

PLACE SCRUTINY COMMITTEE

15 November 2016

Present:

Councillors R Radford (Chairman), G Hook (Vice-Chair), P Bowden, C Clarence, A Eastman, R Edgell, O Foggin, R Hill, B Hughes, R Vint, N Way and J Yabsley

Members attending in accordance with Standing Order 25:

Councillors A Leadbetter, S Hughes and B Greenslade

Apologies:

Councillor K Ball

* 22

Minutes

RESOLVED that the minutes of the meeting held on 20 September 2016 be signed as a correct record.

* 23

Items Requiring Urgent Attention

The Chairman reported on the visit by Members of the Committee earlier that day to the Devon Heritage Centre at Great Moor House paying tribute to the service and confirming that a further visit would be arranged for those who had not been able to participate.

* 24

Public Participation

There were no representations from members of the public.

* 25

Utility Companies and Developers' Works

(Representatives of the four main utility companies attended and spoke at the invitation of the Committee, namely:

BT Openreach - M Wrightson and A Swift
Wales and West Utilities – G Bond and R Long
South West Water - L Melliush and B Taylor
Western Power Distribution - S Brothwell and G Halladay).

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/6) on the Council's role in co-ordinating and monitoring the actions of utility companies and their contractors undertaking work on the highway and providing information on current performance and coring compliance.

The Report acknowledged that the impact of the activities of utility companies on the integrity and accessibility of the highway network had long been a concern of the Council. Utility companies had a duty to ensure that any reinstatements were in compliance with all aspects of the nationally approved specifications. Non-compliance could lead to early life failure of the asset.

Members noted that since July 2015 the Council had revised the annual coring programme by coring monthly instead of quarterly. The coring programme for 2015/16 had involved the

sampling of 301 reinstatements randomly selected across the County, with 146 carriageway sites and 155 footway sites.

The Committee then received a brief presentation from each of the utility representatives referred to above on their performance and plans to improve the quality of reinstatements and prevent sub-standard work.

Those representatives also responded to a number of questions and issues raised, commenting in particular upon:

- their recognition of problems and failures of performance and identification of problem areas;
- measures put in place for improvement including action plans, regular reviews of reinstatements, meeting with sub-contractors; introduction of own coring programme; removal of non-performing contractors and financial penalties imposed upon sub-contractors for failure of reinstatements;
- the effectiveness of action taken by the Council for consistently poor compliance, including prosecutions;
- the statutory duty imposed upon utilities for appropriate signage to be displayed at site works;
- the desire to work more closely with the Highway Authority to adhere to best practice and if possible to utilise the County Council Laboratory to test utilities' own core samples;

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Hook and

RESOLVED

(a) that the Committee welcome the recognition by the Public Utilities that performance needs to be improved and of the benefits of closer working in the County Council;

(b) that Place Scrutiny Committee Members be provided with results of the coring programme direct on a regular basis to enable Members to monitor performance on an ongoing basis;

(c) that the Public Utilities be asked to

(i) confirm in writing the detailed steps they and their contractors are and will be taking to improve performance with a view to ensuring a significant improvement in the level of performance in 2016/17 (equating to at least the level of the highest performing utility company in 2015/16) against which further assessment may be judged; and

(ii) comment upon the use of new and innovative technologies to replace traditional trenches;

(d) that Officers provide an update on performance for 2016/17 as soon as practicable and that

(i) a phased approach to monitoring the standard of compliance with the Specification for the Reinstatements of Openings of the Highway through structured monthly coring be continued;

(ii) all Statutory Undertakers and their contractors looking at systems and methods of working be continued;

(iii) meetings be initiated involving all Statutory Undertakers and their contractors and information shared regarding achieving compliant reinstatements;

(iv) local areas with low compliance rates being looked at and the reasons investigated;

(e) that, should any prosecutions be undertaken for failure to comply with national specifications as identified through the annual coring programme, a community impact assessment or equivalent be submitted to the Court evidencing the costs of rectification works and the financial impact upon the community, on seeking any award for costs;

(f) that Members be encouraged to report perceived failed utility reinstatements to the Neighbourhood Highway Team or failure to erect appropriate signage.

* 26

Place Services Budget Performance Update 2016/17

The Committee received the Joint Report of the Chief Officer for Communities, Public Health, Environment and Prosperity and the Chief Officer for Highways, Infrastructure Development and Waste (HIW/16/7) on the delivery of the 2016/17 budget in line with strategic objectives and the overall impact on the services.

Members recognised that delivery of the budget would be dependent in part on some volatile areas e.g. winter and emergency maintenance and waste tonnage levels. Members were also advised that:

- funding agreements were in place for European funds made under allocations within the existing round or Government had provided a commitment to underwrite such funding;
- the Public Transport team were on target to achieve budget and deliver savings of £65,000;
- the revised operational arrangements for the provision of a Devon Youth Service were in progress as previously approved by the Cabinet on 14 September 2016;
- the Highways Infrastructure Asset Management Policy, Strategy and Plan had been revised so as to secure maximum Capital funding from Government under the Department for Transport's Incentive Fund;
- the Civil Parking Enforcement Service had been successful in delivering the savings predicted in the business case for bringing the service in-house.

* 27

Devon Local Flood Risk Management Strategy Update

The Committee received the Report of the Head of Planning, Transportation and Environment (PTE/16/54) on the continuing progress being made by the Flood and Coastal Risk Management team in delivering the Local Flood Risk Management Strategy and its annual Action Plan and against the previous recommendations of the Committee's Flood Task Group. A number of small minor improvements were being delivered through local funding opportunities such as partnership working with other Risk Management Authorities or direct funding from the Council's Flood Risk Management budgets.

In discussion, the following matters in particular were highlighted:

- the statutory duty to provide an online Asset Register had now been satisfied and was on the Flood Risk Management website and would be continually updated as new flood assets became known.

- as Statutory Consultee for sustainable drainage issues, significant progress had been made in effective working with district councils.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Hook and

RESOLVED that all Risk Management Authorities (District Councils and Environment Agency) be asked to comment on the level of expertise available to them to enable the Committee, as part of its next annual review, to ensure the effectiveness of Flood Risk Management across the County as a whole, to enable this Committee to take a holistic view and demonstrate that all Risk Management Authorities were working together.

[NB: Further information on the responsibilities for flood risk management can be found on the website at: <https://new.devon.gov.uk/floodriskmanagement/who-is-responsible-for-local-flood-risk-management/> and <https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/>]

* **28** **Connecting Devon and Somerset Programme Update**

(Councillor Leadbetter, Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the Report of the Head of Economy, Enterprise and Skills (EES/16/2) on progress made at the end of the July to September quarter on the Connecting Devon and Somerset Programme (CDS).

The Head of Service undertook to provide Members direct with an update on Airband's remedial plan referred to in the Report and on the timeline for new masts to be brought on line.

* **29** **Place Scrutiny Committee Work Programme**

(Councillor Greenslade attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee.)

The Chairman of the Agriculture Task Group outlined the work of the Task Group established to look at the challenges faced by the County's agriculture sector and the impact this has had on the rural economy in Devon, commenting on the initial findings of the Task Group on the ways that the Council and its partners and central government could help support, sustain and develop the industry.

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Cabinet/Council Forward Plan.

The Work Programme was endorsed subject to the addition of Devon Youth Service Update.

[NB: The Scrutiny Work Programme is available on the Council's website at <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1> and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>]

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 5.12 pm