

**Consultation with Town and Parishes on the grass verge cutting agreement with Devon County Council**

**Cabinet Member:** Cllr Neal Davey

**Responsible Officer:** Head of Housing and Property services

**Reason for Report:** To update members on the consultation with Town and Parish Councils regarding the future arrangements of grass cutting of Devon County Council highway verges.

**RECOMMENDATION(S):**

- 1) To continue to provide grass verge cutting on Devon County Council highway land in Town and Parishes that have contributed funding based on the 2015/16 budget as detailed in 3.3 and Option 1.**
- 2) To negotiate with those Town and Parishes Councils who have resolved on Option 1 for a reduction of one cut per annum or to contribute towards one additional cut per annum with reference to 3.4 and 5.5.**
- 3) To withdraw from the Devon County Council grass verge cutting agreement, where the Town and Parish Councils have resolved to accept funding directly from Devon County Council as detailed in 3.3 /Option 2.**
- 4) To withdraw from our grass verge cutting agreement with Devon County Council where Town and Parish Councils have resolved to accept Option 3 due to the financial shortfall forecast in Annex A.**
- 5) Review the ongoing service provision of grass verge cutting in response to the reduction of funding as detailed at 5.6.**

**Relationship to Corporate Plan:** Well Managed Council

**Financial Implications:** Devon County Council has confirmed a total contribution of £13.3k for the grass verge cutting within our District for the 2016/17 financial year. This budget is down from a £50.5k contribution for 2014-15 and prior to the Devon County Council Tough Choices Decision.

**Legal Implications:** The Council would need to sign an Urban Highway Grass Cutting Agreement with Devon County Council for one year that would be legally binding and has been sent with this report.

**Risk Assessment:** The Council would require Devon County Council to confirm the areas of grass verges in each Town and Parish that are to be cut in line with the Tough Choices specification. This would reduce the risk of a highway traffic accident being attributed to the length of grass and poor visibility, failure to ensure that this in place would make Mid Devon District Council responsible for making the decision.

## **1.0 Introduction**

1.1 Mid Devon District Council (MDDC) has provided a grass verge cutting service on behalf of Devon County Council (DCC) for over 20 years and has been receiving contributions from DCC to provide this service. The cutting of the rural and urban highway verges is a requirement of the highway authority in order to maintain a safe environment for all users of the highway. As a minimum this entails the cutting of visibility splays at junctions, on corners and also the cutting of a one meter wide swath cut along the remaining highway verges, all in accordance with Policy and the recommendations set out in 'Well Maintained Highways-Code of Practice'. The residual height of rural cutting is 100mm and urban cuts 40mm and the use of grass growth retarder is not permitted.

## **2.0 Background**

2.1 DCC had already reduced the frequency for grass cutting on their verges on previous financial years prior to the Tough Choices decision from six cuts and subsequently to four cuts in 2014-15. To maintain a good standard of grass verge cutting across the District and to mirror adjacent District Council managed grass areas, our grounds maintenance team has been providing seven to eight cuts in the Towns and larger Parishes with some of the smaller Parishes receiving four cuts per annum, despite the year on year financial reduction and the specification on the number of times the grass verges are cut.

2.2 The DCC 'Tough Choices' consultation resulted in the decision to reduce the specification on cutting grass verges on land owned by DCC across our District to maintain visibility at road junctions and to restrict the width of the grass that is cut on the roadside verges to approximately one meter from the 1st of April 2015. This decision resulted in reduced funding for grass cutting verges in the 2015/16 year and a funding gap of £30k. The Cabinet approved to meet the funding gap of £30k imposed by DCC from our own budget for the 2015-16 financial year. This enabled the Council to maintain current standards across the District and to allow time to consult with Town and Parish Councils. The Council does not have the budget to fund the financial gap for the future.

2.3 The results of the consultation exercise may have resulted in the Council withdrawing from the current agreement with Devon County Council, as the grass verges are not within our land ownership.

## **3.0 Town and Parish Consultation**

3.1 Consultation letters were sent to all of the Town and Parishes where MDDC maintain the grass verges for DCC. The letter set out the current situation and explained the 'Tough Choices Decision' that DCC has made and explained in this report. The letter detailed the estimated cost to our service for cutting grass verges whilst the Grounds Maintenance team are already mobilised and in the Parish attending to our own Estate. This calculated to be £3.51 per 100 square meters, based on a total area of 282,027<sup>1</sup> square meters.

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<sup>1</sup> Town and Parish Councils have undertaken a map review during the consultation process which has led to a downward trend of this figure.

- 3.2 Town and Parishes were sent maps that identified the DCC grass verges and were taken from our central ARC view mapping database. Town and Parishes were given the opportunity to contact Property Services to review the maps and to arrange a review with the Grounds Maintenance Manager. The Grounds Maintenance team also offered to cut the grass to the reduced specification so that Town and Parishes could review the impact of the Tough Choices specification within their Parish.
- 3.3 Each Town and Parish were advised of three options regarding the future of maintaining the grass verge cutting provision within their Parish so that we were able to evaluate the results of the consultation process.

#### **Option 1**

Town and Parish Councils to provide funding to MDDC to continue maintaining grass verges on land owned by DCC to the current standards.

#### **Option 2**

Town and Parish Council to maintain the land on behalf of DCC. TAP fund may be available for grass cutting equipment or towards a handyman to cut the grass in their area, which would meet the highways criteria. More information about the fund can be found at <https://new.middevon.gov.uk/grants-and-funding/> Health and Safety training to be made available by DCC.

#### **Option 3**

Not to agree to any of the above options and therefore either accept the reduced specification for cutting grass verges and understand that this may result in MDDC withdrawing from the agreement with DCC due to financial viability.

- 3.4 During the consultation process with the Town and Parishes, officers have been made aware of the potential of a further reduction in funding from Devon County Council. The total contribution from DCC for the 2016/17 financial year is reported to be £13,315, a reduction of £9,914 compared with the 2015/16 contribution and a reduction of £37,185 compared to the 2014/15 contribution. This information will be shared with those Town and Parishes who are yet to resolve on one of the above options.
- 3.5 At the time of writing this report a total of 33 Town and Parishes and the results are shown below. Some of the smaller Parishes have Committee meetings every two months.
- 7 Parishes will resolve at their next Committee meeting as detailed on Annex A.
  - 4 Parishes have resolved on Option 1
  - 2 Parishes have resolved on Option 2.
  - 9 Parishes have resolved on Option 3.
  - 9 Parishes have queries on the maps that have been provided that are being worked through.

- 2 Parishes have been contacted as shown on Annex A to seek confirmation.

#### **4.0 Financial Analysis- Annex A**

- 4.1 A financial analysis on the cost for grass verge cutting for each Town and Parish has been carried out to assess the total cost to the Council for the cutting of highway grass verges. The grass verges are cut whilst our grounds maintenance team are already mobilised in the Town or Parish cutting grass on our own estate. The Council does not have a dedicated grass cutting team for cutting the Devon County Council highway verges, therefore calculating the true cost to the authority is challenging.
- 4.2 Annex A details estimated calculations for each Town and Parish that has Devon County Council grass verges with their Parish.
- 4.3 A cross has been inserted on the table if we are not in receipt of the information from the Town or Parish and are yet to resolve on one of the options, this information will be populated upon receipt.

#### **Annex A details**

- Estimated cost for cutting the grass verges in each Town and Parish.
- Estimated cost to Mid Devon District Council for delivering existing standards.
- Amount of Devon County Council contribution per Town and Parish based on percentage of area.
- Contributions made by Town and Parishes where applicable.
- Estimated cost to the Council for the 2016/17 financial year.

#### **5.0 Financial Summary**

- 5.1 The specification from Devon County Council has reduced over previous financial years and with it the amount of contribution, however Mid Devon District Council has continued to maintain the grass verges to mirror adjacent District Council managed grass areas and therefore at the expense of the Council. The cost of providing a higher specification than for previous financial years is shown below by applying the rate of £3.51 per 100 square meters.
- 5.2 Based on the total area of 282,027 at £3.51 per 100 square meters to meet current standards is an estimated total of £60k.

### 5.3 Financial year and total contribution from Devon County Council.

- 2013/14 -£50,500 Estimated shortfall of £9.5k
- 2014/15- £50,500 Estimated shortfall of £9.5k
- 2015/16- £23,229 Estimated shortfall of £36.7k

Devon County Council Contribution for 2016/17 - £13.3k.

Option 1, total percentage of budget - 27.91%

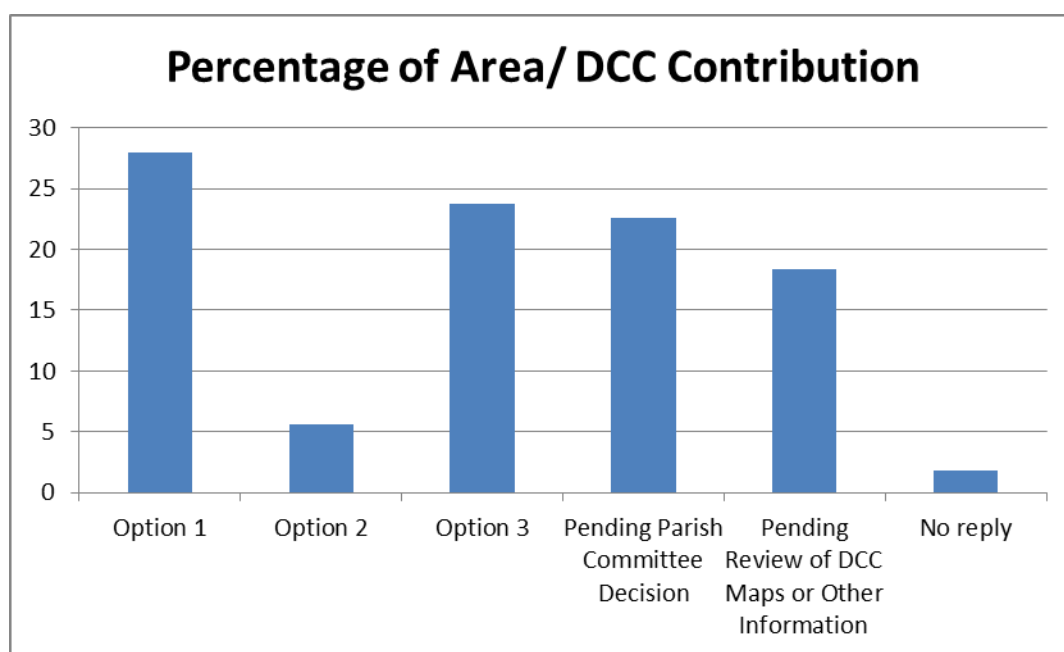
Option 2, total percentage of budget - 5.57 %

Option 3, total percentage of budget - 23.72%

Parishes have queries on the maps that have been provided that are being worked through – 18.35%

Parishes have been contacted as shown on Annex A to seek confirmation, as yet not responded – 1.83%

Parishes will resolve at their next Committee meeting as detailed on Annex A – 22.62%



5.4 The potential shortfall figures have been minimised as the £3.51 rate per 100 square meters has been calculated at a competitive rate.

5.5 The estimated cost to the Council for continuing with the grass verge cutting service for Option 1, at a total of 80,000 sq m to date would be £22.4k for eight cuts per annum. Town and Parishes who have contributed for six cuts per annum and including the percentage of the DCC contribution is a total of £20.5k.

5.6 Current resource levels have been maintained due to the additional funding provided by Cabinet in the current financial year and DCC contribution, totalling £53,229. Neither of these funding streams are available from 2016/17 onwards and as such we will need to look at reducing staffing levels in line with the reduced service which we will be required to deliver.

## **6.0 Recommendations**

### **6.1 One and Two**

**6.1.1 To continue to provide grass verge cutting on Devon County Council highway land in Town and Parishes who have contributed funding based on the 2015/16 budget with either a reduction in the number of cuts per annum or an additional financial contribution.**

6.1.2 It will be necessary to review our costs on providing the grass verge cutting service for the Town and Parish Councils who have resolved on contributing money for the 2016/17 financial year, this is to ensure we are not operating at a loss for future financial years and for the purposes of managing our own performance. Town and Parish Councils that resolve on contributing to the service did so without the knowledge of the 2016/17 Devon County Council contribution. It is therefore recommended to meet the shortfall for the Town and Parish Councils who resolve on Option 1. The £3.51 rate per 100 square meters of grass cut will be subject to an increase to ensure that we are covering all of our operating costs that allows for increases in our fuel and salary costs.

### **6.2 Three and Four**

**6.2.1 To withdraw from the Devon County Council grass verge cutting agreement, where the Town and Parish Councils have resolved to accept funding directly from Devon County Council or have resolved to accept the reduced specification.**

6.2.2 It is recognised that the appearance of our Town and Parishes is important to Mid Devon District Council and our residents, as well as to the local economy to continue to attract businesses to our District. It is clear however that the Council cannot afford to continue to meet the funding shortfall of providing this service on land that we do not own. The majority of Parishes who have resolved on Option 3 have given the feedback that they cannot afford to commit monies for cutting grass verges due the increasing financial burdens placed upon them.

6.2.3 As the work involved in maintaining the grass verges to the reduced specification still involves the same amount of labour and equipment to attend as the team are already mobilised attending to our own estate, therefore despite the reduced specification on cutting the grass verges and therefore labour time, the Council cannot offer a reduction on the per cut cost in each Town and Parish, however the Council could potentially offer a reduction on the number of cuts that take place per annum.

## **7.0 Conclusion**

- 7.1 It is not financially viable to continue to provide the grass verge cutting service without additional funding. It has been recommended that the Council withdraw from the Town and Parishes who have resolved on Option three.
- 7.2 Devon County Council will be notified of this decision and will be sent a list of Town and Parishes Councils who have resolved on Option three upon instruction and receiving Council approval.
- 7.3 The consultation exercise identified a number of discrepancies on individual Town and Parish maps that identifies the locations and size in square meterage of each grass verge on Devon County Council land. Follow up meetings with representatives from the Town and Parish Councils to review and correct the maps have been taking place with the Grounds Maintenance Manager that has proven to be a useful exercise for the both the Town and Parish Councils. Some of the discrepancies required legal land searches to confirm ownership and are taking the Council time to resolve the queries.

**Contact for more Information:** Andrew Busby, Estates Manager, 01884 234948 (abusby@middevon.gov.uk)

**Circulation of the Report:** Management Team, Cabinet member

**Town and Parish Grass Consultation**  
**2016/17 Grass Verge Cutting Costs**

**Annex A**

Town/Parish Council	Grass Verge m2 (revised or pending) <sup>2</sup>	% of m2 & DCC budget	MDDC Estimated cost for current standards <sup>3</sup>	Town/Parish Contribution	No. cuts contributed by Parish	DCC contribution <sup>4</sup>	Estimated shortfall in funding to meet current standards	Estimated shortfall in funding to Tough Choices Decision	Resolved Option
Bampton	3,530	1.25%	£991	£0	0	£166	£825	£329	3
Bickleigh CP (East)	3,933	1.41%	£552	£0	0	£188	£364	£364	3
Bow	9,311	3.30%	£1,307	£0	0	£439	£868	£868	3
Bradninch	2,580	0.91%	£362	£0	x	£121	£241	x	Maps reissued
Burlescombe	4,206	1.49%	£591	£0	7	£198	£392	N/A	Committee meeting December 2015
Chawleigh	925	0.32%	£260	0	x	£43	£217	x	12/11/2015
Cheriton Bishop	7,174	2.54%	£1,007	0	x	£338	£669	x	More information required.

<sup>2</sup> Revised area of 263,857 square meters to date and subject to follow up meetings, variance due to map corrections received from Town and Parish Councils during consultation.

<sup>3</sup> Calculations based on four cuts per annum applied to smaller Parishes that have been receiving less than eight cuts per annum.

<sup>4</sup> Based on percentage of the original total area, however during consultation, DCC have provided Parishes with specific amounts based on Tough Choices specification.



Town/Parish Council	Grass Verge m2 (revised or pending)*	% of m2 & DCC budget	MDDC Estimated cost for current standards	Town/Parish Contribution	No. cuts contributed by Parish	DCC contribution	Estimated shortfall in funding to meet current standards	Estimated shortfall in funding to Tough Choices Decision	Resolved Option
Cheriton Fitzpaine	1,655	0.58%	£232	0	x	£77	£155	x	Committee meeting 17/11/15
Colebrooke	2,400	0.85%	£337	£0	0	£113	£224	£224	3
Copplestone	3,707	1.31%	£520	0	x	£174	£346	x	Maps and number of cuts per annum in query
Cove (Parish of Tiverton)	1,250	0.44%	£351	0	6	£59	£292	N/A	1
Crediton	15,547	5.51%	£4,366	£3,274	6	£734	£358	N/A	1
Cullompton	27,675	9.81%	£7,771	£0	x	£1,306	£6,465	x	Committee2 6/11/15
Culmstock	2,690	0.95%	£378	0	x	£126	£251	x	Committee meeting 23/11/15
Down St Mary	2,725	0.96%	£383	£0	0	£128	£255	x	E-mail sent 12/11/15
Halberton	5,840	2.07%	£820	£0	0	£276	£544	N/A	2
Hemyock	9,734	3.44%	£2,733	0	x	£458	£2,275	x	Maps in query

Town/Parish Council	Grass Verge m2 (revised or pending)*	% of m2 & DCC budget	MDDC Estimated cost for current standards	Town/Parish Contribution	No. cuts contributed by Parish	DCC contribution	Estimated shortfall in funding to meet current standards	Estimated shortfall in funding to Tough Choices Decision	Resolved Option
Holcombe Rogus	800	0.28%	£225	£168	7	£37	£19	N/A	1
Kentisbeare	316	0.11%	£44	£0	0	£15	£30	£30	3
Lapford	6,442	2.28%	£904	0	x	£304	£601	x	Maps and number of cuts per year in query
Morchard Bishop	896	0.31%	£126	0	x	£41	£85	x	maps in query
Morebath	3,627	1.28%	£509	0	x	£170	£339	x	Committee Meeting 11/11/15
Newton St Cyres	9,888	3.50%	£1,388	£0	0	£466	£922	N/A	2
Sampford Peverell	18,704	6.63%	£2,626	0	x	£883	£1,743	x	Committee meeting 24/11/15
Sandford	1,250	0.44%	£176	£0	0	£59	£117	£117	3
Silverton	6002	2.12%	£1,685	£1,264	6	£282	£139	N/A	1
Thelbridge	4,426	1.56%	£621	£0	0	£208	£414	x	Pending Committee
Thorverton	4,522	1.61%	£635	£0	0	£214	£421	£421	3
Tiverton	57,814	20%	£16,234	£12,176	6	£2,663	£1,396	N/A	1

Town/Parish Council	Grass Verge m2 (revised or pending)*	% of m2 & DCC budget	MDDC Estimated cost for current standards	Town/Parish Contribution	No. cuts contributed by Parish	DCC contribution	Estimated shortfall in funding to meet current standards	Estimated shortfall in funding to Tough Choices Decision	Resolved Option
Uffculme	7,772	2.75%	£2,182	£0	0	£366	£1,816	£725	3
Wembworthy	369	0.13%	£52	0	x	£17	£34	x	Left voice mail 12/11/15
Willand	34,032	12%	£9,556	£0	0	£1,598	£7,958	£3,180	3
Yeoford	2,115	0.74%	£594	0	x	£99	£495	x	E-mail sent 13/11/15
Zeal Monachorum/ Outstanding balance of area	X	7.56%	x	0	x	£948	x	x	Maps and number of cuts per annum in query
<b>TOTAL</b>			<b>£60,520</b>	<b>£16,882</b>		<b>£13,315</b>	<b>£31,271</b>		