

Place Services and Economic Growth Scrutiny Committee

10:30	Thursday, 21 January 2016	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 5

Councillor S Walsh
Councillor K Bobbin
Councillor G Butland
Councillor T Cutmore
Councillor A Erskine
Councillor C Guglielmi
Councillor T Hedley
Councillor I Henderson
Councillor D Kendall
Councillor V Metcalfe
Councillor C Pond
Councillor S Robinson
Councillor K Twitchen
Councillor A Wood

Chairman

For information about the meeting please ask for:

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www.essex.gov.uk/scrutiny



Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence	
2	Minutes To approve as a correct record the Minutes of the meeting held on 26 November 2015	5 - 10
3	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
4	Questions from the Public A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. On arrival, and before the start of the meeting, please register with the Committee Officer.	
5	Essex Parking Partnerships To consider report PSEG/01/16 and receive a briefing on the formal arrangements and operation of the two Essex Parking Partnerships that will inform the Committee's consideration of proposals that will emerge from an Executive Review at its meeting in March.	11 - 22
6	Local Highways Panels To consider report PSEG/02/16 concerning the terms of reference for a scrutiny review of Local Highways Panels, and the formation of a task and finish group.	23 - 26
7	Report of Call in: Getting Around In Essex – Procurement of New Local Bus Network. Forward Plan reference FP/245/09/15 To receive report PSEG/03/16 concerning details on the recent call in that was subsequently withdrawn following an informal meeting.	27 - 30
8	Understanding the Essex Highways Contract To receive report PSEG/04/16 setting out a note of the briefing held on 24 September 2015 on the Essex Highways Contract.	31 - 38

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| 9 | Work Programme 2015/2017
To receive report PSEG/05/16 providing an update on the Committee's activities | 39 - 40 |
| 10 | Date of Next Meeting
To note that the next committee activity day is scheduled for Thursday 25 February 2016. | |
| 11 | Urgent Business
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

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| 12 | Urgent Exempt Business
To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency. |
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**MINUTES OF A MEETING OF THE PLACE SERVICES & ECONOMIC
GROWTH SCRUTINY COMMITTEE HELD AT COUNTY HALL,
CHELMSFORD ON 26 NOVEMBER 2015**

Present:

Councillor S Walsh (Chairman)	Councillor D Kendall
Councillor K Bobbin	Councillor C Pond
Councillor C Guglielmi	Councillor S Robinson
Councillor A Hedley	Councillor K Twitchen
Councillor I Henderson	Councillor A Wood

1. Apologies and substitution notices

Apologies were received from Councillors Butland, Cutmore, Erskine and Metcalfe.

2. Minutes

The Minutes of the Committee meeting held on 22 October 2015 were approved as a correct record and signed by the Chairman.

3. Declarations of Interest

With reference to Minute 6 Councillors Guglielmi and Hedley declared a personal interest in that they deputise on occasion for the Leader in their respective Districts on Devolution matters.

With reference to Minute 7 and 8 Councillor Twitchen reminded the Committee that she is a deputy to Cabinet Member for Transport, Planning, and Environment, and so when the Committee may scrutinise an issue falling within that portfolio she would not take part in the consideration of that issue and would withdraw from the meeting.

With reference to Minute 7 Councillor Kendall declared a personal interest in that he is Secretary of the Brentwood Bus and Rail Users Association, and a Trustee of Brentwood Community Transport in his capacity as a Brentwood Borough Councillor.

4. Questions from the Public

There were no questions raised by members of the public.

5. Jobs Welfare and Skills Scrutiny Review (Minute 9/July2015)

The Committee considered report PSEG/23/15 and a PowerPoint presentation from Craig Elliott Senior Policy & Strategy Advisor, which provided an update on this review. The presentation highlighted the key findings to date on this in depth review carried out by the Task and Finish Group ('the Group'). A copy of the PowerPoint presentation has been published on the Council's website.

During the course of the presentation Members asked various questions, which were answered by Mr Elliott and the Group.

Information considered at the meeting will be incorporated in the final scrutiny report, which will be produced by the Task and Finish Group in the New Year.

While Councillor Kevin Bentley, Cabinet Member for Economic Growth, Waste and Recycling attended as an observer, the Chairman invited him to contribute to the meeting. He believed that the Group had thoroughly investigated the topic and looked forward to receiving the final report. Based on the content of the presentation Councillor Bentley welcomed the opportunity the report promised to provide in highlighting to interested parties what is occurring in practice on the ground in Essex.

The Chairman expressed his thanks on behalf of the Committee to Officers for their ongoing support to the review.

6. Devolution In Greater Essex

The Committee considered report PSEG/24/15 and a briefing from the Leader and Nicola Beach, Chief Executive Braintree District Council on the current position for Devolution for Greater Essex.

The Committee was advised that fifteen local authorities in the Greater Essex area (Essex, Southend-on-Sea and Thurrock) are working in partnership and are actively involved in the process. ECC is not leading the process but are active participants in it.

Members were given the opportunity to raise questions on the process which were answered by the Leader and Ms Beach. Attention was drawn to a recently circulated newsletter produced by Essex Communications concerning devolution issues, which was commended for its clarity.

In view of the discussion on the Jobs, Welfare and Skills review, the Committee took the opportunity to reinforce the importance of employment and skills as part of Devolution for Greater Essex.

There was consensus concerning the need for all councillors across Essex Local Authorities and parish councils to be kept informed of proposals and work streams. Emphasis was placed on the fact that the process would involve a lot more detailed work.

The Committee was advised that a meeting was scheduled for early December between the Chief Executives of the Essex Local Authorities to agree an outline for a formal bid to be made to Government.

The Chairman thanked the Leader and Ms Beach for an informative briefing and confirmed that it is likely that future Devolution matters will be referred to Corporate Scrutiny Committee.

7. Local Bus Consultation (Minute 7/October 2015)

The Committee considered report PSEG/25/15 setting out the Cabinet Member's response to the Committee's recommendations arising from its briefing on the Local Bus Consultation. The Committee further noted that a report will be submitted in due course confirming how representatives will report back to the Committee itself.

Councillor Chris Pond advised the Committee that following the Cabinet meeting on 19 November 2015 he had called in the decision on 'Getting Around In Essex – Procurement of New Local Bus Network' (Minute 4). In his notice of call in he cited in particular the decision to withdraw the subsidy payment to Transport for London (TFL) with effect from 1 April 2016, and gave six reasons for his action. In line with the procedure for handling the call in of a decision, an informal meeting was held on 19 November.

On the basis of a formal letter he had received from Councillor Hirst on 24 November, Councillor Pond confirmed that given that Cabinet has made its decision, and in the light of the statement of ECC intent should TFL withdraw or curtail them, he had withdrawn the call-in.

A formal report confirming the position will be presented to the next Committee meeting.

8. Third Party Responsibilities and Flood Management Scrutiny Review (Minute 6/October 2015)

The Committee considered report PSEG/26/15 seeking the formal endorsement of the Scrutiny Report 'Third Party Responsibilities and Flood Enforcement in Essex', and agreed the following recommendations:

1. That the Cabinet Members for Transport, Planning and Environment; Infrastructure; and Highways Delivery be advised that the Committee commends the LLFA and HA for the positive way that they are taking forward the County Council's flood management role, and in particular the framework of preventative measures being developed as featured in this scrutiny report.
2. That the Cabinet Members for Transport, Planning and Environment; Infrastructure; and Highways Delivery be requested to provide progress reports to the Committee on the following matters in June 2016 so that the outcomes of the particular pieces of work identified can be reviewed:

- (1) The Committee supports those projects such as the LLFA 'Where does water go?' that is assisting in the mapping of watercourses and the development of highways asset databases that will contribute to the creation of comprehensive records for more effective flood management across Essex in the future. An update is requested on the production of the databases that are being developed to enhance flood management.
 - (2) Given the benefits that could accrue from the co-ordination of LLFA and HA activity, the Committee welcomes the steps taken so far to formalise flood enforcement activity. Nevertheless an update is sought on what outcomes may accrue as a result of the Teams working more closely together and the formal Memorandum of Understanding (MoU).
 - (3) Given the implications for enhanced enforcement activity, the early success of the Maldon Highway Enforcement Pilot Project is welcomed by the Committee. Consequently when that Project is reviewed in early 2016 the Committee would wish to receive an update on any proposals that may be considered by the Cabinet Member for extending the project to other parts of the county, and its impact upon local flood alleviation.
3. That, in view of the links between flood management and planning that the review has highlighted, the Cabinet Member for Transport, Planning and Environment be recommended to engage LPAs in the matter of:
- raising the profile of surface water drainage in strategic planning and development control in the way that flood management and preventative measures are implemented across Essex; and
 - establishing the principle of seeking Community Infrastructure Levy (CIL) to address local flooding issues as appropriate eg ensure it is added to the strategic list for contributions.

The Cabinet Member is requested to provide the Committee with a response in April 2016.

4. That the Cabinet be requested to provide the Committee with a briefing paper in Spring 2016 that explains how the County Council itself co-ordinates its own activities in order to identify and address overall infrastructure needs in Essex including flood risk management and preventative measures associated with new development. The Committee will provide a scoping document setting out the key questions that it will ask the Cabinet to address.
5. That the Task and Finish Group conduct a short supplementary scrutiny review of the IT and Communications support provided for the delivery of frontline flood management services using the website and social media, with the aim of reporting to the Committee early in the New Year.

Following the meeting the final report would be published on the Council's website and the recommendations forwarded to the Cabinet Members.

9. Work Programme 2015/2017 (Minute 11/October 2015)

The Committee noted report PSEG/27/15 setting out an update on its activities.

10. Date of Next Meeting

The Committee noted the next committee activity day was scheduled for Thursday, 21 January 2016. It was further noted that there would not be a Committee activity day on 17 December 2015.

There being no urgent business the meeting closed at 11.54 am

Chairman

		AGENDA ITEM 5
		PSEG/01/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	21 January 2016	
<div>ESSEX PARKING PARTNERSHIPS (Minute 8/ March2015)</div>		
Enquiries to:	Christine Sharland, Scrutiny Officer 01245 430450 Christine.sharland@essex.gov.uk	

Introduction

The following terms of reference have been developed for this scrutiny review taking into account the need to co-incide with the timing of critical decisions on the longer term operation of the Essex Parking Partnerships:

‘To scrutinise the proposals arising from the Executive review of the North Essex (NEPP) and South Essex (SEPP) Parking Partnerships prior to a decision being reached on the future of those Partnerships.’

Background

In June 2014 the Committee considered a scrutiny review to consider if the original objectives of the Parking Partnerships are being delivered, and what lessons have been learned to inform more effective partnership working in the future? However, in view of other priorities the review was not included in the Committee’s work programme at that time.

In the meantime an Executive review is now underway on their future operation as part of the formal arrangements that established the two Essex Parking Partnerships. The review is required under the terms of the Joint Committees Agreements. The purpose of that particular review is to understand partner councils’ views on the partnership approach, the overall structure and operation of the NEPP and SEPP, and the way forward.

In March 2015 (Minute 8) the Cabinet Member for Highways Delivery indicated he would consult the Committee upon the proposals that arise from the review, and Members have indicated that they wish to have a briefing upon the Partnerships and to be able to comment upon any proposals that arise from that review.

At that time the Committee was advised that in April 2011, following a review and options appraisal by Essex County Council (ECC), two Parking Partnerships - representing North and South Essex - were established through a formal Joint Committee agreement (JCA) for a period of 7 years (taking the partnerships to 31 March 2018), with a possible extension for a further 4 years (to 31 March 2021).

The JCA states that a decision to extend or terminate at that point needs to be taken by either the Joint Committee or "the Council" (ECC) not less than 15 months before the end of the operational period. Therefore, ECC and the two Parking Partnerships need to have clarity on the way forward by December 2016.

The two Parking Partnerships brought together all parking matters into a single point of contact for six districts in each partnership area of North and South Essex.

The Committee was advised that an initial review of operational good practice and financial management had been commissioned by the Cabinet Member to assess whether the original objectives had been met. The findings indicated that:

- Partnership members felt decision making was much more effective, localised and less controlled from ECC, and indicate a commitment to maintaining the current arrangements.
- Both partnerships display characteristics of good partnership working, and have maintained and improved local service delivery.
- Together, at officer level, the two partnerships work well together and have an open approach sharing information and piloting new initiatives.
- The financial objective for the partners has been achieved i.e. both partnerships have generated a surplus by year 3 of operation Expenditure down by 17% across both partnerships.
- Deficit of £740k as at the time of deciding to adopt a partnership mode of delivery has been converted into a surplus of £1.164m when comparing 2009/10 to 2013/14.
- Both Partnerships now delivering an annual surplus.

A full executive review has been commissioned and is underway as required under the terms of the JCA, with recommendations being developed by March 2016.

Proposal

A scoping document has been drawn up for this review in consultation with the Committee and is attached at the Appendix to this report. It sets out the framework for reviewing the proposals arising from the Executive review, which will be undertaken in two stages:

1. As a first step representatives from the Parking Partnerships and the Cabinet Member for Highways Delivery have been invited to attend this meeting to provide a briefing and answer questions to foster a better understanding of the legal status of the NEPP and SEPP, organisational structure and current

operations, and the purpose of the Executive Review. The onus will be upon the Committee to use the briefing as a means for identifying the pertinent key lines of enquiry necessary for consideration of the proposals that will emerge in due course from the Executive Review.

The initial key lines of enquiry that have been forwarded to contributors for the briefing are set out below:

What is purpose of the Parking Partnerships (PPs), and the original background as to why were they set up?

How were the PPs set up?

- What are the legal ramifications of the agreements that have been entered into by the districts, and why was that approach chosen in particular?
- What authority does each PP as a whole have, and what authority do individual councils have as members of a PP?
- What is the role and authority of each Joint Committee, are they the same?
- What forms of activity do the agreements cover, and how is the mixture of statutory responsibilities managed? eg TROs, residents parking, off street parking
- What are the governance arrangements?
- Under the existing arrangements, what are the responsibilities of a district council under the agreement, and if a council wished to withdraw how could that be achieved? If a council withdrew, how could services be delivered if no longer a member of a PP?
- How can a PP be dissolved? What are the consequences?

Finance

- What are the financial arrangements?
- How are budgets formulated and approved?

Organisation

- What is the organisational structure of the PPs? Joint Committee, officer support.
- Are the PPs set up the same? ie NEPP and SEPP
- How are they managed?

Work Programme

- How are policies and procedures approved?
- How is a PP's work programme produced, and how do district councils influence that programme?

Transparency

- What information on the PPs is in the public domain? Joint Committees, websites

Executive Review

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| <ul style="list-style-type: none">• What is the purpose of the review, and who is responsible for the review?• What is the process guiding the review?• Who will take the final decisions? |
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2. The next stage of the scrutiny review will take place on 24 March when the Committee will scrutinise the proposals from the Executive review before reaching its own conclusions in order to influence final outcomes in relation to the future of the Partnerships.

While the Committee has been briefed on the Essex Parking Partnerships in the past, some Members have continued to voice various local concerns and it is apparent that in general there remains a lack of uncertainty about the management and operation of the Joint Committees. Aside from the importance of the topic itself and given the short timeframe available to scrutinise the outcomes of the Executive Review, this particular review provides scope for Members to reflect on how working together as a team they might deliver effective challenge and shape outcomes when operating as a full scrutiny committee. A facilitator will work with the Committee to shape its own approach to the planning and conduct of scrutiny projects as well as the difficulties associated with handling contentious topics where strong individual opinions may already exist.

Action required by the Committee:

At this meeting the onus is upon the Committee to ensure that from the briefing it has sufficient information and understanding of the Essex Parking Partnerships and the purpose of the Executive Review to be able to scrutinise the proposals that will arise from that Review in due course.

While the Committee has been consulted on the content of the draft scoping document, its formal endorsement of the document is now sought.

<p style="text-align: center;">Essex County Council Overview and Scrutiny Committee Review Scoping Document</p>
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Review Topic (Name of review)	Parking Partnerships
Committee	Place Services and Economic Growth Scrutiny Committee
Terms of Reference	To scrutinise the proposals arising from the Executive review of the North Essex (NEPP) and South Essex (SEPP) Parking Partnerships prior to a decision being reached on the future of those Partnerships.
Lead Member, and membership of Task and Finish Group	Committee Chairman Councillor Simon Walsh
Key Officers / Departments	ECC Cabinet Member Chairmen and Managers of the NEPP and SEPP Liz Burr, Head of Network and Safety, Essex Highways
Lead Scrutiny Officer	Christine Sharland, Scrutiny Officer
Relevant Portfolio Holder(s)	Councillor Johnson, Cabinet Member for Highways Delivery
Relevant Corporate Links	While the County Council is the Highways Authority in Essex, a review of the Parking Partnerships entails the scrutiny of two external bodies that have been established by legal agreements signed by all parties.

Type of Review	<p>It is proposed that the scrutiny review will be conducted by the full Committee.</p> <p>Aside from the topic itself, this particular review provides scope for Members to learn together as a team how to deliver effective challenge and shape outcomes when operating as a full scrutiny committee. A facilitator has been employed to assist the Committee to challenge its own approach to the planning and conduct of scrutiny projects as well as the difficulties associated with handling of contentious topics where strong individual opinions may already exist.</p> <p>It is proposed that the representatives from the Parking Partnerships and the Cabinet Member for Highways Delivery will be invited to attend the Committee meeting on 21 January 2016 to provide a briefing and answer questions to foster a better understanding of the legal status of the NEPP and SEPP, organisational structure and current operations, and the purpose of the executive review. The onus will be upon the Committee to use the briefing as a means for identifying the pertinent key lines of enquiry necessary for cross examining the proposals that emerge from the executive review.</p> <p>The next stage of the review will take place on 24 March when the Committee will scrutinise the proposals from the Executive review before reaching its own conclusions in order to influence final outcomes in relation to the future of the Partnerships.</p>
Timescales	January –March 2016 (NB second date relies upon the receipt of findings of the Executive Review of the Partnerships)
Rationale for the Review	<p>In June 2014 the Committee considered a scrutiny review to consider if the original objectives of the Parking Partnerships are being delivered, and what lessons have been learned to inform more effective partnership working in the future? However, in view of other priorities the review was not included in the Committee’s work programme.</p> <p>In the meantime an executive review is underway on their future operation as part of the arrangements that established the two Essex Parking Partnerships. The review is required under the terms of the Joint Committees Agreements. The purpose of that particular review is to understand partner councils’ views on the partnership approach, the overall structure and operation of the NEPP and SEPP, and the way forward.</p> <p>In March 2015 (Minute 8) the Cabinet Member for Highways Delivery indicated he would consult the Committee upon the proposals that arise from the review, and Members have indicated that they wish to have a briefing upon the Partnerships and to be able to comment upon any proposals that arise from that review.</p>

<p>Scope of the Topic</p>	<p><u>Included</u> The following is included in the scope of the review:</p> <ul style="list-style-type: none"> • By necessity the focus of the scrutiny review will be upon the proposals arising from the executive review. • More factual background on the Partnerships to ensure that the Committee has a proper understanding of the way that the Partnerships were set up, and their operation. <p><u>Excluded</u> The following matters will falls outside the scope of this particular time limited review:</p> <ul style="list-style-type: none"> • General operational matters that fall outside the parameters of executive review.
<p>Key Lines of Enquiry</p>	<p>As the Committee has a limited window of opportunity to consider the Executive review, the planning and co-ordination of the scrutiny review will play a crucial role in what Members can achieve as a team. It will be necessary to identify beforehand to contributors the key lines of enquiry, and for Members to plan and co-ordinate questions in advance to ensure that within the timeline available they obtain the key information required to be able to fulfil the review's terms of reference, and inform the conclusions and recommendations reached through scrutiny.</p> <p>An independent facilitator will assist the Committee in a planning session prior to and after the briefing, as well as reflecting upon the evidence it obtains.</p> <p>While the initial key of lines of enquiry for the briefing are identified in this scoping document, that session will play a key role in drawing together an evidence base for scrutiny of the proposals arising from the Executive review. Contributors from the Partnerships will be invited to provide a presentation and then be cross examined by the Committee. Although a review of the Parking Partnerships could cover a broad range of related issues, it is important that the time is used to focus is upon the purpose of the Executive review if the Committee is to influence its outcomes.</p> <p>The County Council established the Parking Partnerships through formal legal agreements between Essex Borough, City and District Councils.</p> <ol style="list-style-type: none"> 1. What were the original objectives for setting up the Parking Partnerships? 2. How have the Parking Partnerships been formally set up including the governance arrangements? What is the role of the Joint Committees? What are the legal and financial realities?

	<p>3. How are the Parking Partnerships intended to operate, and how do they differ in practice? What lessons of good practice have been learned and inter alia what is not working well?</p> <p>4. What is the purpose of the Executive review?</p> <p>For a more detailed list of questions, please see appendix.</p>
Other Work Being Undertaken	<p>In the past two years individual scrutiny reviews have been concluded by Braintree District Council (March 2015) and Colchester Borough Council (December 2013/ February 2014).</p> <p>Executive review on future of Partnerships underway</p>
What primary / new evidence is needed for the scrutiny?	<p>Two Parking Partnership Joint Committee Agreements</p> <p>Agenda and Minutes of the Joint Committees are published on the Parking Partnership website, together with policies and procedures, Annual Reports etc see https://www.parkingpartnership.org/</p> <p>Relevant legislation that has impact upon operation of Partnerships</p>
What secondary / existing information will be needed?	<p>Colchester and Braintree Scrutiny reviews of NEPP</p>
What briefings and site visits will be relevant to the review?	<p>Briefing to full Committee on 21 January 2016</p> <p>Members may also wish to observe NEPP and SEPP Joint Committee meetings: NEPP – 17 December (Harlow) and 10 March 2016 (Uttlesford) SEPP – 10 December 2015 and 10 March 2016</p>
Who are the witnesses who should be invited to provide evidence for the review?	<p>Representatives from NEPP and SEPP ECC Cabinet Member</p>

Implications	<p>In terms of topic, have the following matters been taken into consideration in the planning of this review:</p> <p>Legal implicationsYes/ no) Financial implicationsYes/ no) Committee needs to take into Equality and diversity issues..... Yes/ no) account in January Other critical implications.....</p>
What resources are required for this review?	Two Committee meetings, and officer support
Indicators of Success	That any conclusions and recommendations are based upon sound evidence and consideration, and influence positively the outcomes of the Executive review.
Notes	
Provisional Timetable	21 January and 24 March 2016

Note:

Activity on 21 January will be planned around the proposed briefing (Cabinet Member, Officers, and NEPP& SEPP Reps) with aim of identifying key lines of enquiry based on information extracted for considering next stage. The second session will be to scrutinise Executive review proposals and reach conclusions on day. This approach provides opportunity for Committee to team build with greater number of members, challenging assumptions approach, and hopefully contribute to overall improvement in review dynamics. It is also sort of situation that arises more frequently where Members need to focus to get better results, rather than get caught up in parochial matters.

Use contrast between outcomes achieved from planned approach of Braintree review, to the unplanned approach of Colchester review

Appendix

Scrutiny of the Parking Partnerships: Key lines of enquiry and questions for briefing

What is purpose of the PPs, and the original background as to why were they set up?

How were the PPs set up?

- What are the legal ramifications of the agreements that have been entered into by the districts, and why was that approach chosen in particular?
- What authority does each PP as a whole have, and what authority do individual councils have as members of a PP?
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- Are the PPs set up the same? ie NEPP and SEPP
- How are they managed?

Work Programme

- How are policies and procedures approved?
- How is a PP's work programme produced, and how do district councils influence that programme?

Transparency

- What information on the PPs is in the public domain? Joint Committees, websites

Executive Review

- What is the purpose of the review, and who is responsible for the review?
 - What is the process guiding the review?
 - Who will take the decisions?
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		AGENDA ITEM 6
		PSEG/02/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	21 January 2016	
<div>LOCAL HIGHWAYS PANELS (Minute 7/May 2015)</div>		
Enquiries to:	Christine Sharland, Scrutiny Officer 01245 430450 Christine.sharland@essex.gov.uk	

Introduction

A scrutiny review of the Local Highways Panels (LHPs) is identified in the Committee's work programme, and with the completion of other projects resources will become available to support the launch of a new review so that it may be planned in more depth.

Background

The LHP framework was introduced in 2012. Each district has its own individual LHP with an individual Highways Liaison Officer assigned to act as the main interface between the panels and the highways design teams.

Originally this topic was programmed for scrutiny review to begin in Spring 2015 so that any review could capture three years of operational experience. It will provide a means to compare individual LHP operation, investigate what may or may not have worked as well as the changes made to address problems. Ultimately it is hoped to highlight how improvements can be supported in shaping the further development of the LHPs as a whole. It was envisaged originally that the review would be conducted in two parts: A briefing followed by a more in depth investigation.

The Committee received a briefing in May 2015 providing background on the LHPs. It has always been envisaged that a Task and Finish Group (TFG) would be set up to manage the investigation itself. The investigation has been delayed pending the completion of other reviews and the fact that other priorities have affected the work programme. It is intended that the review should begin in February 2016 and be planned on the basis that it be completed within six months.

In August 2015 a questionnaire was sent to the twelve LHP Chairmen so that information would be available to the TFG for the detailed planning of the scrutiny review. From the eight replies received several themes have emerged including:

- Localism – Mixture of operation in terms of choice of membership, transparency, local conditions such as local council engagement, and support available locally
- Transparency – Understanding of programmes and processes, Panel activity (mixture of open and closed meetings)
- Managing Expectations – Understanding what may or may not be delivered, availability of information about schemes and programmes.

While the concerns raised at Committee meetings tend to focus on perceived problems around delays in the delivery of projects and local issues, it is also apparent from discussion with Officers that there may be difficulties associated with the way that LHPs look to influence the scheme delivery.

It is crucial that in pursuing this review the Committee adopts a clear framework for the investigation that focuses upon achieving an objective set of conclusions and recommendations, based on strategic rather than specifically local matters. Time should be spent in planning the review not only to enable relevant information to be sought, but to contain the overall length of the review within a six month timeframe.

Proposal

Based upon the original proposal agreed by the Committee in June 2014 (Minute 5) for a review and further investigation undertaken to inform the planning of the review, the following terms of reference are proposed:

‘The overall objective of the review is to consider if the Local Highways Panels (LHPs) have achieved their original objectives, and what lessons have been learned by individual Panels so that good practice may be shared across the Panels:

- To review the purpose of the LHPs,
- to identify the similarities and differences of the twelve LHPs and consider the implications of how localism is being reflected in each district,
- to understand the way that schemes are identified and developed through to completion,
- to consider how individual LHPs identify and prioritise individual projects, and compile a work programme,
- to consider budgetary implications from corporate and individual standpoints, and
- to consider how to manage expectations.’

While a draft scoping document is being developed for this review it will require further attention by those Members leading the review before its submission for the Committee’s endorsement. In the meantime much of its initial content is reproduced in this report.

Membership

If the Committee prefers that a Task and Finish Group should conduct the more in depth scrutiny investigation review on its behalf, then the role and membership of that Group needs to be considered carefully.

LHPs are a popular topic for concern, and therefore the review may generate a lot of interest across a broad range of issues based on local perceptions. This has implications for the size and conduct of an investigation and what may be achieved. In practice the Committee's smaller groups have proven to be an effective means of promoting team working and reaching clearer evidenced outcomes on difficult and complex topics as opposed to utilising larger teams engaged in the initial stages of detailed evidence gathering.

It is also notable that the Corporate Scrutiny Committee has also requested that two of its Members be included in a scrutiny review of the LHPs, namely Councillors Seagers and Deakin.

The following matters are proposed for the Committee's consideration of the composition of the TFG:

- No Panel chairmen to be included in membership
- Two representatives from the Corporate Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee representation be limited to three or five members.
- Lead Member

It is essential that the Group adopt an objective approach to the review, and therefore if there are a large number of Members wishing to be appointed to the Group then it will be necessary canvas those Members in order for the Committee to determine the choice of appointments. Nevertheless all Members will have an opportunity to contribute evidence to the scrutiny review, and consider its findings. In view of the interest in the topic it is emphasised that:

- The TFG will manage the review and undertake the in depth investigation. However, the Group will engage the broader Committee membership in some of its investigative activity in order to raise broader awareness of how LHP schemes are developed, ideas on how to manage expectations, etc.
- To contain the length of the review within a shorter time span, it is necessary that any Member seeking appointment to the Group commits to taking a proactive role throughout the duration of its activity. Subject to the availability of resources to support the launch of the review in February, the following ambitious timetable is proposed:
 - February/ March – Plan the review
 - April/ May - Investigation
 - June - Produce final report
 - July Committee - Endorse the final scrutiny report

Action required by the Committee:

To consider the proposed terms of reference for the scrutiny review and the formation of a task and finish group.

		AGENDA ITEM 7
		PSEG/03/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	21 January 2016	
Report of Call in: Getting Around In Essex – Procurement of New Local Bus Network Forward Plan reference FP/245/09/15		
Enquiries to:	Christine Sharland, Scrutiny Officer Christine.sharland@essex.gov.uk	

Following the Cabinet meeting on 19 November 2015 Councillor Chris Pond called in the decision on 'Getting Around In Essex – Procurement of New Local Bus Network' (Minute 4). In his notice of call in he cited in particular the decision to withdraw the subsidy payment to Transport for London (TFL) with effect from 1 April 2016, and gave six reasons for his action. A copy of his Notification of Call-In form is attached at Appendix A.

In line with the procedure for handling the call in of a decision, an informal meeting was held on 19 November, and a note of that meeting is attached at Appendix B.

On the basis of a formal letter he had received from Councillor Hirst on 24 November, Councillor Pond confirmed that 'Given that Cabinet has made its decision, and in the light of the statement of ECC intent should TFL withdraw or curtail them, I am now prepared to withdraw the call-in.'

Action required by the Committee:

The Committee is invited to note the action taken in this matter.

Notification of Call-in

Decision title and reference number	
Cabinet Agenda item 5 - Getting Around In Essex – Procurement of New Local Bus Network Forward Plan reference FP/245/09/15	
Cabinet Member responsible Cllr Hirst	Date decision published 19 November 2015
Last day of call in period 24 November 2015	Last day of 10-day period to resolve the call-in
Reasons for Making the Call in <ol style="list-style-type: none"> 1. There has been full consultation on all aspects of proposed saving elsewhere in Essex 2. There was no local consultation at all on the decision to withdraw the grant to TFL in respect of Routes 20 and 167 3. Cabinet was seriously misled by the statement in the Report that this major change “affected two routes in Loughton” as if they were minor town services. These are main trunk routes, connecting the major centres of Ilford and Walthamstow with the three towns of Chigwell, Loughton, and Buckhurst Hill, which together have a population of some 75,000. Some 480 trips a week are made by Route 20 vehicles, and over 200 by the 167, with 1775286 and 1584558 passengers p.a respectively; the total mileage being some 650000 pa 4. If the withdrawal of these routes were to ensue, major disruption would be caused. If commercial replacements were organised, all the benefits of integrated automated ticketing, travel concessions for secondary children, and comprehensive hours of operation would be lost. This would be contrary to ECC policies encouraging modal shift. 5. Serious disruption of travel for schoolchildren would occur, and the Head of Davenant Foundation School in particular has deep-seated concerns, as Route 20 is the main distributor for his pupils. The same concerns have been expressed by the Deputy Principal of Epping Forest College. 6. The decision is likely to affect young and old people disproportionately. No equality assessment of this proposal has been undertaken. 	
Signed: Councillor C Pond	Dated: 19 November 2015

Appendix B

Note of Informal meeting held on 19 November 2015 regarding the Call In of the Cabinet decision on 'Getting Around In Essex – Procurement of New Local Bus Network' Forward Plan reference FP/245/09/15 (Cabinet., Minute 4/ November 2015).

In attendance:

Councillor Chris Pond (Councillor responsible for calling the decision in)
Councillor Simon Walsh, Chairman of Place Services and Economic Growth
Scrutiny Committee
Councillor Roger Hirst, Cabinet Member for Transport, Planning and
Environment

Helen Morris, Head of Commissioning – Connected Essex Infrastructure
Chris Carpenter, Cabinet Advisor
Christine Sharland, Scrutiny Officer

Cllr Walsh welcomed everyone to the informal meeting that had been convened at short notice and in line with the County Council's Call In procedure to consider the aforementioned decision. In particular the call in related to that part of the decision whereby the Cabinet had agreed to withdraw the subsidy payment to Transport for London (TFL) with effect from 1 April 2016

Councillor Pond was then invited to explain the six reasons he had given in his Notification of Call In. By way of background to the particular issue on the TFL subsidy he referred to paragraph 3.14 in the Cabinet report at item 5:

'3.14. The activity to redesign the supported bus network has been completed and is expected to deliver approximately £1.5 million in efficiency savings against the existing budget for the supported bus network. It is intended that these savings will be made from the following activity:

- £586,000 of the projected saving is subject to negotiations with Transport for London over two services in Loughton which in other areas of the county would be run commercially without any subsidy;*
- Through the commercialisation of better performing services it is anticipated savings of £684,000 per year will be realised. However, £380,000 is reliant on school services in Uttlesford. This cannot be realised until September 2016. However, there will be an additional charge to the school transport budget of £50,000 which has been agreed with People Services. This will bring a net saving of £330,000. It should be noted that on ECC supported services ECC sets the fare whereas on*

commercial services these are set by the operator. Passengers may notice different fares if they travel on a commercialised service.

- *The remainder of the savings are intended to come from the tender of a redesigned supported bus network, and are based on efficiencies not service reductions, except where services are already failing the existing value for money assessment of £5 maximum cost per passenger journey.*

He confirmed his belief that the matter of the TFL subsidy should have been treated as a separate matter to the overall changes to the local bus network that had been consulted upon, and clarified his concerns about the withdrawal of the subsidy and the way it appeared to him to have been handled.

In response Councillor Hirst pointed out that the withdrawal of the subsidy did not constitute a change to bus services and that if TFL did decide to make any service changes then it would have to undertake public consultation before doing so. The County Council has been in discussion with TFL about its proposal to withdraw subsidy, and there had been no indication from TFL that it intended to change its services as a result.

Councillor Hirst referred to the reassurances he had given at the earlier Cabinet meeting. He took on board the concerns expressed about the retention of the TFL service routes 20 and 167 if the TFL subsidy is withdrawn, and confirmed the situation would continue to be monitored.

Councillor Hirst referred to the reassurances he had given at the earlier Cabinet meeting. He took on board the concerns expressed about the retention of the TFL service routes 20 and 167 if the TFL subsidy is withdrawn, and confirmed the situation would continue to be monitored. Cllr Pond gave a list of desiderata to guide the County Council should the two routes be adversely affected because of the Decision.

On the basis of the Cabinet Member's explanation and assurance that the situation would be kept under review, Councillor Pond indicated that he would withdraw his call in of the decision to withdraw the County Council's subsidy to TFL subject to the provision of a Statement of Intent by the Cabinet Member.

		AGENDA ITEM 8
		PSEG/04/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 October 2015	
‘UNDERSTANDING THE ESSEX HIGHWAYS CONTRACT		
Enquiries to:	Christine Sharland, Scrutiny Officer Telephone no. 03330134569 Christine.sharland@essex.gov.uk	

As part of its activity day on 24 September, the Committee received a briefing on the Highways Contract between Essex County Council and Ringway Jacobs that had been promoted to develop Members’ understanding of the partnership.

The briefing was provided by Peter Maisie, Head of Commissioning Essex Highways, and Tracey Watts, Supplier Relationship Manager (Place); and Councillor Johnson, Cabinet Member for Highways Delivery, also took part.

Background

The inclusion of a briefing on the Highways Contract was identified in the work programme for 2014/2015, a scoping document having been considered by the Committee in June 2014 (Minute 5).

The Contract is a key component in the way that the Highways Service is delivered in Essex, and Members’ wanted to have a better understanding of how it works in practice. Consequently the briefing was planned to inform the Committee upon the following key lines:

- Historical context including the original objectives of the Contract.
- Range of work covered
- Overview of Contract management and co-ordination of work between respective parties Eg the County Council, Ringway Jacobs, and sub-contractors.
- Staffing structures: Roles and responsibilities
- In practice how does the Contract fit within the Council’s own organisational framework ie commissioning/ operational/ transformational teams
- Governance arrangements, and how decisions are made and implemented
- Performance measurement, lessons learned so far and modifications made

- Financial context and carriageway condition.
- The social value delivered through the Contract eg use of local suppliers, employment of local people, apprenticeships.

As part of its activity day in July, the Committee had taken part in a planning session where it had reviewed the scoping document drawn up to identify for those people delivering the briefing what Members were looking for, as well as confirming further issues to be covered. This proved to be successful as the briefing addressed all the issues identified by Members, and provided them with the means to clarify those issues about the Contract that may not have been fully understood beforehand.

Analysis

In 2011 Essex County Council (ECC) chose Ringway Jacobs as its preferred bidder for the £1billion, ten-year highway maintenance and service contract.

Originally the Contract was for carrying out highways infrastructure maintenance work, resurfacing and improvement works and provide client support services. In essence Ringway Jacobs became responsible for carrying out the majority of the highways and transportation services under a strategic partnership with ECC from 1 April 2012.

Nine of the ten major highway contracts in Essex had been scheduled to end on 31 March 2012 and the final contract came to an end on 31 March 2013. The new Ringway Jacobs Contract replaced all the existing contracts to operate highways with one long-term partnership arrangement. It also entailed significant restructuring of the Highways Service, and with some ECC and Ringway Jacobs staff working side by side.

The Contract will run for ten years with an option to extend it by further five years. The main aims of the Contract are:

- To deliver £5million of savings in year one.
- To remove duplication and embed leaner end to end processes
- To embed a built in efficiency mechanism supporting identification of further savings
- To deliver an improvement in National Highways and Transportation Survey results.

Although ongoing improvements can be demonstrated, it is acknowledged that it is difficult to change the public's perception on highways matters. Customer surveys indicate that there is improved customer experience. However, when questioned customers still want more pothole repairs. A challenge is how to change perception to reflect the facts around the large volume of repairs being delivered in practice, and for perception to be based upon local conditions rather than to reflect the national mood. Action is intended to develop a deeper understanding of what is influencing the survey results, and in doing so identify how to improve customer perception.

The benefits of the Essex Highways Contract are:

1. Reduced cost, by removing duplication and overlap of roles
2. Integrated systems and one data source
3. Reduced administration and number of task orders per annum
4. Majority of pricing via target costing with lump sum and actual costing
5. Joint business planning, budget management, decision-making and continuous improvement

Work included in the Contract

The Contract covers the following range of work:

Core Requirements

Maintenance

- Highways infrastructure maintenance including safety inspections, minor maintenance, signs and lines, winter maintenance, emergency response, fencing

Improvement Works

- Schemes up to typically £500,000 eg cycleways, junction improvements, zebra crossings

Client Support Services

- Bridge inspections, condition surveys, data base information maintenance and management, and some minor scheme design, provision of consultation information, highway condition surveys, transportation planning and for projects under typically £500,000.

Administration

- Administration of licences eg for skips, scaffolds, works within highway etc, and administration of insurance claims

Management

- Management and development of Essex Traffic Control Centre, and supply of management information for the service and services delivered

Consultancy Services

- Consultancy Services to assist the client during the initial stages of the strategic partnership

Range of work covered

Drainage

- Gully emptying, jetting and drainage investigation

Public Rights of Way (PROW)

- PROW maintenance, enforcement and administration of the Definitive Map

Planned Maintenance

- Surface dressing, resurfacing, micro surfacing

Network Management

- Network Management responsibilities including NRSWA inspections

Lighting

- Highway records and highways lighting including lit signs, bollards and high mast lighting

Maintenance

- Structures maintenance and environmental maintenance

Intelligent Transportation Systems

- Design, construction and maintenance of traffic control systems, variable systems, and traffic counting/ monitoring systems

Bus Shelters

- Bus stop infrastructure supply and maintenance

Re-active Maintenance

- Works associated with public realm/ street scene eg minor repairs, making safe after accidents etc

Testing

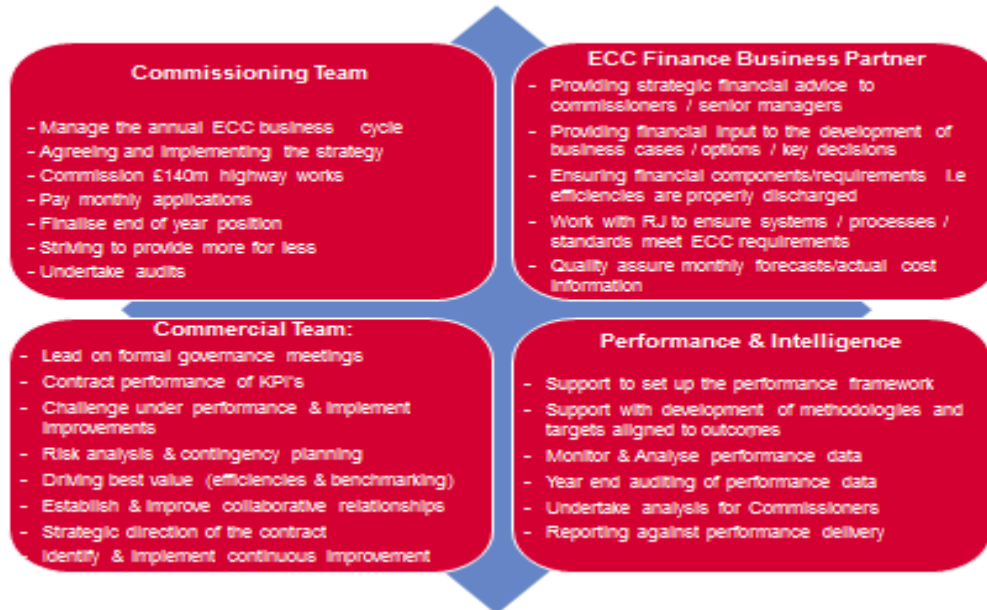
- Electrical and structural testing

IT Systems

- Supply and operation of IT systems

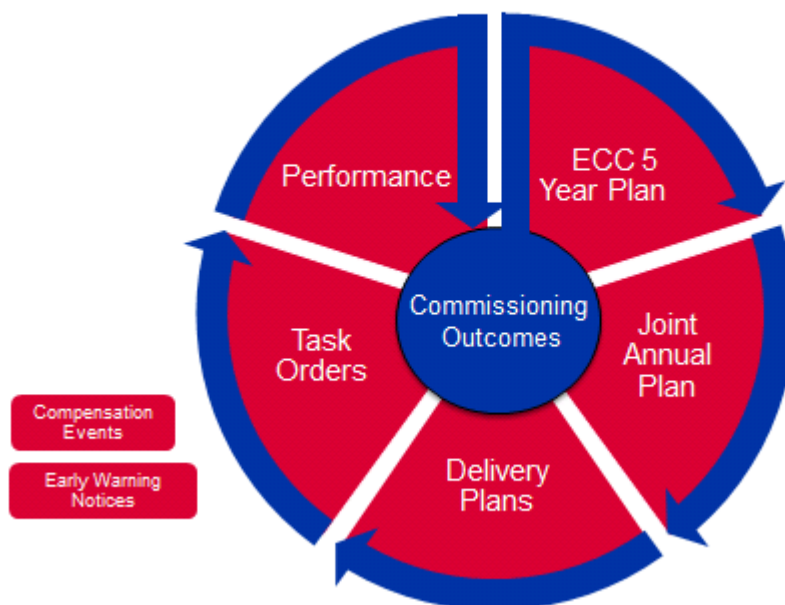
The following diagram illustrates the roles of the four ECC main functions that undertake work on the Contract:

Roles of Each Function



The following diagram illustrate the Commissioning process and how this relates into the delivery and issuing of task orders to the overall performance measures that aid the commissioning outcomes:

Commissioning of the Service Process



Governance

There is a robust governance structure in place for the contract with the quarterly Strategic Partnering Board (SPB) taking the lead on ensuring the Contract remains in line with the overall direction of the commissioning outcomes, and makes the strategic decisions.

The monthly Essex Highways Board (EHB) sits below SPB and is a decision making board in terms of agreeing performance, aspects of service delivery are meeting the commissioning outcomes, strategic direction and decision making of escalations that are deemed appropriate for EHB sign-off.

EHB is under pinned by the monthly Contract Review meeting that meets with all heads of service to review the performance information on the EHB report and ensure that adequate commentary is provided. Including discussions around any underperformance, exceptions and risks to ensure that appropriate mitigations are in place, reviewing progress against outputs, spend, performance measures, efficiencies, service delivery plans, performance improvement plans, and ensuring that any discrepancies are resolved and if necessary escalated to EHB.

Performance

A Performance framework is in place, and arrangements are underway for the Committee to receive a briefing on that framework as part of a committee activity day.

General

Databases are in place to inform highways management with regular surveys being conducted for instance on the condition of the road network, SCRIM (Skid Resistance), that is used to inform planning using tools such as 'Scheme Manager'. It was emphasised that a lot of the data is by its nature very technical, and is used in conjunction with other management programmes to inform decisions.

Although highway problems may often seem to the layman to be easily resolved, in fact 'a problem' may be much more complicated with broader considerations: A gully that may overflow soon after regular maintenance will depend on the flow of water and may be due a faulty connection that has been made elsewhere in the drainage system rather than poor cleansing of the gully itself. A report on the flooding that took place on Canvey Island in August 2014 highlights the issues that can arise; All individual streetlights are centrally recorded so that faults can be tracked and informed decisions made on repairs; Pothole repairs and solutions are managed on the basis of factual information gleaned from surveys, and inter alia the prioritisation of resources.

The Committee enquired about schemes undertaken by the Local Highways Panels (LHPs), which delivered 800 schemes last year. The LHPs generate a large of work for the Design Team, and to ensure the effectiveness of that Team it is important to be able to plan and manage its work so that it is fully occupied throughout the year.

Consequently the LHPs are being encouraged to plan their work programmes over the longer period of two years to improve the systems in place for the delivery of services.

The Committee was reassured that a significant amount of information on the highways network is published on the County Council's website.

It was confirmed that the online systems are being continually developed and improved for instance in terms of their detail and accuracy so that better information is provided. However, the management of the information being published can be difficult in terms of achieving the right balance for various audiences, and avoiding problems associated with becoming resource heavy.

During the briefing other matters were considered including:

- Network management and the new Permit Scheme for Utility Company and other road works. The Permit Scheme was introduced on 16 March 2015, and will provide a more robust method of controlling work on the network, reducing congestion, and improving utility performance; and
- ECC Five Year Plan for Capital Funding that will provide greater opportunities for planning and managing work with partners.

At the end of the briefing the Chairman thanked the Cabinet Member, Peter Maisie and Tracey Watts for a really useful overview of the Essex Highways Contract, which would contribute to Members having a fuller understanding of how the Highways Service is managed and delivered in practice.

Action required by the Committee:

The Committee is asked to note this report, which has been prepared as a summary of its briefing held on 24 September 2015.

		AGENDA ITEM 9
		PSEG/05/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	21 January 2016	
<div>WORK PROGRAMME</div> <div>(Minute 11/October and 9/ November 2015)</div>		
Enquiries to:	Christine Sharland, Scrutiny Officer 01245 430450 Christine.sharland@essex.gov.uk	

This report provides an update on the Committee's activities. At its meeting in July 2015 (Minute 5) the Committee agreed proposals for taking forward its work programme for 2015/17, and identified those topics where it may fulfil a useful scrutiny role.

The following is a summary of the main topics where resources are currently focussed upon:

- **Jobs, Welfare and Skills Task and Finish Group**

In November 2015 (Minute 5) the Committee received a presentation on the findings of the Task and Finish Group's investigations, which will be set out in its final scrutiny report to be submitted in due course.

- **Third Party Responsibilities and Flood Enforcement in Essex**

The recommendations set out in the Scrutiny Report endorsed in November 2015 (Minute 8) have been forwarded to the relevant Cabinet Members, and their responses will be reported to the Committee in due course.

The Chairman will be attending the Essex Flood Partnership Board on 20 January 2016 to draw attention to the publication of the Scrutiny Report, and a press release is to be released.

A short supplementary piece of work is also to be undertaken by the original Task and Finish Group concerning IT and Communications support in raising public awareness.

- **Local Highways Panels (LHPs)**

A separate report is set out elsewhere in this agenda on taking forward a planned scrutiny review on the LHPs.

- **Parking Partnerships**

A separate report is set out elsewhere in this agenda on proposed consideration of the conclusions of the Executive Review of the Partnerships.

February Committee Activity Day: 25 February 2016

Arrangements are being made for the Committee to receive several briefings in February that will provide updates on various topics that fall within its remit, including Performance Reporting to Scrutiny Committees as part of the County Council's Performance Management Framework that was deferred from its November activity day.

March Committee Activity Day: 24 March 2016

Part of the committee activity day will be used for a formal meeting that will include items on the Parking Partnerships, and Jobs, Welfare and Skills Scrutiny Review.
