



**WORCESTERSHIRE LENGTHSMAN SCHEME : GUIDANCE PACK**

February 2007

**THE WORCESTERSHIRE LENGTHSMAN SCHEME**

**Local  
accountable  
and in control**

**GUIDANCE PACK FOR PARISH COUNCILS**

*The aim of this pack is to explain the basic scheme arrangements and provide all necessary models for the proper administration and recording of contractual arrangements between participating Parish Councils and other parties. As statutory bodies, Parish Councils should ensure that contracts are in writing; this process does not have to be onerous if you follow the guidance contained in this pack.*

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## 1 INTRODUCTION

The modern Lengthsman scheme is the re-incarnation of an old concept - a locally employed person to carry out highway maintenance tasks identified by the local community as important. It enables an enhanced local service with local priorities. The work may be expanded to tackle other small-scale maintenance work, either directly or jointly with the local community and the partners involved. Three Parish Councils joined a Worcestershire County Council pilot scheme during 2003-4, managed by local HPU Officers. Clerks comment as follows:

Hanley Castle Parish, Clerk Ann Canham:

“Our lengthsman has dealt with all the jobs mentioned by residents other than those outside his remit. He has been a good PR man for both the Parish and County Councils. The scheme has worked well with the Lengthsman as contractor as he supplies his own tools and public liability insurance.”

Martley Parish, Clerk Tom Pearsall:

“I am the Clerk and Lengthsman. Councillors and residents have expressed their thanks for clearing small floods and footpaths and having CLEAN signs. They say it is nice to see problems sorted out quickly. The scheme has proved popular with residents who want it to continue. The Parish Council considers it to be successful with one benefit being that residents can now talk directly to a Parish Council representative whom they see most days. Recent heavy rains have brought Martley in sharp contrast with adjacent parishes with respect to the amount of flooding; other parishes had considerable problems.”

Parish Lengthsmen in Herefordshire and Lancashire are really making a difference to the parishes they work in. Apart from the daily routine of litter picking and maintaining village amenities etc, Parish Lengthsman Schemes have also been successful in attracting other funding sources, enabling the parishes involved to carry out small projects and conservation schemes.

## 2 THE ROLE OF THE PARISH COUNCIL CONTRACT ADMINISTRATOR

The two key people for each Parish Lengthsman partnership are the Lengthsman and the Administrator, usually the Clerk. The Administrator is responsible for the Lengthsman budget, weekly timesheets and salary. S/he will be expected to keep weekly reports from the Lengthsman and attach these to the monthly invoice to Worcestershire County Council.

Where other Parish Councils join one local scheme, regular meetings are held with the nominated Administrator plus a representative from each Parish involved to agree the work programme for the Lengthsman. The Administrator instructs the Lengthsman on the agreed work programme and at the end of each working week, the Lengthsman submits his timesheet together with his report of tasks carried out and any problems encountered. This approach ensures that local concerns are acted upon quickly, often nipping problems in the bud before they become significant and costly issues, and with a quick response time for urgent matters. The Lengthsman would be encouraged to report highway issues to the administrator which require action by Worcestershire County Council. Practically it would be expected that a close relationship would develop between the Lengthsman and the Worcestershire County Council area technician, responsible for the highways in the parish.

The Parish Council should arrange appropriate ID for the Lengthsman to carry whilst on duty.

### 3 MINIMUM TOOLS & EQUIPMENT

Shovel, spade, shears, reflective safety jacket and collapsible “man at work” signs. If the Lengthsman is a contractor, s/he will provide these.

### 4 MATERIALS

Any materials the Lengthsman may require to carry out his tasks e.g. varnish, paint etc can be obtained from a local builder's merchants, once a small account has been set up. This has to be approved by all parties involved but schemes already established have found this to be a very efficient way in enabling tasks to be completed on the day. The Lengthsman will, having obtained any materials, submit receipts/invoices together with his weekly report and timesheet to the contract Administrator. Different arrangements may apply if the Lengthsman is a contractor.

### 5 WASTE

Where materials arise which cannot reasonably be disposed of locally, the Lengthsman may either directly with the area technician or via the administrator make arrangements for the arisings to be collected by the Worcestershire County Council's term maintenance contractor.

Where litter is collected in the course of his/her duties suitable disposal vessels will be agreed with and supplied by the District Council, which should be left at a convenient point to be collected by agreement with the District Council in liaison with the Administrator.

### 6 FUNDING

The Parish Councils involved in the current Lengthsman Schemes have identified funds either to participate as a core parish or, as the scheme develops, to buy into their local parish Lengthsman project on an hourly basis. The County Council has taken the lead in developing the Parish Lengthsman Scheme and has agreed a contribution to the project of up to £100,000 pa.

### 7 CONTRACTUAL ARRANGEMENTS

a) There are three main parties involved:

- (1) the Worcestershire County Council
- (2) the Parish Council
- (3) the Lengthsman.

b) The contract between the County Council and the core Parish Council, see Appendix B, is fixed. Contracts are required to be agreed and recorded between the other parties using the models contained within this guidance pack at Appendices C & D.

c) The Parish Council is required to decide with clarity which arrangement applies between the Parish Council and the Lengthsman ie

- (1) **either** a Contract of Employment - where the Parish Council is the employer and the Lengthsman is a direct employee of the Parish Council,
- (2) **or** a Contract for Services – where the Lengthsman is self employed and contracted by the Parish Council to provide a service.

d) Most Parish Councils have chosen option (2) which is the recommended option of the Steering Group.

e)A further model, Appendix E, is included for arrangements between the administering core Parish Council and partner Parish Council(s) in the event that neighbouring Parish Councils join the Lengthsman scheme by 'buying in'.

## **8 PAYE AND NATIONAL INSURANCE**

The Parish Council is responsible for ensuring that relevant PAYE and NIC is paid for each of its employees where applicable. The employee should provide the Parish Council with a completed P46. Where an employee's income from all employment in total is less than the prevailing Personal Allowance, the Parish Council is not required to complete an IR return. Where NIC and/or PAYE is required, the Parish Council must register with the Inland revenue who will provide a simple step-by-step employer's pack. Please contact your local Inland Revenue office.

Where the Lengthsman is a service contractor, the Parish Council is not responsible for NIC and PAYE.

## **9 INSURANCE**

The Parish Council should inform its insurers of its involvement in the scheme and is required to put in place a £5,000,000 public liability indemnity. Where the Lengthsman is contracted on a service contract, the Lengthsman should also have this level of indemnity. Where the Lengthsman is an employee, or the Parish Council elects to provide this indemnity for the Lengthsman as contractor, the Parish Council MUST inform and seek the advice of its insurer.

## **10 HEALTH AND SAFETY**

Please refer to the attached BPG Contracts and Contractors. The County Council's model risk assessment for the work of Lengthsman who is required to undertake safety training:

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<b>Activity</b>	Lengthsman's Duties
<b>Significant Hazards</b> Traffic Pedestrians Location Lone Working Use of cutting equipment	<b>Potential Occurrence</b> Accidents, injuries to public Hazards, visibility Ability to summon assistance Injury to self / public
<b>Control Measures</b>	Protective Clothing to be worn at all times. Warning signs to be erected in advance of work. Training certificate required for powered equipment. Carry mobile phone or advise clerk on location and contact on return General training on work within the highway

**11 APPOINTMENT PROCEDURE**

The Parish Council is required to apply an open, accountable and transparent procedure for the appointment of the Lengthsman either as an employee or contractor. The post/contract should be advertised and the successful applicant appointed on merit and under competition, if possible. Models are included for the advertisement, application, letter of appointment and Contract of Employment / Contract for Services. The Council should appoint a committee – we recommend no more than three (cannot be fewer) Councillors - with delegated authority for the whole appointment process including interview. This committee is serviced by the Clerk and should be mindful of all equal opportunities issues. See CALC's model terms of reference for a Staffing Committee.

**12 STANDARD OF WORK**

The Parish Councils taking part in the scheme should make their own arrangements for the monitoring of the Lengthsman's work within their parishes. The County Council will monitor the work through the Administrators' monthly reports, on-site spot checks and other appropriate means.

**13 GLOSSARY OF TERMS**

- Highway Authority:- The County Council.
- Public Highway:- The area maintainable at Public expense comprising of carriageway, footway and verge.
- Footway:- Pavement usually abutting the carriageway.
- Footpath:- Usually a Public Right of Way not abutting the carriageway.

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Divorced Footway:-	A tarmacked footway away from the carriageway but not a Public Right of Way.
Metalled Surface:-	A Highway with a tarmacked surface.
Gully:-	A drain in the road with a grid over.
Ditch:-	Usually in rural areas a drainage channel in the verge running parallel to the carriageway.
Grip:-	A channel from the edge of the carriageway to the ditch which allows water to drain off the carriageway into the ditch.
Headwall:-	Usually a brick structure around a pipe at the end of a ditch.
Channel:-	The edge of the carriageway i.e. gutter.
Siding out:-	The term used to remove grass that has grown over the footpath from the adjacent verge.
Statutory Undertaker:-	The term given to the Waterboard, Electric, Gas, Telephones etc.
Street Furniture:-	Lighting columns, benches, barriers, litter bins, signs etc.
Reflector Post:-	Usually a black and white marker with a reflectorised white or red top.
Encroachments:- Highway.	The placement of unauthorised signs/rocks on the Public Highway.

### **NB**

- Worcestershire CALC used its best endeavours in the development of this guidance for Parish and Town Councils in good faith.
- Worcestershire CALC is NOT a contractual party to the scheme