

DURHAM COUNTY COUNCIL

At a Meeting of the **Scrutiny Sub-Committee for Looking After the Environment** held at the County Hall, Durham on **Monday 17 March 2008** at **10.00 a.m.**

COUNCILLOR Tennant in the Chair

Members:

Councillors Douthwaite, Gray, Henderson, Holroyd, Knox, Morgan, Pye, Stradling, Wright and Young.

Co-opted:

D M Jones and Councillor Meikle,

Other Members:

Councillors Barker, Coates and Pendlebury

Apologies for absence were received from Councillors Bell and Mason.

A1 Minutes

The Minutes of the meeting held on 17 December 2007 were agreed as a correct record and signed by the Chairman.

With reference to Minute No A4 2nd Quarter Performance 2007/08, Councillor Young informed the Sub Committee that he disagreed with the definition of composted waste and the statement that 14.7% of household waste was composted.

With reference to Minute No A5 NERC and Habitat Regulations, it was reported that following the meeting, the Chairman had written to the Corporate Director, Environment and the appropriate Cabinet Portfolio holder asking how the Environment Strategy would reflect the new biodiversity duty and what measures were in place to meet the biodiversity targets. A reply has been received and a copy has been circulated for Members information.

With reference to Minute No A6 Climate Change, the Overview and Scrutiny Co-ordinating Panel had discussed the suggestion that the issues identified in A6 be examined by a Working Group. In view of the workload which needed to be completed it was decided to hold the suggestion in abeyance. The Transitional Authority may wish to consider the suggestion as part of the Overview and Scrutiny work programme following the May election.

A2 Declarations of Interest

There were no declarations of interest.

A3 Items from Co-opted Members

There were no items from Co-opted Members.

A4 Network Maintenance

The Sub Committee received a presentation from Geoff Race, Highway Management, Environment Service on Network Maintenance (for copy of presentation see file). Tom Bolton, Principal Scrutiny Officer informed the Sub Committee that Network Maintenance was one of the areas identified to be examined as part of a light touch review. At the initial presentation members of the Working Group thought it would be helpful for all members to hear the presentation because of the nature of the issues involved and that it should be flagged up as an area of interest for the Transitional Authority.

Under Section 41 of the Highways Act 1980 the highway authority has a duty to maintain highways at public expense and to reasonable standards. Section 58 of the Highways Act provides that in the event of an action it shall be a defence to show that the highway is kept in a reasonable state of repair having regard to the traffic using it to the standard of maintenance appropriate to its use.

The total carriageway network is approximately 3,700 kms and this is classified into a road hierarchy in accordance with the adopted Code of Practice. The code of practice sets 119 recommendations. The Code of Practice is a strategy based upon:

- detailed inventory
- defined hierarchy for network
- robust policies and objectives
- asset management system
- arrangements for finance, procurement and delivery
- monitoring and reviewing performance

The Safety Inspection regime forms a key aspect of an authority's strategy for managing liabilities and risks. The regime is specified by the following:

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- Frequency of inspection
- Items for inspection
- Degree of deficiency
- Nature of response

The Code of Practice recommends 5 broad carriageway hierarchies which determine the frequency of inspection from 1 month for strategic routes to one year for a local access road. In terms of performance 99.6% of safety inspections were made within time limits. In relation to defects 94.7% of category 1 defects are repaired within 24hrs.

The numbers of Public Liability Insurance (PLI) claims peaked around 2002/03. Since that date the number of claims has fallen mainly as a result of the strategy and procedures that have been put in place. The number of repudiated claims has increased following the introduction of procedures and the service aims to repudiate around 70% of claims. The PLI premium is paid into the County Council Corporate fund. The cost of the premiums in 2000 to 2002 was around

£500,000 to £700,000. This increased to around £3M following the increase in the number of claims. This has started to reduce and the PLI premium is estimated to be around £2M for 2008/09.

In the Association for Public Service Excellence performance indicators for 2004/05 the County Council is in the top or second quartile. The LTP1 delivery report assessment scores rate highway condition as 13 out of 15. The condition of the network has improved in the early years of the LTP. Recent condition surveys indicate that condition is beginning to deteriorate again. Best Value Performance Indicators demonstrate that there has been a decline in the County Council's quartile position from 2006/07 to 2007/08.

Expenditure on carriageway and structural maintenance declined in the late 1980's to the early 1990's. There is a correlation between the reduction in expenditure and the deterioration in condition over that period. Overall expenditure has fallen from £9.248M in 2002/03 to £8.600M in 2008/09. However when these figures are adjusted to take account of price fluctuation factors (inflation) in the civil engineering industry it shows a greater decline from £9.248M to £6.371M. It is estimated that the cost of the carriageway maintenance backlog is around £170M.

The carriageway asset value is estimated to be £3bn. The highway network is the most valuable asset any local authority owns. It is also a key and highly visible community asset, supporting the natural and local economy and contributing to the character and environment of the area it serves. It contributes much more than just transport and is fundamental to the economic, social and environmental well being of the community. Effective management of the local network has the potential to aid regeneration, social inclusion, community safety, health and the environment. To achieve these wider objectives needs a planned long term programme of investment, efficiently managed and supported by effective technical and management systems.

The largest numbers of reports to the Highways Action Line during the period 2000 -2006 were to report problems with carriageways and footways. The Citizens Panel Highways Survey for priority choices for the highways budget 2004/05 and 2005/06 was for road repairs.

The objectives of carriageway maintenance are:

- Safety of public – aim to ensure safety (& statutory duty) and to mitigate third party claims;
- Maintenance of asset value – aim to keep carriageways in a safe and accessible condition through planned maintenance and best value;
- Serviceability – aim to provide carriageway surface of satisfactory riding and aesthetic quality.

The consequences of under-funding are:

- It prevents a systematic approach;
- Failed roads;
- The costs to society and industry
 - accidents
 - travel delays

- wear and tear on vehicles
- Increased claims;
- Enforces short term measures;
- Increased long-term costs because condition deteriorates

The challenges facing the Highway Authority include:

- Inadequate budgets/resources
- Mature and expanding networks
- Increased accountability
- Increasing public expectations
- Climate change

Resolved:

That the presentation be noted and that the issues raised be suggested for consideration in the work programme of the Transitional Authority.

A5 Regional Spatial Strategy Light Touch Review

The Sub Committee considered a report of the Light Touch Scrutiny Working Group examining the Regional Spatial Strategy (for copy see file).

Authority was sought to amend the layout of the report and this will be submitted to a special meeting of the Overview and Scrutiny Sub Committee in April.

With reference to the potential Tursdale Rail Freight interchange and the reopening of the Leamside Line it was explained that discussions with Network Rail are ongoing.

Resolved:

1. That the recommendations detailed in the report be approved.
2. That authority be granted to amend the layout of the report and that it be submitted to a special Overview and Scrutiny committee in April.

A6 Waste Management Strategy for County Durham

The Sub Committee received a presentation from Rod Lugg, Head of Environment and Planning providing an update on the Waste Management Strategy for County Durham (for copy of presentation see file).

The existing strategy was published in 2002. A review of the strategy which was part funded by Defra was undertaken by consultants ERM and commenced in 2006. The adoption of the strategy was delayed to allow the incorporation of the main messages of the impending publication of 'Waste Strategy for England 2007' and Local Government Review.

The strategy sets the scene and explains how waste is managed and why there is a need for change and the main drivers of change. It also sets where we are now detailing the waste arisings, the existing facilities and the current initiatives.

The strategy sets where we want to be and when and how we will get setting out the various options. There are economic, environmental social and health implications for the County and the implementation of the strategy is set out in an action plan together with a risk management plan. The strategy sets out how it will be monitored and reviewed.

The strategy needs to change to meet new Government legislation; the increasing cost of waste disposal, landfill space is running out and because of increasing public expectations.

The objectives of the strategy are to:

- Provide sustainable integrated waste collection and disposal services that protect human health and the environment.
- Provide value for money in all waste management services while achieving and exceeding government targets for waste.
- Manage material, as far as possible, in accordance with the waste hierarchy, maximising the amount managed at the higher levels of the hierarchy.
- Manage municipal waste, as far as possible, within the boundaries of County Durham. Enable flexibility to allow for new technology developments and changing legislation.

The Strategy covers four main options:

- Minimise more;
- Recycle and compost more;
- Add more capacity for treatment of residual waste;
- Investigate alternative thermal treatment with energy recovery

Each option is assessed against objectives and criteria such as Air, Water and Soil Quality, Biodiversity, Landscape, Transport, Amenity and Value for Money. Defra have also funded a separate Health Impact Assessment.

Local Government Review and the establishment of a unitary authority will provide for a single authority for collection and disposal and set a single target for recycling, composting and re-use and for County-wide impact of initiatives and projects. Unitary status may offer significant opportunities in delivering a cohesive and Value for Money waste management solution.

There are four key messages for the future:

1. We have to have a robust formally adopted Strategy to form the cornerstone of a future waste management solution;
2. We are unable to delay any further and now need to agree the final document with the District/Borough Councils and then adopt the Strategy;
3. Public consultation has already occurred and the options in the Strategy have not changed;
4. The current draft is user friendly, incorporates 'Waste Strategy for England 2007' recommendations and remains sufficiently flexible to accommodate future changes brought about by LGR and progress with the Waste Project.

Resolved:

That the presentation be noted.

A7 3rd Quarter Performance 2007/08

The Sub Committee considered a report of the Head of Corporate Policy providing information on performance for the 3rd quarter of 2007/08 relevant to Looking After the Environment (for copy see file of Minutes).

It was reported that there are only a small number of indicators for the 3rd quarter where there is data to report. Overall seven out of eight indicators at the end of this period are on target. There are three indicators which are showing an improvement and these relate to planning applications and the repair of street lighting faults.

BVPI 102, the Number of Bus Passenger Journeys shows that we are in the top quartile. Decline in 2006/07 has been offset by the impact of the park and ride scheme and the introduction of free concessionary travel.

BVPI 178, Rights of way easy to use has shown a decline and the final figure for 2007/08 is 58.3% which 13% lower than 2006/07. The rights of way budget has been reduced and priority is given to paths with the greatest public use.

Members expressed concern about the accuracy of the figures provided by the bus operating companies, particularly in relation to free concessionary travel and asked that this be investigated.

Resolved:

That the report be noted and that further quarterly reports be submitted.