

Place Services and Economic Growth Scrutiny Committee

11:00	Thursday, 22 September 2016	Committee Room 1, County Hall, Chelmsford, Essex
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Please note that this meeting will adjourn at 1.00pm and reconvene at 2.00pm as indicated in this agenda

Quorum: 5

Councillor D Louis
Councillor S Barker
Councillor K Bobbin
Councillor T Cutmore
Councillor I Grundy
Councillor C Guglielmi
Councillor T Hedley
Councillor J Huntman
Councillor D Kendall
Councillor C Pond
Councillor S Robinson
Councillor A Turrell
Councillor K Twitchen
Councillor A Wood

Chairman

For information about the meeting please ask for:

Christine Sharland, Scrutiny Officer

Lisa Siggins Committee Officer

Telephone: 033301 34594

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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 The last meeting of the Committee was held on 12 September 2016, which co-incided with the publication of this agenda. Consequently the approval of the minutes of that meeting may have to be delayed until the Committee's next meeting.	
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 Jobs, Welfare And Skills Final Scrutiny Report To receive report PSEG/22/16 on this Scrutiny Report. Councillor Bentley, Cabinet Member for Economic Growth and Partnerships, has been invited to attend this meeting to feedback directly to the Committee on the issues it has raised in the scrutiny report	7 - 8
6 Third Party Responsibilities and Flooding Enforcement Scrutiny Report To receive report PSEG/23/16 concerning the Cabinet Members' responses to the Committee's recommendations as set out in its Scrutiny Report.	9 - 20
7 Essex Parking Partnerships To consider report PSEG/24/16 and accompanying appendix setting out the Essex Parking Partnerships' response to the Committee's recommendations as set out in its Scrutiny Report.- Appendix to follow	21 - 22

- 8 Passenger Transport Update**
Helen Morris, Head of Commissioning for Essex Connected Infrastructure, has been invited to provide the Committee with an oral update on passenger transport matters
- 9 Committee Workshop 30 June 2016** **23 - 26**
To receive report PSEG/25/16 concerning the recent workshop that was held to for the Committee to discuss Members' impressions of scrutiny activity.
- *** Adjournment**
Reconvene at 2 o'clock
- 10 Local Highways Panels** **27 - 36**
To consider report PSEG/26/16 concerning proposed changes to the operation of the Local Highways Panels.
- 11 Date of Next Meeting**
To note that the next committee activity day is scheduled for Thursday 20 October 2016.
- 12 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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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.

		AGENDA ITEM 5
		PSEG/22/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 September 2016	
JOBS, WELFARE AND SKILLS FINAL SCRUTINY REPORT (Minute 7/May 2016)		
Enquiries to:	Christine Sharland, Scrutiny Officer Christine.sharland@essex.gov.uk	

At its last formal meeting the Committee approved the final scrutiny report of its review on the Jobs, Welfare and Skills, which was subsequently forwarded to the Cabinet.

Councillor Bentley, Cabinet Member for Economic Growth and Partnerships, has been invited to attend this meeting to address the Committee on the issues raised in the scrutiny report.

Action required by the Committee at this meeting:

To receive the Cabinet Member's feedback on the Jobs, Welfare and Skills Scrutiny Report.

		AGENDA ITEM 6
		PSEG/23/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 September 2016	
THIRD PARTY RESPONSIBILITIES AND FLOOD ENFORCEMENT SCRUTINY REPORT: UPDATE (Minute 9/ May 2016)		
Enquiries to:	Christine Sharland, Scrutiny Officer Christine.sharland@essex.gov.uk	

In November 2015 (Minute 8) the Committee endorsed the Scrutiny Report 'Third Party Responsibilities and Flood Enforcement in Essex'.

The scrutiny report contains five recommendations, which were duly sent to the relevant Cabinet Members. Their interim responses were reported to the Committee in March 2016 (Minute 8) and May 2016 (Minute 9).

A follow up response and progress report has been received from Councillors Walsh and Johnson in respect of those recommendations that have implications for their Cabinet portfolios, which is attached at the Appendix to this report.

Aside from the matters specifically referred to by the Cabinet Members on this occasion, there are two issues arising from the scrutiny report where arrangements will be made for the Committee to receive briefings to address the issues raised in recommendations 4 and 5 namely:

- An overview on 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; and
- IT and Communications support in raising public awareness about the Council's services such as flood management.

A full copy of the Scrutiny Report may be found on the Essex County Council website www.essex.gov.uk From the Home Page, click on 'Your Council', then on 'Meetings and Agendas', then on 'Public Documents' followed by 'Scrutiny Reports'. Finally, select the scrutiny reports from the list reports that have been published.

Action required by the Committee at this meeting:

To note the Cabinet Members' response, and proposed briefings.

Appendix



Cabinet Office
County Hall
Chelmsford
Essex CM1 1QH

To: Councillor Derrick Louis
Chairman of the Place Services and Economic Growth Scrutiny Committee

13 September 2016

Dear Cllr Louis,

Scrutiny Report on Third Party Responsibilities and Flood Enforcement

Having been closely involved in the scrutiny review itself, we are both mindful that the Committee would find it useful to have an update on the progress we have made in relation to those matters highlighted in the recommendations. Officers have developed the attached report helping to identify actions taken across our two portfolios to coordinate flood prevention and enforcement activity since the publication of the report.

With particular reference to recommendation 4 concerning *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*, we confirm that work is underway to coordinate a cross-portfolio update to the Committee.

Similarly we understand that arrangements are to be made for the Committee to receive a briefing on IT and Communication support across the Council's frontline services including the Flood Management Team.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Walsh', with a long horizontal stroke extending to the right.

Cllr Simon Walsh
Cabinet Member for Environment
and Waste

A handwritten signature in black ink, appearing to read 'Eddie Johnson', with a large loop at the top and a long horizontal stroke extending to the right.

Cllr Eddie Johnson
Cabinet Member for Highways
and Transport

Report title: Third Party Responsibilities and Flood Enforcement in Essex Scrutiny Report; Update on recommendations	
Report to: Place Services and Economic Growth Scrutiny Committee	
Report author: Lucy Shepherd Lead Local Flood Authority Manager	
Date: 22 nd September 2016	For: Discussion
Enquiries to: Lucy Shepherd, Lead Local Flood Authority Manager, lucy.shepherd@essex.gov.uk ; John Meehan, Acting Head of Environment and Flood Management, john.meehan@essex.gov.uk ; Peter Massie, Head of Commissioning Essex Highways, peter.massie@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

To report back to the Committee on progress against the recommendations outlined in the Scrutiny Report on Third Party Responsibilities and Flood Enforcement in Essex.

2. Recommendations

- 2.1 Note the progress made against the recommendations included within the Scrutiny Report on Third Party Responsibilities and Flood Enforcement in Essex.

3. Summary of issue

- 3.1 The Scrutiny Report on Third Party Responsibilities and Flood Enforcement in Essex was endorsed and published by the Place Services and Economic Growth Scrutiny Committee in November 2015. An update on progress towards delivering the recommendations outlined in the report is provided below by recommendation in sequence.
- 3.2 A full list of recommendations taken from the Scrutiny Report on 'Third Party Responsibilities and Flood Enforcement in Essex' has been highlighted within **Appendix 1**.
- 3.3 Befitting the partnership approach to this piece of work Action points falling within the remit of both Essex County Council's (ECC) Flood and Water Management Team and Essex Highways are covered within the report.

Recommendation 2a) Where Does Water Go?

- 3.4 The Committee requested:

'An update on the production of the Where Does Water Go databases that are being developed to enhance flood management.'

- 3.5 Where Does Water Go (WDWG) projects involve Parish Council and other volunteer groups mapping and collecting data on local ordinary watercourses.
- 3.6 The project has been a great success and in 2015/16. We gained a total of 62 volunteers who have contributed 496 hours in total.
- 3.7 **Table 1** below shows those parishes or groups that have been involved in 2015/16, and those who we are engaged in new projects in 2016/17.

Table 1: Volunteer Groups involved in WDWG Project

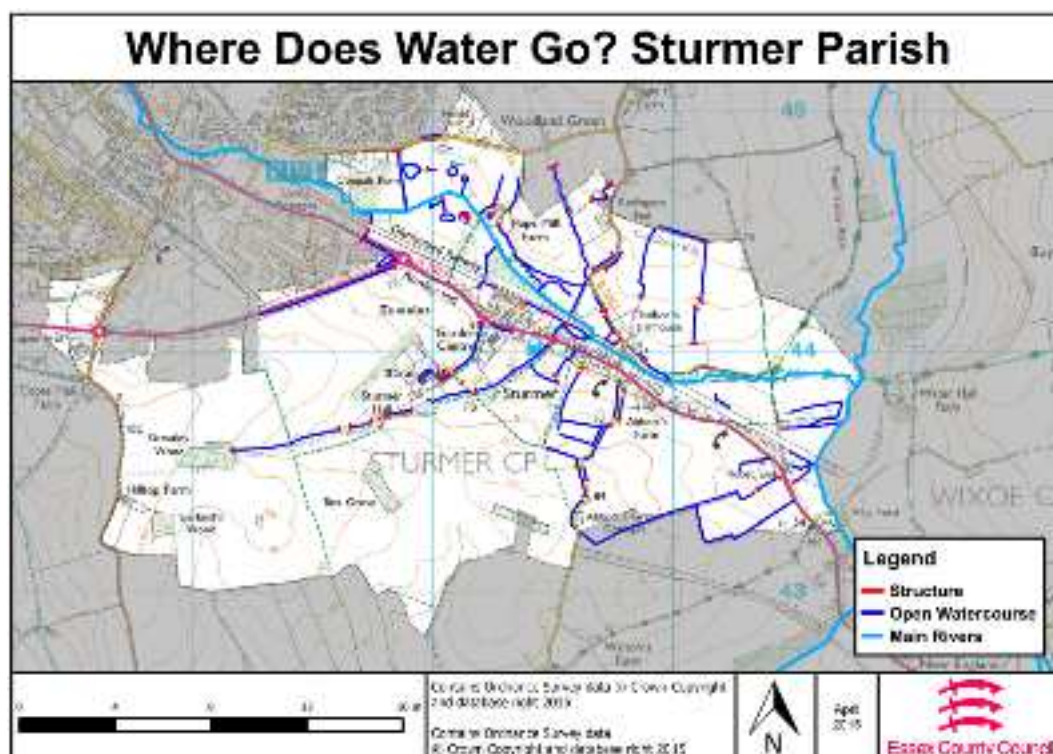
WDGW Projects 2015/16	WDGW Projects 2016/17
Canvey Island (Rural Areas)	Purleigh Parish Council
Rawreth (later dropped out)	Chapel and Wakes Colne
Halstead	Mundon
Wickham Bishops	Utling and Langford
Gold Hanger	Elsenham
South Woodham Ferrers	Berden
Steeple Bumpstead	Radwinter
Thaxted	Runwell PC
Coggeshall	
Bowers Gifford and North Benfleet	
Messing (later dropped out)	
North Fambridge	
Heybridge (later dropped out)	

- 3.8 ECC's Flood Assets Officer is currently in the process of digitising maps, photographs and reports collected by our volunteer groups in 2015/16. **Figure 1** demonstrates an example of a good dataset collected during a historic WDWG project with *Sturmer Flood Action Group*.
- 3.9 The datasets provided to us by volunteers are used by the Flood and Water Management Team to populate our flood risk 'Asset Register'. ECC have a statutory requirement to hold this register under the Flood and Water Management Act 2010.
- 3.10 On average our WDWG projects log 150 flood assets each, we've had 15 projects to date, so that's up to a third of our total asset database at just under 7000 assets.
- 3.11 Information is used on a daily basis as part of our watercourse regulation, and statutory planning role.
- 3.12 Known drainage assets are held in a highways database (*Confirm*) and information about them is being updated in line with Essex Highways delivery team work. For example, the gully records are updated as part of the gully cleansing programme, so that the levels of silt in each gully prior to cleansing

is loaded into the database. This will provide evidence to guide priority decisions concerning where to target available funds.

- 3.13 Where specific works are undertaken to assets, any formal data surveys will be uploaded to database also, for example, the work following the Canvey Island flooding incident will be used to update records in the database. This provides a growing understanding of assets and their condition.

Figure 1: Sturmer Flood Action Group dataset



Recommendation 2b) and 2c)- Highways and Flood Team joint Enforcement and MoU update

- 3.14 The Scrutiny Committee requested:
'an update on what outcomes may accrue as a result of the Teams working more closely together and the formal Memorandum of Understanding (MoU)', and that

'...Maldon Highway Enforcement Pilot Project... 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...'

- 3.15 The pilot Highway Enforcement Project has built a strong working relationship with the Flood and Water Management Team, the immediate need to secure a memorandum of understanding with them to use the Land Drainage Act 1991 was fundamental to allow the Highways Enforcement Team to potentially recharge landowners who fail to undertake works to their watercourses.

- 3.16 Landowner liaison has proved a very successful resolution as the Enforcement team has not had to proceed with any formal action to date. Having the ability to utilise the LDA 1991 under the MoU was a vital persuasive tool in the teams work, as the ability to recharge for works is not an option under the Highways Act 1980.
- 3.17 In total the pilot team dealt with just fewer than 100 enforcement cases during the project (including other highway matters such as overhanging vegetation and weight restrictions).
- 3.18 A further positive outcome was improved links with asset management and capital project teams to promote partnership and sharing of information, providing a more joined up service for the customer.
- 3.19 Traditionally Highways has had very limited resource to undertake enforcement issues. By working together with the Flood and Water Management Team, Highways has improved its legislation knowledge and more importantly its practicable application.
- 3.20 Further to a number of meetings to discuss the pilot outcomes, the project came to an end in March 2016. However, recent developments have now meant that additional funding has been made available to extend the Enforcement Pilot for a further 12 months, with an expected start in October 2016. The team will target known flooding sites that coincide with proposed maintenance works on areas of the network with lower condition scores. This will mean that not only are flooding issues remedied, but that benefit of capital investment in roads maintenance is maximised.

Recommendation 3) Flood and Water Management and Planning

- 3.21 The Scrutiny Committee requested:

'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
- 3.22 Officers have been regularly attending the Essex Planning Officers Association Development Management Forum to raise the profile of surface water drainage and flood risk in strategic planning.
- 3.23 Recent relationship meetings have taken place with the majority of LPAs to review progress during ECC's first year as a statutory consultee for surface water flood risk on major planning applications (10+ homes, building floorspace 1000sq.m+ or 1ha+). We also presented key statistics in a report to the Essex Flood Partnership Board in April 2016.
- 3.24 The Essex SuDS Design Guide (Figure 2) and SuDS Adoption Policy are actively promoted amongst partners. In addition, we also contributed to the drafting of the Essex County Council Developers Guide to Infrastructure

Contributions. We will continue to encourage the pre-application discussion with us, both directly with developers and via LPAs.

'establishing the principle of seeking Community Infrastructure Levy (CIL) to address local flooding issues'.

- 3.25 Flood and Water Management Officers have also been working closely with colleagues from spatial planning to respond to Local Plan consultations, Infrastructure Delivery Plans and CIL consultations, CIL 123 list and funding gap consultations.

Figure 2: SuDS Design Guide



- 3.26 Our aim is to actively promote our Surface Water Management Plans as the primary evidence base for LPAs to determine their flood risk management infrastructure, and also to provide an indicative idea of the cost of delivery.
- 3.27 To date we have successfully secured developer S106 contributions for flood alleviation schemes in Castle Point Borough Council and Colchester Borough Council.

Recommendation 4: Infrastructure update

- 3.28 Work is underway to coordinate a cross-portfolio update to the Committee on ECC and partners approach to infrastructure, including flood elements.

Recommendation 5: IT and communications support

- 3.29 The Flood and Water Management team are working closely with IT and Communications support around Recommendation 5, and will provide case study material for the proposed briefing to the Scrutiny Committee.
- 3.30 The Flood and Water Management team are continuing to work with IT to improve:
- The performance of mapping tools;
 - information sharing across teams;
 - use of social media; and
 - new software that will improve the service.

4. List of appendices

Appendix 1: Recommendations from the Scrutiny Report on 'Third Party Responsibilities and Flood Enforcement in Essex'

5. List of Background papers

None

APPENDIX 1

List of Recommendations taken from the Scrutiny Report on Third Party Responsibilities and Flood Enforcement in Essex

1. That the Cabinet Member 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:

a) 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.

b) 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).

c) 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.

Essex County Council

		AGENDA ITEM 7
		PSEG/24/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 September 2016	
ESSEX PARKING PARTNERSHIPS (Minute 8 / May 2016)		
Enquiries to:	Christine Sharland, Scrutiny Officer Christine.sharland@essex.gov.uk	

In May 2016 (Minute 8) the Committee approved its scrutiny report around the Executive Review of the formal arrangements and operation on the future of the North Essex (NEPP) and South Essex (SEPP) Parking Partnerships.

The scrutiny report was forwarded to the NEPP and SEPP Joint Committees, and Councillor Johnson, the County Council Cabinet Member for Highways and Transport. Their response to the report is now attached at the Appendix to this report.

A full copy of the Scrutiny Report may be found on the Essex County Council website www.essex.gov.uk. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas', then on 'Public Documents' followed by 'Scrutiny Reports'. Finally, select the scrutiny report 'Future of Parking Partnerships May 2016' from the list reports that have been published.

Action required by the Committee:

To note the Essex Parking Partnerships' response to the Committee's recommendations as set out in its Scrutiny Report.

		AGENDA ITEM 9
		PSEG/25/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 September 2016	
COMMITTEE WORKSHOP 30 JUNE		
Enquiries to:	Christine Sharland, Scrutiny Officer 01245 430450 Christine.sharland@essex.gov.uk	

Introduction

On 30 June 2016 a workshop was held to enable the Committee's membership to discuss their impressions of scrutiny activity and how the Committee's effectiveness could be improved.

While this report summarises Members' feedback based on their discussion, a couple of key conclusions that arose from the workshop was the need to focus on the most important issues in a review first, and to have a clear timetable to deliver reports and recommendations in a timescale that could influence thinking before a final decision was made.

Background

The review of the Committee's activities and ways of working was initiated to consider further improvements to the way that the Committee manages its work programme and review processes. It co-incided with changes in the Committee's membership following full Council in May 2016, and the need to review its work programme in light of the County Council's elections in May 2017.

On the day Councillors Derrick Louis (Chairman), Keith Bobbin, Tony Hedley, Malcom Maddocks, Chris Pond, and Stephen Robinson attended the workshop. Alex Polak, Scrutiny and Corporate Governance Manager, and Christine Sharland, Scrutiny Officer were in support.

Objectives

Two broad objectives were identified for the session:

- To identify existing good scrutiny practice and areas for improvement and
- propose how to achieve those improvements.

Initially Members reflected on various reviews and activity undertaken by the Committee that that they considered had been worthwhile, and in turn those that had

been disappointing. Discussion then turned to lessons learned and steps that could be taken to improve the way the Committee handles individual reviews and how scrutiny is taken forward.

General impressions and working practices

In summary, those Members present reached consensus around the following messages:

- **Background paperwork.** At the workshop emphasis was placed on preparation for meetings and reviews. Councillors stressed the importance of being provided with briefing papers in advance of meetings, both formal and informal, together with clear reasons for the Committee's engagement in particular pieces of activity.

Attention was drawn to various situations where councillors have not had background information prior to a briefing. In practice, they felt that the ability of the Committee as a whole to identify key lines of enquiry, conduct effective questioning, reach conclusions and, ultimately deliver positive outcomes has been very restricted on some occasions. Consequently the outcomes of such briefings are undermined as Members' participation is totally based on the presentation of new information, which is in itself reliant upon the quality and effectiveness of its delivery, together with whatever existing knowledge an individual councillor may have. Where Members have had no opportunity to do any personal research beforehand then the Committee is less able to conduct more in depth consideration of the particular issues that contributors may require feedback upon.

This is an important message as it confirms that Members believe that the Scrutiny Committee's ability to lead in the development of its working practice and co-ordinate its own work programme is being compromised where there they are not fully engaged beforehand with pertinent briefing papers.

In some situations the onus is on the Committee itself to identify its key lines of enquiry, and the types of outcome it is seeking. On other occasions it may receive a request for the inclusion of a briefing in its work programme to inform Members on a topic and to get 'scrutiny feedback', but such requests are not always backed up with clear objectives and supporting background information. It was felt that there is insufficient information and planning in both of these scenarios then the Committee and those seeking its feedback may be left disappointed with what is achieved in practice.

Overall Members acknowledged that briefings and site visits can fulfil an important role in improving their knowledge of topics. However, such activity may be more aligned to member development rather than being promoted as a part of the scrutiny function except where there is a clear link to a scrutiny project where the Committee may be able to influence decisions being made.

- **Timeliness.** Based upon Members' reflections of past and current scrutiny reviews, the timeliness of any work undertaken is crucial to the ability of the

Committee to have an impact upon what may happen as a result of an investigation. It is vital that the Committee's recommendations are published before decisions are taken so that they can be taken into proper account in the way that a relevant decision is made, not after ideas have been fully developed by the Executive for final approval.

This requires more effective dialogue with the Council's Executive not only to identify those issues where scrutiny might play a valuable role in pre-decision and policy development, but to acquire sufficient information to enable the Committee to plan its own work programme taking into account competing demands, available resources, and ultimately what outcomes it could achieve.

By way of example the Jobs, Skills and Welfare Scrutiny Review will have taken over two years to conclude, and it was unclear if its impact had been diminished through the passage of time and changing national picture. Following the workshop a briefing on the Local Highways Panels (LHPs) had been organised as a pre cursor to the start of a scrutiny review, in the event it was discovered that the Executive had begun its own review of the LHP terms of reference, and guidance. Consequently it was imperative that the Committee adopt a more responsive approach to its own involvement in any review of LHP activity so that it can contribute without further delay to the consultation that was underway. This matter is referred to in more detail elsewhere in this agenda.

While reference was made to pre decision scrutiny, Members were more concerned about taking measures to ensure that the Committee's activity overall was adding value to the Council's consideration of issues, and to shaping the way that action is implemented in practice rather than investigating issues where its outcomes could be ineffective.

- **Capturing outcomes.** A difficulty associated with some scrutiny reviews and committee activity in general is the ability to demonstrate what impact it may have had in practice. There was support for the need to develop an effective means to capture and showcase the outcomes of Scrutiny Committee involvement across the Council. It was hoped that by doing so scrutineers could build upon the evidence of experience to develop the value and effectiveness of scrutiny, and promote the scrutiny function as an important asset to the Council.

It was suggested that an audit trail/ tracking system could provide the means to understand how an issue had been tackled together with the response to any recommendations.

A good recommendation should be factual, evidence based, mindful of its financial impact if implemented, and targeted at those particular issues where positive differences could be made.

- **Relationship with the Cabinet.** From experience Committee Members reflected that scrutiny activity had been more worthwhile where there is positive co-operation between the executive and non-executive parts of the Council.

It was noted that part night lighting had been considered at two different stages by scrutiny committees: Pre decision in 2010, and then via a number of call ins between August 2013 and February 2014. The example highlighted that the pre decision engagement of scrutiny members had produced a more constructive investigation and outcomes than the later post decision challenge.

Members agreed that ongoing dialogue must be fostered with Cabinet Members across the Committee's work programme, regardless of the recognition that financial challenges will have an impact across the Council's activities and could make scrutiny harder to do collaboratively.

- **Member engagement and accountability.** Aside from the processes that are being implemented to underpin good practice, Members also discussed their own role and involvement in the way that scrutiny could evolve. Councillors acknowledged that they themselves were responsible for the way that they engaged in and contributed to scrutiny work, and the operation of a committee. Some faced difficulties associated with the demands upon their own time and attention, which were sometimes associated with the demands of being a councillor on another local authority.

Conclusions

The workshop had been intended as an opportunity for Members to reflect with colleagues their personal impressions of participation in committee activity, what they felt had been achieved via various working practices, and how to improve scrutiny practice.

Although the attendance for the workshop exercise was low, those present felt that the session had been provided a useful forum for reflection and identification of some those key issues set out above for further consideration to enhance the way that the Committee managed its work. There will be further sessions organised over the coming months for the Committee to develop ideas for taking forward the role of scrutiny with the County Council.

Action required by the Committee:

That the report be noted, and any further observations be invited by way of contribution to a review of the Scrutiny Committee's work programme and aim to improve good scrutiny practice.

		AGENDA ITEM 10
		PSEG/26/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	22 September 2016	
LOCAL HIGHWAYS PANELS		
Enquiries to:	Christine Sharland, Scrutiny Officer 0245 430450 Christine.sharland@essex.gov.uk	

Purpose of report

At today's meeting Councillor Eddie Johnson, Cabinet Member for Highways and Transport, has been invited to address the Committee on matters relating to the Local Highways Panels (LHPs).

Background

As part of a workshop on 30 June 2016 Committee Members received a briefing on the Local Highways Panels (LHPs) that drew attention to the introduction of a new staffing structure and other changes that will have an impact upon the delivery of local highway schemes. It was confirmed that an executive review was already underway to provide the LHPs with new terms of reference, Member guidance, and processes for submitting schemes.

At its last meeting on 12 September (report PSEG/19/16) the Committee noted a report on action arising from the briefing. In the context of conclusions reached in an earlier workshop (referred to elsewhere on this agenda) around the timeliness of scrutiny review and ability to influence decisions, it was agreed by those present that it was necessary to contribute to the existing consultation being conducted on the terms of reference and Member guidance as part of the overall review of LHPs. Consequently the relevant documentation on the terms of reference was circulated electronically to Committee Members for comments before being co-ordinated as part of a Committee response to the Cabinet Member in July.

At that time the Committee was also advised of the development of a Members' Guide and Validation process, which will be the focus of this meeting.

There are three briefing papers attached to this report as follows:

- Appendix A - Updated Terms of Reference for Local Highways Panels and the new Members' Guide
- Appendix B - Revised Members' Guide
- Appendix C - Revised Member Request Form and Validation Process

At this meeting Councillor Johnson will update the Committee on the latest position with regard to consultation being undertaken on the LHP terms of reference and Member Guidance, together with an explanation on the project validation process.

Action required by the Committee:

To consider the Cabinet Member's briefing.

Appendix A

Briefing paper on the Updated Terms of Reference for Local Highways Panels and the new Members' Guide

Prepared by Vicky Presland, Head of Design Highways on behalf of Councillor Eddie Johnson, Cabinet Member for Highways and Transport

1. Purpose of Report

To provide the Scrutiny Committee with an update regarding the LHP Terms of Reference following Members' feedback in July.

2. Summary of issue

The draft revised Terms of Reference were presented at a workshop of the Place Services and Economic Growth Scrutiny Committee on 30 June 2016, and were subsequently sent electronically to that Committee's members for their comments. The draft was also circulated to the LHP Chairmen for their comments.

The comments received back from Scrutiny Committee Members and the Chairmen of the LHPs, together with proposed amendments, were presented to the Cabinet Member.

The Terms of Reference was further revised in response to the feedback and discussion with the Cabinet Member.

The proposed changes were presented to the Cabinet Member who has now provisionally confirmed the revised the Terms of Reference prior to formal approval through a Cabinet Member Action (CMA).

The proposed Terms of Reference will be available with the CMA together with all comments and individual responses that will be set out as an appendix to the CMA. An Equalities Impact Assessment has been prepared to accompany the CMA.

Next Steps

A CMA has been prepared for the Cabinet Member to approve the new Terms of Reference.

Once the final version has been signed off, it will be circulated to LHP Chairmen and be available on the website.

List of Background papers

The existing Terms of Reference and Members' Guide which is currently available on the Council's website – www.essexhighways.org.

Appendix B

Briefing paper on the Revised Members' Guide

Prepared by Vicky Presland, Head of Design Highways on behalf of Councillor Eddie Johnson, Cabinet Member for Highways and Transport

1. Purpose of Report

To provide the Scrutiny Committee with details of the revised LHP Members' Guide

2. Summary of issue

The original Terms of Reference and Members' Guide document was developed to support the LHPs in both their operation and the implementation of schemes. It was published in 2013.

Following the review of the document the Members' Guide has been redrafted to provide clearer advice about highway concerns that will be raised locally.

The changes that have been made are summarised below.

The Guide has been developed as a web based document. However, it could be printed as a hard copy if required. If used as a web based document there will be links that take the reader to further information available on both the County's website and other sites, such as the Department for Transport.

A. The Introduction: This gives a broad overview of LHP schemes and the things that need to be considered by both the Panels and the Designers when developing schemes.

- **Budget:** Details how the LHP budget is derived and the priority of funding (casualty reduction schemes ahead of others). The two sub-sections highlight some common solutions which have specific maintenance liabilities and what LHP cannot fund (parking, disabled bays etc). This section also details how larger LHP schemes progress into the major scheme funding streams.
- **Things to consider:** This sections sets out considerations that should be made about LHP schemes before they can be committed. This includes land ownership, Utilities apparatus, and environmental issues. In particular it emphasises the need

for members to identify the issues, rather than solutions, as often the solution proposed does not solve the problem identified.

- **Validation and Feasibility:** Details how schemes are reviewed and assessed to make sure the proposals are both buildable, and in-line with local policies and DFT guidance.
- **Scheme Prioritisation:** Highlights that more schemes are likely to be identified than available budget to progress, and that the LHP will prioritise the listed schemes.
- **Deliverability/Timescales:** This cover issues outside of ECC's influence which can impact upon the delivery of schemes. This includes matters such as Statute Orders and the legal processes required for land negotiations. It will also link to the Costs and Timescales appendix document.
- **LHP Support- Highways Liaison Officers:** This informs Members of the support Highways Liaison Officers can provide and the limitations on their role.

B. Topic Sections

The sections consider typical concerns that are brought to the attention of Members and provides Members with an understanding of what should be considered and what options may be available.

The sections have been set out as follows:

1. Road Safety Schemes
2. Speed
3. New Pedestrian Footways
4. Signs and Road Markings
5. Crossings
6. Traffic Signals
7. Cycling Schemes
8. Passenger Transport Improvements
9. Public Rights of Way Improvements
10. Winter Issues
11. Quiet Lanes
12. Parking Restrictions
13. Removing Highway Rights
14. Highways Rangers (This section covers the typical activities that can be undertaken. The section is currently being further reviewed and this review will take a few months to complete).

C. Each topic section is set out in the following standard format.

1. Introduction

1.1 This provides some background to the legislation and some of the County Council's policies, procedures and guidance covering this element

2. Typical Problems

2.1 These are the issues that are raised to Members. Not all problems can be resolved and some may be outside the scope of the LHP budgets

3. Things to Consider

3.1 This can include a wide variety of things such as:

- Alerting Members to issues where solutions may be locally controversial.
- Advising about Environmental considerations
- Specific legislation or policy

4. Typical Measures

4.1 These are the sorts of engineering solutions that can be used to treat the issue

5. Scheme Investigation

5.1 This guides Members through what will be required by the design engineer in order to develop a scheme

6. Costs and Timescales

6.1 The Guide signposts the Member to the appendix detailing the financial arrangements and indicative costs for schemes in this section. It also highlights the key risks

List of Background papers

2.2. Current LHP Terms of Reference and Members' Guide on ECC website
<http://www.essexhighways.org/Transport-and-Roads/Highway-Schemes-and-Developments/Local-Highway-Panels.aspx>

Appendix C

Briefing paper on the revised Member Request Form and Validation Process

Prepared by Vicky Presland, Head of Design Highways on behalf of Councillor Eddie Johnson, Cabinet Member for Highways and Transport

1. Purpose of Report

To provide details of the revised Member Request Form and Validation Process

2. Summary of issue

The existing process for receiving requests and validating schemes has led to difficulties in scheme implementation in terms of both timescales and costs.

The process has been reviewed and the key issue that was identified was that schemes were being proposed by LHPs that would either not treat the underlying problem or would be difficult to deliver due to land requirements or other local issues. This in turn has led to delays due to redesigning the schemes to more effectively treat the concern or in undertaking land purchase agreements etc. It has also meant that indicative costs initially presented to the LHPs did not accurately reflect the actual costs of the scheme that was eventually delivered.

A new, web based, **Scheme Request Form** has been developed with Essex County Council's Digital Delivery Team. This provides Members with a bespoke form to complete which ensure that the issue/problem is identified and that any supporting evidence can be uploaded.

A user guide has been prepared for LHP Members to help them use the new process.

Once the scheme request has been submitted it will then go to the Highways Liaison Officer who will review the documents and request a validation.

- A.** The validation will include whether there are engineering solutions that can effectively treat the concern that has been raised.
- B.** It will also ensure that all relevant Teams within Essex Highways are aware of the scheme and have had an opportunity to comment on the options being proposed. This provides an opportunity to cross check

whether any proposals are already being developed by Teams as part of their own prioritised programmes of work

3. Next Steps

To complete the revision of the scheme request and validation process

List of Background papers

None
