

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 15th January, 2016 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

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Present:

County Councillor Bill Winlow (Chair)

County Councillors

A Barnes	C Pritchard
C Crompton	J Shedwick
R Newman-	V Taylor
Thompson	C Wakeford
Mrs L Oades	D Watts
D O'Toole	G Wilkins
M Parkinson	

1. Apologies

None were received.

2. Disclosure of Pecuniary and Non-Interests

None were disclosed.

3. Minutes of the Meeting held on 11 December 2015

Resolved: That the minutes of the meeting held on 11 December were agreed to be an accurate record.

4. Our Journey So Far and Why - A Greater Understanding of the Changes Affecting Highway Authorities

The Chair introduced Karen Cassar (Highways (Asset Management)) to the meeting who presented information regarding changes that would affect highway authorities in terms of their codes of practice and funding. Karen noted that the presentation would focus on Department For Transport (DFT) capital funding, which had not been affected by Government cuts, and, specifically, how this impacted the Transport Asset Management Plan (TAMP).

Members were informed that the DFT were incentivising highway authorities to move away from a 'wish list' approach to an asset management principle with the utilisation of objective data, such as road condition data, which contributed to the derivation of the program of works. It was noted that there had been capital funding changes, the introduction of a 'self-assessment' questionnaire and new codes of practice issued for well-managed Highways.

Karen highlighted three key documents which had contributed to the DFT's adaptation of their methodology. It was communicated that in September, 2014, the Public Accounts Committee determined that the DFT's funding allocation methodology should incentivise efficiency and collaboration. It was explained that the All-Party Parliamentary Group on Highways Maintenance, in October 2013, voiced concern that Highways, even under optimal conditions, would be inefficiently maintained. Moreover, within the National Infrastructure Plan, published in December 2014, it had been elucidated that high-quality infrastructure boosted productivity and competitiveness which was central to the Government's long-term economic plan.

Regarding the DFT's support for Highway authorities to deliver the changes, reference was made to the Highways Maintenance Efficiency Programme (HMEP), a £6m sector led transformation program. It was noted that HMEP connected networks from across the highways sector and provided the resources to support leaders and managers to transform the provision of road services towards improved efficiency.

The Committee received that there remained a number of challenges; continued public pressure to tackle potholes, constraints on court revenue funding, the need to identify opportunities to prioritise, to innovate with tighter budgets and to account for escalating costs whilst meeting increased customer demand.

It was explained that the DFT, in association with the HMEP program, had conducted a review of highway authorities' codes of practice during which they had identified potential implications resulting from amendments and omissions. It was noted that the DFT was advocating a risk based approach; for example, it was highlighted that the county council cleaned every gully in Lancashire as an equal priority, however via utilisation of objective data, resources could be targeted towards gullies with particular issues and therefore catalyse a cost effective approach. Members were informed that the product of the codes of practice review was currently in draft form and was to be evaluated by DFT legal representatives to ensure that, in the event of a legal challenge against a local highway authority, the code of practice was robust. It was stated that the implementation date for highway authorities was currently to be confirmed, but would be two years from the issuing date.

The Committee were informed that the DFT had announced a £6billion fund to be distributed over the next six years for the maintenance of local highways. £4.7 billion would be shared between 115 councils via a needs based formula; £575m through a new Challenge Fund to help repair and maintain local highway infrastructure, and £578m set aside for an incentive fund scheme from 2016 which would reward councils that had demonstrated value for money in carrying out cost effective improvements. It was noted that the county council had been successful on two previous occasions in the acquisition of moneys from the Challenge Fund, the first for the M65 crash barrier, and the second for street lighting.

The Committee were provided with information around the incentive formula. It was explained that funds would be allocated via the outcome of an annual evidence based self-assessment questionnaire which would determine the level

of funding made available to the county council. Karen elucidated that there were three levels of funding; authorities in band one would see their funding deplete each year; authorities in band two would receive 100% funding until 2017/18, however this would deplete in the years that followed if they remained in this band; and authorities in band 3 would receive 100% funding for the duration of their band 3 classification. It was noted that the new approach was highly incentivised to encourage adherence to the prescribed funding requirements aforementioned.

The Chair thanked Karen for delivering the presentation to the Committee and invited questions and comments from members.

The Chair queried if the DFT's new approach was more prescriptive and centralised than current arrangements. Karen Cassar explained that this was the case.

CC Christian Wakeford made reference to recent flooding incidents in the county and asked what impact such issues would have on the TAMP and future planning. It was explained that funding had been made available from Government to complete the necessary repairs from flood damage which was separate to capital funding for the TAMP.

CC Christian Wakeford enquired whether Government funding was only for areas that had suffered from flooding specifically, or whether it was for areas where poor drainage from fields had impacted the road network. It was explained that the funding received from Government was to specifically repair publically owned highway assets. Regarding water runoff from agricultural land, it was elucidated that the county council's flood risk management team had organised meetings in each district to aid the derivation of strategies henceforth via working with residents, farmers and the working community to identify improvements.

The Chair queried how much funding would be provided by the Government for repairs needed as a consequence of flood damage. Karen Cassar explained that there were two pots of money, the first was shared across Lancashire and Cumbria to undertake assessments of the highway and its infrastructure, and the second pot was anticipated to be around £5m, however the finalised sum had not been confirmed.

CC David O'Toole expressed that county council officers had carried out outstanding work over the Christmas period during the flooding incidents.

CC David O'Toole communicated concern around the length of time it taken for potholes to be rectified and also the quality of workmanship as many potholes re-emerged. Therefore, it was queried what could be done to repair potholes more efficiently and effectively.

CC David O'Toole noted that county councillors had been asked to identify two roads for improvements and stated that it appeared there had been communication issues concerning confirmation of submissions.

CC David O'Toole highlighted that the codes of practice review would be completed by summer 2016 and queried why it would take two years to

implement the new approach. Karen Cassar explained that the county council was working to a Government deadline.

CC C Crompton queried what the second allocation of Government funding to tackle flood damage would be utilised for. Karen Cassar explained that confirmation had not been received, however it was expressed that, subject to the outcome of flood damage assessments, additional funding may be required. It was explained that the additional funds would be used exclusively for flood damaged assets.

CC C Crompton queried the county council's approach to pothole rectifications, stating that often an officer would fill a particular pothole but neglected to fill others in its vicinity during the same visit. It was therefore queried why this approach had been adopted. Karen Cassar explained that with depleted resources, the county council needed to identify which repairs required performing and that potholes would be filled once they had reached a specified intervention level in depth. It was communicated that the county council's Section 58 defence protected the authority from claims of tripping, for example, and that this worked in tandem with clear intervention policies that had been determined in accordance to the national codes of practice.

CC Christian Wakeford made reference to the incentive formula and suggested it may be a false economy because an authority's roads could be in a poorer state and thereby require additional funding to spend on improvements.

CC Christian Wakeford asked if a working example of the technology used to determine road life-cycles could be shown to the Committee when available.

CC Christian Wakeford requested that Karen Cassar report back to the Committee once the county council's Section 151 Officer had approved the 'band' achieved following the sign-off of the self-assessment questionnaire.

CC Liz Oades alluded to prospective changes to gulley cleaning, stating that an analogous approach had been adopted in Fylde with success. However, CC Oades sought assurance that gullies identified for less frequent cleaning remained to be scheduled for cleaning. Karen Cassar explained that it was planned that all gullies in the county would be cleaned during the next 18 months. Once every gully had been cleaned an analysis of the objective data would be undertaken and a risk based approach adopted to the cleaning of gullies across the county.

CC Liz Oades stated that from her experience on planning committees, district planning authorities had directed responsibility for road works towards the county council. It was therefore asked, in the scenario where a developer's plans impacted the road network, whether the developer would pay for the necessary work to be undertaken. Karen Cassar explained that the county council were a consultee to the planning process and a condition could be suggested that in the event of damage to the highway, the developer may be required to cover the cost for repairs to the highway. It was stated that the suggestion would be discussed with the relevant officers.

CC Liz Oades asked what period of time a road could legally be closed off due to repairs on the resilient network. Karen articulated that a road could be closed, via traffic regulation order, for 18 months, and following this a decision would be required. It was conveyed that if the road was situated on the resilient network, the county council would have to utilise capital funds accordingly.

CC Liz Oades requested that the Committee put forward a recommendation suggesting that developers cover the cost of damage during works. It was stated that there were an increasing number of developments across the county and therefore this could drain resources if the existing arrangement remained.

The Chair asked the Committee if they would accept the proposed recommendation. The Committee unanimously agreed to put forward the recommendation suggested by CC Liz Oades.

Karen Cassar explained that this needed to be disseminated to Developer Support.

CC Liz Oades thanked everybody at the county council for their response to flooding in the county over the Christmas period. The Committee shared CC Liz Oades' gratitude to county council officers.

CC John Shedwick stated that the prioritisation of schemes should take into account local knowledge of engineers as it would be beneficial to the county council's highway maintenance approach.

CC John Shedwick queried if, through its recently acquired responsibilities with flood risk management, the county council had information regarding who was responsible for riparian responsibilities in watercourses. Karen Cassar conveyed that the query should be directed towards Rachel Crompton, Flood Risk Manager, who would be in a position to give a more detailed response to the Committee.

CC Richard Newman-Thompson made reference to the incentive fund, and queried why the county council was not already in the most lucrative band, band three. Karen Cassar explained that the county council was anticipated to be in band two, and therefore receiving 100% funding for the current year, and this would run until 2017/18. It was explained that to achieve band 3, it was expected that local authorities implement new ways of working, and therefore local authorities in band two received full funding until 2017/18 to allow time to implement and to be in a position to achieve band three from 2017/18 onwards.

CC Richard Newman-Thompson queried if any local authority had achieved band three status. Karen explained that she was unaware of any local authority who had achieved band three, however this information would be known once plans had been submitted and reports had been received from the DFT.

CC Alyson Barnes stated that the recently organised meetings within districts regarding flooding had proven to be very effective in Rossendale.

CC Alyson Barnes explained that issues with flooding in Rossendale emanated from persistent surface water and queried what the county council's approach to

such issues was. Karen Cassar noted that Rachel Crompton, Flood Risk Manager, would be the appropriate officer to answer the question.

CC Alyson Barnes asked how the capital program for highways was intertwined with flood risk management. Karen Cassar explained that preceding the core systems review undertaken by the county council, ad-hoc systems were used and information sharing suffered as a consequence. It was elucidated that the outcome of Phase One of the Transformation was a closer working relationship between highways and the flood risk management service as systems were shared and allowed for more targeted and collaborative work to be undertaken.

CC Alyson Barnes made reference to new arrangements with utilities companies around the work undertaken on the highway, noting that there was concern around a five day reinstatement period they were now permitted. Therefore, it was queried if there was a differing arrangement in place for town centres and stated that if there was not, it would be beneficial to see a policy derived. Karen Cassar explained that Michael White, Street works Parking Signals Countywide Traffic, would be the relevant officer to answer the query.

CC Alyson Barnes stated that it had been specified that there was the need for engineer's local knowledge, however it was her understanding that a large proportion of engineers were working on City Deal projects, and therefore would not be available for such consultation.

The Chair thanked Karen for presenting the information to the Committee.

Resolved: That;

- i. The report and presentation be noted.
- ii. That developers cover the cost of damage to the highway infrastructure during development works.

5. Safe Trader Report

The Chair introduced Amanda Maxim, Trading Standards Manager, to the meeting who delivered a report regarding the current status of the county council's Safe Trader Scheme in Lancashire.

The Committee were informed that the Safe Trader Scheme was established in 2009 with assistance from Help Direct and had acquired 1,300 members. It was noted that funding for the scheme ceased in March, 2015, and was currently being managed by the county council and Trading Standards. It was explained that the scheme was currently managed by the county council due to synergies with doorstep crime enforcement work.

Members were informed that the scheme enabled consumers to deal with traders they could trust and was available to all Lancashire's residents.

It was noted that five hundred complaints of doorstep crime were received annually, along with a multitude of complaints regarding sub-standard workmanship and overcharging.

Regarding the method for businesses to join the scheme, it was conveyed that traders had to apply and would then be visited by Trading Standards officers who would assess their suitability to join. If successful, businesses would sign up to a code of conduct outlining that consumers were to be treated fairly and charged reasonable prices.

The Committee were informed that the scheme was feedback based and in the event of dispute, officers would mediate and endeavoured to resolve issues.

It was noted that a small number of traders had been removed from the scheme, and a small number hadn't been allowed to join as it was deemed extremely important to maintain the integrity of the scheme itself.

Members received that businesses on the scheme were provided with assistance with legislation, received branded materials, stickers for their vans, and the logo for the scheme could be used. It was noted that in previous years when the scheme was fully resourced, award ceremonies were held and had been popular. However, the current arrangement was that businesses with sufficient positive feedback would receive a certificate that could be displayed for consumers.

It was highlighted that 75% of traders stated that they had received extra business since becoming members of the scheme. It was also noted that consumers had very positive feedback regarding the use of the scheme.

The Chair thanked Amanda Maxim for presenting the information and invited comments from the Committee.

CC Christian Wakeford queried whether businesses were contacted to be part of the Safe Trader Scheme, or contacted the service to be included. Amanda Maxim explained that traders contacted Trading Standards to become part of the scheme and that they would then be placed on a waiting list and assessed in due course.

CC Christian Wakeford noted that the report stated 'victims of doorstep crime were over twice as likely to die or go into residential care within two years of an incident', and therefore requested more information. Amanda Maxim noted that rogue traders shared information between themselves, and as an example, informed vulnerable people that their roof was unsafe and acquired work using such methods. It was noted that this could severely impact a vulnerable person's confidence resulting in the aforesaid issues.

CC Christian Wakeford asked whether more could be done to prevent cold calling in areas that had a high population of elderly residents.

CC Christian Wakeford asked how residents who did not have internet access received information about the scheme. Amanda Maxim explained that leaflets were distributed by age concern and community groups, and members of the scheme would also distribute promotional materials.

The Chair queried if there were electronic copies of promotional materials that county councillors could distribute. Amanda Maxim noted that she would investigate if such material was available following the meeting.

CC David O'Toole queried the lexis used in the report noting that members of the scheme were required to 'carry out work to a reasonable standard' and asked why this did not state to a high standard. It was expressed that the term 'reasonable' was very loose and open to interpretation which could cause issues in the event of a legal challenge. Amanda Maxim explained that the lexical choice adhered to legislation outlining that work was required to be carried out to a reasonable level of skill, however the code of practice would be reviewed.

CC Richard Newman-Thompson elucidated that for the scheme to be sustainable, contributions would be needed from local businesses wishing to be members. Therefore, it was queried how much this could cost, and whether this would be a flat rate or depend on the scale of the businesses involved. Amanda Maxim explained that the scheme would potentially charge for the service to ensure its sustainability. It was noted that some similar schemes cost £350-£400 for membership, however as only the operational costs were needed, it would not be as expensive. It was also explained that it would likely be a flat rate but feedback was required from members of the scheme to determine the approach.

CC Carl Crompton made reference to how vulnerable residents had been escorted to banks to withdraw cash for works carried out by rogue traders, and queried if banks were liaised with to provide advice to identify such incidents occurring. Amanda Maxim explained that a scheme was recently launched in Preston with banks and building societies to train their staff to identify behaviours suggesting rogue activity was occurring. It was explained that the scheme was delivered jointly with the Police and had been rolled out to other areas also. This, it was conveyed, had resulted in some success in which banks had contacted the service to notify of rogue activities.

CC John Shedwick asked if banks were allowed to notify Trading Standards and the Police when such incidents occurred. Amanda Maxim expressed that banks were in a difficult position in terms of confidentiality, but if they had sufficient safeguarding concerns about a certain consumer they would raise the issue. It was emphasised that as this involved the Police, banks felt more confident in flagging such incidents.

CC Vivien Taylor noted that in some rural areas there were very few banks with a low Police presence and asked what work was undertaken to tackle rogue traders in such areas. Amanda Maxim noted that the service had a rapid response team who would travel to any location in the county and deal with any incidents by helping the consumer, offer any advice, and on an ongoing basis, try to ensure the trader didn't return which also had Police support.

CC Vivien Taylor expressed that the rapid response team needed more publicity and requested information to be shared with Members.

The Chair requested that an email be produced outlining information about the rapid response team. Amanda Maxim agreed to provide the information.

Resolved: That;

- i. The Committee note the contents of the report.

- ii. The Committee receive information regarding the rapid response team.

6. Work Plan and Task Group Update

Habib Patel made reference to the report on Flood Risk Management, scheduled for the meeting to be held on 26 February, 2016, and informed that the report would not be completed for the meeting as the acute elements of the flooding issues needed to be fully assessed. It was explained that the report would be delivered to the Committee at a future meeting.

The Chair explained to members that the OFSTED report scheduled to be before the Committee at this meeting had been moved to the recently established Children's Services Scrutiny Committee, as this fell within their remit.

Resolved: That;

The Work Plan and Task Group Update be noted.

7. Urgent Business

There was no urgent business.

8. Date of Next Meeting

The next meeting of the Scrutiny Committee will be held on Friday, 26 February, 2016 at 10.00am at the County Hall, Preston, Cabinet Room 'B'.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston