

Internal Scrutiny Committee

Meeting to be held on Friday, 17 November 2017

Electoral Division affected: All

Vehicular Highway Verges – Grass Cutting and Weed Control

Contact for further information:
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Executive Summary

The Lancashire County Council Highway Maintenance Plan (HMP) provides a comprehensive Code of Practice in the form of guidance and operational standards for the maintenance and related management of the publicly maintainable highway infrastructure network. This includes grass cutting and weed control and the arrangements for this work are required to be reviewed and scrutinised.

Recommendation

The Internal Scrutiny Committee is requested to:

- i. Review and scrutinise the arrangements that are in place for highway verges - grass cutting and weed control.
- ii. Note the additional funding for 2017/18 and the additional work to be undertaken.
- iii. Note the additional funding for 2018/19 and the following two years and how that will be allocated to grass cutting and weed control.
- iv. Note the developments regarding future weed control.

Background and Advice

The County Council, as the authority responsible for highways, has a legal duty to maintain the fabric of the publically maintainable highways and this includes managing the grass and weeds growing in verge areas within vehicular highway widths.

Following the termination of the large delegation of highways functions agreements with the district councils in 2006, smaller agreements or arrangements have been entered into with the district councils to delegate certain functions on certain highways - including grass cutting and weed control on certain vehicular highways.

Under these agreements/arrangements Lancashire County Council provide funding at a level that matches the specification identified in the Highway Maintenance Plan.

Agreements to delegate functions under S101 Local Government Act 1972

Agreements/arrangements to delegate certain functions were initially in place with all 12 district/borough councils, and the level of service required in respect of grass cutting and weed control is detailed in the Highways Maintenance Plan and in some districts includes rural flail works. The district/borough councils have continued to supplement our standards through self-funding.

Over more recent years, greater effort has been put into creating efficiencies and improve performance standards and for organisation to challenge their method of working. The level of funding from the County Council has since been reduced.

In 2016, 10 of the 12 district councils continued under the agreements/arrangements to deliver the grass cutting and weed control services. Preston and West Lancashire decided not to continue with the agreements.

For the areas of Preston and West Lancashire, the grass cutting and weed control service were subjected to a procurement exercise and a contractor appointed to undertake the works. The contract is now in Year 2 of a possible three year contract.

In the districts/boroughs which do not undertake rural flail works, the works were subjected to a procurement exercise and a contractor appointed to undertake the works. The contract is now in Year 2 of a possible three year contract.

17 parish councils are also involved in the delivery of the service in respect of grass cutting and weed control in their areas.

Objectives for Maintenance of Vehicular Highway Verges and Weed Control

To maintain the fabric of the highway, by reducing the risk of:

- Obstruction to visibility sight lines at junctions and bends;
- Obstruction to legibility of traffic signs;
- Vegetation or weed growth encroaching onto a carriageway, footway or cycle route such as would cause a danger or nuisance to users of the highway;
- To prevent damage to the structure of the highway.

To maintain highway verges and weed control in a manner consistent with the principles of sustainability, in particular:

- To minimise damage to, or loss of, habitat;
- To prevent interruption of, or pollution to, watercourses;
- To encourage biodiversity.

Maintenance Categories for Highway Verges and Weed Control

- Grass Cutting;
- Weed Control.

Operational Policy and Standards for Grass Cutting

Cyclical cutting of grass takes place on highway verges as necessary to secure safe conditions for users of the highway.

This is done by the County Council's contractors in some districts or by a district undertaking delegated function and with Lancashire County Council providing funding, so as to deliver the specification as stated in the Highway Maintenance Plan. District/borough councils supplement our standards to varying degrees as part of their amenity and public health powers. The additional standards have been agreed with the County Council and districts/boroughs provide appropriate funding to cover the cost of the extra work. Individual parish councils may also be involved.

Grass on amenity highway verges are cut a minimum of five times per year and flail work is undertaken twice per year in accordance with our specification to try to ensure that growth does not present a road safety hazard to any class of road user.

Operational Policy and Standards for Weed Control

The control and/or removal of weeds on the highway by chemical, mechanical or other means. Again it may be carried out by the County Council or a district council.

The weed control policy of the County Council fulfils three functions:

1. Compliance with the statutory provisions of the Weeds Act 1959 to control the spread of Curled Dock, Broad Leafed Dock, Creeping Thistle, Spear Thistle and Ragwort and the specific requirements of the Wildlife and Countryside Act 1981 in relation to Giant Hogweed and Japanese Knotweed;
2. Where weed growth is seen to be physically damaging the fabric of the highway or presents a hazard, treatment should be carried out on these weeds only;
3. Where weed growth is having a detrimental effect on the safety of the highway.

The specification for weed control is to treat known areas identified in 1) above and rest is on a reactive basis to treat areas identified in 2) and 3) above.

How much does grass cutting and weed control cost?

The 2017/18 agreed budget for this service area was £ 1.000m. Of that figure £0.024m is issued to the relevant parish councils and the rest distributed to district/borough councils.

As a result of a budget amendment agreed at Full Council in July 2017, the budget allocation has been increased by £0.330m in 2017/18 which is being used to fund additional weed control, rural flail work and kerb side dressing works to main gateways in and around Lancashire.

From 2018/19 the additional funding for this service area is £0.600m and has been allocated. This will be used as follows:

- To undertake cyclical planned weed control treatment bi-annually to all publically maintainable footways
- To increase amenity grass cutting from 5 cuts to 8 cuts
- To increase rural flail cuts from 2 to 4
- Kerb side dressing works to main gateways in and around Lancashire

As we are now in possession of competitive market rates and these have been applied to the areas of works in each district and budget for each district/borough has been allocated appropriately.

Future Developments

Chemical treatment is the common method of controlling/treatment of weeds of which glyphosate is an active ingredient in many weed killers widely used.

There has been an ongoing debate of the use of glyphosate in the EU since 2015 and a ruling is due soon on the renewal of the chemical's license following further investigation.

Consultations

N/A

Implications

The grass cutting and weed control service is delivered as a delegated function agreement with 10 district/borough councils and also using external contractors. Agreements are also involving some parish councils.

There needs to be fine balance between making our neighbourhoods safe (so that people can use the highways safely), and look attractive to promote economic growth, attract homebuyers and increased employment. We are also aware of our duty in law to maintain publically maintainable highways.

However we also need to be mindful and not to over specify on principles of sustainability, in particular:

- To minimise damage to, or loss of, habitat;
- To prevent interruption of, or pollution to, watercourses;
- To encourage biodiversity.

Financial Implications

The plans detailed within this report will be covered from within the existing Highways budget.

Risk management

Failure to provide this essential service would potentially leave highways out of repair and there would be questions raised as to whether the County Council was fulfilling its duty to maintain highway fabric and also have a significant detrimental impact to the wider economy, environment and social objectives of the County Council's Corporate Strategy and the priorities.

It will have the potential to:

- Increase the likelihood on the risk of harm to the people of Lancashire
- Leave the County Council at risk of losing a legal challenge
- Significantly increase the political impact
- Seriously damage the reputation of Lancashire County Council

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
Highway Verges	30.10.17	Ridwan Musa 01772 538503

Reason for inclusion in Part II, if appropriate

N/A