

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in Committee Room 2, County Hall, Durham on **Monday 18 December 2017 at 9.30 am**

Present:

Councillor R Crute (Chairman)

Members of the Committee:

Councillors A Patterson (Vice-Chairman), E Adam, A Batey, R Bell, M Clarke, P Jopling, H Liddle, L Maddison, C Martin, O Milburn, L Pounder, M Simmons, J Turnbull, M Wilkes and A Willis

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow, K Hawley, C Potts, J Rowlandson, F Tinsley, and Mrs M Elliott

2 Substitute Members

There were no substitute members.

3 Minutes of the meeting held on 27 October 2017

The minutes of the meeting held on 27 October 2017 were confirmed as a correct record and signed by the Chairman.

Matters arising

The Head of Strategy referred members to page 3 and the redundancy figures which had been requested by Councillor Jopling. She advised that this issue would be picked up under item 6 on the agenda.

Page 5 of the minutes, which referred to the MTFP, the Head of Strategy advised that the response of the Portfolio Holder would be circulated to the Corporate Overview and Scrutiny Management Board following the meeting.

The Head of Strategy further advised that the query raised by Councillor Tinsley regarding the petitions scheme and consideration of planning matters had been responded to by the service.

4 Declarations of Interest

There were no declarations of interest.

5 Appeal against the response to petition 306 - Nevilles Cross 30mph and road safety review

The Board considered a report of the Director of Transformation and Partnerships which advised of the receipt of an appeal regarding the response to Petition 306, Nevilles Cross 30mph and road safety review (for copy see file of Minutes).

The Head of Strategy advised that an e-petition with the title 'Nevilles Cross 30mph and road safety review' was received on 20 April 2017. The e-petition ran from 20 April 2017 – 30 June 2017 and closed with 184 signatures. In addition a further paper petition was submitted which contained 150 signatures. A response to the petition was sent on 25 July 2017. In accordance with the petitions scheme a letter was received from the petitioner asking that the Corporate Overview and Scrutiny Management Board review the Council's response.

The Chairman welcomed Mr Boughton, Lead Petitioner, to the meeting and asked him to give his presentation. He was allocated up to 10 minutes to do so.

Mr Boughton advised that he had been a resident of Nevilles Cross since 1999 and his children attended both primary and secondary schools in the area concerned. He explained that there were 3 schools in the immediate area with approximately 2000 pupils across the 3 schools. Many of the children walked to and from school on a daily basis.

He went on to provide a detailed presentation (for copy see file of Minutes) which outlined the current highways arrangements at Nevilles Cross which included aerial photographs of the area and illustrations of the speed limits and signage across the area concerned. He reported that only last week a parent had been hit by a car at a crossing patrol.

Further slides highlighted accident locations at Sheraton Park and Ustinov College including details of an accident where a car had been overturned on the A167 where 2 lanes merged into 1 next to a pedestrian island crossing. In addition further incidents had been noted including that where a lamp post had been knocked down and subsequently relocated further back on the footpath.

Members then were able to view some dash cam footage which Mr Boughton provided, highlighting the speed of traffic approaching the traffic lights at a junction in the area and a near miss accident.

Mr Boughton had also circulated to the Board copies of a sample of quotes from Nevilles Cross residents in support of the 30mph campaign.

The presentation went on to highlight the sad story of St Margaret's school pupil, Laura Burrows-Schofield who was tragically killed by a car just yards from her home 14 years ago. Examples of recent damage to street furniture in the same area were also presented.

Further details were reported with regard to a case in a neighbouring council area. A young boy had too been tragically killed in a 40 mph zone in the Guisborough area. Hi mother had been told by the Coroner that had her son been hit by a car at 30mph, he would have had a good chance of survival.

Members were then shown a short government video on road safety and speeding.

In conclusion Mr Boughton advised that details of recent Nevilles Cross accident history was provided in the papers circulated. He noted that his only aim was to reduce the risk of fatalities and severe injuries.

The Chair then welcomed Councillor E Scott to make her representations.

Councillor Scott advised that she was a mother of 4 children who regularly walked her children to school and knew first-hand the dangers faced by pedestrians on this stretch of road. She explained that one of her election pledges was improve highway safety in the Nevilles Cross division. She went on to explain that she had huge concerns about the 20 mph limits around schools moving into 40 mph zones and in doing so, would cause further confusion for motorists.

The area itself comprised of mainly residential and student housing and further development of the area would continue to increase footfall.

The A167 was classified a trunk road in the 1970s prior to the opening of the A1 when only 6,000 houses were in the area. There were now upwards of 10,000 homes rising to 13,000 in the next few years.

Councillor Scott further provided data in respect of traffic accidents and highlighted disparities between data provided by the police and that recorded by the council.

The Chairman then asked the Board to ask any questions of the petitioner.

Councillor Turnbull commented that he regularly travelled the A167 during peak hours and at times could only reach a speed of 5mph due to the volume of traffic and congestion in the area, which prevented traffic from travelling any quicker. He asked at what times of the day accidents were happening given these low traffic speeds he noted. He further made reference to the large number of pedestrian crossing areas and commented that he felt that there must be another solution to the overall problem in this area. He noted that the road is an important access route for neighbouring villages.

Mr Boughton agreed that at times traffic would only allow for speeds of 5mph however cars tended to accelerate when the lanes merged in order to get to the front of the queue at the traffic signals.

Councillor Bell asked if clarification could be provided as to what the committee were being asked to do. The Chairman provided an explanation of the petition appeals process.

Councillor Adam asked whether it was known from the data supplied what time of day the accidents had occurred and at what speed. Mr Boughton advised that the software 'crashmap' provided this level of detail however he did not have the information available.

Councillor Adam further asked whether Mr Boughton was satisfied with the way in which the petition process had been conducted. Mr Boughton advised that in his opinion he felt that the response relied too much on technicalities and government documents and that the local considerations which could have been taken into account, had not.

The Chair then invited the service to make their representations. The Head of Technical Services provided a detailed presentation which provided information regarding speed limit reviews, vehicle speed analysis and accident locations. Members were advised that Nevilles Cross was a strategic route, with 20,000 vehicles travelling daily on the A167 and approximately 17,000 on the A690.

It was also explained that there was extensive provision of crossing points in the area with the recent addition of a further pedestrian crossing at Durham Johnston Comprehensive school following a recent survey which had been undertaken.

The Head of Technical Services went on to provide details of the consequences of providing a non-credible 30mph speed limit in this area and noted that Royal Society for the Prevention of Accidents (RoSPA) research, indicated that speed limit changes made by signs alone reduces the speed of vehicles by only 1mph. In addition speed surveys for this road indicated that a 30mph limit would likely lead to an average of 47% of traffic in the police enforcement category of 35mph leading to an unsustainable demand for enforcement which could simply not be met.

The Traffic Assets Manager further explained that vehicle speed analysis demonstrated relatively low traffic speeds. He went on to provide a detailed analysis of accidents in the area over the last four years, which highlighted that there had been 22 accidents of which 2 involved pedestrian. He explained that both of the pedestrian accidents were attributed to the pedestrian failing to look properly.

The Head of Technical Services concluded that although sympathetic to the petitioner and resident concerns, the introduction of a 30mph speed limit would not help in this instance. He highlighted that the current 40 mph limits on the A167 were supported by the Police and the nature of the road and its surroundings.

Councillor Maddison raised a query regarding the width of the road and whether reduction in lanes would assist. She further asked for clarification to be provided regarding the 20, 30 and 40 mph zones. The Traffic Asset Manager noted that if a lane were to be removed from the signal zones, traffic build up would become worse. Regarding signage provide in the different zones, he advised that providing 30 mph signs on this stretch was not permitted and would be counterproductive.

Councillor Wilkes argued that speed was an issue on this road and noted the dash cam video footage which had been shown. He noted that had the car turning at the junction been hit by the truck travelling at 40mph then serious damage would have been caused to the car and its driver. He added that although the service had explained that 30mph repeater signs could not be displayed, he was of the understanding that an application could be made to the Secretary of State to overrule this, and noted that he had in fact seen 30mph repeater signs in parts of Yorkshire.

He further questioned when the last full review of the entire stretch of road network had been undertaken, what the cost would be of undertaking such and the timescales for completion. He further expressed his concerns regarding the introduction of 20mph zones around school areas only, noting that road users would be confused by the 40 to 20mph decrease. He added that in his opinion it would be appropriate to do a full road safety review when considering 20mph schemes.

In response the Head of Technical Services advised that an application for 30mph repeater signs could not be made. He referred to the principles of the highway code and stated that 30mph repeater signs could not be provided where street lighting was in place and in doing so, would be unlawful and could not be legally enforceable by the police.

Councillor Bell asked for clarification as to whether the petition could be referred to the highways committee of the council given the technical aspects of some of the issues raised. The Head of Strategy provided clarification on the appeals process noting that the consideration of petitions did not fall within the remit of the highways committee. The Head of Technical Services further provided clarity on the role of the highways committee and the statutory processes which must be adhered to.

Councillor Adam noted that given the issues reported it was difficult not to comment on technical aspects, however he did feel that the response and report given by the service were heavily biased towards traffic and ensuring that road users got as quickly as possible from A to B. He further commented that the government speed awareness advertisement shown, clearly demonstrated that speed was a huge factor in road fatalities and conflicted with information provided by the service. He went on to raise a number of additional points noting that the original petition response did not include any figures or details to evidence the surveys and analysis which had taken place. He further noted that had the petitioner received the level of information which had been provided at today's meeting it may have negated the need for an appeal. In conclusion he advised that he found the response provided in the service's letter to be inadequate.

Councillor Scott commented that the last full review undertaken by the council on this stretch was in 2012 however the full detail of that was unable to be retrieved from the council.

The Head of Technical Services, replied by stating that he considered the response provided by the service to be comprehensive and proportionate to the issue. He further noted that the petitioner had been provided with contact details of the relevant officer should any further queries arise from the response.

He further noted that the council's objectives as the highways authority were always focused on the safe expedition of traffic and safe passage for pedestrians, whilst balancing the needs of traffic. In addition he believed there to be adequate safe crossing points provided on this stretch of highway.

In terms of a review of road safety, he added that throughout the process of appeal this had in essence now been undertaken with current traffic speed data and accident trends reported to both Mr Boughton and Members today.

The Chairman asked whether potential future development and increase in footfall could be considered. In response the Head of Technical Services advised that highways were consulted during and throughout the planning process so this had and would continually be considered via consultation with planners.

The Traffic Asset Manager then proceeded to provide an update on the existing 20mph scheme and scheduled completion for existing works.

Councillor Liddle, whilst acknowledging there was a congestion problem at Nevilles Cross suggested that the focus should be on raising awareness for pedestrian and road users to help prevent future accidents.

The Head of Technical Services advised that accident data was relatively favourable in this area in comparison to others within the county. The council when assessing roads, based their decisions upon fact and in addition had been endorsed by the police.

Councillor Batey asked whether it was known when the last police traffic survey had been carried out and made reference to ongoing issues within her division, which had resulted in a review of highway safety and subsequent review of arrangements based on its findings. In response the Head of Technical Services advised that the data provided was less than 3 years old, however comprehensive data was held for the Nevilles Cross area.

Councillor Wilkes asked what methodology a review would follow as he did not consider the response given to Mr Boughton to be a full review. He further asked whether the issues could be deferred to the highways committee and if not what other course of action could be taken.

In response the Legal Manager advised that the highways committee could not consider the issue and the only other course of action would be to submit a motion to full council for consideration.

At this point the Chairman asked the Head of Strategy to sum up the discussion.

She advised that the committee had considered and noted the following points:

- Recent issues / accidents occurring involving a parent being struck by a car and road furniture damaged.
- Concerns raised regarding the boundary of new speed zones
- Concerns regarding population growth to date and future development plans, and whether the impact of such had been considered
- The need for further clarity on analysis of accident data
- Views expressed that the petition response focused on traffic and more emphasis on pedestrians should have been given
- The need for the petitioner to be provided with a higher level detail and analysis.

Councillor Patterson commented that as a parent she understood Mr Boughton's concerns and noted that she too did not agree with the officer response, noting that its outcomes were not clear nor was enough detail provided.

Following further discussion members concluded that there has been a review of road safety as requested by the petitioner, but they found the level response to be inadequate. The Committee recommended that the officers review the petition response and in doing so provide relevant and up to date information to the lead petitioner in a full report. Members also requested consideration of whether this Committee was the right body in the future to consider such a detailed appeal.

Resolved: That the Corporate Overview and Scrutiny Committee;

- i) consider the level of detail provided in the response to be inadequate; and
- ii) that a further review of road safety be undertaken and a full report provided to the petitioner, taking into consideration school pick up and drop off times, future development issues and further analysis of up to date data.
- iii) that the lead petitioner be notified of the Boards decision within 5 working days of this date.

6 Update on the delivery of the Medium Term Financial Plan 7

The Board considered a report of the Director of Transformation and Partnerships which provided an update on the progress made at the end of September 2017 on the delivery of the 2017/18 Medium Term Financial Plan (MTFP7) (for copy see file of Minutes).

The Head of Communications and Information Management reported that by the end of September 2017 over 87% of the savings target for MTFP7 had already been met with almost £20.6 million of savings having been achieved. Savings in the period had been achieved from existing proposals including:

- The review of youth support
- Changes to garden waste charging
- Reducing non-staffing budgets
- Service restructures
- The street lighting energy reduction programme.

Details were also reported with regard to consultation, HR implications and equality impact assessments.

Resolved: That the content of the report be noted.

7 Quarter Two 2017/18 Performance Management Report

The Board considered a report of the Director of Transformation and Partnerships which presented progress against the council's corporate performance framework by Altogether priority theme for the second quarter of the 2017/18 financial year (for copy see file of Minutes).

Councillor Wilkes raised a query regarding the number of employees who had not had an appraisal within a 12 month period. In response the Head of Strategy advised that in some cases appraisals were delayed due to service demands and took place slightly outside the limits. She further noted that restructures and movement of staff was a key reason for targets being missed. She added that she could provide data on those completed within 13 months to take account of delays, if required.

Councillor Wilkes further asked for further clarification regarding the poor performance in relation to the processing of Freedom of Information Requests, noting that this function was a statutory requirement of the council. The Head of Strategy advised that there had been some staff sickness within the team which had resulted in some processing delays.

Councillor Maddison asked whether any FOI request had been subject to Ombudsman complaints. The Head of Strategy advised that the Ombudsman would only deal with matters of maladministration.

Councillor Adam in referencing page 55 of the report and employment statistics asked whether this matter had yet been considered by the Economy and Enterprise Overview and Scrutiny Committee. He further queried the figures on number of affordable homes delivered and the Head of Strategy advised that she would forward this information to Councillor Adam after the meeting.

Resolved: that the content of the report be noted.

8 Quarter 2 September 2017: Forecast of Revenue and Capital Outturn 2017/18

The Board considered two reports, the first of the Corporate Director Resources and the second of the Director of Transformation and Partnerships which provided details of the updated forecast outturn budget position for the Resources service grouping highlighting any major variances in comparison with the 2017/18 budgets, based on the position to the end of August 2017 (for copy see file of Minutes).

Councillor Wilkes in referencing page 102 of the report asked whether it would be possible to have a representative from ICT to attend a future meeting to provide an update on Digital Durham. He further raised a query regarding Members Neighbourhood Budget spend and asked for clarification regarding monies which had been committed but not yet spent. The Head of Strategy advised that she would refer the queries back to the relevant services and advise the committee of their response accordingly.

Resolved: That the content of the reports be noted.

9 Notice of Key Decisions

The Board considered a report of the Head of Legal and Democratic Services which provided a list of key decisions that were scheduled to be considered by the Executive (for copy see file of Minutes).

The Senior Committee Services Officer reported that since the last update the 2018/19 General Fund Revenue and Capital Budget MTFP 8, Council Plan and Service Plans had moved from January to February 2018. In addition, the date for the Aykley Heads Strategic Employment Site, Headquarters Full Business case and County Archives Project had moved from December 2017 to January 2018.

Resolved: That the content of the report be noted.

10 Information Update from the Chairs of the Overview and Scrutiny Committees

The Board considered a report of the Transformation and Partnerships which provided an update on overview and scrutiny activity from October 2017 – December 2017 (for copy see file of Minutes).

Resolved: That the content of the report be noted.

11 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

The Chairman advised that at his request the Corporate Overview and Scrutiny Management Board would be trialling the new paperless committee software at their next meeting in January 2018. Members would be contacted early in the New Year to arrange training on the devices.