

WEST OXFORDSHIRE DISTRICT COUNCIL
ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
THURSDAY 27 NOVEMBER 2014
OPEN SPACE GRASS CUTTING UPDATE
REPORT OF THE INTERIM SHARED HEAD OF ENVIRONMENT AND
COMMERCIAL SERVICES

(Contact: Monica Stephens, Tel: (01993) 861301)

(The report is for information)

1. PURPOSE

To provides an update on the work carried out to date focussing largely on the dialogue the Council is having with Oxfordshire County Council (OCC) and the potential implications the OCC budget cut will have on service provision.

2. RECOMMENDATIONS

That, the update report be noted.

3. BACKGROUND

3.1. The committee has included the issue of open space grass cutting in the work programme for 2014/2015. The overall aim of this piece of work is to review the current grass cutting process and schedules and where possible align and share work with partners to deliver efficiency savings and provide a clear logical programme of works for residents.

West Oxfordshire District Council (WODC)

3.2. WODC completes a varied cycle of grass cutting and maintenance of highway verges on behalf of the County Council and also other grass areas in various locations across the district including 80 ha of its own land and 14 ha for Parish and Town Councils as income generating contracts.

3.3. The District Council is responsible for maintenance of Council-owned land and this includes some open space and communal areas in housing estates such as Madley Park, Shilton Park Aquarius, Jacobs Mill and Deer Park. The Council is also responsible for Kilkenny Lane Country Park as well as Common land at Langel Common, North Leigh Common and Church Green in Witney. Work carried out at Carterton in carried out under direct contract and is largely managing shrub beds.

3.4. The maintenance team cuts some 252,711 square meters of highway verges and strims 137,035 linear meters within the 30 to 40 mph zones on each cycle on behalf of Oxfordshire County Council. This is in Witney, Woodstock, Carterton and Chipping Norton.

3.5. Town and Parish Councils are responsible for some grass cutting in their Parishes, including sports facilities, village greens and they also cut some highway verges on behalf of OCC. Land ownership and responsibility for some Parish Councils is recorded on the District Council's online system, however generally the Council does not keep records for land ownership of areas we do not own or maintain.

Actions Undertaken to Date

- 3.6. In February 2014, OCC announced that it may be reducing its grass cutting budget by half for the financial year 2015/16. In May / June 2014, the Council received notification by letter from OCC proposing a “likely 50% cut in the grass cutting grant”. OCC currently pay WODC £55,124 pa to carry out 5 cuts of grass on its behalf.
- 3.7. Officers attended meetings with OCC representatives regarding the proposed cut in funding during the summer and raised objections to the proposed changes. There had been no formal consultation with individual councils by OCC.
- 3.8. The Council has an agency agreement in place with OCC and this is in place under Section 101 of the Local Government Act 1972 and Section 19 of the Local Government Act 2000 relating to Minor Highway Maintenance (with payment). Under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000, OCC have delegated the responsibility for the maintenance of the Roads so as to comply with Section 41 of the Highways Act 1980 verge grass cutting (in the areas specified) to this council, meaning that any liability arising from work that we either do or do not undertake could fall to this council.
- 3.9. On 16 October 2014, OCC wrote to WODC with a request that the council sign and agree a revised Minor Highways Maintenance Agency Agreement. This agreement varies the original agreement and reduces the cuts to 2 per year. No payment details are noted on the revised agreement so it was assumed that the budget will be cut to c. £27,500. Subsequently officers have met with John Parkinson (Interim Highways and Transport Asset Manager OCC) to discuss the implications of this variation and the options available.
- 3.10. The Agency Agreement can only be varied by agreement of both parties. In addition it is noted that OCC have passed the deadline of the 1st October 2014 to give notice to end the agreement for 2015/16. Consequently, the Strategic Director wrote to OCC not agreeing to the revised agency agreement. OCC was advised of this on 5 November 2014.
- 3.11. The following concern has been raised with OCC:-
 - The current agreement which delegates a function could potentially place some liability on this council should for example, a road accident occurs due to negligence caused by long grass affecting roadside vision.

4. ACTIONS/NEXT STEPS

- 4.1. A formal response to the Council’s letter is awaited OCC.
- 4.2. Depending on the response received the council will work with OCC to re-negotiate the agreement during 2015/16 for implementation in 2016/17 in line with the development of partnership working/agreements with Town and Parish councils.
- 4.3. Develop a clear table of works for publication based on the outcome of any agreements and negotiations as referred to in paragraph 4.2 above.
- 4.4. A report will be presented to this committee in six months outlining the outcome of negotiations and proposals for future delivery of grass cutting in the district.

5. ALTERNATIVES/OPTIONS

None .

6. FINANCIAL IMPLICATIONS

None at this stage. Any financial implications arising from discussions with OCC or the introduction of new schedules will be considered in future reports.

7. RISKS

None at this stage.

8. REASONS

- 8.1. The work relating to grass cutting in the district accords with the council priority to protect and enhance the environment of West Oxfordshire and maintain the District as a clean, beautiful place.
- 8.2. In addition it accords with the priority to be recognised as a leading council that provides efficient, value for money services.

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Background Papers:

None