

CYNGOR SIR POWYS COUNTY COUNCIL.
August 2015

PORTFOLIO HOLDER DELEGATED DECISION

By
COUNTY COUNCILLOR JOHN BRUNT
(Portfolio Holder for Highways)

And

COUNTY COUNCILLOR GRAHAM BROWN
(Portfolio Holder for Commissioning and Procurement)

REPORT AUTHOR: Brian Price

SUBJECT: To decide whether or not to grant a licence under S142 of the Highways Act 1980 to permit Llangattock Litter pickers to provide and maintain wooden flower planters and wildflower areas within Llangattock.

REPORT FOR: Decision

Summary

Llangattock Litter pickers are a Community group in Llangattock and they have previously provided and maintained 9 wooden flower planters in the village, which have been placed on a number of areas of highway verge. They have requested permission (Appendix A) to place a further 14 wooden flower planters in the village on highway verges (Appendix B) and offered to maintain these planters and surrounding grass verges. Llangattock Litter pickers have offered to supply wildflower seed mix for 3 areas of highway verge (Appendix C) and work in partnership with the Authority to prepare these wildflower areas and maintain them going forward.

The Llangattock Litter pickers have drawn up an agreement with local residents (Appendix D) and provided a list of 20 residents that have volunteered to carry out various maintenance tasks.

PCC have informed the Llangattock Litter pickers of the requirements set out in the licence and they have received a draft copy of the licence for comments and provided their comments to the draft Deed. (Appendix E).

Llangattock Litter pickers have provided details on their expenditure to date and they spent £995.07 on the existing 9 wooden planters and flowers. They have spent £1257.78 on the 14 new wooden planters and flowers which are waiting to be situated. The wildflower seed and lining paint has been purchased at a cost of £511.95.

The Llangattock Litter pickers have informed the Community Council of their proposals and these proposals were discussed at the Community Council meeting in November 2014. The Community Council have some concerns

over the location of the wildflower areas and how the areas would look at the end of the summer. A number of emails have been written since and Brian Price had a site meeting with the Community Council to address their concerns on the 9th March 2015, but only the Clerk of the Community Council attended. The Community Council have written to the Chief Executive of Powys County Council and he has provided a written response. The County Councillor is aware of the proposals and has no objections to the idea of the wildflower areas or the wooden planters, but has raised concerns on the consultation process.

The licence will be granted for one year and thereafter one year on one year until terminated. It may be terminated by either party by giving one months' notice in writing.

Proposal

To decide whether or not to grant a licence under S142 of the Highways Act 1980 to Llangattock Litter pickers to maintain the planters and adjacent grass verges and 3 wildflower areas on Powys County Council land.

One Powys Plan

The proposed scheme and granting of the licence would be in line with the Powys One Plan which commits to Stronger, safer and economically viable communities and states we will:

- Develop a scheme that encourages communities to work with local organisations to improve services at neighbourhood level. This will include:
 1. Empowering people to have a greater voice and influence local decision making and service delivery in their area
 2. Encouraging shared ownership of community facilities and providing support to people who want to get involved in running services but lack the necessary resource to do so
- Launch a volunteer programme that encourages more people to volunteer and share their skills to make Powys communities stronger and more self-reliant. We will also support existing volunteers so that they can continue to do so.

What difference will we make?

- Our towns and villages will be more community focused, self-reliant and resilient
- People will volunteer and take an active part in supporting their community
- People will feel that they matter, that they have a voice and can influence local decisions

Options Considered/Available

N/A

Preferred Choice and Reasons

N/A

Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

The wildflower areas would ensure we comply with the Welsh Government Action Plan for pollinators in Wales. Powys County Council as a Public body have a legal duty under the Natural Environment and Rural Communities Act (NERC) 2006 to have regards to the conservation of biodiversity in exercising its functions.

Children and Young People's Impact Statement - Safeguarding and Wellbeing

N/A

Local Member(s)

Statement from Local Member Cllr Jeff Holmes

"I have no problem with Llangattock Litter pickers working with Powys County Council in the supplying, planting and maintenance of wildflowers. The agreed areas should have the approval of the Community Council to ensure their future plans are not affected. The wooden planters if located correctly will be an asset to our village."

Other Front Line Services

Wildflower areas would be cut and cleared once a year by HGSS staff, these areas are currently cut 3 times a year by HGSS staff. A one metre width of grass verge around the wooden flower planters will be maintained by the Community group and therefore reduce the cost to the HGSS Service who currently carry out this work at a cost of £795.59 per year.

Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)

Finance have noted the detail in the report and agree to grant licence to the Llangattock litter pickers to maintain planters and wildflower verges in the area in partnership with Powys County Council. This should reduce the Councils resource requirements within this area by £397.80 per year.

Local Service Board/Partnerships/Stakeholders etc

N/A

Corporate Communications

N/A

Statutory Officers

The Solicitor to the Council (Monitoring Officer) has commented as follows: “I support the decision making process.”

Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
To decide whether or not to grant a licence under S142 of the Highways Act 1980 to Llangattock Litter pickers to maintain the planters and adjacent grass verge and 3 wildflower areas on Powys County Council land.	

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	Cllr Jeff Holmes
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Person(s) To Implement Decision:	Brian Price
Date By When Decision To Be Implemented:	With immediate effect

Contact Officer Name:	Tel:	Fax:	Email:
Brian Price	01874 754636		brian.price@powys.gov.uk

Background Papers used to prepare Report:

Appendix A - Formal request letter from Llangattock Litter pickers

Appendix B - location plans for planters.

Appendix C - location plans for wildflower areas.

Appendix D - Llangattock Litter pickers letter to residents Clos Cilau and Plasderwen and Supporters list and Volunteer list from residents

Appendix E – Llangattock Litter pickers response to draft licence.

10 emails including Llangattock Community Council, Llangattock Litter pickers and PCC Officer Brian Price.

Letter to Chief Executive and the reply.

Powys One Plan

Natural Environment and Rural Communities Act (NERC) 2006



Placing of flower troughs at Clos Cilau & Roundabout at Plas Derwen

Introduction

We successfully placed five flower troughs in Llangattock in 2013 and a further four in 2014. The nine flower troughs have been well received by the community of Llangattock and visitors to the community with positive feedback on the whole.

With the above in mind we approached Brian Price at Powys County Council with a proposal to introduce an additional number flower troughs into the community in 2015 totalling another fourteen. Brian has approved the placing of the additional flower troughs to be located on verges under his control with a proposal of seven out of the additional fourteen flower troughs for 2015 to be placed in Clos Cilau and Plas Derwen which we know now needs approval by PCC Housing hence this letter of intent.

Location of flower troughs

In total, seven out of the fourteen flower troughs are proposed to be placed in 2015 in Llangattock will be located at Clos Cilau and Plas Derwen.

Five of the flower troughs being placed in Clos Cilau and two at the front of the roundabout at Plas Derwen as indicated on the attached location plan. A key to the plan is below:

- Triangle - Existing flower troughs in situ since 2014
- Star - Proposed locations for placing in 2015
- Circle - Proposed location and already agreed following dialogue with Brian Price/Ceri Lewis

Maintenance intentions

Verges

Llangattock Litter Pickers will bring the verges where the flower troughs are to be placed up to the standard it expects the verge to be kept in by the volunteer group. Llangattock Litter Pickers will then hand over the verge maintenance over to the group of volunteers (as per attached list) headed up by Gill Parsons (15 Clos Cilau) who Llangattock Litter Pickers will liaise with directly going forward as one point contact for the group of volunteers.

Flower Troughs

The flower troughs themselves will need very little maintenance as we have carefully sourced good quality larch flower troughs that do not need painting given the natural preservatives contained in the wood and are of sturdy construction. Please refer to our flower supplier's website for flower trough specification (<http://www.gardenlarch.co.uk/garden-planter-trough-larch-fsc-timber-145m-trough---extra-wide-450mm-wide-x-350mm-high-105-p.asp>)

Plants

The flower troughs planting will be made up of 50% perennials and 50% annuals (both winter and summer annuals). With plants sourced from local suppliers and where possible plants that aid pollinators.



Attached to this document is the formal offer we forwarded to Gill Parsons which details in greater depth the role and responsibilities of both Llangattock Litter Pickers and the group of volunteers at Clos Cilau and Plas Derwen.

Timescale

Placement of the flower troughs will take place in March 2015. The flower troughs will have their perennials already planted in. Slow release fertiliser and bark acting as a mulch to preserve water content in warm weather will also be present in the flower troughs.

The summer annuals will be planted once the threat of frost has disappeared which we envisaged will be late spring.

Support from residents/tenants

Gill Parsons (15 Clos Cilau) attended residents/tenants properties in Clos Cilau and Plas Derwen to both gain support for the proposed flower troughs and also secure volunteers to both mow & maintain the verges that the flower troughs will be placed on, water the flower troughs and deadhead flowers.

We have attached the spread sheet of support and volunteers to this letter.

Insurance

Llangattock Litter is fully insured through a combined liability and personal accident insurance policy through Keep Wales Tidy that includes for the use of lawn mowers and strimmers by volunteers. The policy provides £10,000,000 limit of indemnity with £5,000,000 of public liability and £5,000,000 of product liability.

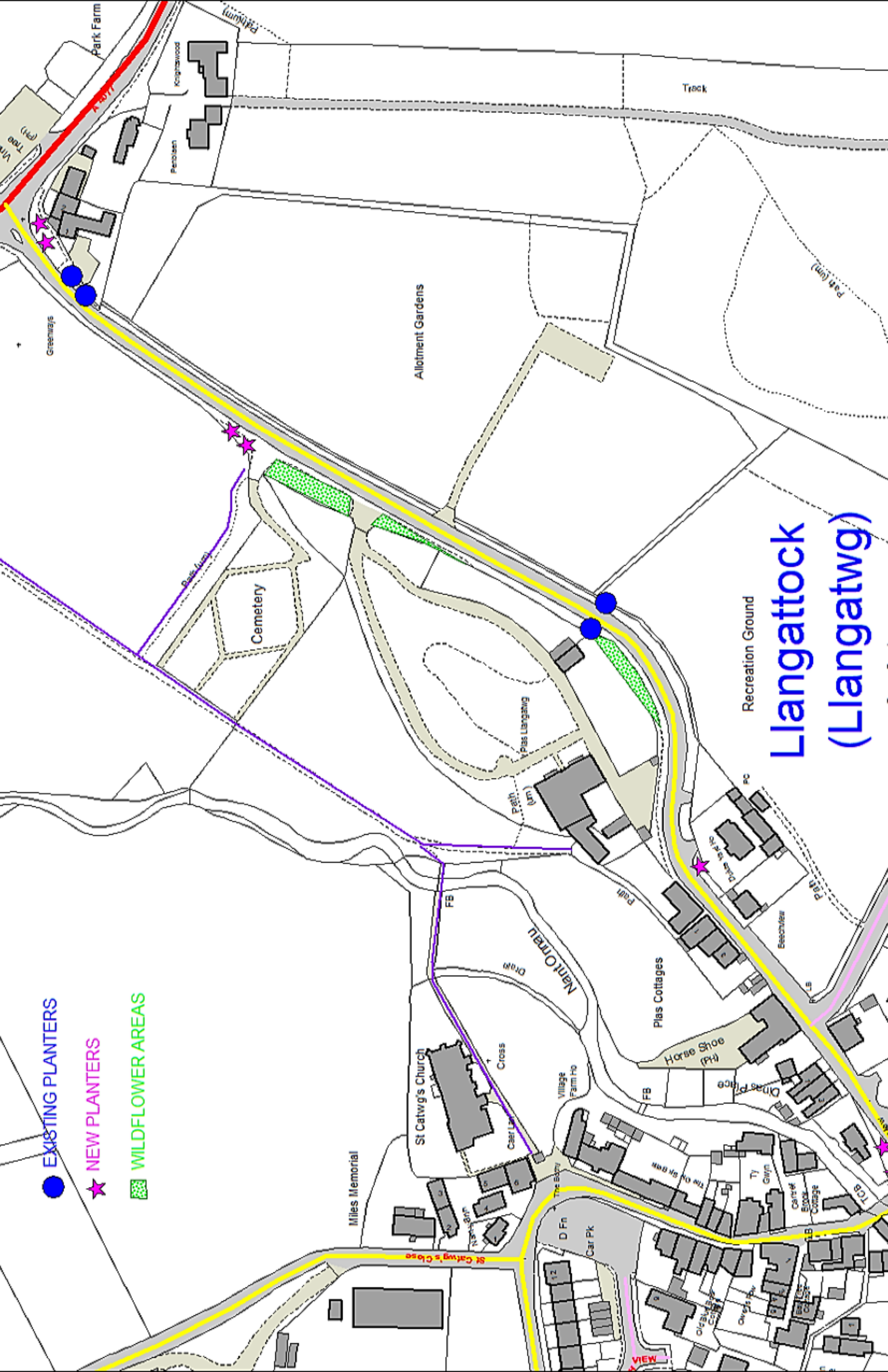
We have attached the insurance policy certificate for 2014 and await the 2015 certificate from Keep Wales Tidy having repeatedly chased Keep Wales Today for it. They await a copy of the certificate from their brokers for all insured groups through Keep Wales Tidy. We have had confirmation via email from Keep Wales Tidy that cover is in place for Llangattock Litter Pickers and if needed Keep Wales Tidy can confirm this to Powys County Council in the event that the certificate has not been forwarded by Keep Wales Tidy.

General

We attach Llangattock Litter Pickers Annual Report for 2014 for your information giving the background to our activities, achievements and results to date.

- Attachments:
1. Llangattock Litter Pickers Annual Report 2014
 2. Insurance Policy Certificate (2014)
 3. List of support and volunteers from Clos Cilau & Plas Derwen
 4. Location Plan
 5. Formal offer letter to Gill Parsons (15 Clos Cilau)





EXISTING PLANTERS

NEW PLANTERS

WILDFLOWER AREAS

Llangattock (Llangatwg)



Dear Gill

Further to our conversations regarding the possible locating of additional flower troughs at both Clos Cilau and Plas Derwen we write to you with the offer from Llangattock Litter Pickers.

Llangattock Litter Pickers are offering to provide an additional five flower troughs at both Clos Cilau and Plas Derwen. This is in addition to the two already located at the entrance to Plas Derwen (marked up as triangles on the attached map) and the two planned for installation in Clos Cilau opposite the road that takes you on up to Llangattock School/Llangattock Community Hall (marked up as circles on the attached map).

The flower troughs would be installed at the locations proposed on the attached map (those areas marked on the map) and subject to agreement in writing from Powys County Council and Llangattock Litter Pickers informing Llangattock Community Council.

We are of the understanding following dialogue with Powys County Council that Powys County Council Highways maintained verges in 2015 will only see the verges cut three times within the growing season. Llangattock Litter Pickers believes the installation of flower troughs on road side verges present an opportunity for the verges that the flower troughs are located on to be maintained to a standard that would make the residents proud of and more acceptable than just three cuts of the grass as is planned in 2015.

Clos Cilau/Plas Derwen Volunteer Group

- The grass verge that both surrounds the flower trough and the verge itself that the flower trough be located on is both mowed and strimmed (including around the flower troughs) at least fortnightly in the growing season (April - November).
- The flower troughs be watered within the growing season (April - October) at least three times a week.
- Dead heading as and where necessary of the flowers contained in the flower troughs.
- Adherence to the risk assessment to satisfy the terms of the Public Liability and personal injury insurance Llangattock Litter Pickers have in place.
- Adherence to the terms of this offer letter to satisfy the undertaken given to Powys County Council by Llangattock Litter Pickers.

Llangattock Litter Pickers

- Purchase, fill with compost and plant up the flower troughs with a mixture of perennials and summer plants in the first instance.
- Locate the flower troughs on the verges we have identified as suitable following consultation with Powys County Council and inform Llangattock Community Council of the intentions.
- The purchase and planting of both summer and winter annuals in the flower troughs on an annual basis.
- Feeding of the flower troughs on a fortnightly basis in the growing Season (April - October).



- Managing of the perennial plants contained within the flower troughs.
- Maintenance of the actual flower troughs themselves.
- Flower troughs and plants contained within them would remain the property of Llangattock Litter Pickers.
- If at the end of the growing season the flower trough were deemed not to have been cared for by the appointed volunteer pool, Llangattock Litter Pickers reserve the right to re-locate the troughs.
- Written undertaking provided to Powys County Council that the verges are maintained to an acceptable standard on an on-going basis.
- Liability and personal injury insurance would be provided for volunteers but adherence to the risk assessment provided by Llangattock Litter Pickers would be a pre-condition to this.

If you are in agreement to the above Llangattock Litter Pickers ask that in order to satisfy the terms set out by Powys County Council that a list of willing volunteers is gathered from residents of Plas Derwen and Clos Cilau. Llangattock Litter Pickers will also need a list of residents of both Clos Cilau and Plas Derwen who express their support of the locating of further flower troughs and grass verges to be maintained by the volunteer group. This is a precondition of this project moving forward as without this we are unable to satisfy the terms set out by Powys County Council.

Whilst this email may come across as being quite formal for something as simple as installing and maintaining flower trough along with the cutting and strimming of grass, it is important that both Llangattock Litter Pickers and volunteers looking after the flower troughs and verges do so in both a safe manner not to harm themselves or any member of the public and also to satisfy the landowner which in this case is Powys County Council. We are sure that once the troughs are in place, it will be neither hard nor complicated to maintain them and they will bring a lot of pleasure to many people in the area.

If we can ask for the attached supporters/volunteer list to be returned to us by Friday 9th January 2015 and we can liaise with Powys County Council to take the proposed project forward in readiness for flower troughs to be located in Spring 2015. Can we also ask for confirmation who will be the lead contact with contact details provided along with an email confirming acceptance of this offer letter.

Please feel to contact us should you have any questions or need any clarification on any point that is contained within this letter.

Regards

Llangattock Litter Pickers

Attached: 1. Supporters/volunteer list
 2. Location map where flower troughs are proposed to be located

Emma/Graham

Afternoon

Thanks for the draft licence which we can confirm we are happy to sign with Powys County Council (PCC) with just one alteration suggested. The provision to allow trees to be planted on the verge is something that we currently do not have planned by it may be the case in the future that say the group wanted to plant some fruit trees to complement the current and planned wild flowers/flower troughs. There is only provision in the draft licence for "up to three feet" in height. Would PCC consider increasing this to allow for fruit trees. Naturally it goes without saying that as a group we would seek permission in the first instance from Powys County Council which would allow PCC the opportunity to take a view on the appropriateness of fruit trees to be planted at a given location under the licence.

Where do we stand in terms of 3rd party contractors doing work on the verges that are covered by the licence? I say this as there has been recent works in the village on verges that are under the scope of the licence and we have some concern that if the verges are not returned to either the state they were found in before the works took place or for example damage was done to the verge/flower troughs/wild flowers that were not replaced/compensated for then the liability in terms of costs would fall on the group. Is there also a mechanism from PCC that can inform us as and when works are planned on verges that are under licence to the group.

Confirmation as requested regarding the two names and addresses for the licence as follows:

- **Michael Butterfield** - [REDACTED] **Crickhowell, Powys,** [REDACTED]
- **Peter Bates** - [REDACTED] **Crickhowell, Powys,** [REDACTED]

We look forward to hearing from you.

From: emma.phillips1@powys.gov.uk

To:

CC: ceri.lewis@powys.gov.uk

Subject: FW: Clos Cilau & Plas Derwen - Licence for Proposed Flower Troughs and Verge Maintenance

Date: Thu, 5 Mar 2015 10:05:08 +0000

Dear Michael

I refer to your email correspondence in relation to the above.

I am able to attach hereto a draft Licence to plant in the highway under the provision of the Highways Act 1980 for your perusal. I should be grateful for your comments in relation to this draft Deed to allow any amendments to be made. I would also appreciate it if you would kindly advise me of the names and addresses of two members of your group who are empowered to sign this Licence on the groups behalf. These details will be required to be entered in to the first paragraph of the Licence itself.

I await hearing further from you with regard to the matter in due course.

Plans to follow.

Regards

Graham