

Minutes

Overview and Scrutiny Committee

5th December 2018



Present

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

33 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

34 **PUBLIC QUESTION TIME**

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

35 **MINUTES**

INFORMATION: The Chairman advised Members of two errors in the Minutes of the Overview and Scrutiny Committee held on 21st November 2018 (Minutes 29 and 30). The first error was in respect of Minute 29, which made reference to the provision of parking spaces within the District; however, this should have referred to blue badge parking spaces and whether they generated any income. The second error concerned Minute 30 and a potential recommendation to be included within the final Scrutiny Report, which should only refer to a “Highways Champion” similar to the existing “Broadband Champion.”

DECISION: Members agreed to amend the Minutes of the meeting of the Overview and Scrutiny Committee on 21st November 2018. The Minutes were then approved as a correct record and signed by the Chairman.

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

INFORMATION: Members received a presentation from Councillor Don Smith, Chairman of the Braintree Association of Local Councils (BALC) and a member of the Braintree District Local Highways Panel (LHP). The main topics included a brief history of the LHP

and the issues encountered by the LHP in its current format and in its relationship with the Highway Authority. A number of key areas were commented upon, including the ability of the Braintree District LHP to examine the efficiency of Ringway Jacobs as the agent for Essex Highways. Although the primary focus of the LHP was to recommend and prioritise highways schemes, the schemes needed to be accommodated within the available budget and a key concern in this respect was that the budgetary capacity of the LHP had been reduced by half two years previously, with no justification provided by Essex County Council's (ECC) Portfolio Holder at the time. Budgetary constraints ultimately continued to inhibit the capabilities of the LHP function as a whole.

A recent development within Local Highways Panels was the proposal to review the membership of local representatives to include Parish and Town Council representation in addition to those permitted under the current format, whereby only representatives from the County Council and District Council could be involved. This approach was welcomed and reflected the Braintree District LHP, as it currently operated in this fashion. Although this change was generally considered to be a positive one from the perspective of BALC and EALC (Essex Association of Local Councils), it would be the ultimate decision of ECC as to how it would be implemented.

The principal concerns of Councillor Smith included the lack of response from Essex Highways during the planning application process, and the appliance of Section 106 monies which were rarely discussed during meetings of the LHP, as there was little information provided in relation to their accessibility. It was uncovered from research conducted by Councillor Smith in his BALC capacity that the sum of £326,000 of Section 106 funds had been considered and allocated to various highways projects without any reference to the LHP or involvement from Parish, Town or District Councils. It was added that from the total sum of £326,000, approximately £12,000 was apportioned to the Braintree District for application across two schemes.

A positive development within the LHP was the appointment of an Assistant Highways Liaison Officer, whose performance was reported to be hugely helpful and that through this appointment, communication between the District Authority and the County Council had substantially improved. Another development that had arisen within ECC was the implementation of Essex Highways "buddies" that District Councillors would be able to contact through their local County Councillors. The development was intended to improve communication between the District Authorities and County Council in light of highways issues, which would allow for such issues to be referred to the Highway Authority in a more direct fashion.

Lastly, it was reported by Councillor Smith that since 2010/11, approximately £82 million had been invested in the form of PFI (Private Finance Initiative) payments by ECC. A key concern in this area was that there was not an accountable audit trail available for public viewing prior to 2011 that related to PFI expenditure and that since 2011, there had been a 20% reduction in the funding for highways as of the current year. This was in part the result of continual PFI payments. It was surmised that as the duration of PFI payments was for a period of 25 years, funding in respect of highways was likely to persist; therefore, it was important for the LHP to examine this issue more closely in order for substantiated future estimates to be made. Finally, Councillor Smith referred to a recent report published by ECC under the title "Greater Essex Infrastructure Report," which stated that the maintenance of transport infrastructure posed "a large burden on local Highways Authorities," and that "following a year of under investment in asset maintenance," ECC was in the process of "making further upgrades," although sufficient evidence of this had not yet been identified.

In response to questions raised by Members, the following information was provided by Councillor Don Smith:

- It was agreed that the presence of Parish Council representatives on the LHP added value for money at a localised level and that through EALC, equal representation from Parish Council representatives, as well as those at District and County levels, would be encouraged within other Local Authorities in the area.
- In March 2018, a drawdown of £327,000 had been approved by ECC under Section 106 development contributions from the highway capital programme for allocation across 66 individual highway schemes. There was a degree of frustration at District level as there had been substantial representation from Members of ECC, but no input included from Members of the Braintree LHP during the approval process.
- A recent meeting was held at ECC County Hall during which the subject of the devolution of Highways functions was discussed with Town and Parish Councils. As part of the devolution initiative, ECC had offered 68p per dwelling in parishes like that of Rayne for the maintenance of footpaths and verges, which equated to approximately £2,000 overall. In relation to the smaller parishes, the amount offered would only equate to approximately £100. It was added that the funds offered by ECC did not encompass the administrative costs associated with maintenance and repair work, such as obtaining permits, the provision of barriers, planning and design work, etc.
- On the subject of Section 106 monies, the Lead Officer advised Members that in the past, it had been known for arrangements to be made with developers for the expenditure of those funds, normally within a negotiated timescale or the funds were transferred back to the developer. The Lead Officer added that he had been assigned the task of meeting with Planning Officers in order to discuss further the ways in which the allocation of Section 106 monies in respect of highway matters could be utilised.
- There was evidence of the impact of a small Essex Highways Team which had completed smaller highway repairs and maintenance jobs across the District, the jobs of which were at a much lower cost and completed at a faster rate than had been originally quoted by Ringway Jacobs. The suggestion of a “tiered” highways function had many associated benefits as it would help to ensure that smaller scale work could be completed within an appropriate timescale, as well as reduce pressure on the Highways Authority. The need for there to be consistency in the standard of work was also stressed.
- The potential devolution of functions under Essex Highways was a project that required there to be careful consideration and examination of the subsequent impacts, both at Parish and County levels, as opposed to recent evidence which indicated that the Highway Authority was fast tracking the notion before all parties involved had been consulted and given adequate time to prepare.
- Members were informed that there was a small article of information in relation to the devolution of highways functions on the ECC website under “Highways Highlights,” in which devolution is described as a “pilot” project of the County Council. Functions such as verge cutting, weed control, local signage, bus shelters and simple maintenance of Public Rights Of Way (PROW) would all be devolved to parishes under the proposed scheme; however, the lack of awareness amongst parishes as to

ECC's intentions was again accentuated.

- The issue of unparished areas within the District was raised at the meeting held at County Hall by ECC on the subject of devolution. In addition to this, it was highlighted that many of the functions intended to be devolved to parishes were currently implemented by Rangers and overseen through the LHP; on this issue, ECC representatives did not offer any comments.
- Members were informed that Parish Councils would be required to have insurance policies in place for the enactment of low level work devolved to them through ECC, which would ultimately lead to further costs.
- At the last meeting of the Braintree District LHP, Members received a hard copy document which contained the results of 40 cases selected, carried out and completed by Ringway Jacobs within a period of time, and included the original cost estimates to the LHP as well as the actual costs incurred. Through comparison of these costs, it was identified that 30% of the cases fell within a plus or minus 30% spread.
- Highways issues such as potholes were not included within the scope of the LHP, although potholes were included within the scope of the Scrutiny Review and were acknowledged as a concern across the District. It was added that the ECC website included an interactive map which indicated where in the District potholes were located; however, users were unable to ascertain from the accompanying reference number when the issue was first raised, or the timescale before the repair work would take place.
- Further to a discussion with a member of the Communications and Media Team at ECC, it was advised that in September 2018, 966 potholes had been identified and cleared within the District under Essex Highways; however, the information did not specify how many issues in relation to potholes had actually been raised in September, whether the figure of 966 was ahead in terms of repair rates, or whether more pothole issues had been identified in this time.
- Members were advised that there were no statements included within the National Planning Policy Framework which specified what the Highway Authority could and could not make representations on.
- Another frustration was that Essex Highways did not retain collision data in respect of hazardous roads, only accident data that was reported to the Police.
- Essex Highways did not appear to have a system in place for the measurement of the quality of the work facilitated under the Highways remit, especially in instances where repair work was required following initial repairs.

Further to discussion by Members, the following areas of potential interest were identified:

- The proposed devolution of Essex Highways functions could perhaps be more effectively achieved through the establishment of a locally based team with highways expertise that could liaise with parishes in respect of local repairs and maintenance.
- Although the concept of devolution to Parish Councils was a positive movement, there did not appear to be much consideration as to how the scheme would be implemented, or consultation with Parish Councils for the undertaking of the work. A

potential recommendation was that amendments to the scheme be suggested by the Overview and Scrutiny Committee in order to improve the implementation of devolution (e.g. clear definition as to the future role of Highways Rangers after functions had been devolved to parishes, increased awareness and consultation with Parish Councils, etc).

- Members were reminded of an earlier evidence gathering session during which a presentation was given by Neil Jones, Principal Planning Officer, and two Officers from the Strategic Development Team at Essex Highways; Matthew Bradley and Martin Mason, which detailed the permitted and non-permitted functions of the Highway Authority in respect of planning applications.

The Chairman thanked Councillor Don Smith for his input at the meeting and invited him to stay for the remaining duration if he so wished.

The Chairman advised Members that further to an enquiry by the Lead Officer, which included questions raised by Members for the attention of Andrew Cook, Director of Highways and Transportation at Essex Highways, a response had now been received and shared with Members. There was a level of frustration associated with the responses received as many of which, although not entirely unhelpful, did not acknowledge the inconsistencies identified within the policies of Essex Highways by Members as part of the Scrutiny Review. The Chairman requested that Members note the responses of Andrew Cook.

For the clarification of Members, it was also advised that the draft Scrutiny Report of the Overview and Scrutiny Committee was due for final consideration at the meeting on 6th February 2019.

DECISION: That Members noted the report.

37 **UPDATE ON TASK AND FINISH GROUPS**

The Chairman of the Task and Finish Group into Social Isolation and Loneliness informed Members that the draft recommendations of the Group were in the process of being finalised, and that the draft Scrutiny Report was underway. It was added that the meeting of the Task and Finish Group that was due to be held on 20th December 2018 had been cancelled following the mutual agreement of Members.

38 **DECISION PLANNER**

INFORMATION: Members considered the Decision Planner for the period 1st January 2019 to 30th April 2019.

DECISION: That the Decision Planner for the period 1st January 2019 to 30th April 2019 be noted.

The meeting commenced at 7.15pm and closed at 8.42pm.

Councillor P Barlow

(Chairman)