

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Economy, Transport and Environment
<b>Date:</b>	19 January 2016
<b>Title:</b>	Highways Environmental Maintenance Service Delivery Arrangements
<b>Reference:</b>	7181
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Executive Summary

- 1.1 The purpose of this paper is to seek approval to make amendments to the current approach to Highways Maintenance Environmental services in line with the results of the recent public consultation exercise to achieve a reduction in the County Council's revenue expenditure on rural grass cutting, urban grass, shrubs and hedge maintenance, weed control and tree maintenance services.
- 1.2 These services are currently delivered through two main service delivery arrangements;
  - a) The Hampshire Term Highway Contract (which currently terminates in 2017), predominantly delivers these services in the rural parts of the County.
  - b) District and Borough Agency Agreements predominantly deliver these environmental services in the urban areas of the county. Not all districts and boroughs deliver all of the environmental services referred to in 1.1 and further details are available in Appendix 1.
- 1.3 The County Council's existing Term Contract for Highway Maintenance is to be retendered in 2016 and a new contract, known as the Hampshire Highways Service Contract will take effect during 2017 and potentially operate for a period of up to 12 years. It is intended that this contract is used as a basis to align future agency agreements costs across the County for the delivery of environmental services

- 1.4 The current agency arrangements have been in place since 2004 and are in need of refreshing so that the County can ensure value for money is being delivered, and that future management of the agencies is consistent with regard to factors such as: data collection and records, performance reporting, compliance with a standard specification, financial reporting, invoicing, etc. This is necessary to allow an auditable process that is consistent across all the Highway Maintenance Agency Agreements.
- 1.5 As a consequence of the new Hampshire Highways Service Contract and the need to have a more consistent, auditable service across the agency agreements, approval is sought to terminate current agreements with the District and Borough Councils in Hampshire for the delivery of urban grass, shrubs and hedge maintenance and urban weed spraying, by serving formal notice no later than 31 March 2016 to terminate on 31 March 2017 and renegotiate new agency arrangements to commence on 1 April 2017.
- 1.6 Four District and Borough Councils currently have agency agreements which include Arboriculture Services (Basingstoke, Eastleigh, Gosport, and Rushmoor). It is not intended that tree maintenance be included in the future agency agreements. Instead, this service will be delivered directly by the County Council from 1 April 2017 to provide a consistent countywide service through the new Hampshire Highways Service Contract and provide value for money through economies of scale across the County.

## **2. Contextual information**

- 2.1 **Rural** grass is currently cut twice a year between April and October. Each rural cut comprises a 1m swathe from the edge of the road surface. The first cut is carried out in late spring, typically between April and June, and the second in late summer, typically between August and October. Exact timings within these windows depend on where each locality features in the annual programme. In addition, grass is routinely cut at junctions as required to ensure sight lines are maintained for safety reasons. The remaining areas of verge are cut approximately once every three years in order to prevent them from becoming overgrown.
- 2.2 Some specific areas of rural verge are classed as sites of ecological interest (known as Rural Verges of Ecological Importance or RVEI sites) and the grass at these sites may be cut at different times or frequencies to allow certain flora to flourish and seed. Rural grass cutting is delivered through the existing Term Maintenance Contract.
- 2.3 The funding provision that the County Council allocates for urban grass cutting is given to the district and borough Councils for them to deliver this service on behalf of the County Council. It is common across the County for district and borough councils to add to this funding to make more frequent cuts alongside their amenity grass cutting activities. The number of cuts per season can vary across the County as districts and boroughs' cutting regimes vary in the number of cuts carried out on an annual basis. The County contributes funding to support 6 cuts per year.

- 2.4 The district councils also provide maintenance services for shrubs and hedges under these agency agreements. It is not proposed to change the County Council funded maintenance regimes for these activities as they are carried out on a schedule basis. In addition, four borough councils (Basingstoke and Deane Borough Council, Eastleigh Borough Council, Gosport Borough Council, and Rushmoor Borough Council) provide tree maintenance services. As detailed below, it has been identified that savings can be made in this latter service through direct provision by the County Council on a countywide basis.
- 2.5 Weed spraying is carried out twice a year on all urban footways, channels and kerblines and the Council's regime for weed management is one of control, not eradication. Weed control treatments happen twice a year, usually from May to July and from August to October, but this can vary depending on weather conditions. The service is undertaken either by districts and boroughs with agencies or through the Term Highway Contract.

### **3. Revisions to the Service**

- 3.1 The County Council has to make extensive savings in its revenue budget, out of which these Environmental Maintenance services are funded. A plan to make these County Council savings was agreed at a meeting of the Full Council on the 22<sup>nd</sup> October, 2015, and this included proposals to make savings in the Highways Maintenance Service.
- 3.2 Following approval of the savings plan by the County Council, a public consultation was undertaken to provide comment on future Highways Environmental Maintenance Service Levels, and to help inform the review designed to deliver the agreed savings. The outcomes of the consultation were as follows:
- A total of 441 responses were received;
  - 71% of respondents expressed a preference to reduce weed killing from two treatments per year to one, as opposed to a total cessation of weed killing;
  - 7% of respondents submitted a comment expressing their preference for no change to the existing weed treatment regime.
  - 54% of respondents were neutral or for reducing rural grass cutting from two treatments per year to one, as opposed to a total cessation of rural grass cutting.
  - 61% of respondents were neutral or for reducing urban grass cutting by one cut.
  - 55% of respondents were neutral or for reducing urban grass cutting by two cuts.

- 23% of respondents were neutral or for a total cessation of urban grass cutting.
  - 8% of respondents submitted a comment expressing their preference for no change to the existing rural and urban grass cutting regime.
  - 14% of respondents submitted comments expressing concern that reductions in grass cutting would affect junctions, visibility, sites where safety issues have been raised, and the like. However, the County Council is not proposing to change safety related maintenance regimes.
- 3.3 In addition, early communications have been had with colleagues at the district and borough councils, and these have prepared the way for more detailed discussions on how to revise the service and achieve efficiencies following approval of the proposals set out in this report.
- 3.4 The existing Term Highways Contract, currently delivered by Amey LG, expires in 2017 and this has presented the County Council with an opportunity to review the existing agency arrangements with the primary aim of ensuring that the public receive value for money from its services at consistent levels across the county. It is intended to use the new Hampshire Highways Service Contract as a benchmark on which to base the future cost of highway environmental services that are currently delivered by the districts and boroughs.
- 3.5 As indicated above, the results of the consultation indicate that there is a general consensus to reduce the level of service to the following regimes:
- Urban Grass Cutting – reduction of 1 or 2 cuts per year, to be determined (see section 5 below).
- Rural Grass Cutting – reduce to 1 cut per year. Areas of grass verge currently cut for highway safety purposes will not be affected by this change and will continue to be cut as required.
- Weed control – reduce to 1 weed spray per year. There will be no reduction in the treatment of injurious and invasive weeds, such as Japanese Knotweed.
- 3.6 The current agency agreements have been in place since 2004 with most Hampshire district and borough councils. The exceptions are East Hampshire and Hart District Councils which did not have highway maintenance Agency Agreements until more recently, though these were based upon the earlier arrangements with the other districts. The 2004 Agreements are now dated and do not provide the information necessary to deliver a highway service that is based on asset management principles, which is the strong direction required by the Department for Transport for delivering a modern, efficient service. For example, the quality of data and records held by the districts varies considerably, performance and financial management is not consistent, and levels of agency contract management vary significantly from district to district. These inconsistencies do not provide the visibility or asset data

required for maintaining the highway environmental infrastructure on asset management principles, which is the approach favoured by the Department for Transport when granting funding for Highway Maintenance, and are not conducive to good audit control. A review and refresh of the Agency Agreement is therefore urgently required.

- 3.7 The environmental maintenance agency agreements include urban grass, shrubs and hedge maintenance, weed control, and tree maintenance services. The extent of each agency agreement does vary as not all districts and boroughs deliver all of these services, although all manage and deliver urban grass, shrubs and hedge maintenance services. Where services are not delivered by the districts and boroughs under an agency agreement they are directly delivered by the County Council through its existing Term Highways Contract.
- 3.8 Tree maintenance service is delivered by four districts (Basingstoke, Eastleigh, Gosport, and Rushmoor). The County Council envisages that there are significant economies to be achieved by delivering this service in a consistent way across the whole of the County, and so proposes to deliver this service countywide as part of the Hampshire Highways Service Contract from 2017.
- 3.9 The principle of working closely with district and borough councils will continue into the future, and the Director of Economy, Transport, and Environment has met with all districts and boroughs earlier in 2015 to outline the approach for terminating the existing agency agreements and renegotiating new agreements using the Hampshire Highways Service Contract as a benchmark for future costs, and aligning standards and levels of service.

#### **4 Finance**

- 4.1 Current total expenditure on the services covered by this paper is as follows for the financial year 2015/16:-

- a) Grass cutting, shrubs and hedge maintenance (including both rural and urban grass): £2,013K
- b) Weed Control £649K
- c) Tree Maintenance £1,062K

A more detailed breakdown by District/Borough is included in Appendix 2

- 4.2 The County Council will be seeking prices for each of the activities covered by this report as part of its retender process for a new Hampshire Highways Service Contract, which will replace the existing Term Highways Contract from 1 August 2017. Districts and boroughs will be invited to consider the prices obtained through this tender process and where they are able to match or better them, together with the yearly price increases, and to the same

revised specification, the County Council is keen to renegotiate new agency arrangements. It is anticipated that those districts and boroughs that wish to retain their existing environmental maintenance agreements will be able to meet this challenge and contribute to the objective of demonstrating value for money and meeting local savings targets.

- 4.3 It is expected that this revised approach will contribute towards the savings in Highways Maintenance proposed in the Executive Member Decision Day report of [15<sup>th</sup> September, 2015](#).

## **5 New Highway Environmental Maintenance Regime.**

- 5.1 In light of the outcome of the public consultation it is proposed to reduce the frequency of rural grass cutting and weed spraying from two treatments per year to one. This will be introduced as soon as is practical within current contractual arrangements, but will be implemented by the latest date of 1 April 2017. Areas of grass verge currently cut for highway safety purposes will not be affected by this change and will continue to be cut as required. RVEI cutting regimes will not be affected by these changes, and the approach to managing injurious and invasive weeds will not be changed.
- 5.2 It is proposed that the County Council will make financial contributions towards urban grass, shrubs and hedge maintenance to those district and borough councils that take up the new agency agreements, and that these will be based on the price, and subsequent yearly price increases, of four or five cuts per year, subject to the detailed rates contained in the new Hampshire Highways Service Contract (rates will be known in the last quarter of the 2016/17 financial year), and prevailing budgetary conditions.
- 5.3 It is envisaged that the agency arrangements for Arboriculture services will not be renegotiated and that these will be self delivered by the County Council from 1 April 2017.

## **6 Other key issues**

- 6.1 The Hampshire branch of the Campaign to Protect Rural England (CPRE) met with the Executive Member for Economy, Transport and Environment in March 2015 to lobby for reduced rural grass cutting in order to encourage more wildflower growth and enhance the enjoyment of Hampshire's rural roadside verges. Similarly the organisation Plantlife, who support the protection and enjoyment of wild flowers, plants and fungi, are challenging UK councils to better manage roadside verges by mowing them later in the year. Plantlife has an ongoing national petition to local Councils calling for better verge management.
- 6.2 In developing the new Hampshire Highways Service Contract, provision has been made in the contract documents to ensure that rural grass cutting is carried out between the months of July and September, yielding the following ecological benefits:

- Allows plants to flower and, importantly, gives time for seed to be set.
- Increases availability of nectaring sources for pollinators.

6.3 These provisions should contribute to enhanced biodiversity outcomes.

## **7 Future direction**

7.1 The County Council wishes to continue to work closely with districts and boroughs across its broad range of highway services, and especially so in the light of the transformation agenda and the need to deliver significant savings on revenue expenditure through the life of the new Hampshire Highways Service Contract.

## **8 Recommendations**

8.1 That the Executive Member for Economy, Transport and Environment gives approval for adjustments in the provision of Highways Environmental Maintenance as set out in this report.

8.2 That authority be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment, to finalise service arrangements within the agreed levels set out in this report, based on the detailed rates contained in the new Hampshire Highways Service Contract, and prevailing budgetary conditions.

8.3 That these changes be reflected in all Highways Maintenance service delivery contracts and agreements.

8.4 That authority be delegated to the Director of Economy, Transport and Environment to give notice of termination for the existing Highways Environmental Maintenance agency agreements with the district and borough councils, as listed in Appendix 1, by 31 March 2016.

8.5 That authority be delegated to the Director of Economy, Transport and Environment, in consultation with the Executive Member for Economy, Transport and Environment, to negotiate and enter into new Highways Environmental Maintenance agency agreements with the district and borough councils, and to make all necessary arrangements for the future provision of Highways Environmental Maintenance beyond 1<sup>st</sup> April 2017.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	Yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	Yes
Corporate Improvement plan link number (if appropriate):	

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2 Equalities Impact Assessment:**

The equalities impact assessment has principally focused upon matters of accessibility. Grass cutting and weed spraying collectively help to ensure that grass verges and footways are accessible for walking. The protected characteristics that have been identified as potentially being impacted are those that either increase the likelihood/frequency of individuals needing to walk on footways and verges, or else make those individuals more vulnerable when doing so. These are as follows:

Disability;  
Pregnancy and maternity;  
Age;  
Poverty;  
Rurality.

It is considered that the impact upon these groups would be, at worst, low. No equalities related issues were raised during the public consultation. Potential increase of overgrowth of uncut vegetation from verges onto footways or carriageways arising from these proposals is considered minimal. People using verges are likely to find the grass slightly longer at

certain times of year but any resulting disproportionate effect on protected characteristics is considered insignificant. There is a potential for an increase in trip/slip hazards on footways associated with weed growth due to the reduction in frequency of weed spraying, either from weeds themselves or from defects in the footway surface caused by weed growth, but this potential is considered low risk and unlikely to result in a significant change from the existing situation.

Grass cutting for visibility purposes (sightlines for all road users) are not affected by this proposal.

There is considered to be no impact on protected characteristics by the elements of the proposal that concern the management, agency, and contractual arrangements for service delivery.

## **2 Impact on Crime and Disorder:**

- 2.1 This decision is not expected to have any detrimental effect on crime and disorder issues.

## **3 Climate Change:**

- 3.1 How does what is being proposed impact on our carbon footprint / energy consumption?

A reduction in grass cutting services will mean less mechanical operations on the highway network which will yield a small saving in energy and a reduction in CO<sub>2</sub> and hydrocarbon emissions.

- 3.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable.

## **Appendix 1 – HIGHWAYS ENVIRONMENTAL MAINTENANCE DISTRICT AGENCY AGREEMENTS**

### **Basingstoke and Deane Borough Council:**

Agreement for Grass Cutting, Shrubs, and Hedge, and Tree Maintenance;  
Agreement for Weed Control

### **East Hampshire District Council:**

Agreement for Grass Cutting, Shrubs and Hedge Maintenance

### **Eastleigh Borough Council:**

Agreement for Grass Cutting, Shrubs, Hedge, and Tree Maintenance;  
Agreement for Weed Control

### **Fareham Borough Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance

### **Gosport Borough Council:**

Agreement for Grass Cutting, Shrubs, Hedge and Tree Maintenance

### **Hart District Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance;  
Agreement for Weed Control

### **Havant Borough Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance;  
Agreement for Weed Control

### **New Forest District Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance;  
Agreement for Weed Control

### **Rushmoor Borough Council:**

Agreement for Grass Cutting, Shrubs, Hedge, and Tree Maintenance

### **Test Valley Borough Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance

### **Winchester City Council:**

Agreement for Grass Cutting, Shrubs, and Hedge Maintenance.