

## **Lancashire County Council**

### **Scrutiny Committee**

**Minutes of the Meeting held on Friday, 11th December, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Bill Winlow (Chair)

#### **County Councillors**

A Barnes	D O'Toole
C Crompton	J Shedwick
C Henig	V Taylor
S Holgate	C Wakeford
R Newman- Thompson	D Watts
Mrs L Oades	G Wilkins

#### **1. Apologies**

None were received.

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

None were disclosed.

#### **3. Minutes of the Meeting held on 13 November 2015**

The minutes of the meeting held on 13 November 2015 were agreed to be an accurate record.

#### **4. Regulation of Investigatory Powers Act 2000 Report**

The Chair welcomed Amanda Maxim, Trading Standards Manager, to the meeting.

A report was delivered to the Committee regarding the Regulation of Investigatory Power Act 2000 (RIPA) which, it was outlined, enabled local authorities to use surveillance towards the protection from, and prevention of, crime.

It was explained that RIPA was used very sparingly, and there was a robust procedure in order for the use of it to be authorised. For example, consideration of proportionality, whether the information could be obtained via other means and authorisation would also be sought from the Magistrates Court.

The Committee noted that inspections were undertaken from the Office for Surveillance Commissioners and every three years they put forward recommendations to the County Council. Reference was made to recommendations proposed by surveillance commissioners that were considered by Cabinet in June 2014.

It was expressed that RIPA was used predominantly for cases involving the misuse of social media, for example covert social media accounts were utilised in order to obtain evidence towards proving the sale of counterfeit goods online.

The Committee noted the information provided and recognised that this represented a small and regulated aspect of the work of the council's Trading Standards service.

The Chair thanked Amanda and invited questions from the Committee.

CC V Taylor queried how much material used by the County Council was inadmissible with regard to legal prosecutions. Amanda Maxim explained that information of test purchases would be presented as evidence and that they were admissible.

Resolved That;

The Committee note the use of RIPA by the County Council's Trading Standards Service since the last report in October, 2014.

## **5. Superfast Broadband Roll Out**

The Chair welcomed Sean McGrath, External Investment and Funding Manager, to the meeting who delivered a presentation regarding the interim position of Superfast Broadband rollout in Lancashire, planning for the Superfast Extension Programme and further opportunities for domestic and business premises to access Superfast Broadband. It was explained that final detail would be provided at a future meeting following the end of "Phase One" of Superfast Broadband Rollout, and information around planning for "Phase Two".

The Committee were informed that, from an economic perspective, Superfast Broadband rollout focussed on ensuring that Lancashire's businesses and communities did not fall behind in terms of access to digital resources and services.

It was elucidated that Superfast Broadband rollout in Lancashire was a collaborative approach via a range of partners; Lancashire County Council, British Telecom (BT), Broadband Delivery United Kingdom (BDUK), along with Blackpool Council and Blackburn with Darwen Council. It was highlighted that the County Council was leading the management of the programme.

Sean McGrath explained to Members that the County Council could only invest public resources in areas where the broadband infrastructure did not exist, which were named 'white' areas. It was also noted that the County Council could not

invest in areas where broadband infrastructure was installed by other providers, such as Virgin Media. Furthermore, investment was not permitted in the instance that a provider planned to install their systems over the next two to three years, which came into effect at the commencement of the programme. It was explained that a consultancy undertaken investigative work to determine the aforementioned and therefore their work allowed the County Council to identify areas that required intervention.

The Committee received that BT were delivering to 67% of premises, Superfast Lancashire delivered 21% in identified intervention areas, and the remaining 9% via other high speed broadband operators.

It was conveyed to Members that Superfast Broadband was deemed to be download speeds above 24 megabits per second (mbps). Members noted that it was planned that 97% of Lancashire's homes and businesses would have access to broadband speeds above 24mbps by March 2016, which would conclude "Phase One". Regarding "Phase Two", it was planned that 99% of Lancashire homes and businesses would have access to broadband speeds above 24mbps by the end of 2017.

Sean McGrath highlighted that businesses which had the capability to connect to Superfast Broadband as a consequence of European funding had been offered twelve hours of Business Support to communicate the full potential of Superfast Broadband for their businesses.

The methods of installation of Superfast Broadband were communicated to the Committee. It was explained that premises would receive services via Fibre to the Cabinet (FTTC) which was the cheapest method of mass delivery, and when this wasn't possible, via Fibre to the Premises (FTTP). With regard to FTTC, it was explained that issues with broadband speeds could arise when a premises was over 1.2km from the cabinet, and in these instances, often FTTP, although expensive, was the best solution to resolve such issues. Regarding "Phase Two", it was conveyed that other methods of providing Superfast Broadband would also be utilised and that more information would be disseminated to the Committee at a future meeting.

Information was relayed around the extension programme, which involved increasing capacity in Lancashire from 97% (Phase One) to 99% (Phase Two). It was conveyed that this would be partly funded by the Authority and BDUK, with BT as the delivery contractor. The extension programme sought to deliver Superfast Broadband to an additional 12,000 premises in three phases, and would be more expensive in terms of pound spent per premises as it involved more utilisation of FTTP and surveys were being undertaken in the New Year to determine the optimum location for cabinets. It was stated that more information would be provided at the follow-up meeting in early 2016.

Regarding the remaining 1% of premises that were not captured within "Phase One" and "Phase Two" it was anticipated that there would be utilisation of satellite, WiFi and the use of 4G mobile signals. It was expressed that

engagement would be needed with homeowners and businesses that fell within the 1% to identify the most adequate solutions.

The Committee were informed that European Structural and Investment Funds (ESIF) would be utilised going forward to enable improved access for businesses in rural and urban settings that were eligible, along with demand stimulation via business support.

Members received information around Gainshare, which was explained to be a national agreement whereby BT set aside 'revenue' from the uptake of Superfast Broadband to be invested into the broadband infrastructure in the County, as European rules dictated that funds could not be accrued from public interventions. The initial investment arrangement was explained to come into effect when Superfast Broadband take up exceeded 20% within the County, with current levels of take-up at 18.5% as of December 2015. It was noted that BT had made a proposal for investment funds to be shared at 30% which would take longer to achieve, however could provide a larger reinvestment pot. Understanding how funds could be utilised, the amount expected and when they would become available was explained to be an area of focus going forward.

The Chair thanked Sean McGrath for delivering the presentation and invited comments from the Committee.

CC C Wakeford clarified that, in reference to the perceived drop in megabits per second (mbps) after a distance of 1.2km, this did not mean a straight line distance from a cabinet but the cable length in total.

CC C Wakeford requested that Sean McGrath supply Members with information at the next meeting information around which areas of the county expected roll out, and where it had been delivered to aid understanding. Sean McGrath agreed to provide the information at the future meeting to take place in early 2016.

CC C Wakeford noted that the target for Superfast Broadband rollout had been to achieve 97% coverage by the end of 2015, however this had been pushed back to March 2016. It was therefore requested that a rough outline be provided with regard to the current status of Superfast Broadband rollout. Sean McGrath explained that the remainder of "Phase One" was scheduled to take place in January and February 2016, and progress would be monitored via weekly updates from BT.

CC C Wakeford requested more detail around the final 1% that would not have Superfast Broadband after 2018. It was conveyed that satellite and WiFi solutions were being considered, however this had received mixed views with many preferring the option to receive FTTP. It was noted that further information would be provided at the follow-up meeting in 2016.

CC C Wakeford made reference to the Business Support Programme and queried the targets for uptake of this service, along with the current levels of uptake. Sean McGrath explained that approximately 500 businesses had gone through the programme, and the County Council, along with its partners, would

endeavour to deliver more via marketing, promotion and working alongside Economic Development colleagues involved in the Local Growth Deal. It was emphasised that funding for the programme was received from ESIF who had delegated criteria for the types of businesses this could be utilised for, and therefore, there were limitations.

CC C Wakeford noted the current level of uptake was 18.5% for Superfast Broadband in Lancashire and asked if this was only BT customers, or accounted for all internet service providers (ISP's). It was expressed that the North West as a whole was in a lower quartile in terms of its take-up of Superfast Broadband, however there were some parts of Lancashire that had seen 100% take-up on some cabinets. It was highlighted that the highest level of take-up in England was in the South East.

CC C Wakeford asked what could follow Superfast Broadband rollout, for example implementation of ultra-fast broadband or LiFi. Sean McGrath explained to the Committee that ultra-fast broadband may be made available in the future and would be business orientated initially as they would be the key customers for such a product.

CC C Wakeford, regarding the final 1%, queried if the County Council knew where the premises that were problematic were located and if Parish Councils and residents had been consulted. It was conveyed that the County Council issued a series of postcodes to contractors, however the details of individual premises that were able to connect to Superfast Broadband were not known until the area had been completed.

CC C Crompton queried if anywhere in Lancashire had installed their own infrastructure, as had occurred in some areas outside of its boundaries, and in these instances, who held the responsibility for said infrastructure if a fault occurred. Sean McGrath explained that there were two methods, one was through commercial providers such as Virgin Media, who installed their own infrastructure and the responsibility would be theirs. Also, communities could contact BT directly and work with them to bring infrastructure to their areas and this would be the responsibility of Openreach. Sean McGrath expressed that he was unaware whether community intervention had occurred in Lancashire, however there had been examples of such in Cumbria.

CC G Wilkins noted that his Electoral Division was rural, with part deemed a 'white' area and part deemed to be the opposite. Therefore, CC Wilkins queried what the opposite of a 'white' area was. Sean McGrath explained that; 'white' areas had no broadband infrastructure and required public intervention, 'grey' areas had one (infrastructure-based) provider already active and 'black' areas had at least two basic broadband networks involving different operators. 'White' areas tended to be rural and 'grey' and 'black' areas tended to be more urban, although not exclusively.

CC G Wilkins queried who the County Council's contact was for Superfast Broadband. Sean McGrath suggested that queries could be sent to himself.

CC G Wilkins queried if a map could be provided at the next meeting including the 'white' areas of broadband rollout. Sean McGrath explained that at the follow-up meeting in 2016, a map would be provided to the Committee to depict where Superfast Broadband had been made available.

CC David O'Toole queried how broadband speeds could be investigated by Lancashire's businesses and premises to determine if Superfast Broadband was required. Sean McGrath explained that it depended on the location of the premises, some areas could be 24mbps and some nearer to 100mbps. The Committee were informed that this could be checked via BT Openreach's 'speed checker' on their website.

CC Richard Newman-Thompson queried what the maximum broadband speed attainable via Superfast Broadband was in Lancashire and secondly, how future-proof Superfast Broadband was with other technologies, such as ultrafast broadband, being spoken of. Sean McGrath explained that it was technically feasible for a broadband provider to offer 300mbps, however this wasn't offered by any providers in Lancashire. Regarding future proofing, it was explained that BDUK were investigating future developments and that the position of this was not known. However, it was conveyed that Sean McGrath would research this and reply to the full committee with the relevant information.

CC Alyson Barnes queried the level of Superfast Broadband take-up in localities, and the profile of businesses. Sean McGrath explained that at the beginning of the programme, businesses that tended to engage were located in Preston, Chorley, South Ribble, Lancaster, Wyre and Fylde predominately. As a consequence, the County Council expressed to BT that good geographical coverage was needed and work be undertaken to engage with the East of the County in particular. However, despite efforts, engagement remained comparatively low, as was the case for West Lancashire. Therefore, work was being undertaken to understand the reasons for the lower levels of engagement and this would be delivered at the next meeting.

CC Alyson Barnes asked if the County Council and its partners had considered communicating with the East Lancashire Chamber of Commerce to aid understanding of the issues. Sean McGrath explained that this had been considered and would also be raised at a Lancashire Enterprise Partnership (LEP) Board meeting.

CC C Henig made reference to issues with communicating when Superfast Broadband had been installed, and that under-promising to manage expectations could also lead to under-informing. It was also queried whether fibres could perish. Sean McGrath noted that communication needed to improve and presented in such a way to allow the public to easily digest the material. Regarding fibres, it was explained that issues lay with older infrastructure rather than the fibre-optic infrastructure in terms of perishability.

CC John Shedwick expressed that the map to be provided at the follow-up meeting was welcomed and asked if there were any impending difficulties in

business parks and enterprise zones in particular that may be evident on the map. Regarding Enterprise Zones, work was ongoing; with regard to Blackpool Airport, discussions had commenced. It was explained that the vast majority of business parks had received Superfast Broadband capability and issues had been as a consequence of expansion of the sites where one half would have capability and vice versa. Sean McGrath explained that any issues could be communicated to himself.

CC Vivien Taylor made reference to many parts of the County suffering from flooding and whether this had impacted on any of the Superfast Broadband infrastructure, or had the potential to. Sean McGrath explained that once the infrastructure had been laid, the responsibility was with Openreach. It was elucidated that the only issues known had arisen from power outages caused by flooding, which was not an issue with the Superfast Broadband infrastructure specifically.

The Chair queried if water in Cabinets impacted on the Superfast Broadband infrastructure. Sean McGrath expressed that he would speak to colleagues regarding the mitigation and impact of flooding upon the infrastructure.

Resolved; That the Committee accept the report and be provided with an update at a further meeting in 2016.

## **6. Request for Sub-Committee of the TAMP Task Group**

Karen Cassar, Highways (Asset Management), attended to request that the Scrutiny Committee agree the establishment of a sub-committee to the Transport Asset Management Plan (TAMP) Task Group.

It was conveyed to the Committee that the establishment of a sub-committee would demonstrate that the County Council were engaging with, and therefore sharing information with, District Councils. It was emphasised that information dissemination around changes to highways asset management had been requested by the Department for Transport and therefore, the sub-committee would be comprised of representatives from District Councils to meet this requirement and that fulfilling this requirement was incentivised as it contributed towards securing funds from the Department for Transport (DFT).

CC Liz Oades expressed concern that parochialism may become an issue with an expanded membership and therefore, it was suggested that a remit be formulated for District Councils to understand their role within the sub-committee. It was also stressed that it was fundamental that District Councils put forward the most adequate representatives for the role.

Karen Cassar explained that a presentation could be delivered to the Scrutiny Committee which provided an overview of the TAMP. Members agreed that this would be useful.

CC Alyson Barnes queried if Karen envisaged the sub-committee undertaking an ongoing role. Karen Cassar explained that she foresaw the sub-committee having ongoing role with a long life-cycle. It was emphasised that the sub-committee, if agreed, would be a clear vehicle for information dissemination for District Councils in sustaining understanding of the full process as it progressed.

CC David O'Toole stated that the Chair of the sub-committee would play an important role in suppressing parochialism as they, ultimately, were responsible for managing what Members were permitted to express their views about.

The Chair asked the Committee if they agreed to the formation of the sub-committee. Members agreed to the concept and stressed the importance of a strategic approach from Districts in order to avoid parochialism.

Resolved that; The Committee agree to the formation of the Transport Asset Management Plan Sub-Committee with District representative's role to provide a strategic view.

## **7. Workplan and Task Group Update**

Discussion took place various items within the proposed work plan for 2016;

The Chair noted that an additional Scrutiny Committee would be proposed at Full Council, 17 December, 2015, named the 'Children's Services Scrutiny Committee' in response to findings of a recent OFSTED report. Therefore, the Chair asked the Committee if they felt the OFSTED report should come before the Scrutiny Committee and/or go before the new Children's Services Scrutiny Committee if agreed at Full Council.

CC David O'Toole stated that due to its importance, the OFSTED report should be scrutinised by the Scrutiny Committee and stressed that it provided a platform for openness with the public as the meetings were broadcasted online via webcast.

The Chair stated that Jane Booth, the Chair of Lancashire Safeguarding Children, had expressed interest in delivering the findings of the OFSTED report to the Scrutiny Committee at the Chair's Briefing in November 2015.

The Chair noted that the draft work plan before the Committee also stated that the OFSTED report would coincide with scrutiny of Liquid Logic. It was explained that it had been included as the County Council had adapted the system to meet its needs, however this had been unsuccessful, whereas elsewhere the system was as standard and had therefore worked as it should have done.

Discussion taken place around arrangements for February 2016;

The Committee agreed that it was logical to schedule the 'Report of the Planning Matters Task Group' and 'Flood Risk Management in Lancashire Update' at the same meeting in February as both items were linked.



CC Vivien Taylor welcomed the inclusion of 'Flood Risk Management in Lancashire Update' as her Electoral Division had been impacted by flooding issues.

CC David O'Toole requested that the Environment Agency be invited to the meeting.

CC Christian Wakeford requested that a representative from the Highways service be invited to the meeting.

The Committee also agreed that United Utilities be invited to the meeting.

CC Liz Oades stated that due to budget cuts, Planning Officers now used an applicant's consultant's report to consider planning applications and stressed that issues could occur from this approach and would be relevant to both February agenda items.

Discussion taken place around arrangements for April 2016;

The Chair noted that an update on Superfast Broadband would be presented. Members agreed to the scheduling of this item.

The Chair noted that 'Bus Services and Subsidies – The Aftermath' had been proposed to be before the Committee in April, however this was dependent on timescales.

CC Steven Holgate made reference to an unscheduled agenda item before the Committee, Healthier Lancashire. It was explained that discussions had taken place with Scrutiny Officer, Wendy Broadley, and it had been suggested that a workshop involving members of Health Scrutiny Committee and Scrutiny Committee be organised to aid understanding for Members.

The Chair asked the Committee if they agreed to the joint Scrutiny Committee and Health Scrutiny Committee workshop. Members agreed to this approach.

CC Chris Henig expressed interest in the agenda item, 'Are We Becoming a Commissioning Council?'. The Chair explained that it had been included following cuts to central budgeting. CC Christian Wakeford suggested this item be presented to the Committee following budget meetings.

CC Bill Winlow stated that, in the past, the Leader and Deputy Leader of the County Council attended to discuss the budget with the Committee on a yearly basis and therefore it was queried if the Committee wanted a similar meeting to take place for cross-party discussions. CC Alyson Barnes, Chair of Budget Scrutiny Working Group, agreed that the meetings would be useful. The Committee agreed to discuss the budget at a future meeting.

CC Liz Oades drawn to the Committee's attention that the final remaining respite centre on the Fylde coast, Clifton, had been closed and urgent action was required to be undertaken. CC Steve Holgate noted that he was aware of the closure and stressed the importance of acting upon the issue in a collaborative manner between Health Scrutiny Committee, Health Steering Group, Health

colleagues at the County Council, along with support sought from the Scrutiny Committee.

The Chair suggested that a Motion channelled to Full Council via the Scrutiny Committee to a non-budget meeting of Full Council would be a constructive way forward.

CC Liz Oades agreed to this approach.

Resolved That:

- I. The Committee agree to the draft work plan presented.
- II. That the OFSTED report on Children's Services be presented to the Scrutiny Committee.
- III. That a joint workshop involving Health Scrutiny Committee and Scrutiny Committee be held in order to aid understanding of the Healthier Lancashire service.
- IV. That a meeting be held to discuss the County Council's budget.
- V. That the Committee note the closure of respite centres in Fylde and await findings from Health Scrutiny Committee and relevant partners.

#### **8. Urgent Business**

There was no urgent business.

#### **9. Date of Next Meeting**

The next meeting of the Scrutiny Committee will be held on Friday, 15 January, 2016 at 10.00am at the County Hall, Preston in Cabinet Room 'B'.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston