

Minutes

Overview and Scrutiny Committee 6th June 2018



Present

Councillors	Present	Councillors	Present
P Barlow (Chairman)	Yes	D Mann	Yes
Mrs. M Cunningham (Vice Chairman)	Apologies	Mrs. I Parker	Yes
Mrs. D Garrod	Yes	R Ramage	Yes
J Goodman	Yes	B Rose	Yes
A Hensman	Yes	P Schwier	Yes
P Horner	Yes	C Siddall	Yes
D Hume	Apologies	Vacancy	
G Maclure	Apologies		

7 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:

Councillor Siddall declared a Non-Pecuniary Interest in Agenda Item 6, 'Task and Finish Groups Update,' as he was the managing director of Eastern Plastics Machinery Ltd and a Member of the Task and Finish Group Scrutiny Review into Recycling, Re-Use and Reduce.

8 **PUBLIC QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

9 **MINUTES**

INFORMATION: Members were advised of an error in the Minutes of the Overview and Scrutiny Committee held on 10th May 2018 in respect of the date of the proposals for the preferred A120 route, which would be announced on 8th June 2018.

DECISION: That subject to the amendment the Minutes of the meeting of 10th May 2018 be deferred to the next meeting of the Overview and Scrutiny Committee being held on 11th July 2018 for approval and signing by the Chairman.

10 **SECOND EVIDENCE GATHERING SESSION FOR THE SCRUTINY REVIEW INTO THE ROLE OF THE HIGHWAY AUTHORITY IN THE BRAINTREE DISTRICT**

INFORMATION: This was the second evidence gathering session of the work programme for the Overview and Scrutiny Committee's Scrutiny Review into the Role of the Highway Authority in the Braintree District.

Members were advised that Officers were unsuccessful in securing the attendance of the appropriate Essex County Council Officers to participate in the Scrutiny Review as part of the evidence gathering session. The Chairman suggested that Members utilised the time available to establish a further line of enquiry that could be explored at future meetings.

In response to questions raised by Members, the following responses were provided:

- Members were advised that with regards to maintenance issues, Section 106 agreements under the Town and Country Planning Act 1990 could not be used. In order for a valid contribution to be made under Section 106, the contribution had to be specific to the impact of any new developments and ensuring such developments were robust.
- It was confirmed that in instances where management companies had collapsed, Essex County Council (ECC) would not be required to manage or maintain private roads as they were not technically highways. There was a function whereby local people with frontages could, through their own fruition, bring private roads to adoptable standards through sufficient management and maintenance but the costs associated with this were endured by the people themselves.
- Members were informed that Essex Highways (EH) did have inspectors for monitoring signage and conducting repairs and were therefore not wholly reliant on reports from members of the public. However, there was an intervention level and policy as to how quickly repairs should be completed, and it was suggested that it would be useful to consider how effectively these policies were being implemented by EH.
- EH did not have a duty to repair signs such as speed limits within a set time frame, but a failure to do so could have negative consequences.
- It was confirmed that the Passenger Transport Panel met on a six monthly basis.
- Where developments are proposed on, or near Public Rights of Way these were checked at the Planning application stage. The District Council consulted the Highway Authority and the Public Right of Way team at Essex County Council were able to raise any issues highlighted regarding the impact on the local network (i.e. where the Public Right of Way could be obstructed, or where there could be additional pressure on footpaths as a result of increased use).
- Members were advised that any restrictions placed on roads near schools or elsewhere were dealt with by the Essex Parking Partnership. There were no physical restrictions such as speed bumps, chicanes or jagged yellow lines allowed on A or B roads. However, there was the potential for temporary speed limit restrictions to be installed along such roads at certain periods of the day which EH could possibly assist with.
- The Chairman informed Members that they were invited to attend the event at Colne Valley Golf Club on Friday, 8th June 2018 where A120 route developments were to be discussed; however, Members were advised that improvements to the A120 were beyond the Terms of Reference for the Scrutiny Review.

Members identified the following potential areas of interest to explore at future evidence gathering sessions:

- Members identified a potential area of interest in respect of Essex Highway's policies surrounding the issue of maintenance and the perceived inconsistency by some constituents of their implementation.
- Members agreed that it would be useful to be able to distinguish which areas of Public Rights of Way in the District were adopted by Essex Highways (EH) and which were classed as private land. Officers at Essex County Council (ECC) were suggested as possible contacts for the Committee in aiding understanding around this issue. It was added that it would also be beneficial for Members to receive further insight into ECC's policies and practices regarding the repair of street furniture, temporary diversions and signage, as signs were often found to be redundant or in a state of disrepair around the District.
- It would be pertinent to understand ECC's policy on enforcement action. One issue raised was that rural foot paths in parishes that were being ploughed by farmers who may not have been aware of the existence of such paths. It would also be practical for Members to understand ECC's policy on the marking of paths, although it was highlighted that such information could potentially be identified under the Parish Paths Partnership (PPP) of Essex Highways. However, it was unclear how many Parishes were aware of the PPP and it was agreed that not all areas for questioning could be explored suitably under this.
- Members sought to understand ECC's procedure when new developments were proposed with regards to footpaths and why Parish Councils were not included as contacts during the consultation process.
- The maintenance of street lights in the District and the procedure behind this was raised by Members, particularly with regard to the time frame for repairs and the policy for switching to LEDs.
- It was identified that improvements were needed with regards to the communication and knowledge of public rights of way between residents, the Parish, District and County Councils. It was also recognized that publicisation of public rights of way within Parishes was agreed to be inadequate. A number of potential recommendations for remedying this were raised, including more effective promotion of the PPP within the Parish domain and advertising of local footpaths and bridle ways on Parish Council websites (i.e. definitive footpath maps) that can be accessed via smartphones.
- It was established that there would be value in receiving a presentation from third parties on the subject of maintenance and resurfacing. It was also suggested that it would be practical to potentially receive a presentation from a Highways Ranger on the issue of signage in order for Members to be advised on the permitted functions of EH.
- On the subject of developments along border boundaries with other Counties, it was determined that it would be beneficial to address this with Planning in order to ascertain how the organisation liaises with border developments. Members raised queries around the possibility of claiming Section 106 money from other Counties

in order for Braintree District Council to make changes to developments along border boundaries.

- There was uncertainty as to whether EH were consulted with by Suffolk County Council on new developments.
- Clarification was sought as to the process by EH Officers after a highways incident had been reported online by a member of the public. Confirmation was also sought as to the correct communication method for Members reporting highways concerns raised by residents.
- Members agreed it would be useful to examine EH's policies on roads in the District that are adjacent to school entrances.
- The localization of maintenance issues with signage was addressed and it was proposed that a Deputy Cabinet Member for Highways be invited to the next Committee in order to seek their stance on the delegation of responsibilities and finances under the Local Highways Panel.
- It was considered that EH's policy for repairing and maintaining potholes in the District was obscure, in particular around the time scale repairs would be actioned. Members had found that demonstrating the need for repairs with accompanying evidence (i.e. a danger to cyclists) had helped to accelerate the process in some instances.
- A question was raised regarding the ways in which EH audit the quality and value of the repairs actioned and how effective the process was.
- Seeking the views of commercial operators who used highways was also a potential area of inquiry.

TASK AND FINISH GROUP UPDATE

INFORMATION: Members were updated on the work of the Task and Finish Groups.

Further to the Overview and Scrutiny Committee held on the 10th May 2018, Members were advised that in respect of the two Task and Finish Groups for the Civic year 2018-19, the membership for the Groups had been confirmed and a timetable of upcoming meetings was circulated to relevant Members. The first meeting of the Task and Finish Group for Recycling, Re-Use and Reduce was to be held on Monday, 11th June 2018, and the first meeting of the Group for Social Isolation and Loneliness was to be held on Wednesday, 20th June 2018.

Members were advised that the Chairmen for the two Task and Finish Groups would be appointed at the first meetings of each and Members were to be updated accordingly.

12 **DECISION PLANNER**

INFORMATION: The Chairman informed Members the Decision Planner had been altered and reissued to accommodate the I-Construct Item which, following an announcement by the Leader at the meeting of the Full Council on Monday, 4th June 2018 would now be raised at the upcoming meetings of Cabinet and Council in July.

DECISION: That the Decision Planner for the period 1st July 2018 to 31st October 2018 be noted.

The meeting commenced at 7.15pm and closed at 8:53pm.

Councillor P Barlow
(Chairman)