

## ECONOMY, TRANSPORT AND ENVIRONMENT SCRUTINY COMMITTEE

MINUTES of a meeting of the Economy, Transport and Environment Scrutiny Committee held at Committee Room, County Hall, Lewes on 14 June 2017.

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PRESENT	Councillors Richard Stogdon (Chair), Godfrey Daniel, Darren Grover, Pat Rodohan and Barry Taylor
LEAD MEMBERS	Councillors Nick Bennett and Bill Bentley
ALSO PRESENT	Rupert Clubb, Director of Communities, Economy and Transport Nick Skelton, Assistant Director Communities Karl Taylor, Assistant Director Operations Lucy Corrie, Head of Communities Charlotte Marples, Project Manager - Road Safety Brian Banks, Team Manager - Road Safety Dale Poore, Contracts Manager Andrew Le Gresley, Team Manager - Rights of Way & Countryside Carl Valentine, Head of Transport & Operational Services Justin Foster, Waste Team Manager  Councillor Philip Daniel, Councillor Colin Swansborough

### 1 MINUTES OF THE MEETING HELD ON 15 MARCH 2017

- 1.1 The Committee RESOLVED to agree as a correct record the minutes of the meeting held on the 15 March 2017.

### 2 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from Councillor Claire Dowling, Councillor Simon Elford and Councillor Rupert Simmons, Lead Member for Economy.

### 3 DISCLOSURES OF INTERESTS

- 3.1 None noted.

### 4 URGENT ITEMS

- 4.1 None.

## 5 SCRUTINY COMMITTEE FUTURE WORK PROGRAMME

### Scrutiny Review of Superfast Broadband

5.1 The Committee discussed the presentation of the Scrutiny Review of Superfast Broadband report at Cabinet on 6 June 2017, to establish if the Committee needed to respond to any of the comments made at the meeting. The Director of Communities, Economy and Transport re-stated that the department welcomed the report and accepted the recommendations of the Review. The coverage achieved by the first two contracts is good and is better than some other local authorities have been able to achieve in similar circumstances. It is accepted that there are some parts of East Sussex without access to superfast broadband, but hopefully the third contract will deal with this.

### Libraries Strategic Commissioning Strategy

5.2 The Committee has previously expressed an interest in this project through the Committee's work on Reconciling Policy, Performance and Resources (RPPR) last year. The Committee understands that the Audit, Best Value and Communities Services (ABVCS) Scrutiny Committee has established a Review Board to work alongside officers on the commissioning strategy. The Committee agreed that it wished to send a representative to the ABVCS Libraries Review Board, to keep abreast of this important area of work for the Communities, Economy and Transport (CET) department.

### Grass Cutting

5.3 The Committee noted that a report will be brought to the 20 September 2017 ETE Scrutiny Committee meeting outlining options for making savings in the grass cutting budget. The Committee can then decide if it wishes to do more detailed work on this subject.

### Dropped Kerbs.

5.4 The Committee noted the discussion that took place at one of the new Council induction sessions about allocated funded for Dropped Kerbs. The Committee asked that a report on Dropped Kerbs be presented to the 20 September 2017 Committee meeting. The Director of Communities, Economy and Transport confirmed that it would be possible to produce a report that outlined existing approach and policy on dropped kerbs. The Committee asked that the report also takes into account the recommendations from the previous Scrutiny Review of Dropped Kerbs.

5.5 The Committee RESOLVED to amend the work programme in accordance with paragraphs 5.2, 5.3 and 5.4 above.

## 6 EAST SUSSEX ROAD SAFETY PROGRAMME - UPDATE

6.1 The Head of Communities introduced the report. Although the number of Killed or Seriously Injured (KSI) road accidents has reduced, the KSI rates are higher in East Sussex than the national average and for comparable Local Authorities. Analysis of the data shows that 90% - 95% are due to human error. Therefore, approaches need to be developed to tackle driver behaviour.

6.2 The Head of Communities outlined the work carried out with the Behavioural Insight Team (BIT), who are experts in the application of behavioural insight approaches to challenging areas of public policy, have looked at the East Sussex KSI data in detail. They found that what a driver is doing at the point of collision is more important than road conditions, or the reason for the journey, in accounting for the cause KSI accidents. The data analysis also found that the type of journey is not a predictive factor in determining the cause of KSI's.

6.3 The East Sussex Road Safety Programme intends to develop interventions that target specific behaviours and types of driver involved in KSI's. There are three target groups of drivers who account for a significant number of KSI's:

- Motorcyclists who cause, and are likely to be involved in, a significant number of KSI accidents;
- Young drivers, and particularly male drivers, who are more likely to cause KSI's; and
- Car drivers who hit vulnerable groups such as pedestrians, cyclists and motorcyclists.

6.4 The next step in the Programme is to determine the behaviour change projects that will be undertaken in conjunction with partners. The projects will need to run for sufficient time in order to gather enough data to carry out a proper evaluation of their effectiveness. It is considered that road engineering solutions alone will not be sufficient to tackle the issue of higher numbers of KSI's in East Sussex. However, the Programme Team recognise that they remain a part of the solution, and are working with Sussex Police on a prioritised speed management programme.

6.5 The Committee made a number of comments and asked questions about the programme. The points raised are summarised below.

#### Behavioural approach to reducing KSI's

6.6 The Committee asked what is different, or new, about the Programme's approach to reducing KSI's in comparison with previous work. The Head of Communities responded that the projects provided an opportunity to look at the KSI data in depth to identify the causes of KSI's. The analysis carried out by the Behavioural Insight team (BIT) has identified more clearly the reasons for KSI's. The Project Manager added that the evidence is now pointing to driver error as being the main cause of KSI's, and work is focussing on those factors which are more amenable to behavioural interventions. This approach is supported by the success of behavioural approaches used in tackling other public health issues. The Programme takes forward an area of work where there is a growing awareness of how behavioural techniques can be used successfully.

6.7 Some members of the Committee expressed reservations about the Programme's ability to have an impact on behaviour and the target groups identified in the report. This is because achieving a change in behaviour and reaching the right target groups can be very difficult. The Project Manager responded that it is now possible to segment and target work effectively and that this approach is considered to provide the best opportunity to have an influence on KSI's. The point is taken about the difficulty in working with these groups. However, the BIT have identified those that are amenable to the behavioural approach, and will develop approaches that are likely to work with these different groups.

6.8 The Assistant Director, Communities explained that the BIT have extensive expertise in data analysis and honing a message for the different groups. Engineering solutions alone will not tackle driver behaviour, which is the main cause of KSI's. For example, motorcyclists and younger drivers will not change their behaviour even if roads are re-engineered and therefore the amount of KSI's will not reduce. The data analysis has shown that where younger drivers are involved in KSI's it is not just speeding which is a causal factor. The BIT report identifies exceeding the speed limit, drink driving and carelessness or recklessness as main contributory factors, and also overtaking, where a lack of experience is the main issue. The motorcyclists who are involved in KSI's are middle aged, male weekend riders who can afford larger powered bikes and who do not ride regularly. This level of detail allows interventions to be targeted much more effectively.

## Limitations of the road network and engineering measures

6.9 The Team Manager, Road Safety outlined that engineering solutions are relatively expensive, and the £1m allocated budget would not have sufficient impact on KSI's if used solely for engineering schemes. There is growing opposition to the implementation of road improvement schemes due to environmental concerns (as evidenced by the Highways England consultation work on the options to improve the A27). There are also mixed views on road schemes on more minor roads, where residents are increasingly concerned about urbanisation in rural areas and the proliferation of road signs.

6.10 The Committee commented that people get frustrated with road congestion due to the condition of the strategic road network, and are therefore more likely to overtake or make dangerous manoeuvres. The Director of Communities, Economy and Transport outlined that the road network in East Sussex is unlikely to change, so adopting the behavioural approach is the right direction to go in to reduce KSI's.

6.11 The Committee noted the engineering works outlined in the report to tackle known accident hot spots, and asked if it would be possible to have accident monitoring information before and after the works have taken place. The Project Manager outlined that the East Sussex Road Safety Programme includes some engineering work where there is a robust evidence base for doing so. The Programme therefore includes taking both behavioural and engineering approaches in tandem. The Team Manager, Road Safety confirmed that post road engineering work monitoring will be undertaken.

## Summary points

6.12 The Lead Member for Communities and Safety outlined that the East Sussex Safer Communities partnership were concerned about the level of KSI's, especially due to impact on people and their families who are injured or killed. The £1m funding represents a one off opportunity to make a difference, so it is important to give enough time to pilot solutions, evaluate them, and get the interventions right. The engineering approach has not achieved the desired reduction in KSI's, so it is right to try this different approach.

6.13 The Team Manager, Road Safety commented that achieving road safety is far wider than anything East Sussex County Council can do on its own. Other agencies, motoring organisations and central Government also have a role to play. The East Sussex Road Safety Programme is an evidence based approach which will be rigorously evaluated. At end of project the learning will be there to inform future programmes, rather than doing the same things as we have done in the past. Any learning will also be disseminated to other organisations as there is national interest in the behavioural approach the Programme is taking.

6.14 The Committee commented that sustainable solutions are needed, and is hopeful that the new approach will achieve the desired outcome of reducing KSI's in East Sussex.

6.15 The Committee RESOLVED to note the report and to receive an update report on the East Sussex Road Safety Programme in June 2018.

## 7 HIGHWAYS DRAINAGE MAINTENANCE SERVICE UPDATE

7.1 The Contracts Manager (Head of Service, Highways) introduced the report. The report notes the additional funding secured as a result of the Scrutiny Review and updates the action plan which responds to the recommendations of the Review. Investment in drainage protects the structural integrity of the road network and the significant investment in roads that has taken place over recent years.

7.2 The Contracts Manager outlined that the department has made significant progress compared with the position a year ago, but there are some challenges especially where further investigation and surveys are required to solve drainage problems. A programme of work using capital and revenue funding has been devised to deliver changes to the highway drainage network. Work to date has included:

- Better information derived from routine gulley maintenance operations, including information on individual gulleys.
- An improvement in the investigation process of drainage issues and better record keeping for drainage incidents.
- The routine gulley maintenance programme has identified 2,700 blockages, where further investigation work is required. The department will work through these issues over the next 2 years as part of the drainage infrastructure maintenance programme.
- A 'fence to fence' design approach which examines the drainage when carrying out capital programme footway and carriageway works. This approach aims to address drainage issues and known flooding 'hot spots' before undertaking any major highways works.
- There is a programme to carry out maintenance work on 25% of the ditch network each year to improve the condition of the ditch network. However, this has run into some challenges where ditches needed to be reconstructed, or were not found to be located in the position the records indicated they would be in.
- Opportunities have been taken to improve knowledge of the drainage asset and the department has been working closely with Town and Parish councils. This has also been helpful when working on known drainage problems where it is necessary to identify private landowners.
- The department is working with District and Borough Councils on new developments and has taken a co-ordinated approach with partners in tackling long standing highway flooding issues.

7.3 The Committee asked if there had been a reduction in revenue and capital funding since the start of the Scrutiny Review into highway drainage. The Contracts Manager replied that there has been a reduction in the revenue budget over the last two years, but the capital programme allocation had been enhanced.

7.4 The Committee enquired if the new highways contract has delivered an improvement in keeping all gulleys clear. The Contracts Manager responded that the new contract has an improved approach to dealing with gulley problems, but the Council may not have seen full benefit of these improvements yet. The Assistant Director, Operations added that there has been an improvement in the efficiency of gulley emptying, achieved by adopting an intelligent approach and moving away from emptying all gulleys on the same frequency. The highways contractor is meeting all the Key Performance Indicators (KPI's) that have been set.

7.5 The Committee asked if there was a measurable improvement in the condition of the drainage network. The Assistant Director, Operations explained that the department had not had a lot of time to implement planned improvement programme from the time the new capital allocation became available in April 2017. A programme of works has been identified to take place through the coming year and the commencement of some of the improvement work is imminent (e.g. the contract for ditching work has been let and is about to start work). The Contracts Manager added that the department has been gathering better information since last

May. The removal of tree roots and jetting work to unblock gulleys is taking place, and more detailed investigation work has started where this is necessary.

7.6 The Assistant Director, Operations commented that before 1974 the maintenance of the highway drainage network was part of the responsibility of the water companies/boards along with public sewers. Since then highways drainage systems have not had the same level of investment as has been made in the sewer system. There is also an issue around the capacity of the highway drainage system to deal with the increased water volumes, and the intensity of weather events, as a result of climate change. Consequently, some of the challenges being faced are not solely around maintenance problems.

7.7 The Committee asked if it would be more cost effective to take enforcement action against private landowners, where they are responsible for drainage problems. The Assistant Director, Operations explained that it was expensive to take enforcement action. However, where necessary the department does pursue private landowners, but tries to work with them and through organisations like the National Farmers Union (NFU) and the Countryside Landowners Association (CLA) to resolve problems.

7.8 The Lead Member for Transport and Environment commented that he understood the urgency in seeing a physical improvement. However, the change from reactive maintenance to an asset management approach does work, and the Council is on the brink of seeing an operational improvement. He considered the right approach and policy are being taken to bring about an improvement.

7.9 The Committee RESOLVED to note the report and to have a further update on the implementation of the Scrutiny Review's recommendations at the 22 November 2017 committee meeting.

## 8 COUNTRYSIDE ACCESS STRATEGY - UPDATE

8.1 The Assistant Director, Operations introduced the report, setting out the background to the Strategy and next steps with a report going to the Cabinet meeting on 27 June 2017. The Team Manager, Rights of Way and Countryside, gave a presentation on the Strategy, which outlined the Scrutiny Committee's involvement, consultation feedback and the next steps for the Strategy.

8.2 The main recommendations of the Countryside Access Strategy are:

- The management of Rights of Way (RoW) should stay in house;
- East Sussex County Council (ESCC) will seek to transfer management of eight Countryside Sites to other suitable organisations; and
- The department should seek to maximise income to support the service.

8.3 The ETE Scrutiny Review Board supported the in-house management of Rights of Way and income generation that supports the service. In regard to the Countryside Sites, the Board supported the transfer of sites to other suitable organisations with safeguards to protect public access and wildlife.

### Public Consultation Results

8.4 The Team Manager, Rights of Way and Countryside summarised the results of the public consultation. Of those who responded to the consultation, 80% supported retaining the management of RoW in house, and 56% supported transfer of the management of Countryside Sites. Comments received from organisations included the South Downs National Park Authority (SDNPA) who supported the transfer of Countryside Sites and are interested in

managing sites. The only Local Authority to object to the transfer of sites was Wealden District Council, who were reassured that the management of the Cuckoo Trail will not change.

#### Comments from residents and other stakeholders

8.5 The comments from residents and other stakeholders included:

- Requests for more detail on the Countryside Site proposals, in order to be able to comment on them properly;
- There was a view that the Seven Sisters Country Park (SSCP) should stay in ESCC management as this was such an important and iconic site for the County.
- Chailey Common Local Nature Reserve (LNR) – The comments received about this site strongly objected to transfer of management as the respondents thought that ESCC is doing a good job in managing a complex site, and do not want this to change (ESCC does not own this site).
- Wier Wood – The respondents were happy with current ESCC management and were worried that site management will suffer if ESCC was not there to act as a link between the landowner (Southern Water) and the Friends Group.

#### Next Steps

8.6 The Team Manager, Rights of Way and Countryside explained that the next stage for the Strategy was a report to Cabinet on 27 June 2017, which will ask Cabinet to note the consultation results and agree the Strategy. The report will make it clear that the implementation of the Strategy will not include the option of a private sale of any of the Countryside Sites, and ESCC will only work with suitable organisations that have track record of good site management. The department will appoint a new Project Manager to lead on the implementation stage, and will aim to implement the Strategy over the next 18 months.

8.7 The Committee congratulated the team on their work in developing the Strategy and welcomed that the focus for change is the management of the Countryside Sites. The Committee asked for further information about the concerns that were expressed by the respondents to the consultation.

8.8 The Team Manager, Rights of Way and Countryside provided a summary of the concerns raised by respondents:

- Wealden District Council (WDC) are happy with management of Cuckoo Trail and this appeared to be their main concern. The Team Manager, Rights of Way and Countryside met with officers from WDC to discuss their concerns, and to explain that the proposal to keep the management of the Cuckoo Trail in house.
- In regard to the Countryside Sites, respondents' concerns were centred on maintaining public access, site designations (e.g. as Nature Reserves etc.) and wildlife management. As the Strategy is quite high level, it did not contain detailed proposals for the future management of each Countryside Site, which may have reduced these concerns.
- An analysis showed that 16% of concerns from respondents reflected the desire to see no change in management of Countryside Sites.
- Concerns may also have arisen because it was not possible to name the types of organisation that ESCC is proposing to approach about the transfer of the management of the Countryside Sites.

8.9 The Committee asked about the ownership status of the Countryside Sites. The Assistant Director, Operations outlined that the ownership of sites is a mixed. Some sites are owned by ESCC (e.g. Seven Sisters County Park) whilst others, such as Chailey Common, are

not owned by the Council. In this instance the Parish Council and local private landowners own Chailey Common and ESCC manage it on their behalf.

8.10 The Committee also asked whether it was the intention that the Council will retain the freehold title of the ESCC owned sites. The Assistant Director, Operations responded that this is something to be examined, and a decision on this has not been taken.

#### Summary Comments

8.11 The Director of Communities, Economy and Transport outlined that the financial pressures on Local Authorities will continue, and there are organisations that are better placed to manage Countryside Sites and enhance them through conservation management, interpretation and tourism and leisure activities. The Assistant Director, Operations added that Rye Harbour Nature Reserve is example of how ESCC has successfully transferred the management of a Countryside Site.

8.12 The Committee noted that as well as maintaining public access and wildlife management, the Strategy also needs to consider reducing the Council's liability. It also commented that it would be helpful to provide information, in the wider public domain, on the types of organisation that may be involved in the future management of Countryside sites.

8.13 Committee RESOLVED to:

- 1) Note the contents of the draft Countryside Access Strategy;
- 2) Support the Strategy proposals for the retention of the in house management of Rights of Way; and
- 3) Support the proposals for the transfer of Countryside Sites to suitable organisations with the necessary safeguards regarding access and conservation management.

## 9 WASTE PFI CONTRACT UPDATE

9.1 The Head of Transport and Operational Services introduced report and the Waste Team Manager gave a presentation on the background to the Waste PFI Contract for waste disposal. The presentation covered the key aspects of the contract, which are summarised below.

#### The Contract

9.2 The Waste Contract is a joint contract with Brighton and Hove City Council (BHCC). It is in the operational phase where all facilities have been constructed and are in use. The total cost of the contract is around £40m per annum, of which ESCC pays £26m per annum. The contract was let against a background where there was a drive to reduce waste and landfill through European Union regulations. Landfill tax was beginning to increase (it now costs now £90/tonne) and there was only one remaining landfill/land raise site (at Pebsham) in East Sussex.

#### Facilities

9.3 Under the terms of the contract a range of facilities were constructed. They include:

- 3 waste transfer stations;
- A materials recovery facility (MRF) for sorting waste at Hollingdean;
- A composting facility for food and green waste; and
- The Energy Recovery Facility (ERF) at Newhaven

In addition, the contract provides 12 Household Waste Recycling Sites (HWRS) in East Sussex and 2 in Brighton and Hove. The HWRS at Maresfield, Crowborough and Pebsham are new sites provided under the contract.



## Management of Waste

9.4 Over 90% of residual waste (i.e. black bin waste) goes to the ERF at Newhaven and only 5% goes to land fill. There are only three other Local Authorities nationally that perform better in terms of landfill avoidance. The ERF generates enough electricity for 25,000 homes and ESCC gets an income share from the sale of electricity and the disposal of commercial waste. The materials recovery facility, which takes all of Brighton & Hove's recycled waste, is not currently at full capacity. The composting facility at Woodlands takes green and food waste and the resulting compost sold to farmers and is also for sale at HWRS sites.

## Contract Payments

9.5 The contract payment system is complex, but predominately waste disposal is paid for on a per tonne basis. This includes a base payment, a supplement for recycling, energy production, beneficial use and landfill tax. If more waste is recycled, the cost of waste disposal will be reduced. It is worth noting that a 0.5 % increase in waste will result in an additional £100k cost per annum. ESCC does get income from the contract in the form of Private Finance Initiative (PFI) credits from the Department for the Environment, Food and Rural Affairs (DEFRA) and benefits from sale of recycled materials and electricity.

## Waste Collection Authorities

9.6 ESCC is the Waste Disposal Authority and is responsible for the disposal of all domestic waste delivered to it by the Waste Collection Authorities. The Waste Collection Authorities, which are the five District and Borough Councils in East Sussex, are responsible for household waste collection.

9.7 Four of the five Waste Collection Authorities in East Sussex have worked together to let a Joint Waste (collection) Contract, operated by Kier. The Waste Team works closely with Kier to maintain minimum levels of waste required by the waste disposal contract. ESCC also works closely with the District and Borough Councils who can retain recycled materials. ESCC has a statutory duty to pay a subsidy to them for any recycled materials that are retained. The recycling credit payments are currently around £3m per year in total.

## Contract Review Work

9.8 ESCC entered into a Memorandum of Understanding (MOU) with DEFRA to explore better ways of working, and last year DEFRA carried out a contract review. They concluded that the Waste Contract was well managed; the contract management team and governance were good; and our understanding of the contract, record keeping and document control systems were good. DEFRA made four recommendations, which were to:

- Sign off the deed of variation and ensure value for money.
- Identify and follow up savings opportunities.
- Further strengthen contract management by developing contract manual.
- Keep the Waste Team well resourced.

9.9 This led to another piece of work with Local Partnerships, who were commissioned to look in detail at the savings opportunities in the contract. Local Partnerships have undertaken a detailed review of PFI contract which will be completed by the end of June 2017.

## Scrutiny Work

9.10 The Committee discussed the work that had been undertaken so far on the Waste Contract. It had previously agreed to wait until the contract review had been completed, before deciding whether to establish a Scrutiny Review Board to examine the savings opportunities and options. The Committee were concerned that if the department could not achieve the savings target in this area, then it would have an impact elsewhere.

9.11 The Assistant Director, Operations confirmed that the report on the review of the Waste Contract was due to be completed by end of June, so if the Committee were minded to set up Board, work could commence in July. The Committee agreed that it wished to establish a Scrutiny Review Board to look at this matter further, and would like to visit waste facilities as part of the Review.

9.12 The Committee RESOLVED to establish a Scrutiny Review Board to examine the waste contract operational savings review, comprised of Councillor Darren Grover, Councillor Barry Taylor, Councillor Godfrey Daniel and Councillor Richard Stogdon.

## 10 FORWARD PLAN

10.1 The Committee asked for further information about the Parking Enforcement Contract report going to the Lead Member for Transport and Environment meeting on the 17 July 2017. The Assistant Director, Operations explained that the report decision examines whether to go out to contract, or carry out the enforcement work by using an in-house team. Preparatory work has included discussions with the Borough and District Councils on joint parking enforcement. The Parking Team has also been working with Rother and Wealden District Councils on civil parking enforcement (CPE). The Committee asked if it possible to see a draft of the report before the Lead Member meeting on 17 July 2017.

10.2 The Committee asked for further information on the "Statement of Common Ground (SoCG) on Soft Sand between the South East Mineral Planning Authorities" report, also due to go to the Lead Member for Transport and Environment meeting on the 17 July 2017. The Assistant Director, Operations replied that he will speak to the Planning Team and get them to provide some further information to the Committee after the meeting.

## 11 ANY OTHER ITEMS PREVIOUSLY NOTIFIED UNDER AGENDA ITEM 4

11.1 There were none.

The meeting ended at 11.45 am.

Councillor Richard Stogdon  
Chair