

## **PARISH PATHS PARTNERSHIP (P3) AND PARISH LENGTHSMAN SCHEMES**

The contract known as Parish Paths Partnership (P3) and Parish Lengthsman Schemes should have been offered to us for our agreement at the start of this financial year but has only just been obtained, following our request. Some members may not want to get involved in the contract detail, but they should understand the principles so that the PC can jointly decide whether to agree and sign this contract.

### **What is the contract?**

In simple terms the contract provides BBLP's authorisation for the parish to undertake certain maintenance work of their own choice within the parish.

The contract covers maintenance and improvement for two separate categories:

- Maintenance of Public Rights of Way, for which we may or may not use our Lengthsman, and,
- All the types of work on highways that a Lengthsman is likely to do.

### **The History**

The Lengthsman Scheme became popular with parishes in Herefordshire around 2000, but that was when funding was provided by HC. It meant that parishes had the money to pay the Lengthsman to undertake work, as controlled and prioritised by the parish. Our parish has been signed up to the scheme for many years. This was an easy decision because we received useful funding for any work we undertook. Two years ago, HC decided to phase out the funding and this is the first year in which we have been invited to sign the contract without funding.

### **The Dilemma**

1. BBLP is engaged by HC to do this type of work, but for many years the financial squeeze has led Herefordshire Council to reduce funding on highways, PROW and open spaces and to gradually put pressure on the parishes to undertake self-funded work. Parishes have become frustrated that HC through BBLP seem to do less and less and often defer the work due to a long backlog. Naturally this often results in parishes feeling that they have no other option but to sign up to this contract. Effectively that results in parishioners paying their rates to HC to undertake this work and then paying again through the precept to enable the parish to do the work.

### **The Key Features**

2. Herefordshire Council is "desirous" that minor works are carried out by the Parish (even though HC are responsible for undertaking this work).
3. The Parish is "desirous" of carrying out this work (well, not really but if BBLP will not or cannot do the work, then in desperation the parishes may see no option but to do it themselves).
4. The contract authorises the parish to undertake "minor Public Realm Work" which requires them to engage and supervise their own contractor, who must meet all the industrial standards to the satisfaction of BBLP.
5. BBLP can provide any necessary training and supervisory advice.
6. The contract duration is until 31<sup>st</sup> March 2020.

### **The Choice**

- A. Decline the contract. The PC would not be authorised do any maintenance on highways, open spaces and public rights of way. They would rely on BBLP to undertake all the duties and responsibilities of Herefordshire Council. In this case there would seem to be no point in engaging a Lengthsman or appointing a Parish Footpaths Officer. In fact, it would be unreasonable for the PC to appoint a Lengthsman if the PC is not contractually authorised by BBLP to do the work.
- B. Agree the contract. This would allow the parish to undertake minor works to maintain some highways, open spaces and PROWs (excluding work on the A40). The BBLP contract would only allow the PC to use a suitably qualified contractor and an authorised PFO. No funding from HC.

Our Clerk has obtained the opinion of HALC (Lynda Willcox), which is:

“Since there is no financial incentive to the Parish why would we enter into a contract”. She thought that if we do so we are simply supporting BB in whatever they wish to do or not do.

In our case it may be best to sign the contract for at least the remainder of the current year. BBLP’s approach to the work is unlikely to change very soon and they are not incentivised to undertake the type of maintenance and improvement in the PC’s programmes for the current year and next year.

Hopefully funding to local authorities will improve in the future and HC/BBLP may be able to return to an arrangement where they do their own work, or they pay the Parishes to do it. Parishes may decide to represent this case possibly through HALC?

### **Some Administration Details before Signing**

- The Appendices 2, 3 and 4 need to be added to the contract or “not used”.
- Confirm that “Pothole filling” is intended to be included under the category of “Enhanced Public Realm Maintenance”.

John Smart

29<sup>th</sup> November 2019

There is a good account by HALC of the evolution of the Herefordshire Lengthsman scheme in the link below.  
<https://halchereford.gov.uk/public-information-halc/lengthsman-scheme/>