

# Minutes

## Overview and Scrutiny Committee 19<sup>th</sup> September 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	Yes
J Goodman	Apologies	B Rose	Yes
A Hensman	Yes	P Schwier	Yes
P Horner	Yes	C Siddall	Apologies
D Hume	Apologies	Vacancy	
G Maclure	Apologies		

Councillor J Abbott (in his capacity as an Elected Member for Essex County Council) was in attendance.

### 20 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interest was declared:

Councillor Mrs Cunningham declared a Non-Pecuniary Interest in Agenda Item 5, 'Fourth Evidence Gathering Session for the Scrutiny Review into the Role of the Highway Authority in the Braintree District,' as she was the Director of a company which carried out contracts for Essex Highways.

### 21 **PUBLIC QUESTION TIME**

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

### 22 **MINUTES**

**DECISION:** The Minutes of the meeting of the Overview and Scrutiny Committee held on 11<sup>th</sup> July 2018 were approved as a correct record and signed by the Chairman.

### 23 **FOURTH EVIDENCE GATHERING SESSION FOR THE SCRUTINY REVIEW INTO THE ROLE OF THE HIGHWAY AUTHORITY IN THE BRAINTREE DISTRICT**

**INFORMATION:** This was the fourth 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.

Councillor J Abbott explained his role to Members as an Elected Member at Essex

County Council (ECC) and made reference to his continuous participation on the Braintree District Local Highways Panel (LHP), his previous role as a Member of ECC and Braintree District Council's (BDC) Planning Committees, and his previous involvement with a historic BDC Task and Finish Group Scrutiny Review into Highways. Councillor Abbott added that he was also a member of a national body that focused largely on street lighting issues and engaged with statutory authorities on the design and function of protecting the night sky, as well as the delivery of good quality and efficient lighting to residents.

The lack of financial resources available at ECC with regard to highway repairs was accentuated and it was added that highway issues were a frequent topic at the meetings of Full Council at ECC. Prioritisation of the current level of resources available at ECC and the demand for highway repair was essential if officers were to maintain service delivery. Budgetary constraints had had a significant impact on the capacity for larger-scale repairs under the LHP that it had previously funded, and such repairs were then assigned to central capital funding.

Further to the Minutes of the previous meeting, the following statements were made:-

- With regard to maintenance issues, the risk-based approach of Essex Highways (EH) was not always consistently applied, and an example was the footway repairs required at Mulberry Gardens in Witham, where a large number of defects had occurred.
- On the subject of Public Rights of Way (PROW), Members were advised that it was a legal requirement for footpaths and all other forms of PROW to remain clear and accessible for the public to use; however, it was acknowledged that the availability of resources in such circumstances was an issue for the Highway Authority that could hinder clearance of paths.
- The Parish Path Partnership (PPP) was an effective scheme, but it was added that not all parishes were involved with this, and that disputes could develop where areas of PROW were privately owned.
- The issues surrounding signage were more apparent in rural areas, although this was not exclusively so. Signs in remote rural areas were less likely to receive repairs quickly, although it was again acknowledged that this was largely due to the lack of resources within ECC and their need to assign priority to more urgent repair work, such as potholes in the larger towns.
- The installation of white LED street lights across the District was a concern due to their brightness and the health impacts that this could potentially pose to humans and local wildlife. It was stated that ECC were aware of the issue with the brightness of the lights and that action would be taken. A suggestion was also made to ECC that street lights on the edges of towns and more rural locations be made more subtle with the use of "warmer colour" LED lights.
- With regard to the utilisation of Section 106 money to help resolve issues along border boundaries with other counties, it was claimed that there was little engagement between Officers and Members (both within BDC and ECC) about highway improvement schemes that stemmed from Planning Permissions. Members were advised that there needed to be increased dialogue between Officers and Members about the effective allocation of Section 106 money for the purposes of Highways repairs.

- It was agreed that the automatic e-mail system on the Essex Highways website was in need of improvement, although it was acknowledged that ECC were taking action to bring this into fruition gradually.
- Members were advised that Highways Rangers were funded alongside the Highways Panels and that the work implemented thus far had been timely and of a good quality.
- It was relayed to Members that the LHP budget had been halved three years previously, and was currently at £400,000. Budgetary constraints had had notable impacts on the delivery of schemes, including long delays before work on said schemes commenced. In addition to this, all work carried out was recharged against the LHP budget (e.g. the time Officers spent at meetings, design work, etc), which also impinged on the efficiency of delivery.
- Another concern in relation to the effectiveness of LHPs was ECC's centralisation policy. The current arrangement of the Braintree LHP consisted of four County, District, Parish and Town Members and was frequently cited as a unique and positive establishment. However, it was ECC's intention to remove the Parish Council involvement with the LHPs and centralise the format around County membership, as well as to exclude members of the public in some instances.
- A suggestion was made to ECC that a localised budget should be implemented for County Members to utilise as appropriate and on an evidence basis to help address the demand for repairs. Members were advised that other County Councils had introduced such budgets, but that no response had yet been received from ECC as to their stance on this.
- It was stated that the ability of local ECC Councillors to influence the system with regard to highway issues, such as pothole repairs, was limited as direct contact with ECC Officers was discouraged, and ECC Councillors were advised to use the "Members Enquiries" portal instead to report concerns and submit evidence.
- Although it was agreed that the issue of blocked drains and gullies was increasing and complexities could arise when clearing them due to their location (i.e. in verges), there was nonetheless concern as to the rate that work was carried out in more centralised areas where the need for clearance was greater, although it was acknowledged that the availability of resources was again an issue. An example of such a site was the drain near to the Collingwood Road junction along Lockram Lane in Witham, which was heavily blocked.
- County Members were encouraged to attend Highways Surgeries with Cabinet Members from ECC; however, little success had been encountered with regard to resolving identified issues (e.g. pavement along Collingwood Road, Witham, which was reported in March 2017 with no action since taken to initiate repairs).
- The manner in which Ringway Jacobs carried out repair work on potholes was questioned, as rather than repair multiple potholes in bulk, it was often only smaller groups that were addressed at a time, which meant more work was required in future, with further associated costs. Some issues relating to repair work were attributed to inclement weather, including that experienced in early 2018, where freeze-thaw had resulted in an increase in potholes.

Further to questions raised by Members, the following responses were provided:-

- When questioned historically by County Members about the amount of time and money allocated to repairs actioned by Ringway Jacobs, ECC's response was that there was no differentiation between the independent work carried out with regard to audit trails, and an example of such work was the identification of potholes and the action taken to fill them.
- The impression given by ECC was that all work implemented, like those of repairs, was meticulously checked, managed and audited; however, inefficiencies were noted, such as road resurfacing during inappropriate weather conditions by sub-contractors of Ringway Jacobs, which suggested this was not always an accurate assessment. It was acknowledged that ECC were aware of some of the apparent issues with regard to highways and the need for improved efficiency in their operation.
- Members were made abreast of a new item of equipment currently being purchased by Cambridge County Council at a cost of roughly £25,000: their third Skanska Pothole Dragon, which was allegedly capable of restoring up to 150 potholes a day. It was advised that the information had been highlighted previously to ECC and that it would be forwarded again for their attention.
- Ringway Jacobs were known to conduct temporary repairs on potholes, which entailed further repairs in future, and could generate confusion in the online reporting system as to the status of the repairs.
- It was agreed that the cost of schemes within the LHP was often too high, and an example was the work enacted by ECC on the Crossing bends along the B1018 in Crossing. The section of road was known to be hazardous to drivers; despite this, there were long delays experienced before the repairs were implemented. A total of £200,000 was allocated from the LHP budget toward the repairs, which comprised half of the available budget under the LHP.
- A potential recommendation for Members to consider was improved distinction as to the extent of work that could be funded by the LHP before it needed to be transferred to central capital funding.
- Members agreed that a key issue at ECC was its angle toward centralisation and the limited awareness it had of local situations with regard to highway concerns. A suggested solution was the devolvement of minor issues relating to highways, such as the maintenance of grass verges, cleaning of road signs and maintenance of road signs, to Districts and Parishes, although the consensus was that ECC would be reluctant to bring this into action.
- Another area of concern was the potential for ECC to be divided into two unitary authorities, which would still be monolithic in their structure.
- Members agreed that it was highly difficult for District Council and County Council Members to identify relevant Officers at ECC if they had highway issues to report, and to communicate with the appropriate Officer when he or she was eventually established. It was explained that the "Members Enquiries" portal that County Members were encouraged to utilise had a turnaround response of 10 working days, although more substantive work could take longer to arrange.
- The loss of District Officers at ECC was again attributed to a lack of resources and the

centralisation policy; however, the work of the appointed Liaison Officer for the LHP was highly commended. The Liaison Officer was able to provide support at a local level and was available on a regular basis at the Council Offices for Members to book meeting timeslots with.

- On the subject of reporting on the ECC website, Members were advised that the question would be raised via the Members Enquiries portal as to how long the reported issues remained on the system before being removed or “lost.”
- Members were informed that ECC operated a County Management System (CMS) to which all street lights were connected and radio controlled, but not at an individual level. Dimming of street lights as the night progressed was evident in the District, but the extent to which this took place was uncertain. Issues remained in rural areas where the ambience was often considered too bright with the use of LED lights, and it was recommended that ECC assessed the need for street lights from a more local perspective.
- Members were advised that coherent legislation surrounding Public Rights of Way (PROW) and the need to keep them clear and accessible was already in place, but was not enforced. It was added that ECC did not have the capacity in terms of its workforce to contend with the levels of demand.
- ECC set their annual budget for highways on an annual basis, although County Members had little influence in regard to the outcome of this (e.g. when LHP budget was halved). It was reported that ECC was acutely aware of the public’s interest in relation to the budget and was therefore trying to maintain it to as high a degree as possible. The trajectory was that budgetary constraints would persist due to the financial pressures of statutory functions provided by the authority, such as social care and the protection of adults and vulnerable children. In order to ensure that statutory functions could continue to be provided by ECC, it was likely that the highways budget would continue to be reduced.
- Members were encouraged to be persistent with regard to local highway issues when contacting Officers at Essex Highways, and to direct concerns to the Cabinet Member for Highways where possible.
- It was reported that the Highways Liaison Officer was funded through the LHP budget, the cost of which did not change, regardless of whether the Liaison Officer was based at the Council Offices or at ECC. It was added that a quarter of the LHP budget (approximately £400,000), was top-sliced to around £125,000 by ECC for the purposes of road safety works.
- Where speed limit signs had faded, this was not a defence that motorists could utilise in the event of a speeding offence. ECC had a legal obligation to notify drivers of a change in speed limit, although this did not include repeater signs.
- On the subject of devolution, Members were advised that there were contrasting opinions across Parishes and Towns as to whether they supported the notion or not. Some Parishes were known to be proactive in this sense, and others did not have the resources available or the physical infrastructure to implement the required work and contend with devolution. A plan for devolution had not yet been organised by ECC, but despite the anticipated reluctance of some Parishes to take part, it was hoped that a plan would be realised soon as substantial financial savings could be made, and the

pressures of minor repairs on Essex Highways would be largely removed.

- It was confirmed by ECC that they no longer painted street light columns. With regard to signage that had become obscured by vegetation or required cleaning, Members were informed that it was the responsibility of Highways Rangers to attend to these. Some issues could arise from the location of such signs, which included safety concerns (e.g. the 60mph speed limit at a bus stop in Rivenhall which was now covered in gravel and overgrown with vegetation). It was advised that if Members had concerns over signage, and the locations were inaccessible on the grounds of safety, that such issues be reported to the Highways Liaison Officer. There was a direct e-mail contact for the Highways Rangers available that Members could utilise and the Liaison Officer could use to forward repairs to said Rangers.
- There were concerns over expenditure by ECC regarding funding for monitoring and multiple inspections of road surface repairs required, as opposed to implementation of the work itself. Nonetheless, there were improvements noted in the field of area-wide resurfacing within the last two years e.g. the repairs carried out along Rickstones Road in Witham.
- On the subject of PROW, Parish Councils had a degree of legal input as to their maintenance and creation, but there was uncertainty as to the extent of this. Enforcement powers were normally delegated at District level, and the stance for Parishes in respect of enforcement was unclear. Primary legislation was potentially required in order for such work to be enacted. It was stressed that regardless of whether enforcement could be delegated to Parishes or not, PROW possessed Highways Rights, and it was therefore a legal obligation for ECC to ensure that they remained clear from vegetation and accessible to the public.
- In relation to the use of Section 106 funds, it was agreed that it would be advantageous for ECC and Local Authority Officers to consult with District and County Members at the planning application stages because of their local knowledge. An example of such a development was the proposed slip-road at the Morrison's roundabout in Witham, which would increase traffic within a highly pedestrianised area exponentially; therefore, the plans were currently being reconsidered by ECC. Planning permissions were intended to be sustainable with regard to their development, and a core principle of this was effective engagement with local communities to ensure that new schemes were as economical and successful for the areas in question as possible.
- Members were informed that a matrix of the work implemented by the LHP was distributed at each meeting of the Panel, and this included local level schemes.

The Chairman expressed his gratitude to Councillor Abbott for his participation at the meeting. Members were then reminded that the next meeting of the Overview and Scrutiny Committee was due on Wednesday, 21<sup>st</sup> November 2018 and that it would have regard to the budget; as such, there would be limited time available for the purposes of evidence gathering. An additional meeting was potentially to be arranged in October 2018 to consider the possibility of devolution and having representatives of Parish Councils attend to provide their perspective on the issues surrounding highways.

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

Further to the Overview and Scrutiny Committee meeting held on 11<sup>th</sup> July 2018, Members were advised that in respect of the two Task and Finish Groups for the Civic Year 2018-19, the third and fourth meetings of the Task and Finish Groups had now taken place, and both groups had had a number of different representatives and officers alike attend to assist with their evidence gathering. At the last meeting of the Group for Social Isolation and Loneliness, four representatives from church groups had attended to give their perspective on the issue. At the last meeting of the Group for Recycling, Re-use and Reduce, two Council Officers (Gabriella Asara from the Waste and Recycling Team and Ros Alam from Marketing and Communications) attended and gave separate presentations to the Group that detailed the initiatives currently being supported by the Council with regard to Recycling and Waste Minimisation, Customer Engagement and Interaction and the joint work of Braintree District Council, Essex County Council and the University of Essex.

It was reported that the Group for Social Isolation and Loneliness would have a representative from Community 360 and Caroline Russell, of the Mid-Essex Clinical Commissioning Group, attend the next scheduled meeting on 1<sup>st</sup> November 2018 to provide their perspectives and experiences concerning the topic. The members of the Group for Recycling were currently working under the framework of a Draft Work Programme. The Work Programme contained four separate work streams, and the Group had been divided into four pairs and assigned a work stream each for them to research, and then feedback to the remainder of the Group over the course of the upcoming meetings.

Finally, the Lead Officers and their respective Task and Finish Groups had been asked to begin to consider recommendations and to collate the information that would form the Draft Scrutiny Reports. The Draft Reports were due to be underway by December 2018, to be appraised at the Task and Finish Group meetings due in January 2019. The Governance Team would be working closely with the individual Lead Officers of each Group to support them on this matter.

**DECISION:** The report was noted.

## 25 **DECISION PLANNER**

**INFORMATION:** Members considered the Decision Planner for the period 1<sup>st</sup> September 2018 to 31<sup>st</sup> December 2018.

**DECISION:** That the Decision Planner for the period 1<sup>st</sup> September 2018 to 31<sup>st</sup> December 2018 be noted.

The meeting commenced at 7.15pm and closed at 8.53pm

Councillor P Barlow  
(Chairman)