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Strategic Theme #3B:

Downward Devolution & Services Democratisation

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Option definition (description and scope)

Under the Highways Act, Highway Authorities have a duty to maintain highways that are maintainable at public expense and in particular, a highway authority is under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice. Although there are national guidance documents and national codes of practice, it is up to each highway authority to determine and have in place a range of policies, in particular an Asset Management Plan, as to how they will discharge these duties, and it is against these policies that each Highway Authority will be judged, should a claim be made against them.

As budgets have decreased, this has placed an increasing pressure on highway authorities in effectively delivering this duty. Simply reassessing the level and standard of service delivered, including incorporating economies of scale and efficiencies is no longer sufficient and, as such, many authorities have had to explore ways of supplementing their workforce and budgets.

In addition, there has also been a drive, in particular from central government, to devolve downwards as far as possible decision making, to empower local communities and local people. Under Section 101 of the Local Government Act 1972, a local authority may arrange for the discharge of any of its functions by another local authority. The discharge of these functions is made in accordance with Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions, England).

The activities that can be devolved are not only works but can also comprise powers to grant licenses and enforcement. In fact, most Parish and Town Councils (P&TCs) already carry out maintenance on open spaces, village greens and other public realm areas and in some cases act as the local Lighting Authority and manage and maintain the street lighting in their respective areas.

As such, many highway authorities have sought how best they can engage and encourage the P&TCs, to not only influence what happens in their local areas, but also how best the P&TCs can assist in delivering some of these activities. The P&TCs are fully constituted and can raise monies through applying local precepts which are included in the local council taxes. The levels of these local precepts are determined locally by the respective P&TC.

This research theme explores downward devolution and empowering local P&TCs and the range of ways that this can be carried out. In summary,

Schedule 1: Scope of Downward Devolution Strategic Theme

1. **Pro-active and ongoing engagement with P&TCs in order that they can assist in determining, what service standards and works should be carried out** locally, also to assist in carrying out certain functions, for example local inspections and reporting.
2. **Use of Volunteers to carry out various functions**, maintenance and improvement works, with the local authority and/or their service provider providing appropriate supervision, equipment and support.
3. **The P&TC employing / using qualified contractors to carry out certain maintenance and improvement works.**

4. **The P&TC paying the highway authority and / or their service provider to carry out works on their behalf** including enhancement of service standards.
5. **The P&TC enter into an agency agreement with the local Authority to carry out various functions** with agreement of the works and service standards delivered locally.
 - o This would be delivered above a baseline service specification.

The range of functions and services that the P&TCs can get involved in and contribute to, as well as autonomously deliver, are many and varied. An example list is given below, although this is by no means exhaustive.

Schedule 2: Range of Potential Activities

- **Recruit and coordinate Highway Wardens; carrying out inspections and reporting.**
- **Facilitate the issue of certain permissions and licenses.**
- **Provision or top up of local community transport.**
- **Vegetation management including grass cutting including remote footpaths, cycle ways and public rights of way.**
- **Cleaning of surface water gullies and drainage systems.**
- **Sign cleaning and replacement.**
- **General cleaning, litter-picking and sweeping.**
- **Painting or treating posts and fences including repairs to styles and gates on public rights of way.**
- **Fingerpost replacement or repainting.**
- **Additional winter service functions.**
- **Refreshment of road markings.**
- **Provision of new works e.g. new footpaths.**

Strategic and political rationale

In theory, there should be little political opposition to the above, as it complements and supports what central government and to a large extent local government want. In addition, it promotes a more meaningful engagement with the local communities, empowering them to take and make local decisions in determining how their local area is managed and maintained. It also assists in supplementing what can be delivered, and this is becoming more necessary as local authorities experience the austerity measures and the corresponding budgetary pressures being implemented by central government.

There may, however, be politicians who have concern, not in the overall ethos of devolving downwards and empowering local communities, but that it may lead to potentially differing standards of service being delivered. While, in the main, this can be overcome by setting down and applying a set of service standards, local variances can get created.

In addition, there are also those who fear that localism can become too parochial and frustrate some of the more strategic aims and objectives of both the local authority and central government; although safeguards can again be implemented to help prevent this.

An assessment by the authority prior to implementation is required to best understand any issues, notwithstanding, overwhelmingly there is usually strong political support for downward devolution and empowering local communities.

Table 1: FHRC Strategic Drivers: Option Alignment & Contribution

FHRC Standard Factors	Weighting	Alignment & Contribution
Ensure Network Availability	100	M
Deliver Affordable & Sustainable Services	100	H
Attract Inward Investment & Economic Stimulation	80	L
Provide Comprehensive Value for Money Assurance	90	M
Implement Tangible Service Improvements	100	H
Services & Asset Plan Aligned with Customer Needs & Political Priorities	80	H
Deliver Environment Protection Polices	70	M
Ensure Public Security & Safety	100	L

Structural changes and enablers

There are a number of changes needed to ensure a successful outcome. While there will be some changes potentially required, including alterations to the contractual arrangements between the authority and their service provider, the main changes required are around culture and approach in communicating with the local communities. This communication needs to be far more engaging than what has happened in the past of simply providing information of the what, when and where was the norm. The communication needs to be far earlier in the process, and thereafter on an ongoing basis, where the authority attend local meetings, listen and understand what the local issues and concerns are, enabling the P&TCs to have an input into the what, when and where works are undertaken together with the service standards that they wish to see.

Following the approach below will help achieve these outcomes.

Schedule 3: Downward Devolution: Key Stages

- **Early engagement:** where the authority proactively goes out into the community, attends the Town and Parish Council meetings. Having a senior officer attend on occasions greatly assists in building the relationship. This is also the opportunity to explore what and how the community may be able to assist in carrying out any works, but also what powers they wish to assume on behalf of the highway authority.
- **Dedicated Local Community Liaison Officer:** having a dedicated officer who is known to the community, as opposed to just another anonymous face, and who can act as a conduit between the authority and the community is also key. Authorities are large complex establishments, and it is often confusing which section, or indeed which officer deals with what. By having a dedicated officer who can, not only break down this potential barrier, but also help in building an ongoing and trusted relationship. It also assists greatly for this officer to have some autonomy and a small budget, where

they can take decisions and commit to projects at the meeting as appropriate. It weakens the relationship if every time something is discussed or suggested, the response is that they will have to find out and come back to them at a later date.

- **Involvement in the decision-making process:** by firstly explaining certain factors to the community, such as the level of budget available and what budgets can be used for, etc is an important step. Thereafter, involving them proactively in building up the programme of works that can be delivered in their area is another key component in building the relationship with the local community. Hearing first-hand what they see as the important issues and priorities and incorporating them into the future programme, as appropriate, is essential in getting their buy in. In addition, this early involvement, can be used to not only address some of their questions and concerns, but also greatly reduce the time spent on answering questions in the future. Again, this is an opportunity to explore what involvement the P&TC may wish to take in assisting the delivery of some of the works and functions in their area.
- **Sharing of information on an ongoing basis:** Many communities often complain that they never know what and when works are going to take place. They also often don't understand why certain works are taking precedence over others that they believe are more needed or important. While, getting them involved early, as per the above bullet point us a good start, the sharing of future works programmes and information has to be ongoing. There is no use in seeking their views and then simply proceeding in delivering the programme without further interaction and communication. Monthly newsletters, giving updates on both progress to date, together with upcoming projects and works is a really good way to share information and can supplement any online information modes of communicating.
- **Having good access to reliable information:** not all communication needs to be proactive. Having information readily available and easily accessible and ensuring that the information is current and up to date is essential. There is no point in having out of date information, as the community will soon lose confidence and revert back to raising enquiries, resulting in the authority having to spend energies in reactively responding.
- **Provision of guidance and support:** The local authority require to provide guidance, advice and support. After the discussions and agreements have been reached then site supervision, personal protection equipment (PPE) and equipment, including health and safety advice and traffic management as appropriate is required. In some cases, service level agreements (or similar) may need to be entered into.
- **Making a firm commitment:** by including some of their priorities and addressing some of their issues within the programme, as appropriate, will help in getting their buy in. There is no point in asking for their views and then simply ignoring them. It also sends out a strong message, if an element of budget can be ring fenced to pump prime any of the community's priorities, where they have to also make a financial contribution. This means the P&TCs also have to make a commitment. This often focuses the P&TCS

minds on what their priorities are, as opposed to simply having an extended wish list.

Many initiatives do get implemented but then simply peter out. For these initiatives to be successful they require ongoing commitment and resources, where relationships and trust are created and developed. Carrying out an assessment of the benefits that are being achieved, as well as reassessing with the community that what is being delivered is meeting their needs is also key to ensure a successful outcome.

People, processes and systems changes

No matter what initiative is chosen there are certain changes required to assist and enable them to be introduced. Some will require quite specific changes, and these will vary depending on a number of factors.

Not least there will need to be an ongoing involvement from the local Politicians. They need to be fully involved and informed of any changes that are being explored and discussed and need to be in support of these. This generally won't be a major issue, as many will want, and already be supportive and active within their communities. Ultimately, good practice will result in a committee paper being taken forward where the arrangements and agreements can be formally signed off.

The factors that need to change for the above are

Schedule 4: Key Business Changes

- **Assigning a dedicated officer for each community, together with appropriate support and autonomy and preferably a dedicated budget.**
- **Policy documents, programmes of works, general information etc. to be made readily available and regularly shared and communicated to the communities.**
- **Commitment from senior officer(s)**
- **Commitment from local Politicians.**
- **Commitment from P&TCs.**
- **Commitment from other parties including the authorities service provider.**

In addition to the above more specific changes and measures will be required, dependant on the type of initiative and the level of P&TC involvement.

Schedule 5: Type of Initiative

1. **Use of Volunteers:** where the use of volunteers has been the agreed way forward, then in addition to the range of measures mentioned above, the provision of appropriate equipment and personal protection, together with any traffic management is most usually needed. In some cases, e.g. a volunteer Highway Warden, then a list of responsibilities and duties may be required.
2. **P&TCs employing/using qualified contractors:** where the communities have sought to use contractors, then any works need to be discussed and agreed with the highway authority, if not already in the programme of works. The highway authority need to satisfy themselves that the contractor is qualified and approved. The highway authority may assist in

the dialogues between the P&TCs and their selected contractor and provide any supervision as required and appropriate.

3. **P&TCs pay the authority or their service provider to carry out works:** in this instance the process is similar to the above. In addition, a formal contract or agreement will have to be in place between the respective parties.
4. **P&TCs enter into an agency agreement with the authority:** an agency agreement, or similar, requires to be drawn up and agreed by both parties. This will include the list of duties and responsibilities together with the works that the P&TCs agree to undertake. Any financial agreements and inspection regimes will also need to be included as appropriate.

External partner(s) engagement

The commitment and input from a number of parties are required to facilitate these types of initiatives.

Schedule 6: Key Stakeholders

- **Parish and Town Councils.**
- **Local Contractors.**
- **Local Politicians.**
- **Voluntary Sector.**
- **Local businesses.**
- **The general public.**
- **The authorities service provider.**
- **Borough and District Councils as appropriate.**

Not least it requires commitment from the authority and the P&TCs, as well as support from the Politicians. While many initiatives may and do get implemented, very few, if any, will be sustainable if there is not continual commitment and support from these parties.

The role of the authority's service provider is also key, and dependent on the terms of the contract between them, some changes to their contract may be required. They also need to be involved in any discussions as in many cases, it will be their employees that will be involved in providing support, supervision, supply of PPE, etc, and as such they need to be satisfied that any works which they are involved in can be carried out safely.

The support of other contractors, most usually locally based, will be required and early engagement is important, in order that the highway authority is happy for them to be used on any works. Highway authorities have a list of approved contractors and sharing this with the P&TCs can avoid delays later on.

In some cases, voluntary sector organisations may need to be involved. They often comprise members of the local community in any case and be able to support and assist in any initiative. In addition, local businesses can be in a position to offer support, both in terms of provision of resources but also on occasions make financial contributions.

Whole life costs

Upfront costs are minimal, with the main cost being staff time in carrying out the additional engagement and communication with the communities, although this is good practice in any case.

Thereafter there will be minimal costs involved in maintaining and producing up to date information, including attendance at meetings etc. Other ongoing costs will be required in giving instruction and supervision to the P&TCs as well as any contractors they commission.

There should not be any additional costs in the general provision of works nor raising of standards, as this will predominantly be met from the P&TCs. Over time a potential reduction may be realised, whereby maintenance works carried out earlier usually prevents more expensive measures later on. In addition, any additional works funded by the Parishes will complement the resources available, and potentially improve the condition of the network, thus reducing future maintenance liabilities.

Although it can be good practice to assign a budget to be able to pump prime any projects that the P&TCs may wish to promote, this can be from the existing budget provision for service delivery, simply ringfenced for these initiatives, and therefore no additional cost is incurred. In theory the monies will still be spent on works similar to those originally committed to, and this can be set out at the beginning as part of the conditions of spend.

Cashable business benefits

There are clear cashable benefits that can be achieved, and they can be assessed option by option. The obvious areas where cashable benefits will be realised are:

Schedule 7: Cashable Benefits

- **Extra resources**, particularly where volunteers are being used, resulting in extra works being carried out at little or no cost to the highway authority. This will result in a net reduction per unit cost.
- **Extra funding** being provided by the P&TCs, and in some instances local businesses, resulting in additional works being carried out. This will invariably reduce the budget pressure on the highway authority, but also potentially reduce future maintenance costs.
- **Reinvestment back into the local economy**, e.g. Supporting local contractors.
- **Improved quality and condition of the network** will result in a safer network and consequently a reduction in potential claims for damage and injury.

As mentioned above there can be additional one of contributions made, either by the P&TCs, local businesses or in some cases the local contractors, who may contribute towards any service or works that they are commissioned to carry out. This may be in kind on occasions.

Non-cashable business benefits

There are a number of non-cashable benefits, in addition to the cashable ones, and these can be assessed option by option. Some of these are outlined below:

Schedule 8: Non-Cashable Benefits

- **Improved quality and condition of the network, resulting in a safer and better network.**
- **Improved environment.**
- **Social and local community enhancement, better community spirit, feel good factor.**
- **Improved public satisfaction. There is usually a reduction in both public complaints and enquiries, through better communication resulting in the community being better informed of what is happening in their area.**
- **Better understanding of each community's issues.**
- **Potential benefits to health by some people carrying out physical activity.**
- **Potential increased accessibility for some in the community, via improved transport provision.**
- **Potentially frees up resources to carry out or enhance other service areas.**
- **Improved and closer working relationships between the highway authority and the community.**
- **Local contractors receive additional income, thus making them more viable, and potentially investing back into the community.**
- **Local businesses see benefit in being seen to contribute to the local community and environment, making them a 'good' neighbour.**

Dis-benefits and operational implications

Operationally there are no obvious dis-benefits, however there can be downsides where by it can be used for political mischief. In addition, some communities can also take umbrage at being asked to contribute in any way, as they believe that they have already paid their taxes for these services and should be entitled to them without having to make any further contributions. However, in the majority of cases, P&TCs usually understand the issues around budgetary pressures, and see benefit in assisting, if it will enhance their community, environment and neighbourhood.

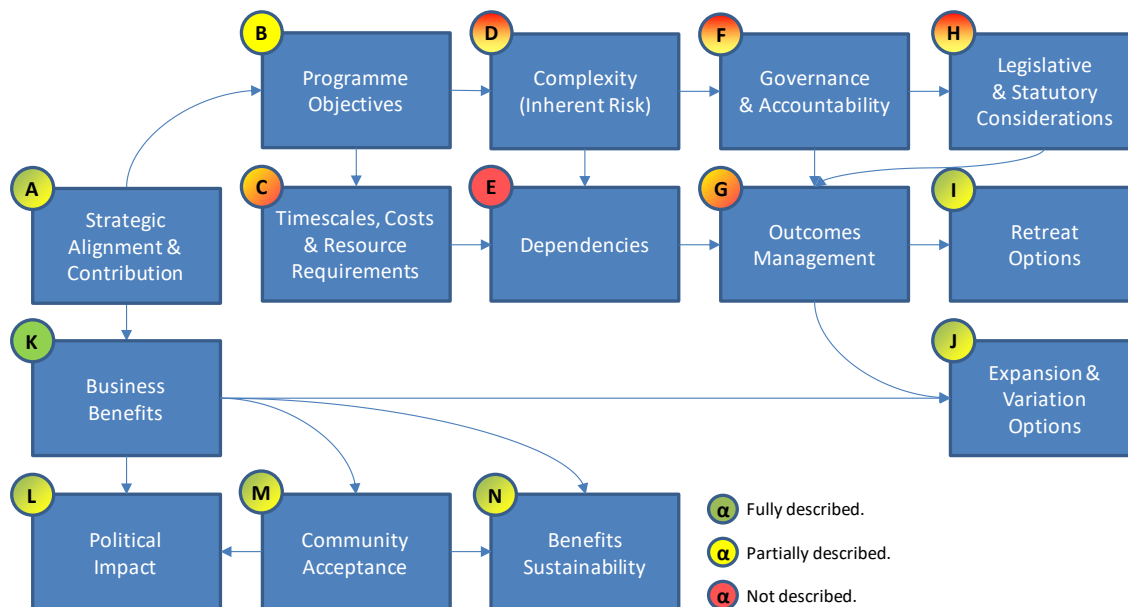
Some operational issues and implications are likely to be encountered in the beginning, where there is a requirement to provide guidance on issues like Health and Safety (H&S), safe working practices or simply providing supervision and this can place an extra burden on both the highway authority and their service provider. However, this becomes less as the relationship matures between the parties and are offset against the benefits realised by the additional resources being provided by the P&TCs.

Generally, there will be little or no impact on other service areas, and in some instances, there further benefits may be realised.

Implementation and operational risks

The principal project risks pivot around the number of dependencies, the complexity of the operating framework and the longevity of the relationships with individual volunteers.

Figure 1: Risk Summary



Initial Options Evaluation Framework v5.1 ©Proving 2017

Impact on stakeholders and communities

An assessment of the impact of each initiative on each stakeholder group will be required both prior to any implementation, and thereafter on an ongoing basis. While some of the stakeholders will have been fully engaged throughout the discussions and implementation of any initiative, there will be others who will require more attention and information as to what, if any impacts the changes will have on them.

Readiness and barriers to success

In most cases both the highway authority and the Parish/Town Council should be well prepared for these initiatives. As stated previously, many Parish/Town Councils already carry out several activities, works and services within their community and this should be more of an extension and potential formalisation of the current arrangements. In addition, the technology, to be able to improve the accessibility of information already exists within highway authorities, and the majority of P&TCs will already be able to access the information. It will be more about the content and user friendliness that needs to be addressed.

There will however need to be a change in culture with both parties. The authority requires to be far more transparent and open as well as more accessible than they currently may be. Some P&TCs, may require to be more organised and structured and also be prepared to be more accountable to their local community, particularly where they may raise the local precept. Equally, where they are granted permissions to issue licenses can create friction within the community, particularly if they may have to decline permission for legitimate reasons.

Notwithstanding, the vast majority of issues that require attention, can usually be accommodated with the correct support and commitment from both parties.

Retreat options

While there may be some issues to resolve, the retreat options will in effect be the status quo. This may involve a dialogue with the service provider, if changes had to be made when the initiative was first introduced, but this should be minor in nature. Equally the relationships that will have been established between the authority and the P&TCs should still be of benefit moving forward, even if the community are no longer assisting in the delivery of any works or projects.

Depending on the type of works, there may be a slight drop off in service delivery or standards, as the loss of any resources that the P&TCs provided may not be able to be instantly picked up by the authority nor their service provider.