

## SCRUTINY COMMITTEE FOR ECONOMY, TRANSPORT AND ENVIRONMENT

MINUTES of a meeting of the Scrutiny Committee for Economy, Transport and Environment held at County Hall, Lewes on 17 March 2014.

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PRESENT: Councillors Richard Stogdon (Chair), Mike Pursglove (Vice Chair) Claire Dowling, John Hodges, Pat Rodohan, Barry Taylor and Steve Wallis.

ALSO PRESENT: Rupert Clubb, Director Communities, Economy and Transport; Karl Taylor, Assistant Director Operations; Roger Williams, Head of Highways; Tony Cook, Head of Planning; Nick Claxton, Team Manager, Flood Risk Management (for agenda item 6); Nick Skelton, Head of Transport & Operational Services (for items 7 & 10); Graeme Lake, Traffic Manager – Team Manager, Network Management (for item 8); Simon Fathers, Team Manager – Rights of Way and Countryside Maintenance (for item 10).

Scrutiny Lead Officer: Martin Jenks

### 29. MINUTES OF LAST MEETING

29.1 Under paragraph 22.2 of the minutes it was clarified that income from driver awareness funding is ring fenced to fund the Sussex Safer Roads Partnership (SSRP). If there is a surplus of funding, it can be bid for to fund road safety initiatives. Income from speed cameras goes to Sussex Police.

29.2 RESOLVED – to approve as a correct record the minutes of the meeting held on 20 November 2013.

### 30. APOLOGIES FOR ABSENCE

30.1 Apologies were received from Councillor Carl Maynard (Lead Member for Transport and Environment); Geoff Mee, Assistant Director, Environment.

### 31. DECLARATIONS OF INTEREST

31.1 None declared.

### 32. URGENT MATTERS

32.1 None notified.

### 33. RECONCILING POLICY, PERFORMANCE AND RESOURCES (RPPR)

33.1 It was suggested that an additional meeting could be scheduled to allow the Scrutiny Committee to look at savings earlier in the year. The Director, Communities, Economy and Transport indicated that the department will make sure enough time is allocated for Scrutiny to look at any savings proposals.

33.2 A request was made for an update report to be brought to the Scrutiny Committee meeting in September outlining the progress that was being made against the department's savings plan. The department has a risk register of savings and it reviews progress against the savings plan regularly during the year. It was agreed to provide a savings plan update report at the September meeting.

33.3 RESOLVED: – To bring an update report on the department’s savings plan to the September Scrutiny Committee.

#### 34. SEVERE WEATHER, HIGHWAYS FLOODING AND FLOOD RISK MANAGEMENT STRATEGY

34.1 The winter of 2013/14 has been one of the wettest on record. This has caused damage to road surfaces and the associated Highways infrastructure. Periods of heavy rain coincided with high winds and tidal surges causing further damage. The severe weather has also highlighted surface water flooding issues covered by the Council’s Flood Risk Management Strategy.

34.2 The Committee examined the report in two parts, looking firstly at the Highways operational impacts, and secondly at the Flood Risk Management Strategy. From the discussion of the report a number of issues emerged.

##### Highways Operational Impacts

34.3 The severe weather has caused an estimated £1.1m worth of damage to Highways infrastructure. The £1.1m is an extra cost to the revenue budget which represents money already spent to deal with 250 fallen trees, 300 instances of flooding and over 2000 potholes that required immediate attention (twice the number compared with the same period last year). Tidal surges also caused damage to the Newhaven Swing Bridge controls and the Bulverhythe Cycleway.

34.4 Overall, the estimated cost of the winter damage to the Highways infrastructure is between £3m and £4m. This estimate is a combination of the money already spent to carry out repairs and the anticipated future maintenance costs.

34.5 The department has submitted a bid to the Department for Transport (DfT) Severe Weather Recovery Scheme (£140m fund) for the cost of the damage to the County’s A and B roads. An additional fund has been announced for damage to C roads. It is not known how much the Council is likely to receive, but it will be notified in the coming weeks.

34.6 The Scrutiny Committee has highlighted problems with highways drainage for a number of years. Committee members asked about the level of preventative maintenance as there is a view that some of the drainage problems could have been foreseen. The department reacts well to severe weather, but the Council needs to have a better long term preventative maintenance plan. The department has:

- Mapped the location of all the Highway gullies as part of the asset management plan. However, the department accepts that it does not have a full understanding of the location and condition of the entire Highway drainage infrastructure (e.g. drainage ditches, pipe runs, manholes, outfalls and grips). A drainage ditch survey is being undertaken which will be completed in the next few months. To survey the whole drainage system would cost a substantial amount of money. It is proposed to include this issue in the new Highways Maintenance Contract and adopt a stage by stage approach to acquiring this information.
- Developed a forward plan of resurfacing and investment over the next 10 years, taking into account climate change adaptation measures that may be required to deal with extreme weather. A detailed plan for the next 2 years of Highway re-surfacing works has been produced. However, it may take another 5 to 7 years of investment to achieve the road condition the Council would like to see.

34.7 The department accepts that it can be difficult to get the right balance between the level of preventative maintenance and reactive maintenance given the resources the Council has available. The challenge is to communicate what we are doing about this issue to members of the public in an effective way.

#### Local Flood Risk Management Strategy (LFRMS)

34.8 The local flood risk management system remains complex and difficult to understand despite the recommendations made by the Pitt Review. It requires a number of different organisations identified as Risk Management Authorities (RMA's) to work together to tackle flooding issues.

34.9 It is East Sussex County Council's role as Lead Local Flood Authority to co-ordinate the actions of the other organisations involved in flooding issues. The Local Flood Risk Management Strategy is an attempt to provide a strategic framework for these organisations to work within, and relies heavily on partnership working. As a result of this work 7 surface water management plans have been put in place to deal with local flooding issues and a conference has been held to promote the strategy.

34.10 The Committee felt there was still a lack of clarity about who was responsible for doing what, which left most members of the public confused. The Committee asked the department to produce an overview that summarises and brings together the responsibilities of all those involved in managing flood risk (e.g. similar to the diagram on page 37 of the agenda).

34.11 The Committee discussed a number of surface water flooding issues that arose out of the report and the following points were made:

- The East Sussex Local Flood Risk Strategy looks at surface water flooding risks which tend to be mainly an urban problem.
- External funding for surface water flood risk management schemes can be difficult to obtain. This is because schemes that deal with the risk of flooding from main rivers and coastal inundation tend to get a higher priority under the current funding allocation guidelines because they affect more properties.
- The Core Strategy of Local Plans should address flooding issues where new developments are being considered.
- The Flood and Water Management Act (2010) does not place a duty on the County Council to carry out works, but does give the Council certain powers which it can choose to exercise.
- ESCC has powers with regard to ordinary watercourses where work is being carried out on them. It can also designate features important to flood risk management, which once designated, require ESCC approval for work to be carried out on them.
- Landowners and riparian owners have duties for surface water management.

34.12 There is good, strong liaison between the Highways Team and the Flood Risk Management Team. The recent flooding issues have taken resources away from the implementation of the Local Flood Risk Management Strategy and there are two key issues that will affect ESCC in the future. These are:

- The new role of Sustainable Drainage Systems Approving Body (SAB) to determine applications for Sustainable Urban Drainage Schemes (SUDS) for new developments of 10 dwellings or more, or over half a hectare in size. ESCC will have to assume the maintenance responsibility for any schemes that it approves, but way this will be funded is unclear.
- The proposed dissolution of the Internal Drainage Boards administered by the Environment Agency that cover the catchment areas of the Ouse, the Cuckmere and Pevensy Levels.

34.13 The Government has announced that Oliver Letwin will carry out a review of the recent flooding to see what lessons can be learnt and to look at the implications for future flood risk management policy. The Director of Communities, Economy and Transport agreed to look at the terms of reference to see if there was a mechanism for Councillors to have an input into this review.

34.14 It was agreed to bring a report back to the Scrutiny Committee in September drawing together an overview of all the bodies involved in flood risk management; an update on the sustainable urban drainage approval role and; feedback on lessons learnt from the Letwin report on the winter flooding.

34.15 The Director of Communities, Economy and Transport offered to invite staff from the Environment Agency and Southern Water to come and talk to the Scrutiny Committee. This would enable the Scrutiny Committee to better understand what these two organisations were doing in response to the winter floods and for flood risk management in East Sussex.

34.16 RESOLVED: - It was resolved that a report would be brought to the September Scrutiny Committee meeting to:

- 1) Draw together an overview of all the bodies involved in flood risk management;
- 2) Provide an update on the sustainable urban drainage approval role and;
- 3) Give feedback on the lessons learnt from the Letwin report on the winter flooding.

## 35. EAST SUSSEX COUNTY COUNCIL PUBLIC TRANSPORT COMMISSIONING STRATEGY

35.1 The Head of Transport & Operational Services introduced the report which outlined the department's approach for the development of a Strategic Commissioning Strategy for public transport services.

35.2 A Members Advisory Group (MAG) has been established to provide advice and critical challenge for the development of the Commissioning Strategy and to refer matters back to Cabinet and/or the Scrutiny Committee where necessary. The full terms of reference for the Members Advisory Group is contained in appendix 2 of the report.

35.3 Officers from the department have been working with Peter Brett Associates (PBA) to look at the public transport needs of the County. A presentation of the results of this work will be made to the Members Advisory Group on the 18<sup>th</sup> March 2014.

35.4 RESOLVED:- To note the progress of the development of the ESCC Public Transport Services commissioning strategy.

## 36. SCRUTINY REVIEW OF STREET WORKS IN EAST SUSSEX

36.1 Good progress has been made in implementing the recommendations of the Scrutiny Review. Work to implement seven of the thirteen recommendations has been completed and the rest are expected to be complete by the end of May 2014. The main change has been the introduction of the Permit Scheme which came into force on the 11<sup>th</sup> November 2013.

36.2 To date 11,200 permit applications have been made. Fees are not charged for all permits, but conditions are applied when permits are issued. If the conditions are not complied with Fixed Penalty Notices (FPN's) can be issued. The penalty for carrying out works without obtaining a permit is £500 (reduced to £300 if paid within 28 days) and for breaching a permit condition the penalty is £120 (reduced to £80 if paid within 28 days). Under Section 74 of the New Roads and Street Works Act charges of between £250 and £2,000 per day can be made if road works continue past their target completion date.

36.3 Fixed Penalty Notices (FPN's) have been issued since 6<sup>th</sup> January 2014. In February 2014 152 FPN's were issued and 2,788 permit applications were considered. On the whole utility companies are paying the FPN's and learning from their mistakes. Utility Companies are prosecuted when they do not pay FPN's, but it is not possible to prosecute their contractors directly.

36.4 Details of planned road works are available in two ways (Appendix 1, Recommendation 2 of the report). The details of every permit issued by East Sussex County Council (ESCC) are entered on the website [www.roadworks.org](http://www.roadworks.org) so that people can search for road works in their area. Details are also entered on the ESCC Highways Terrier (map based system).

36.5 Providing local Councillors with information is part of the Code of Conduct. It is hoped that all utilities will sign up to the Code of Conduct shortly. Until that time the Highways team will continue to send out the weekly co-ordinators sheets to Councillors with details of all planned road works.

36.6 The Permit Scheme is monitored by four Permit Officers, each covering a section of the County. The quality of reinstatement work is monitored by a programme of checks and core testing. Utility companies are encouraged to carry out their own core testing. This has led to a reduction in the failure rate of reinstatement work from approximately 80% before the permit scheme was introduced, to a 20% failure rate now.

36.7 The Highways Team are trying to reduce temporary reinstatements by encouraging utility companies to reinstate works first time. This is done through the use of permit fees and it is also part of the model permit conditions. Getting first time reinstatement can be difficult but is not impossible. First time reinstatements are being requested particularly in conservation areas where the retention of the original surfacing materials is important.

36.8 It is possible to protect newly resurfaced roads and other highways schemes by using a Section 58 restriction. Utility companies can be prevented from digging up a new section of road for up to 5 years (except in the case of emergencies and the connection of new customers), provided 3 months notice is given before the resurfacing work starts. This can be done when sharing work programmes which takes place each quarter.

36.9 RESOLVED:- It was resolved to note the progress in implementing the recommendations of the Scrutiny Review of Street Works.

## 37. FOOTWAY MAINTENANCE POLICY

37.1 The current maintenance policy is a risk based approach which seeks to minimise the number of accidents. The maintenance policy sets out a range of responses to defects depending on how serious they are. There are a relatively small number of claims that are upheld and these represent less than 1% of the defects reported each year.

37.2 The additional cost of adopting a 15mm intervention standard would be approximately £266,600 per annum. However, adopting such a standard would be out of step with the accepted code of practice nationally.

37.3 The Highway Stewards are accountable for the decisions they take and need to have guidance to operate within. The current policy gives Stewards some discretion to act where defects are not currently at the 20mm intervention criteria in town centre/primary pedestrian routes and 25mm intervention criteria elsewhere (e.g. where they think a defect may get worse before the next inspection).

37.4 It was stated that not all footway claims were the result of trips caused by defects. Further analysis of the nature footway claims will be undertaken and these will be circulated with the minutes of the meeting.

37.5 It was the Committee's view that there was insufficient substantive evidence that a change of policy would be significantly beneficial. Given the discretion afforded to the Highway Stewards in monitoring and giving effect to the existing policy, and the significant additional costs, the Committee was not minded to recommend any policy change.

37.6 RESOLVED: - It was resolved not to recommend a change to the existing policy.

### 38. RIGHTS OF WAY AND COUNTRYSIDE MAINTENANCE

38.1 The Rights of Way (RoW) and Countryside Management Teams have undergone a number of changes since 2010. The number of staff has been reduced by 27% and the number of staff teams has been reduced from four teams in 2010 down to two teams. The Service has also made savings of £384,000 during that time. The two current teams are the Rights of Way & Countryside Management Team and the Rights of Way Access Team.

38.2 A risk based approach to maintaining Rights of Way (RoW) assets has been put in place. The Team has developed a Public Rights of Way Priority Statement which enables them to prioritise works. However, there is still a need to make further savings as part of the medium term financial strategy. The RoW & Countryside Management Team will achieve the savings through a reduction in the number of vehicles they lease and a small staffing restructure. The RoW Access Team will reduce the number of staff by 1 (full time equivalent) post and increase income from fees to achieve the necessary savings.

38.3 The Team look for external funding opportunities wherever possible, but do not get funding from the South Downs National Park for the rights of way inside the National Park. The RoW maintenance team has successfully developed a modular bridge system which it is marketing to other organisations.

38.4 One of the key challenges for the Team has been to manage the staff response to the amount of change that has taken place, whilst continuing to meet the public expectations of the Service. Maintaining volunteer involvement has been difficult as the team has had to be more focussed on priority work.

38.5 RESOLVED:- To:

- 1) Note significant changes that have been made to the Rights of Way and Countryside Maintenance Service and the progress made towards meeting the medium term financial plan savings.
- 2) Endorse the development of a strategic commissioning strategy to examine the future options for the management of the Rights of Way network and Countryside sites.

### 39. SCRUTINY WORK PROGRAMME

39.1 RESOLVED: To amend the scrutiny work programme as follows:

39.2 Reconciling Policy, Performance and Resources (RPPR): To bring an update report on the department's savings plan to the September Scrutiny Committee (paragraph 33.3 above).

39.3 Severe Weather, Highways Flooding and Flood Risk Management: It was resolved (paragraph 34.16 above) that a report would be brought to the September Scrutiny Committee meeting to:

- 1) Draw together an overview of all the bodies involved in flood risk management;
- 2) Provide an update on the sustainable urban drainage approval role and;
- 3) Give feedback on the lessons learnt from the Letwin report on the winter flooding.

39.4 A Scrutiny Review of Alternative Funding for School Crossing Patrols (SCP) was discussed by the Committee. It was agreed that a Review Board would be established to look at this issues comprised of Councillor Stogdon, Councillor Pursglove, Councillor Rodohan and Councillor Hodges.

#### 40. FORWARD PLAN

40.1 The Committee considered the Forward Plan for the period 1 March 2014 to 30 June 2014. Members were reminded of the need to monitor the Forward Plan when published online to identify any queries or concerns early. Requests for information should be raised with the listed contact officer, and any scrutiny issues with the Scrutiny Manager.

#### 41. NEXT MEETING

41.1 The meeting ended at 13:25pm. The next meeting of the Committee will be held on Wednesday 11 June 2014.

COUNCILLOR RICHARD STOGDON  
CHAIR