



Highways Devolution Pilot Scheme for Parish and Town Councils in Essex, 2019-20

Questions and Answers

1. *What is 'Highways Devolution'?*

Local Government public services in Essex are delivered by three levels of Council – County; District/City/Borough and, in many places, also by Parish or Town Councils. Each of these organisations have specific areas of responsibility. With a few exceptions, such as roads managed by Highways England, and unadopted roads, Essex County Council (ECC) is responsible for maintenance and improvement of the highway network within their administrative area.

ECC is keen to explore how joint working could deliver better outcomes for Essex residents and businesses. In November 2018, Cllr Kevin Bentley, Deputy Leader of ECC and Cabinet Member for Infrastructure, started a dialogue to jointly review how certain highways services might be delivered via Parish/Town Councils.

2. *What is ECC proposing?*

ECC has identified a number of highway maintenance services that could benefit from local management and delivery. Delivery by a local council would enable quicker response in a more targeted way, as a result of the local community's own local knowledge and priorities. This could increase local satisfaction, generating increasing greater community pride and helping to focus limited County resources where they will add more value.

Essex Parish and Town Councils are invited to join a pilot project to test the concept of limited highways devolution. In essence, councils in the pilot sign an agreement with ECC to deliver one or more specific highways-related services within their local council boundary, on behalf of ECC. ECC provide limited funding for the pilot and a limited level of technical advice, including health and safety matters, but the local council is responsible for delivering the service(s) agreed.

3. *Which councils can take part in the pilot?*

Any Parish or Town Council within ECC's overall administrative area can opt-in to the pilot, provided it is before 30 June 2019. Separate discussions are going on with District/City/Borough councils.

4. *When is the pilot running?*

The pilot is running from March 2019 until February 2020. Councils can sign up to the pilot until the end of June 2019.

5. *What services are in-scope for delivery?*

Please visit the Highways Devolution webpage, where the in-scope services are listed:
www.essexhighways.org/transport-and-roads/roads-and-pavements/highways-devolution.aspx



6. *Can a local council select which of the in-scope services they would like to deliver, or do they have to deliver all the listed services?*

Councils who join the pilot may sign up to deliver any combination of the ones listed, to suit their local priorities and focus, but are not obliged to deliver them all.

7. *Are there services that councils participating in the pilot can't deliver?*

We want to keep people safe, focus on what's important locally, avoid complicated, time-consuming works and high-budget projects. Consequently, the following types of works are not in-scope during the pilot:

- Any works in the carriageway (i.e. working on or in the road)
- Any works that involve equipment using electricity. This includes, but is not limited to lit signs, streetlights, traffic lights and lit bollards etc.
- Works on structures such as bridges, culverts or subways

Further clarification can be given once a council are in dialogue with ECC regarding participation.

8. *Are Public Rights of Way (bridleways, footpaths etc) in-scope?*

ECC prefer that this pilot scheme focus away from the PRoW network. For example, minor repairs to footways (for instance hard-surface pedestrian paths next to a road) would be promoted, rather than PRoW footpaths. If a council wishes to carry out work on a PRoW they can contact the ECC PRoW team separately.

9. *Will training, equipment or materials be supplied by ECC?*

Generally, no. Devolution means just that – devolving management, decision-making and operations to the local council, to deliver works as they see fit.

However, Parish & Town Councils who sign up do get a comprehensive Health and Safety briefing from Essex Highways professionals, covering the sorts of things the participating councils should consider. Essex County Council also have a lead officer who can provide advice around the scope of the pilot and the grant agreement and finances.

The EALC can also provide advice, based on their extensive knowledge of Parish Council legislation.

10. *What records, if any, do participating councils have to keep?*

ECC do not want to create a vast, unwieldy bureaucracy, however it is important both for liability issues and for management of the highways assets that a basic record of all works is kept.

During the pilot, a simple template will be provided for participating councils to complete and send back to ECC every month. It will need to be completed with simple facts like the date, type of works,



identifiable location, scope of work(s) and the supplier who did the work. Also at least one good photo of any defect tackled plus one of the post-works repair.

11. What about liability, in case of an accident or damage?

The council that commissions the work would usually be responsible for those works, and the local council and their contractor will be responsible for works carried out by them on the network. All councils should have existing Public Liability cover. It may be that a participating council needs to check their level of cover.

12. How much money does a participating council get from ECC?

For the pilot, ECC have calculated a sum per participating Parish or Town that equates to 68p per person in the Parish, with a minimum grant of £1000. It will be provided as a lump sum grant to the participating council when all agreement documentation has been signed by all parties.

13. What if a participating council wants more money?

Parish and Town Councils are precepting authorities so if they see opportunities to do more work locally, they may decide to raise their parish precept and add that additional funding in.

14. Is the money refundable to ECC if a participating council withdraws part-way through the pilot?

Possibly. It will depend on the particular circumstances of the withdrawal, and the amount of work already delivered. Councils should read the details in the formal agreements.

15. What happens if a participating council spends all the money before the end of the pilot period?

Part of the point of the devolution pilot is to empower Parishes and Towns to manage their own affairs. It will be up to participating councils to manage how and when they spend the grant, although ECC would encourage Councils to think about how they might spend throughout the year to deal with residents' issues as they arise.

16. Can councils taking part in the pilot band together to pool resources?

We think that is one of the great opportunities to consider, that might suit certain Parishes. Pooling of grants, plus expertise and/or existing resources and equipment that Parishes and Towns may already have, might enable them to do more in their joint areas, for the same amount of money.



17. Will ECC withdraw existing services already provided if a council joins the pilot?

No. Existing services delivered by ECC will continue, to the frequency already established. The services in-scope within the devolution pilot are already low priority for the County Council, so in most cases a council who joins the pilot will in fact be carrying out work that ECC has not prioritised.

18. How does this devolution pilot impact on the Local Highways Panels process already set up and running in each District/City/Borough?

This devolution pilot does not impact on the work of the LHPs. Apart from anything else, LHPs are set-up and are funded to bring forward agreed highway schemes that are more about making changes to 'hard' infrastructure and delivering agreed local highways improvements generally centred around improving safety or amenity locally.

19. Does this pilot impact on existing Parish Paths Partnerships, where they are in place already?

No. The PPPs continue as usual.

20. I'm a council who is interested in the scheme. How can I find out more?

Initially, please contact the Essex Association of Local Councils (EALC) who are co-ordinating and supporting the devolution pilot in partnership with ECC. Email Rebecca.sheppard@ealc.gov.uk and see further details on the Essex Highways Devolution web-page: www.essexhighways.org/transport-and-roads/roads-and-pavements/highways-devolution.aspx

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