

**WARWICKSHIRE LENGTHSMAN TRIAL NON FUNDED SCHEME:
GUIDANCE PACK V.1.3**

April 2022

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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. The scheme mechanics are very simple:

1. The Participating Parishes will sign a contract with the County Council and will **not be** allocated a budget. Participating Parishes will be consulted on any extensions to this contract and all parties may terminate this agreement within three weeks or immediately (if there are safety reasons for doing so.)
2. The Participating Parishes will then hire a lengthsman.
3. Training for the lengthsman will be provided by the County Council.
4. The Participating Parishes will be responsible for determining what work is required and allocating this to the lengthsman.
5. The Participating Parishes will pay the lengthsman's fees and shall send an invoice and worksheets to the County Council for information purposes only.
6. The Parish should pay any invoices within 4 weeks of receipt.

The lengthsman is allowed to undertake the following activities:

Drainage

- Clear gully grates (Not lifting covers)
- Clear verge grips
- Clear headwalls
- Rod blocked drains, if practicable
- Advise landowners and frontagers when their ditches need cleaning
- In especially difficult circumstances clear ditches – only with prior agreement of the Highway Manager (HM) or their representative.

Vegetation Clearance

- Remove vegetation obstructing signs
- Remove vegetation at junction visibility splays
- Side out footways to normal width and spread arisings on verge where possible
- Negotiate with frontagers for them to cut back overhanging vegetation

Miscellaneous

- Clean dirty signs and or retighten / refix brackets (except illuminated signs)
- Snow clearance and gritting / salting by hand
- Removal of illegal flyer posting
- Maintaining and repainting of highways approved visibility fencing, ornate sign posts and clearing of subways
- *Other work with specific approval of the Highway Manager*

These activities may be carried out on all highways in the relevant Participating Parish except for on the following:

- Motorways
- Trunk roads, Toll Roads or unadopted roads
- Roads where the speed limit is 40 miles per hour or more or work on the carriageway itself.

2 CONTRACTUAL ARRANGEMENTS

There are three main parties involved:

- (1) Warwickshire County Council
- (2) the Participating Parish Council
- (3) the lengthsman

The contract between the County Council and the Participating Parish Council shall set out the basis on which the Participating Parish shall be entitled to instruct the services of a lengthsman and how Parish enter into contracts with their respective lengthsman in the form attached to this guidance.

The Participating Parish Council should decide which arrangement applies between the Parish Council and the lengthsman:

either a Contract of Employment - where the Parish Council is the employer and the lengthsman is a direct employee of the Parish Council,

or a Contract for Services – where the lengthsman is self-employed and contracted by the Parish Council to provide a service.

Most Parish Councils have chosen the second option.

3 BUYING IN

Neighbouring parishes may buy into services of a Participating Parish.

Appendix D sets out the form in which this may be agreed.

4 APPOINTMENT PROCEDURES

The Participating Parish Council is required to apply an open, accountable and transparent procedure for the appointment of the lengthsman either as an employee or contractor. Councils should let contracts in compliance with the financial regulations. Appointment of employees must be on merit.

The County Council will not be held responsible for any liabilities arising out of a Participating Parish's failure to let the contract or appoint an employee correctly.

Models are included for the advertisement, application, letter of appointment and Contract of Employment / Contract for Services and it is advised that Participating Parishes use these.

5 TRAINING

It will be a contractual requirement that each lengthsmen has attended a free training session in the use of traffic management before they start work. These free training sessions will be provided on an as required basis by the County Council and availability of County Council staff. On completion of the one day course the lengthsmen will have the level of competence required. The sites will then be monitored on an adhoc basis by the Highway Team to ensure compliance and site safety. The training will be based on the requirements within The Safety at Street Works and Road Works 'Red Book' Code of Practice.

6 PAYE AND NATIONAL INSURANCE

The Participating Parish Council is responsible for ensuring that relevant PAYE and NIC is paid for each of its employees where applicable. Where NIC and / or PAYE is required, the Participating Parish Council must register with HMRC who will provide a simple step-by-step employer's pack. Please contact your local HRMC office for further guidance.

It should be noted that where the lengthsmen is contracted under a service contract, the Participating Parish Council is not responsible for NIC and PAYE.

7 INSURANCE

The Participating Parish Council should inform its insurers of its involvement in the scheme and is required to put in place public liability insurance covering up to the amount of £10,000,000. (10 Million pounds) Where the lengthsmen is contracted on a service contract, the Participating Parish shall ensure that the lengthsmen also has this level of insurance. Where the lengthsmen is an employee, or the Parish Council elects to provide this insurance for the lengthsmen as contractor, the Parish Council MUST inform and seek the advice of its insurer.

8 FUNDING

Funding will not be provided to Participating Parishes by the County Council:

However Participating Parish Councils will or may supplement this budget using their precept.

9 TOOLS & EQUIPMENT

The County Council will provide the following items of Personal Protective Equipment (PPE);

Hard hat, High visibility jacket,
High visibility trousers and
waistcoat

We would expect any lengthsmen under a contract for services to all provide basic tools for the job (shovel, spade, broom and shears). If the lengthsmen is under a contract of

employment then the Parish Council should look to provide these tools.

10 MATERIALS

Any materials the lengthsman may require to carry out their tasks e.g. varnish, paint etc. will require evidence of purchasing including VAT payments by submitting receipts / invoices together with their weekly report and timesheets, to submit for monthly for payment to the Participating Parish, which must be kept.

11 WASTE

Materials which arise during the undertaking of lengthsman duties should be disposed of locally. Where this is not possible they can be taken to our Highways depot (Henley or Budbrooke) where lengthsman can use the 'green waste' (verge cuttings / vegetation) containers or by agreement via their Local Borough Council at a local waste site or at an agreed location.

Lengthsman will need to go to the depot reception from where they will be directed to the waste container. A high-visibility vest/ Jacket, high-visibility trousers, and hard hat will be required.

12 HEALTH AND SAFETY

Before lengthsman can work on the carriageway they are required to have undertaken training on the installation of traffic management (signing and coning). This training will be provided by the County Council as resources allow; see training section 5.

Typical hazards and control measures are listed below, but this list is not exhaustive.

Significant Hazards <ul style="list-style-type: none">• Traffic• Pedestrians• Location• Lone Working• Use of cutting equipment
Potential Occurrence <ul style="list-style-type: none">• Accidents, injuries to public• Hazards, visibility• Ability to summon assistance• Injury to self / public
Control Measures <ul style="list-style-type: none">• Protective Clothing to be worn at all times• Warning signs to be erected in advance of work (see section 5, Training)• 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

The Health and Safety Executive (HSE) publish a number of guides that are of relevance to the lengthsman as follows:

- 'Getting to Grips with Manual Handling – A Short Guide'
- 'Top Tips for Ladder and Stepladder Safety'
- 'A Toolbox Talk on Leaning Ladder and Stepladder Safety'
- 'Working Alone – Health and Safety Guidance on the Risks of Lone Working'

These documents are available to view and download at www.hse.gov.uk

13 STANDARD OF WORK

The Participating Parish Councils 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, random on-site spot checks and other appropriate means.

14 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 (not included in Lengthsman Scheme).
- Divorced Footway - A surfaced footway away from the carriageway but not a public Right of Way.
- Metalled Surface - A highway with a tarmac 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 onto the footway 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 and red top.
- Encroachments - The placement of unauthorised signs or materials on the public highway.
- Visibility Fencing - fencing placed in areas of restricted visibility affording road users a view through the vertical members.
- Noxious Weeds - An invasive species of a plant that is injurious to crops, natural habitats and/or humans or livestock.