

Dear Councillors,

In respect of the leaflet entitled ‘ Council Tax Update from Border Group Parish Council’, I would wish to make the following observations:

- That you appear to be presenting your electorate with a fait accompli in respect of your corporate attitude to the withdrawal of present funding for services and your attitude towards the future threat of withdrawal of further HCC services, rather than opening up a debate. To quote: ‘Both decisions (*ie. to continue the Lengthsman Scheme & to subscribe to the Enhanced Lengthsman Scheme*) mean the parish council element of your council tax will rise.....’
- The scenario set out is complex comprising 4 distinct phases: a consideration of the advisability or not of continuing to subscribe to the Lengthsman Scheme once Highways Authority funding ceases; to subscribe to the Enhanced Lengthsman Scheme (simply characterised as ‘filling potholes’); continuing to undertake the maintenance of footpaths, bridleways & byways once the P3 Scheme funding ceases in 2019; your likely response to the likely threat to the withdrawal other additional HCC services.
- The Lengthsman Scheme is characterised as dealing with Highway problems such a ditching and drainage. Reference to the HCC website concerning the Lengthsman Scheme sets out a list of activities to be undertaken and ditching is not one of them.

https://www.herefordshire.gov.uk/info/200231/parish_councils/207/lengthsman_scheme/1

Indeed, reference to the Balfour Beatty leaflet concerning ditching and drainage found on your own website make it quite clear in a diagram that ditches (including culverts under drives and, presumably, field entrances, as well as hedges), are the express responsibility of the adjacent landowner.

I urge the BGPC to initiate a serious and comprehensive debate with the electorate to seek its support for some or all of your proposals before embarking upon such a future funding commitment.

To date you have failed to fully inform the electorate of the complexity of the issue or seriously invite meaningful responses. I have spoken to a number of neighbours on the issue and they have all felt a reluctance to write a response based on:

- A lack of understanding of the issues by dint of the lack of detail in the leaflet.
- A sense that the matter has already been decided and that their opinion would be ignored anyway.

I urge you to call a Public Meeting to be held as soon as possible which will give you the opportunity to explain the issues and for the Public to express their views, opinions and fears, given that your proposals imply the transfer of HCC/Highways Authority (Balfour Beatty) funding to grass roots level.

In the light of the leaflet, I have made it my business to find and consult as many leaflets, websites, directives from HCC sources and Government sources as possible.

The electorate should be made aware that this funding will represent double taxation, for example, given that via road tax, income tax, VAT as well as Council tax they have already made their contribution to funding all of the services for which the BGPC now wishes to accept responsibility. As the Prime Minister has so rightly said on many occasions, such costs will hit the 'just managing' the hardest, particularly at a time when the basic HCC council tax element is set to rise by 4.9% at the same time. You speak of raising your precept gradually but of a rise of 116% over 2 years is excessive and in my opinion your proposals should be rejected. There is no inevitability about simply replacing lost HCC grants with local funding on a pro rata basis.

I recognise with some trepidation that whilst the annual increase in HCC element of Council Tax is capped, that of the Parish Council is not. I urge you to take the possible impact of your proposals upon this small rural community very seriously, given that wages in rural areas are low, that wage rises are insignificant and that in spite of protestations to the contrary, inflation and interest rates are on the rise.

Moreover, given that as a result of the cutting of Government grants to local authorities, local authorities are cutting services and increasing Council Tax to compensate. Yet, at this time of contraction and cost-cutting at Governmental and local authority level, the BGPC appears to be adopting a cavalier attitude in demonstrating a willingness to take responsibility, both in practical and financial terms, for those services which the local authority are keen to hive off and pass on the additional costs to its tiny pool (some 300 contributing households) of parishioners.

Phase 1 (Lengthsman Scheme)

Although it appears tempting to continue the Lengthsman Scheme, I believe that the responsibility should be returned fairly and squarely to the Highways Authority now that the funding is to cease. If it were to be continued it should certainly be in modified form with a cessation of allowing the Lengthsman to clear ditches or cut hedges (except where they impinge upon road signs) as the invoices 2016/2017 show has been the case to date.

<http://www.bordergroup-pc.org/wp-content/uploads/2016/10/20160820-Lengthsman-Inv-685.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/01/Purfect-Cat-Hire-Inve-701-12DEC16.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/08/Purfect-Cat-Hire-Inv-708-14MAR17-£708-gross.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/10/EPSON001-Purfect-Cat-Hire-Inv-825-£538-gross-3SEP17.jpg>

http://www.bordergroup-pc.org/wp-content/uploads/2018/01/Lengthsman_Purfect-Cat-Hire_6JAN18.pdf

Phase 2 (Enhanced Lengthsman Scheme)

Regrettably, I have been unable to find any published information setting out the scope and nature of the Enhanced Lengthsman Scheme. You express it simply as ‘filling potholes’ but I am sure that the implications and, therefore, the cost to us is far more significant than it might appear. I can’t help thinking that the act of just filling potholes might lead to a host of implications that are not touched on in your leaflet. For example: obtaining and buying materials, obtaining plant, storage, training of Lengthsman, traffic control, insurance. Have you any knowledge of the experience of any Parish Councils that have committed to the scheme? I have only found one reference: the parish of Kingstone & Thruxton considered subscribing to the pilot scheme in 2015 and rejected it on grounds of cost.

I trust that the BGPC will be able to access complete details of the scheme and that it will make that information available for parishioners to consult. I can’t help feeling that in all respects, the Highways Authority are better equipped, experienced, insured and so forth to undertake the work. In addition, the business of reporting problems is easily effected online. I’m sure the Clerk and Councillors will be reluctant to receive calls or e-mails from parishioners reporting Highways issues.

Phase 3 (P3 Scheme)

As I understand it, the P3 Scheme has been available from the Highways Authority to encourage local Parish Councils to undertake some maintenance of footpaths, bridleways and byways within their area of responsibility. Manifold are the leaflets, directives and so forth on the question of the diverse responsibilities of the Highways Authority on the one hand and the landowner over whose land the right of way passes on the other. I refer to 3 documents to inform the debate:

<https://www.gov.uk/guidance/public-rights-of-way-landowner-responsibilities>

<https://www.gov.uk/guidance/public-rights-of-way-local-authority-responsibilities>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf (Page 38...)

At the BGPC meeting in November, the Footpaths Officer simplified the debate in stating that:

- Landowners are responsible for keeping gates and stiles in good order.

<http://www.bordergroup-pc.org/wp-content/uploads/2017/11/PP3-REPORT.pdf>

Yet, it would appear from the invoices of Joe Thomas that at least one stile was repaired in the 2016/2017 period and that other activities such as the cutting of overhead branches, strimming and hedge cutting which might ordinarily be thought of as the landowners’ responsibility have been undertaken consistently.

<http://www.bordergroup-pc.org/wp-content/uploads/2016/10/20160629-P3-Joe-Thomas-Inv-011.04-29JUN16.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/10/P3-Invoice-Joe-Thomas-31MAY17-012.02-£350.00.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/10/P3-Invoice-Joe-Thomas-31AUG17-12.07-£1287.pdf>

<http://www.bordergroup-pc.org/wp-content/uploads/2017/10/Presteigne-Gates-Inv-110686-£186-gross-31AUG17.jpg>

Luckily, we have approximately one year before the cessation of the P3 scheme under the auspices of which these activities have been undertaken to decide whether or not it would be legitimate to continue such activities at Public expense.

I believe that it is unreasonable to expect such a small pool of parishioners to accept the financial responsibility of accepting even the legitimate responsibilities to which the Highways Authority are committed by law. I believe that a rights of way network of 55.1kms represents a huge responsibility and a national asset to boot used by ramblers and casual walkers from around the county and beyond.

Whilst the Footpaths Officer claims that 'a neglected ROW system is a sad prospect indeed' I see no reason why the return of responsibility to the Highways Authority & the expectation of requiring Landowners to step up to their responsibilities should lead to such an outcome. Further, at a time of continuing austerity, I cannot accept that the maintenance of the ROW at public cost should take precedence over other services.

In his report of November 2017, the Footpath Officer invited ideas for solving the funding shortfall post 2019. As I have already suggested to him, volunteers could be encouraged to intervene where necessary, possibly by contacting local rambler groups, as a tried and tested alternative used in other areas. I hereby offer my time, skills and equipment to get the ball rolling.

The Future

The final paragraph of your leaflet implies an inevitability that HCC will cut further services and that the BGPC will give due consideration to further increasing the precept to compensate. I draw your attention to the following:

<https://www.localgov.co.uk/Parish-council-responsibilities/29135>

For which of these potential areas of activity might the BGPC consider it reasonable to assume responsibility? Clearly, the paucity of contributing households limits the potential to expand to any great extent.

I recognise that the BGPC has been presented with a dilemma:

- It is clear that with a small sum of around £7500 per year at its command to date, more than half of that sum has been dedicated to paying the salary & expenses of the Clerk. As a result you have had only a very small sum at your command to invest in funding those limited responsibilities which you accept.
- Although the present proposed increase of precept is couched in a context of necessity, is it possible that a desire to make the role and impact of the BGPC more significant has entered into the corporate psyche?

However, my earnest belief is that the BGPC, recognising the small pool of parishioners from whom you can legitimately derive its funding, should, as my mother used to say: 'Cut its suit according to its cloth'.