

Report To: Communities Scrutiny Committee

Date of Meeting: 25th October 2012

Lead Member / Officer: Stuart Davies, Joint Head of Highways and Infrastructure.

Report Author: Tim Towers, Section Manager (Network Services)

Title: Review of Highway Verge Grass Cutting 2012

1. What is the report about?

To review the grass cutting programme for 2012 and assess whether the recommendations put forward by the Committee for the 2012 season were effective.

2. What is the reason for making this report?

To provide information regarding an assessment of this year's grass cutting programme and the contractor's compliance with the requirements of the contract. To enable the formulation of recommendations with respect to next year's programme ensuring that Denbighshire's communities are tidy and safe for residents, business and visitors.

3. What are the Recommendations?

i) That Members agree that the overall cutting regime that was put in place for 2012 has been successful and support the implementation of the same grass cutting arrangements for 2013.

ii) That Members support a review of the existing Contract arrangements for officers to re-tender if appropriate.

4. Report details.

4.1 *Grass Cutting Regime*

4.1.1 The Highways Department are responsible for cutting the grass verges in the rural areas of the County. Ostensibly this is taken as being all lengths of highway outside the 30 mph limit. The Public Realm team within Environmental Services deal with the areas within the conurbations. Whilst the reason for cutting the rural verges is driven by safety considerations this has been the subject of much discussion over recent years. Legislative changes brought in by the Natural Environment and Rural Communities Act 2006 meant that the Authority

consider biodiversity and therefore look to cut as little as possible. The perception of a sizeable part of the public however was that we should cut all verges and trying to balance these opposing views proved difficult.

- 4.1.2 As a result after much debate and discussion at a number of Scrutiny Committee meetings it was decided that a regime would be adopted whereby:-

On the first cut there would be a reduced treatment on rural roads within the Area of Outstanding Natural Beauty (AONB) such that a satisfactory level of safety would be ensured.

Elsewhere we would cut a uniform 1 metre wide swathe with wider treatment in other areas (junctions, visibility splays etc.) so as to ensure that visibility wasn't compromised.

There were some challenges in 2012 which are detailed in the following section. These might have led to a blurring of whether this approach was successful or not however, based on customer feedback it is my view that this regime did reach the required balance. Outside the AONB we received very few complaints that we were cutting too much but it should be noted that one organisation has made a complaint that we are not complying with the NERC Act and this will need to a response. Elsewhere within the AONB we have had requests to review a few locations and this we will do but all in all it is felt that the approach has met customer expectations.

4.2 *2012 grass cutting issues*

- 4.2.1 We undertake two cuts in the season, one commencing in mid May which we aim to complete by mid July and the second commences in early August for completion in October.

- 4.2.2 Following a very successful joint tendering process for principal roads in 2010 we have extended the contract to include non principal roads for the last two years. As a result all of the grass cutting has now been undertaken by a single external contractor. In October 2011 a report to this committee detailed some of the issues that were encountered last year as a result of the contractor taking over the full extent of the cut. Subsequent to that we worked with them to improve matters; ensure sufficient resources; provide a programme that could be shared with both Members and the public via Customer Services; improved our own in house supervision of the contract; and receive daily updates from the contractor as to progress.

- 4.2.3 Initially, for the first few weeks of the first cut this went well. There were some issues with the quality of the cut in some locations and these were addressed but all in all we were relatively happy that the controls we had introduced were working. Over time though there was a

deterioration in the speed of progress and this quickly became a matter for concern. With some justification the contractor said that the very wet summer, with its associated increase in grass growth, was creating problems for him but by late June it was becoming evident that targets would not be met. As the contract agreement is a standard one for this type of work there are no penalties with regards to completing the work outside agreed timescales so there was little we could do in this regard.

- 4.2.4 The long grass was also resulting in reports that the quality of the cutting was poor and that the vegetation being left behind was creating a mess. We worked with the contractor to see how much this issue could be overcome but there was little that could be done. One of the problems was that the actual cut was fine but long grass and ferns were then falling over the cut swathe thus making the whole job untidy. We are not in a position where we can collect the cut vegetation due to the increase in cost of disposal and the sheer volume that would be produced so complaints where this was given as the reason had to be dealt with by an explanatory phone call.
- 4.2.5 The drivers were reporting to the contractor's head office which roads had been done so that updates could be sent out but it was evident that on many of the narrower roads the cut was patchy. When we questioned this it was apparent that the machine being used was too wide for a proper cut to take place and it took the contractor too long to bring in a smaller machine so that these could be addressed. In one case they even resorted to cutting the verge by hand as it was taking too long and the level of customer complaint was so high. The first cut was eventually completed in the second week of August three weeks after the target date.
- 4.2.6 In terms of the Highways team response to these issues we have tried to keep customers informed via the Customer Services section as to where we were up to but this became more and more difficult as the programme slipped. The supervisors have also had to spend quite a bit of time discussing issues on the phone or having to go out to meet customers to look at specific complaints. This has detracted from our ability to focus on other elements of the service through the summer but grass cutting is clearly an aspect of our job that is important to residents.
- 4.2.7 The second cut has been much improved and the contractor has sub-contracted a lot of the work to ensure that it is completed on time. This has been to the detriment of us in terms of receiving daily updates but our supervisors have caught up with the drivers on a regular basis to ensure that no roads are missed. The standard of cut has also been good but where it has been below our accepted level the driver has been sent back to do it again – naturally at no cost to the council.
- 4.2.8 In recent weeks the contractor has undergone a management restructuring and in the short term this has created problems in terms

of continuity and communication but we met with the new team last week and assurances have been made as to how the contract will be managed from now on.

4.3 *The Contract*

4.3.1 Our contract is a standard one for this type of work and does not contain any financial penalty clauses. The contractor can be notified of a failure but he then has the chance to put it right within an agreed time period rather than incurring a loss of income. We propose to look at how we can tighten up this contract in the next few weeks and it may mean that we re-write it and re-tender the whole work ahead of next year but this will almost certainly drive up the cost of the contract so a balance needs to be struck.

4.3.2 In conclusion we would state that the improvements we hoped to introduce after 2011 have worked but not as well as we'd hoped, mainly due to the terrible weather but also as a result of further difficulties the contractor has had in meeting our needs – especially in respect of the narrower roads. Members may want to agree that we continue with the overall approach to our cutting regime (with the biodiversity element within the AONB) but may recommend that officers review the contractual arrangements such that greater controls can be introduced.

5. How does the decision contribute to the Corporate Priorities?

It is a service priority that residents and visitors to Denbighshire will have access to a safe and well managed road network and verge grass cutting is a fundamental aspect of this aim.

6. What consultations have been carried out?

6.1 Feedback from Customer Services with regards to the volume and type of complaints has been ongoing.

6.2 Feedback from Members has been a regular facet of communication and this has proved useful in evaluating the success or otherwise of the change to the cutting regime.

6.3 Discussion and liaison with interested third parties is ongoing.

7. Power to make the Decision

Highways Act 1980