the County Council as the Highway Authority remains responsible for the statutory provision of highway services in accordance with the Highways Act 1980 and retains the sole statutory obligation to maintain the safety of the highway network across the county.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>EQIA screening form been completed, full EQIA not required</p> <p>Use of Evidence:</p> <p>Highways Officers attended area DAPTC meetings, DAPTC annual Clerk Seminars and individual meetings with Parish Councils where requested to discuss relevant issues and consult on the scope of the scheme.</p> <p>Budget:</p> <p>There are no budget implications as no financial reimbursement will be applied to any of the Agency Agreements within the Working Together – Highways initiative.</p>

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	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:          Current Risk: LOW          Residual Risk LOW</p>
<p>Recommendation</p>	<p>Cabinet is recommended to :</p> <ul style="list-style-type: none"> <li>(i) Approve the Working Together scheme for Highways;</li> <li>(ii) Approve delegation of highway maintenance functions to Town and Parish Councils on request, under section 101 of the Local Government Act 1972;</li> <li>(iii) Delegate authority to the Service Director Highways and Emergency Planning, in consultation with the Cabinet Member for Environment, Infrastructure and Highways, to agree appropriate agency agreements to give effect to the delegation of highway maintenance services functions to individual Town and Parish Councils on request, and in accordance with the Working Together - Highways document.</li> </ul>
<p>Reason for Recommendation</p>	<ul style="list-style-type: none"> <li>• The County Council have a statutory duty to provide highway maintenance services under the Highways Act 1980, and any new arrangements must meet those responsibilities and legislative requirements.</li> <li>• The arrangements will enable Town or Parish Councils to commission or facilitate additional minor highway maintenance within their areas in a way most appropriate to the particular authority and/or the nature of the maintenance proposed.</li> <li>• The creation of a delegation to Town and/or Parish Councils on request, and of an agency arrangement to give effect to the delegation, will not discharge the County Council from its statutory responsibilities. The County Council will continue to make provision to meet its statutory responsibilities, but the delegation and agency arrangement will allow Town and /or Parish Councils to arrange for additional services to be carried out should they wish to do so when powers do not otherwise exist, or an agency arrangement is the most appropriate or desirable option.</li> </ul>
<p>Appendices</p>	<p>Appendix 1 "Working Together - Highways" guidance document</p>

## Arrangements for the delivery of minor highway maintenance services by Town and Parish Councils

Background Papers	
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### 1 Background

- 1.1 Since 2015, Officers from within the highway service have been working with the Dorset Association of Parish and Town Councils (DAPTC) to support facilitating and developing closer working relationships with third tier councils.
- 1.2 All except two Parish and Town Councils across the County are members of the DAPTC.
- 1.3 DAPTC have indicated that their members would like clearer sight of the levels of service Dorset County will be providing within current budget allocations, this information will help Parish and Town Councils to consider whether they are able to fund commissioning or carrying out of works no longer carried out by the County Council that are important to their communities and residents.
- 1.4 In addition, DAPTC were keen for Dorset Highways to develop a single digital portal where they could access key highway documentation such as Service, Asset and Maintenance Plans.
- 1.5 In late 2015 Dorset Highways produced an updated version of the Highway Maintenance Plan which outlined in detail the levels of service currently being applied. The current approach due to the restricted budgets available sees only safety related defect repairs being repaired and a number of other activities, previously carried out by the highways teams, no longer being supported.
- 1.6 This strategy ensures the County Council complies with its statutory obligations within the Highway Act 1980 in maintaining the public highway. However, some Town and Parish Councils intimated they wished to explore options available to them that would enable them to commission minor highway maintenance activities no longer being carried out by the County Council within their respective areas.
- 1.7 Subsequently a Development Group was convened consisting of Dorset Highways Officers, the DAPTC Chief Executive and a number of Town and Parish Clerks to develop a guidance document that could be used to outline a process to enable them to commission minor highway maintenance activities.
- 1.8 A draft document (See Appendix 1) was produced in the summer of 2016, and during July and August, highways Officers attended a number of Town and Parish Council meetings, the Annual Clerks seminar and specific one to one briefings to outline the principles behind the initiative and the contents of the Working Together – Highways publication.

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- 1.9 Through these meetings and discussions, it was clear that a clear legal framework was required to reassure Town and Parish Councils concerns in relation to how they could commission any works identified
- 1.10 During early 2016, first and second tier councils began formal discussions about options for local government reform for Dorset. A key part of the options going forward will be to establish where services are best placed to be delivered to meet local need and demand.
- 1.11 The work currently being undertaken with Dorset Highways will provide a foundation platform for developing more formal working relationships and delegating services to Parish and Town Councils.
- 1.12 The working group that has been created with DAPTC, Town and Parish Clerks and Council officers has met recently to discuss the learning so far, and to consider the opportunities and perceived barriers for widening the approach developed by Dorset Highways.
- 1.13 There is a range of legislative sources under which Town and Parish Councils can carry out the likely scope of works, with an individual Agency Agreement being one. DAPTC has indicated that their advice to their members would be the agency agreement as the preferred route.
- 1.14 The number of Town and Parish Councils who could potentially join this initiative could exceed one hundred and therefore a streamlined administration process needs to be established to offer a clear and responsive service to Town and Parish Council colleagues.
- 1.15 To support this objective, delegating authority to the Service Director Highways would ensure that the necessary management arrangements and documentation could be put in place very quickly and reduce the demand on Legal Services colleagues.
- 1.16 Cabinet are therefore asked to approve this delegation with a view to the scheme being launched from 1 April 2017.
- 1.17 It should be emphasised that the delegation of minor highway maintenance activities to Town and Parish Councils, on request, and establishment of agency arrangements with them, will not absolve the County Council of its statutory responsibilities, which the County Council will continue to provide services to meet, but it will allow for certain additional services to be arranged and funded by Town and Parish Councils within this new framework.

Andrew Martin  
Service Director Highways & Emergency Planning  
March 2017

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# Working Together - Highways

**Local Communities, Local Priorities, Local Choices**



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**Dorset County Council**



**Dorset Association of Parish & Town Councils**

(Affiliated to the National Association of Local Councils)

## Local Communities, Local Priorities, Local Choices

Dorset County Council (DCC) has a duty to maintain highways maintainable at the public expense and a power to maintain other highways. Dorset Highways is the Service responsible for carrying out DCC's duties and powers to maintain surfaced highways, footpaths and associated features. DCC's duty to maintain unsurfaced highways is carried out by the Countryside Service.

The level of maintenance necessary to comply with DCC's duty can be lower than that expected by local communities. Over the past decade Dorset Highways has seen a significant reduction in the budgets for delivering routine highway maintenance and, as a result, non-essential and minor maintenance items can no longer be carried out; it is necessary to focus resources on the priority issues that affect public safety and the integrity of the highway, i.e. Core Functions.

Many communities have contacted Dorset Highways expressing a wish to become involved in commissioning or carrying out some of the minor maintenance activities which DCC is unable to finance. **This leaflet is designed to offer Parish and Town Councils a list of options to carry out additional highway maintenance works in their respective areas, should they wish to do so.**

The following items are considered to be **core functions** and will be provided by Dorset Highways -

- Inspect and maintain surfaced highways and associated features in accordance with the Dorset Highway Maintenance Plan.
- Install new and maintain surface water drainage pipes.
- Empty surface water gullies in accordance with the Dorset Highway Maintenance Plan.
- Investigate and rectify flooding as and when required.
- Maintain highway verges in accordance with the Dorset Highway Maintenance Plan.
- Development of safety schemes where accident hotspots are identified.
- Resurfacing as required.
- Maintain highway bridges and retaining walls.
- Maintain salt stocks and clear snow in accordance with the published Winter Maintenance Plan.
- Replacement of essential signs.

Local communities may want the following **non-essential functions** to be carried out -

- Increased frequency of:
  - Urban grass cutting;
  - Rural verge cutting;
  - Gulley emptying;
  - Weed killing;
  - Sign cleaning;
  - General cleaning (road sweeping);
  - Tree pruning;



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- Siding out (removal of detritus from the back of footways),

than would be achieved through the Council's normal maintenance schedule.

- Earlier refreshing of road markings and replacement of roads signs than would be achieved through the Council's normal maintenance schedule.
- Additional winter service functions (more salt bins, more salt, salting of additional routes, etc.)
- Fingerpost arm replacement or re-painting.
- Village gateway signage.
- Other non-essential sign replacement.
- Grip clearing more frequently than biennial.
- Cutting back overgrowth around surface water gullies.
- Clearance of fallen leaves from gullies.
- Proactive clearing of surface water systems.
- Painting or treating fencing.

It is hoped that by working together with Parish and Town Councils, Dorset Highways can enable non-essential and minor maintenance items to be undertaken in areas where local communities consider them to be desirable.

There are **four** options that Parish, Town and Borough Councils may consider implementing to enable non-essential and minor maintenance items to be carried out in their area, these options are outlined on the following page. These are:

- Option 1            Use of Volunteers.
- Option 2            Town / Parish Councils commission suitable contractor.
- Option 3            Dorset Highways are commissioned by Town / Parish Council.
- Option 4            Agency Agreement between Town / Parish Council and Dorset County Council.

Should you have any concerns or queries regarding which option is most suited, your local Community Highway Team will be happy to advise.

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**OPTION ONE**

**Use of Volunteers**



Parish / Town or Borough compile programme of works to be carried out and discuss with the Community Highway Officer.



Parish / Town or Borough organise volunteer teams.



Direct liaison with Community Highway Officer to co-ordinate the works.



Dorset Highways provide suitably qualified Supervisor / Chargehand and appropriate personal protection equipment and hand tools free of charge.

Refer to "Community Volunteer Guidance" on SharePoint page

**OPTION TWO**

**Parish / Town or Borough Council use a Suitably Qualified Contractor or In-House Workforce**



Parish / Town or Borough compile programme of works to be carried out and discuss with the Community Highway Officer.



Parish / Town or Borough source suitable contractor.



Direct liaison with Community Highway Officer to co-ordinate the works.



Contractor carries out the work directly for Parish / Town or Borough Council.

Refer to "Consent Form" on SharePoint page

**OPTION THREE**

**Dorset Highways carry out works paid for by the Parish / Town or Borough Council**



Parish / Town or Borough compile programme of works to be carried out and discuss with the Community Highway Officer.



Agree with Dorset Highways resources required and cost (an idea of likely costs in 2016 for particular tasks are set out below).



Direct liaison with Community Highway Officer to co-ordinate the works.



Dorset Highways carries out the

Refer to "Community Contribution Guidance" on SharePoint page

**OPTION FOUR**

**Parish / Town Council enter into an Agency Agreement with Dorset County Council**



Contact Community Highway Officer to agree that works will be included within the Agency Agreement.



Agency Agreement signed by both parties.



Parish Council carries out works with the chosen supplier / provider.



Annual Agency Review carried out.

Refer to "Agency Agreement Template" on SharePoint page

## **Please note: Collaboration between Parish and Town Councils working in Partnerships**

**There are a number of Parish and Town Councils who are showing interest in sharing arrangements / establishing partnerships within all of the above 4 options, this would be welcomed and the County Council and DAPTC would be happy to lend any assistance required.**

There are many schemes already operating for Parish and Town Councils and Community Groups to work with DCC in relation to their local highways. The options set out above are intended to build on the success of schemes such as:

- **Flood Warden Scheme**

A community champion who monitors drainage problems and flooding hotspots and works in conjunction with the Community Highway team to resolve any issues

- **First Line of Highway Enforcement**

We supply you with a template letter to provide to home/landowners when a ditch requires clearing or hedge needs cutting, this will remove the need for formal action from DCC and this less formal approach to enforcement has been seen as a more acceptable and less adversarial option.

- **Snow and Ice Clearance**

Dorset Highways will support communities who wish to formulate a snow plan for their Parish, with the provision of a snow plough blade, a supply of rock salt to assist in the removal of snow and the prevention of ice and help in preparing a Parish Snow Plan.

The choice is yours, we are available to discuss any of the above initiatives you may wish to be involved in. Your **Community Highway Officer** is the key contact for discussing any proposals you may have.

**We hope you will get involved..... you may be surprised at what can be achieved by working together!**



Arrangements for the delivery of minor highway maintenance services by Town and Parish Councils

## **Contacting Dorset Highways**

**Telephone:** 01305 221020

**Email:** [dorsethighways@dorsetcc.gov.uk](mailto:dorsethighways@dorsetcc.gov.uk)

**Visit the “Member, Parish and Town Councils SharePoint Page” for access to:**

- All key Dorset Highways documentation and updates
- Details Of Community Highway Officers For Your Area
- Monthly E Newsletters

**Report a road problem and make enquiries online:**

[dorsetforyou.com/dorsethighways/contact](http://dorsetforyou.com/dorsethighways/contact)

**Live traffic and travel information:**

[dorsetforyou.com/traveldorset](http://dorsetforyou.com/traveldorset)

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