

## INFRASTRUCTURE OVERVIEW & SCRUTINY PANEL

TUESDAY, 18 JUNE 2019

PRESENT: Councillors John Baldwin, Wisdom Da Costa, Phil Haseler (Vice-Chairman), Ross McWilliams (Chairman) and Gurch Singh

Also in attendance: Councillors Neil Knowles, Andrew Johnson, Carole Da Costa, Jon Davey and Geoff Hill.

Officers: Wendy Binmore, Nabihah Hassan-Farooq, Hilary Hall, Jenifer Jackson, Russell O'Keefe, Duncan Sharkey and Christopher Wheeler

### APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Da Costa was nominated as Vice-Chairman but the Motion was unsuccessful and fell away. Two Councillors voted in favour of the Motion (Cllrs Da Costa and Baldwin), and three Councillors voted against the Motion (Cllrs Haseler, McWilliams and Singh).

**RESOLVED THAT: That Councillor Ross McWilliams be appointed Chairman and Councillor Phil Haseler be appointed Vice-Chairman.**

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brar.

### DECLARATIONS OF INTEREST

None.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the Sustainability Panel held on 19 March 2019; the Highways, Transport & Environment Overview & Scrutiny Panel held on 26 March 2019; and the Planning & Housing Overview & Scrutiny Panel held on 16 April 2019 be noted.**

### TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY

Nabihah Hassan-Farooq, Scrutiny Officer, explained to Members that in June 2019 the findings of the Constitution Working Group moved to amalgamate seven Overview and Scrutiny Panels to just four, and that the Panels would no longer follow the Cabinet report cycle. She added that as per the Council's Constitution, as required by Law, the Council has designated a statutory Scrutiny Officer whose functions are to promote the role of the Council's Overview and Scrutiny Panels, to provide support to them and their Members and provide support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Panels.

Overview and Scrutiny Panels had powers to establish Task and Finish Groups and agree items to be added to the Forward Plan or Work Programme of those Overview and Scrutiny Panels. There were only four meetings for the Infrastructure Overview &

Scrutiny Panel scheduled in for the municipal year 2019/20 but, they had the authority to schedule more meetings in as and when required.

The Scrutiny Officer informed Members that there was no budget for the Overview and Scrutiny function but, the Work Programme was robust and flexible with some items added that were constitutional items which had to be included. A feedback form was being circulated to residents in the Borough to gauge what items they would like to see added to the Work Programme and that feedback form formed part A7 of the Constitution. Members could also suggest items and A7.5 of the Constitution explained that in more detail.

In terms of scope of the Overview and Scrutiny Panels, Members had a role in development so there would be training sessions set up for Members to attend in July 2019 and if further training was required, Members could approach the Scrutiny Officer who would look into that and made arrangements where necessary. The Scrutiny Officer stated that Corporate Services Overview and Scrutiny Panel would determine which Panels would receive reports where reports overlapped into more than one area.

The Chairman stated it was important to scrutinise policy a long time before it reached the stage where a decision was made, so that Overview and Scrutiny Panels were able to provide input on items and inform the best possible outcomes. The Panel had an opportunity to take a broad view of the Work Programme and it was important to focus on strategic elements so that strategic decisions were made in the best way possible.

Councillor Da Costa stated he wanted more training as a group with presentations from relevant heads of service to explain the aspirations of their service areas for the next two years and how that fits with their budgets. The Chairman responded when looking at broader areas, they could start with a sub group where a specific subject would have the head of service or lead officer in attendance and they could explain their service area. Councillor Da Costa responded a specific item might not appear on the Work Programme for a long time, he felt something was needed now; although he understood that the Scrutiny Officer was looking into options. The Scrutiny Officer suggested looking at specific areas of training if officer resources were available and then go back to Members via email with potential options.

**RESOLVED UNANIMOUSLY: That the Terms of Reference were noted.**

190618 MEMBER CALL IN - PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN – 24 HOUR POTHOLE RESPONSE

Nabihah Hassan-Farooq, Scrutiny Officer explained the procedure once an item was called into Overview and Scrutiny, was detailed on page 41 of the agenda which stated:

Where the relevant Overview and Scrutiny Panel considers a call-in request, the format of the meeting will be as follows:

- i. After the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;

- ii. On matters of particular relevance to a particular ward, ward division Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Service Lead - Governance by 12 noon on the day prior to the relevant hearing;
- iii. The relevant Lead Member for the portfolio (or holders if more than one is relevant) will then be invited to make any comments;
- iv. The relevant Executive Director or his representative will advise the Panel on the background and context of the decision and its importance to achieving Service priorities;
- v. Panel Members will ask questions of Members and officers in attendance; and
- vi. The Lead Member(s) will be invited to make any final comments on the matter before the Panel votes on a decision.

Councillor Da Costa stated the Council should always be trying to improve services for residents and that meant getting the best value for money. He asked if the Council was paying more for the contract and what more would that bring to residents. He asked what should be available following the implementation compared to what was already in place. The average cost to repair a pothole nationally was £55. However, the report stated the budget worked out at over £700 per pot hole and the Council would quite adequately cover pothole repairs within the current contract.

Councillor Hill said on page 20 of the Cabinet Report, there was a table of pothole repairs; in three months from January to March 2019 there were 125 potholes left unrepaired more than 24 hours which was when the roads were affected by bad weather. He felt as a Council, the Borough was good at maintaining roads and repairing potholes. In table four of the Cabinet Report it showed the amount of potholes outstanding and table five showed residents satisfaction with road repairs which stood at 57% which was good. The Royal Borough ranked eighth in the league of Councils and had been working on the Borough's highways for many years. Councillor Hill added that if the numbers stated in the Cabinet Report were to be believed, then the extra £450k, which was an election pledge by the administration, seemed a bit extreme when the Council ranked eighth in the country and there was a sever homelessness problem and adult services needed investment. The money could be better spent elsewhere.

Councillor Hill stated the Council was paying out less in insurance claims which was very good and officers had done extraordinarily well and were better than outstanding. If there was a bad problem with potholes, the insurance claims bill would be much higher. He added the Council was doing very well so he did not believe it was necessary to spend the extra money on potholes. Councillor Davey stated he wanted clarity on the actual number of potholes the additional £450k was to cover on top of the contract already in place. Councillor C. Da Costa stated Members needed to establish if it was a cost effective scheme when other services needed more funding.

Councillor Johnson responded by thanking Members for the positive comments on the track record for pothole repairs. He stated the additional funding was a key Manifesto pledge and with the Conservatives in administration, it had now become Policy. The £450k funding formed part of a £50m investment in the Borough's highways over the next few years and although the Borough was doing ok with road repairs, he wanted to see it do even better.

Councillor Johnson stated the Borough's highways were a £3bn asset so the £450k contract was money well spent. He wanted to see a situation where the Council are better than neighbouring local authorities, he wanted to the Council to be ambitious. Councillor Johnson explained that the Council had potholes which needed to be repaired; every pothole found was a hazard to cyclists, horse riders and car users so it should be policy to maintain and repair roads as a priority. The funding was ring-fenced to certain departments and could not be moved to other service areas; the funding was for up to £450k as a maximum and it was a limit, not a target included in the financial years' 2019/20 budget envelope. The Council were spending money on highways to prevent more costly defects causing accidents and when the contractors were not repairing potholes, the workers would be out on the roads maintaining and repairing other things. Councillor Johnson confirmed that it would be the contractors that would use their judgement to make decisions on pothole repairs.

Hilary Hall, Deputy Director Strategy and Commissioning confirmed the Cabinet Report would amend policy. Potholes would be repaired in 24 hours which meant the 24 hour, seven days and 30 days' timeframes would be removed. The amendment to the contract would show how much is being spent on each pothole. There may also be more potholes that first estimated which would be covered by the contract amendment. The Deputy Director Strategy and Commissioning confirmed that when the recommendations were approved, all the logic that formed part of the recommendations was also approved, although the recommendations could be amended to be more specific if required.

Councillor Davey asked for confirmation that Volkars carried out the works, inspected the works and assessed the works, and if so, were there any officers in-house that reviewed any of the works to ensure the works had been carried out to a high standard. Chris Wheeler, Service Improvement Manager, confirmed it was a managed contract so the inspection works formed part of that contract. The Council did use their own officers to go out and spot check works but, the contract was also managed by KPIs and other metrics. The Service Improvement Manager added the contract was not priced per pothole, it was a one price managed contract. Therefore, the funding put forward was to meet the level of demand and if the demand went down, the contractors would carry out other works until other potholes were reported.

Councillor Hill stated there was a statutory requirement to maintain roads and the council had gone beyond that. He was contesting that as he felt the Borough was going too far. The Borough needed good roads that worked properly and the Boroughs were a bit better than they needed to be; the contract was a bit too far, the Council did not need to be the best. He added the Lead Member mentioned ambition; ambition was good but too much could bring diminishing returns as the Council was about to get into a £450k contract with Volkars for potholes to bring roads up to a higher than necessary standard when the Borough were already very good at maintaining the highways. The Council should be focusing on other services that needed lifting up such as homelessness.

The Chairman commented he had put in writing to Panel Members that the Panel would be apolitical and there would be no whips. He added Councillor Hill had made it clear he did not think the money should be spent at all. The Vice-Chairman stated the Borough did have good roads and they were better than other local authority roads. However, when he was campaigning and canvassing in the run up to the election, residents mentioned potholes as an issue time and again and he had seen posts on

social media complaining about potholes. He felt the £450k contract would remedy that. Councillor C. Da Costa said the additional £450k was a limit and not a target so the funds may not get used at all; and if there were no potholes to be filled, other work would be carried out. The Deputy Director Strategy and Commissioning confirmed the £450k would be an amendment to the contract for potholes if it was to proceed.

Councillor Johnson stated although roads were in a pretty good shape, many non-strategic roads were in a terrible state and that had been raised by many residents. Fixing potholes as soon as they were reported meant a smaller remedy was required and prevented longer term damage which save money in the longer term. Councillor W. Da Costa stated £450k for repairs was not value for money and the Council should be looking preventative measures, not reactive. There were lots of competing needs in the Borough and the money could be better spent elsewhere. Councillor Johnson responded in an ideal world, the Council would resurface carriageways but, that was not possible. Many of the issues were due to wear and tear and this was about preventative measures as the Council would be addressing the defects earlier as soon as they were reported, and not waiting for them to get worse. Councillor Johnson added if the Council had the funds, it would resurface everywhere but, that kind of funding was not available so, it will treat the potholes as they were reported.

The Deputy Director Strategy and Commissioning confirmed that the contract amendment had not been written yet and was still being negotiated. The Deputy Director Strategy and Commissioning added she did not know if there would be a percentage increase for subsequent years for the contract as the Council did not know what the actual demand would be but, she did not anticipate the second year of the contract to cost as much due to preventative works carried out this year. The contract would be monitored monthly. Duncan Sharkey, Managing Director stated the contract is a variation and Members could see it when it was ready. The main change would be the change to policy where potholes would be repaired within 24 hours and then the 7 day and 30 day timeframes for repairing potholes would be removed.

The Deputy Director Strategy and Commissioning confirmed the contract was monitored using monthly meetings where the performance of the contractor was monitored. Councillor Hill stated 100% of potholes that fell into the emergency category were repaired within 24 hours, insurance claims had gone down yet the Lead Members stated the roads were unsafe because the Borough would have more potholes without the contract. He felt the Council did not need the amendment to the contract because the contractors were already doing a fantastic job. The Deputy Director Strategy and Commissioning confirmed the number of potholes in other categories other than the emergency category had increased as smaller potholes had been reported.

Councillor Baldwin stated there was data in the Cabinet Report that had been outlined by Councillors W. Da Costa and Hill. There was policy data that suggested repairing potholes within 24 hours could be met within their current contract. Councillor Johnson made it clear the amendment to the contract was capped at £450k and mandated that not all the money need be spent but, Councillors W. Da Costa and Hill suggested no money should be spent. He added that once the money had been set aside for a purpose, that money would be spent so it strongly suggested potholes would be reported, they would be fixed and the money spent. The Chairman responded there was an increase in report of potholes, it was a policy and Councillor Baldwin needed to decide if he felt the Council was spending the money in the right way. The Chairman then asked the Lead Member, Councillor Johnson if further efficiencies to

services would need to be made or a change to the policy for the contract to go ahead. Councillor Johnson replied the Policy formally started in September 2019 and the £450k would be drawn from the existing budget envelope for the year. He added that towards the end of the year, an update would be provided on the number of potholes reported compared to the number repaired in a ward by ward way and would also show how many would not have been repaired if the policy had not gone ahead. The Council were doing work that still needed to be done but, it was being done earlier which would ensure potholes did not get any bigger.

Councillor C. Da Costa stated that all potholes were to be repaired in 24 hours, therefore, residents will report lots of potholes, and then what happened when the £450k budget limit was reached. Councillor Johnson stated the potholes would still need to be filled within 24 hours. Volk's had estimated the number of interventions required and costed accordingly; there would also be robust contract management. The Chairman commented the Lead Member was happy to publish the figures on how the money was spent and how many potholes were fixed. In response to being asked if the Panel you have a review of the policy to see if it was working, the Chairman stated the Panel could look at the financial data of any service as and when required.

Councillor W. Da Costa requested a quarterly report on the contract which included the detail on how Volk's had priced the contract. The Chairman confirmed that the figures would be included in the quarterly performance report; he added he did not see a reason why the report should go back to Cabinet as the Lead Member had made clear comments and clarifications. Councillor W.

Da Costa proposed that the Call-in report be reviewed at Full Council. This was seconded by Councillor Baldwin. A vote took place but the Motion was unsuccessful. Two Councillors voted in favour of the Motion (Cllrs W. Da Costa and Baldwin), and three Councillors voted against the Motion (Cllrs Haseler, McWilliams and Singh).

A Second Motion for there to be no further action was proposed by the Chairman and was seconded by Councillor Haseler. The Motion was successful and it was agreed that no further action be taken. Three Councillors voted for the Motion (Cllrs Haseler, McWilliams and Singh), and two Councillors voted against the Motion (Cllrs W. Da Costa and Baldwin).

#### WORK PROGRAMME 2019/2020

The Chairman stated the Homeless Strategy was adopted in 2018 and so as it was almost a year since then, he felt it was a good opportunity to revisit it to ensure the policy was being delivered. He proposed to set up a Task and Finish Group for that item. The Scrutiny officer stated a report would be brought to the next Infrastructure Overview and Scrutiny Panel which would outline the areas the group should focus on.

Councillor W. Da Costa stated he was meant to meet with officers to flesh out scopes of items he had requested be brought to the Highways, Transport and Environment Overview and Scrutiny Panel but, the meeting had not yet taken place. The items he wanted to look at in more detail included bus services and bus route availability, sustainability and how the Council dealt with its waste such as plastic cups and also street lighting with a review of location and coverage to improve the security of residents. The Vice-Chairman replied that there were a lot less Councillors following the election and they each had several Panels so the Infrastructure Panel needed to

be selective about the areas it looked at, the Panel needed to decide where the priorities were. He added the panel also needed to work out what Members could do as a Panel and what could be dealt with by officers directly. The Scrutiny Officer confirmed other Overview and Scrutiny Panels had decided to look at areas within the performance report, therefore it might be worth looking at the performance report to find things the Panel could hone in on. Russell O'Keefe, Executive Director, explained that was good practice where scrutiny Panels carried out a small number of reviews while going into a lot of depth to then produce evidence based recommendations. The Infrastructure Overview and Scrutiny Panel had a colossal remit. The Chairman agreed and suggested first reviewing the Homelessness Strategy and also Waste Management including Sustainability. The Chairman stated he wanted to set up a Task and Finish Group to look at making the Council greener which would include looking at infrastructure to support developments in the Borough. Councillor Da Costa confirmed he was happy with the items suggested but disappointed the Task and Finish Group would not include buses. The Chairman responded that buses would fall into the Infrastructure item when the Task and Finish Group looked at ways to reduce pollution.

### FUTURE MEETING DATES

Members agreed the following dates:

- 29 July 2019 at 7pm.
- 17 September 2019 at 7pm.
- 3 February 2020 at 7pm.
- 7 April 2020 at 7pm.

With Task and Finish Group meeting dates to be agreed.

The meeting, which began at 6.30 pm, finished at 8.10 pm

CHAIRMAN.....

DATE.....