

**Forward Plan reference number: FP/570/11/22**

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| <b>Report title:</b> Removal of Highway Rangers service and funding for Districts                                                                                                                                                                                                              |                      |
| <b>Report to:</b> Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport                                                                                                                                                                                      |                      |
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| <b>Date:</b> 7 October 2022                                                                                                                                                                                                                                                                    | <b>For:</b> Decision |
| <b>Enquiries to:</b> Peter Massie, Head of Highways Commissioning – <a href="mailto:peter.massie@essex.gov.uk">peter.massie@essex.gov.uk</a> or, Deana James, Business Planning Manager, Essex Highways Commissioning <a href="mailto:deana.james2@essex.gov.uk">deana.james2@essex.gov.uk</a> |                      |
| <b>County Divisions affected:</b> All Essex                                                                                                                                                                                                                                                    |                      |

## **1. Everyone's Essex**

- 1.1 This report asks the Cabinet Member for Highways Maintenance and Sustainable Transport to agree to cease the Highways Rangers service and remove the annual revenue funding that Essex County Council (ECC) assigns to each District, Borough and City Councils for the Highway Rangers with effect from 1 April 2023.
- 1.2 With reference to our organisational strategy, while this decision does not contribute directly towards achieving the ECCs aims and objectives as articulated within Everyone's Essex, as it relates to a service reduction, it will contribute to the savings that need to be made to ensure ECC remains financial stable.
- 1.3 As Highway Authority, Essex County Council has a duty under the Highways Act 1980, to maintain the highway network and while the works undertaken by the Highway Rangers are beneficial, most of their activities are ones which would be unlikely to result in legal claims if they are no longer carried out. Over time however, it would be noticeable that these works are no longer taking place, unless District Councils decide to fund them and it is likely to lead to an increased demand for Essex Highways to undertake work, even if it does not agree to do most of the work. Paragraph 3.8 of the report sets out more details about this.

## **2 Recommendations**

- 2.1 Agree to cease the Highway Rangers funding to District, Borough and City Councils for the Highway Rangers with effect from 1 April 2023 and to withdraw the service in the Borough of Basildon (where ECC directly provides the service rather than Basildon Borough Council).

- 2.2 Agree that ECC is content to give district councils permission to work on the highway should they wish fund the rangers work themselves.

### **3 Background and Proposal**

- 3.1 The Highway Rangers Service is funded through the ECC Revenue Budget and provides support to the Local Highways Panels (LHPs), in partnership with the District, Borough and City Councils.
- 3.2 The Highways Rangers service was established across the County around 10 years ago and was introduced to assist the Highway Authority in carrying out minor improvements and maintenance to the highway network across the County.
- 3.3 The works undertaken are not normally highway defects and most do not meet ECC's current criteria for undertaking work. Most of the work is therefore low risk work to make the area look better, although some work undoubtedly increases the life of highways assets (such as cleaning and weedkilling work). The works that the rangers undertake is welcomed by LHPs and local members, especially the public and it provides a way for some work to be done which wouldn't otherwise be done.
- 3.4 The following is the list of tasks that Highway Rangers can undertake:
- Cleaning and minor repair to non-electrical road signs and bollards
  - Reinstatement of posts and bollards where no excavation is required
  - Trimming of vegetation (for example trimming vegetation to improve visibility of signs)
  - Ad hoc grass cutting and strimming of highways verges
  - Repairs to 'cosmetic damage' to the verges that would not been the intervention level for repair by Essex Highways
  - Removal of graffiti from road signs
  - Painting of street furniture
  - Removal of weeds
- 3.5 With the exception of Basildon (where the Ranger Service is managed directly through Essex Highways), the District, Borough and City Councils manage the Rangers Service directly, with the operatives being employed by those Councils.
- 3.6 The rangers work at the discretion of their employing authority. Some work may be done on a planned basis and other work may be done in response to a referral from the district or county council.
- 3.7 The County Council currently provides funding through the ECC Revenue budget and an allocation is made to each LHP, with the revenue funding being assigned to each District, Borough and City Council by ECC at the start of each financial year. Districts may choose to enhance the service if they so wish.

3.8 As part of the review of the Council's budget, it has been identified that this is a lower priority service as withdrawal is unlikely to lead to an increase in claims for highway disrepair and the work is below the threshold for intervention in the maintenance strategy. That said, it may have the following adverse impacts:

- A small impact on asset life as a result of a possible reduction in weedkilling and painting activity.
- An increase in the number of highway issues being reported which cannot be dealt with as they do not meet the criteria for repair
- An impact on the appearance of the highway network as the more cosmetic improvements are not done.
- An increase in the number of complaints.
- It is likely that there will be some cases where the Council will wish to do work that rangers would otherwise have done, for example removing graffiti in some cases or removing vegetation if it is causing a safety risk. In some cases the Council will risk legal claims if it does not address the issue.

3.9 As the Highways Rangers operatives (other than in Basildon) are employed by District, Borough and City Councils, ceasing this funding could result in redundancies to those operatives, and thereby the associated redundancy costs would have to be borne by the District, Borough and City Councils. It is not known what this cost could be. With respect to Basildon we believe that we can redeploy staff into other roles.

3.10 It is possible that some District, Borough and City Councils may consider continuing the Highway Rangers services, in full or in part, by funding these services from their own budgets, but it is not known how many, if any, would choose to do this.

## **4 Links to our Strategic Ambitions**

4.1 This report links to the aims in the Essex Vision to Develop our County sustainably, by helping contribute to necessary financial savings that contribute the ECC financial stability.

4.2 Approving the recommendations in this report may contribute to the Council's ambition to be net carbon neutral by 2030 through reducing an element of travel associated with undertaking the Highway Rangers activities.

## **5 Options**

5.1 **Option 1: (Recommended)** Agree to remove the revenue funding for the Highway Rangers Service with effect from 1 April 2023. This would result in delivery of the planned annual revenue saving of £860,000.

- 5.2 **Option 2: (Not Recommended)** Continue to fund the Highway Rangers Service at a revenue cost of £860,000 per year. If this option is selected then ECC will see an annual financial pressure of £860,000 against its highways budget for financial year 2023/24 onwards.

## **6 Issues for consideration**

### **6.1 Financial implications**

- 6.1.1 ECC's Medium Term Resource Strategy anticipates a reduction of £860,000 from the highways budget from 2023/24 onwards as part of the revenue budget setting process.
- 6.1.2 Should this proposal not be implemented, then in line with paragraph 5.2, Option 2, ECC will see a pressure of £860,000 against the highways budget for financial year 2023/24 onwards.
- 6.1.3 There is a risk that District and Borough Councils may approach Essex County Council to help fund any redundancy costs that could occur from ceasing this service. However, the likelihood and value of any potential one off costs is not known yet.

### **6.2 Legal implications**

- 6.2.1 The legal implications are set out in the report. It should be noted that the district councils have not been consulted. Whilst there is unlikely to be a legal requirement to consult it would be good practice to do so.

## **7 Equality and Diversity Considerations**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

**8 List of Appendices - N/A**

**9 List of Background Papers – N/A**

The 'sign off' boxes below are deleted for cabinet reports but not for CMAs.

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|-------------------------------------------------------------------------------------------------|----------------------------------|
| <b>I approve the above recommendations set out above for the reasons set out in the report.</b> | <b>Date</b><br><b>03/01/2023</b> |
| <b>Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport</b>  |                                  |

**In consultation with:**

| <b>Role</b>                                                  | <b>Date</b>            |
|--------------------------------------------------------------|------------------------|
| <b>Executive Director, Climate Environment and Customer</b>  | 18<br>November<br>2022 |
| <b>Mark Ask</b>                                              |                        |
| <b>Executive Director, Corporate Services (S151 Officer)</b> | 10<br>November<br>2022 |
| <b>Stephanie Mitchener on behalf of Nicole Wood</b>          |                        |
| <b>Director, Legal and Assurance (Monitoring Officer)</b>    | 18 October<br>2022     |
| <b>Paul Turner</b>                                           |                        |