

Dear All

DECEMBER NEWSLETTER 2015

Local Highways Wish Everyone A Merry Christmas and a Happy New Year

SLCC November Meeting

Bill and I attended the November SLCC meeting. We will issue our notes and FAQs in the next Newsletter. However, we promised to issue the council's highway inspection manual (which details when maintenance is undertaken), the Code of Practice for Litter and Refuse (which details the standards of cleanliness levels and when reactive services are required) and maps showing the urban grassed areas. Please find all the information attached.

Urban Grass Cutting:

<http://www.realitygeo.com/explorer.aspx?cfg=wiltsgc>

Public Liability Insurance

There has been some discussion recently about levels of insurance for Parish and Town Council's when conducting extra community duties. The statements below sets out Wiltshire Council's viewpoint on the issue which has been formed through discussions with two major insurances and with the Council's insurance team.

Most policies should provide insurance cover for employees and volunteers inside and outside the parish boundary and will cover activities that would generally be expected to be undertaken by a Parish Council. This cover should include: litter picking; gritting pathways; hedge trimming; cutting verges; clearing gutters; sign cleaning, to name but a few. The cover may also include gritting of minor roads (C and below).

Most policies will exclude gritting major roads, but insurers will be open to offering this cover given the appropriate assurance on risk assessments and a plan of how the activity will be carried out. Parish and Town Councils are advised to check with their insurers before taking on extra duties to ensure they are covered.

Before commencing any activity please confirm the cover offered by your existing policy. If your current policy does not cover the activities your Parish and Town Council would like to carry out, then contact your insurer asking them to include this cover, given them some detail about what you plan to do and how you will manage it. Most insurers, given the appropriate level of confidence about how these activities will be run and managed, will be open to changing policies and level of cover, which may include a small additional premium.

However some insurers may not wish to change the cover. We have heard that some insurers are more cooperative than others and are open to providing more

comprehensive cover. We can give you a contact at one of the Parish Councils using one of these insurers if you wish. Therefore, you have an opportunity to seek another provider who will offer the cover you want and if this is done as a collective of Parish Council's, this increases the interest from larger insurers and could also reduce premiums. A broker could be of service in this area if required as they have the expertise and knowledge of the insurance market.

New Service Levels

Last month I issued advice on the baseline service levels the council would deliver over the winter and spring.

In essence, following the central government grant funding reductions, the council gave a commitment that it would deliver to its statutory service levels as a priority, with discretionary services provided where possible to maximise the use of resources.

I know many of our partner organisations are doing the same and I listened with interest to the proposed police response arrangements for next year. They propose to provide officers to an identified need, with other reports relying on information being provided by the reporter for future action.

We all face similar challenges and are all looking to maximise the benefit of our limited resources.

Since I issued the November Newsletter, several councils have made contact and enquired about enhancing the service levels.

I hope the below information is of use:

Parish and Town Council Involvement

This is simply done. Agreements can be made direct with the council's contractor (The Landscape Group) for additional services to an area.

This allows the local town or parish council to identify their desired service level. If that level is above the base line set by Wiltshire Council the parish or town can simply fund the enhanced service levels direct and pay our contractor.

This also ensures that the county tax payer funds a harmonised service across the area, and where local communities want an enhanced service, this allows the local precept payer to cover the additional costs for that identified area.

Other examples of enhanced service levels recently undertaken:

- The Salisbury BID funding additional street cleansing activities.
- Rubbish Walks in Chippenham undertaking numerous voluntary litter picks.
- The MoD in Tidworth arranging their staff to undertake litter picks.
- Individual businesses, such as McDonalds, providing litter bins and litter pickers.
- Numerous town and parish councils employing litter pickers direct.
- And the many voluntary litter pickers that regularly turn out.

There are many ways that a town or parish council can enhance their local environment and it need not involve Wiltshire Council. Other than for approval for working on our land.

I recognise that asset transfers and service delegation can take time. But local agreements can be put in place quickly and simply. If you use the council's contractor the service improvements can be undertaken almost immediately.

It must also be recognised that town and parish councils have many powers already and I have listed some in Appendix A.

Barrow Operatives

There have been enquiries about the future of the Barrow Operatives in the town centres following the TLG decision to make a number of staff redundant. I can reconfirm through the winter Barrow Operative will be provided. However, the council's policy is to respond to a litter demand as the priority. Hence the Barrow Operatives are an addition to the current Local Highway base line service. The council's commitment remains to respond to litter complaints. We will use our best endeavours to provide Barrow Operatives, but there will be times when higher priorities will require that resource to be redeployed.

Litter and the Law

I have been asked to detail the legal requirements with regard to litter. In essence it is to pick up the litter, within an appropriate time in relation to a given area. Hence I reaffirm my request for issues to be report to allow us to deploy responses to where they are most needed.

For those that like the legal bits, I have attached the litter responsibilities in Appendix B for your information.

Event Cleaning

The council ceased the funding of litter picking or sweeping after events some time ago.

Now when an event organiser notifies the council they are undertaking an event they are advised they have to manage that event's litter.

Regrettably in a small minority of cases the event organisers are failing to do this. With the change in the council's service delivery, if an event organiser fails to meet their commitment to clear up the waste, this has now left visible deposits and complaints.

The council is recording the locations which are thankfully small as the vast amount of organisers are responsible. So when applications are made next year and we can ensure those events have the correct arrangements in place.

If you are one of the small number of areas affected and you wish to support the event there are many options available to the event organisers.

They can get the area inspected by volunteers after the event and do targeted litter picking. There will be a cost of disposal as the waste laws require organisers to use an authorised waste carrier.

The event organiser may wish to approach:

- Local businesses to fund the cleaning of the event afterwards.
- The local town or parish council to fund the event.

- Seek capital grant funding from various bodies to purchase cleaning equipment if this is an ongoing event.
- Approach the council, if a charity event, for loan equipment.

We appreciate your understanding of why the council is unable to fund the cleaning of all events. There are many hundreds of events a year. If we are to treat everyone equally we simply do not have the funds to cover the cost of every event cleaning. There is also the argument that the litter is produced as a result of the event and the event organiser is responsible for the clearance of that litter.

Event Highway Signage

There are many activities undertaken on our highways including parades, markets, festivals and street parties. The council has been experiencing issues, with events organised on the highway or requiring highway signage. Sometimes the signage for the management of traffic is not undertaken in compliance with the event organiser's legal requirements. All types of works and activities require traffic management in one form or another dependent on the nature of the works and/or the nature of the highway. Traffic management can vary between Chapter 8 signing and guarding, traffic controls or even full road closures. **In all cases**, traffic management must be sited, maintained and removed by qualified personnel and if unqualified, permit applicants should contract out this duty to organisations qualified and resourced to do so.

Staff Changes

During times of challenge there are also opportunities. Many of my staff have left to further their careers. The latest person to move on to bigger and better things is Kristian Price, the engineer for Devizes and Pewsey. Many of you I am sure know Kristian and we all wish him the best. He is off to work for a consultancy company. However, with the loss of such vital staff comes the challenge of continuing to deliver services. Bill and I will be looking at the requirements to ensure the best service support is continued. This may mean that some of your contact points change, for which I apologise in advance.

As I know more you will be updated.

Let's Clean for The Queen

We'd love to have the support of your council and your communities in the biggest ever clean-up of the country, which will be taking place in March 2016.

In the run up to The Queen's 90th birthday on 21 April 2016, 'Clean For The Queen' aim to inspire a million people to take action and enjoy a few hours together litter-picking to make the places where we live more beautiful. For Her and for us all, they want to attack the blight of litter and reclaim our beautiful countryside, our fabulous cities, our world class parks, our wonderful beaches and waterways.

All of the litter charities across the country have come together in support of this campaign together with a growing range of companies, land managers and associations.

There will be 'Clean for The Queen' litter blitzes throughout the UK in January, February and March, and the most monumental of all litter clear-ups from Friday 4 to Sunday 6 March 2016.

'Clean For The Queen' love to have your support in making this event truly spectacular. They will shortly be sending through a downloadable resource pack for your council to

use. It'd be great if you could encourage as many local community groups as possible across your wards to sign up to organise a clean-up through the 'Clean for The Queen' website. Furthermore, it would be fantastic if your council could stage its own local clean-up to allow individuals to come together and clean up a local grot spot.

Lots more will be announced over the coming weeks and months, as it builds a head of steam.

But it'd be great if you could respond to adrian@cleanforthequeen.co.uk indicating your willingness to engage in the campaign – and they will be back in touch shortly with more details.

Appendix A

Town and Parish Council Powers and Duties

Functions	Powers And Duties	Statutory Powers
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Baths and Washhouses:	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
Burial Grounds, Cemeteries and crematoria*	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
Power to provide	Local Government Act 1972, s.214	

<p>Power to agree to maintain monuments and memorials</p>	<p>Parish Council and Burial Authorities (Miscellaneous Provisions) Act 1997, s. 1</p>	
<p>Power to contribute towards expenses of cemeteries</p>	<p>Local Government Act 1972</p>	
<p>Bus Shelters</p>	<p>Power to provide and maintain</p>	<p>Local Government (Miscellaneous) Act 1953 s.4</p>
<p>Bye Laws</p>	<p>Power to make bylaws for public walks and pleasure grounds</p>	<p>Public Health Act 1875, s 164</p>
<p>Cycle Parks</p>	<p>Road Traffic Regulation Act 1984 s.57 (7)</p>	

Swimming pools, bathing places, baths and washhouses	Public Health Act 1936, s 223	
Open Spaces and Burial Grounds	Open Spaces Act 1906 ss 12 and 15	
Mortuaries and post-mortem rooms	Public Health Act 1936 s. 198	
Hiring of pleasure boats in parks and pleasure grounds	Public Health Amendments Act 1907, s 44(2); Public Health Act 1961, s54	
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s 32
Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	Powers in relation to inclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34
Power to protect unclaimed common land from unlawful interference	Commons Registration Act 1965, s.9	
Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5	
Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention	Local Government and Rating Act 1997, s 31	

of crime		
Delegated Functions	<p>Power to assume a function delegated by another authority</p> <p>Power to ensure effective discharge of council functions</p> <p>Power to employ someone to carry out council functions</p>	Local Government Act 1972ss. 101, 111 and 112
Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972,ss 111 and 137
Highways	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
Power to light roads and public places	Parish Councils Act 1957 s 3;Highways Act 1980, s 301; Local Government Act 1972,Sched. 14 para 27	
Provision of litter bins	Litter Act 1983, 5 and 6	
Power to provide roadside shelters, and omnibus shelters	Parish Councils Act 1957, s 1	
Power to provide traffic signs and other notices	Highways Act 1980, s 130	
Power to plant trees, etc., and to maintain roadside verges	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968	

Land	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16;: Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19	
Lighting	Power to light roads and public places	Parish Councils Act 1957, s Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles. Obligated to keep own land free of litter and dog faces	Litter Act 1983, ss 5 an Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
Nuisances	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260
Open Spaces	Power to acquire land and maintain	Public Health Act 1875, s 164; Open Spaces Act 1906, ss 9 and 10; Commons Act 1899

<p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.</p>	<p>Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.</p>	
<p>Parish Property and Records</p>	<p>Powers to direct as to their custody</p>	<p>Local Government Act 1972, s226</p>
<p>Parking Facilities</p>	<p>Power to provide parking places for motor vehicles, motorcycles and bicycles</p>	<p>Road Traffic Regulation Act 1984, ss 57 and 63</p>
<p>Public Buildings and Village Halls</p>	<p>Power to provide buildings for offices and for public meetings and assemblies</p>	<p>Local Government Act 1972 s 133</p>
<p>Public Conveniences</p>	<p>Power to provide</p>	<p>Public Health Act 19336, s 87</p>
<p>Publicise functions</p>	<p>Power to publicise council and local authority functions</p>	<p>Local Government Act 1982, s. 142</p>

<p>Recreation*</p>	<p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.</p> <p>Power to provide gymnasiums, playing fields, holiday camps</p>	<p>Public Health Act 1875, s 164; Local Government Act 1972, Sched 14 para 27; Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899</p>
<p>Provision of boating pools</p>	<p>Public Health Act 1962, s 54</p>	
<p>Seats and Shelters*</p>	<p>Power to provide roadside seats and shelters</p>	<p>Parish Councils Act 1957, s 1</p>
<p>Traffic Calming</p>	<p>Power to contribute financially to traffic calming schemes</p>	<p>Local Government and Rating Act 1997, s 26</p>
<p>War Memorials</p>	<p>Power to maintain, repair, protect and adapt war memorials</p>	<p>War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133</p>