

Via email to: Somerset Council Members, City, Town and  
Parish Councils and LCNs

**Please ask for:**

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Dear Colleagues

**Enhanced Highways Maintenance Pilot Update**

I wrote to you all in Spring 2024 to outline the options available for local enhancement to routine highway maintenance services asking people to express an interest in the various initiatives which have been made available under our pilot project.

The letter explained that the Council continues to provide statutory highway maintenance services to ensure the highway network is safe and in appropriate condition; but that local councils may wish to achieve an enhanced level of service in their area through either undertaking works yourselves which are not safety related, or buying additional services through our contracts.

The pilot project has put in place the following:

- A day-rate and half-day rate for a Kier operative, transport and equipment to undertake enhanced works for localities if requested.
- Additional resources for the pilot period via Kier to work with City, Town and Parish Councils to discuss requests for enhanced works, agree orders and facilitate works.
- The development of a volunteer training package to enable people to undertake certain types of works themselves.

There have been a number of requests for service since this was set up. Kier have supplied quotes for work and some enhanced works have now taken place or are being programmed, however there has not been much demand for 'day works' as a service model. Most requests have been for specific works or programmes which have to be costed by Kier with quotes returned to the Councils to consider.

There are two key concerns that have been raised during the pilot phase so far:

- Whether councils without a general power of competence have the legal ability to request and pay for highway works; and
- The availability of the volunteer training package and whether there are any associated licensing requirements to work on the highway.

Both issues have required us to obtain legal advice in order clearly understand the implications, and I apologise that this has taken some time to obtain. An update on these issues is as follows:

### **What works are councils authorised to instruct, and how do they do this?**

In summary our understanding is that:

- There are certain types of highways work which various acts of parliament give any City, Town or Parish Council the power to request and pay for; and we have compiled these into table 1 below.
- Councils who are eligible to exercise the general power of competence (GPC) may request and pay for works in addition to those set out in table 1.
- Councils who are not eligible to exercise the GPC may request and pay for works in addition to those set out in table 1 under s137 of the local government act 1972 up to an annual financial threshold (which is £11.10 per elector in 25/26). This restriction applies to any expenditure and not just expenditure in relation to highways activity.

<b>Table 1. Relevant powers available to any parish council</b>	<b>Statutory Provision</b>
Power to deal with drainage to prevent it becoming prejudicial to public health. (SC considers this gives parish councils the power to carry out or pay for gully emptying, ditches, grips etc).	Public Health Act 1936, s.260.
Power to repair and maintain public footpaths and bridleways	Highways Act 1980, ss 43.50
Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s.96
Power to light roads and public places	Parish Councils Act 1957, s.3; Highways Act 1980, s.301
Power to provide parking places for vehicles, bicycles and motorcycles.	Road Traffic Regulation Act 1984, ss.57, 63
Power to enter into agreement as to dedication and widening	Highways Act 1980, ss.30, 72
Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s.72

### **Undertaking works on the highway: Volunteer training package and licensing arrangements**

The volunteer training package is ready to be made available and we have now obtained legal advice which confirms that a license agreement is required for anyone wishing to undertake works on the highway. We have prepared an appropriate form of license agreement which will enable councils

and volunteers to undertake such works. This is to ensure that anyone undertaking the works is appropriately trained, risk assessments are complied with, relevant people are notified, and that indemnities and appropriate insurance are in place. We have drawn this up with a view to keeping the requirements as minimal as possible. The training package will cover the following volunteer activity:

- Minor sign maintenance and cleaning
- Clearing weeds
- Grass cutting
- Hedge cutting
- Cleaning gullies of detritus
- Snow clearing
- General cleaning and sweeping
- Litter picking

We are aiming to make this available in July 2025 as we are currently progressing the required legal approvals and governance processes.

I hope that this provides clarity on the key issues of concern. We are still keen to enable as much enhanced work on the highway network as possible and are grateful for your patience whilst we have explored the legal implications in more detail. We will review the success of the programme later in the year once there has been more opportunity for Councils to undertake works, and we expect to make some adjustments in due course and would value your continued insights as we move forward.

Please continue to make requests for enhanced maintenance works through your current Kier contacts. Email: [somersetehm@kier.co.uk](mailto:somersetehm@kier.co.uk) or call 07526 508023. We will be revising the request process in due course and will update on that once new processes have been finalised.

Yours sincerely



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