

DURHAM COUNTY COUNCIL

At a Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 23 January 2018 at 9.30 am**

Present:

Councillor E Adam (Chair)

Members of the Committee:

Councillors B Avery, D Bell, L Brown, J Clare, J Clark, R Crute, A Gardner, P Howell, P Jopling, R Manchester, C Martin, O Milburn, A Simpson, P Sexton, L Taylor and M Wilson

Co-opted Members:

Mr T Bolton

1 Apologies

Apologies for absence had been received from Councillors J Carr, C Kay, S Zair and Mr D Kinch.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The Minutes of the meetings held on 23 October 2017, 13 November 2017 and 11 December 2017 were agreed as a correct record and were signed by the Chairman subject to the amendment below:-

13 November 2017 – Item 8, Carbon Management Plan

Page 16, last paragraph be amended to read “Mr Bolton referred to some previous Economy 7 electricity tariffs when the cost of electricity between 4.30pm and 7.30pm was often lower, as demand from industry reduced and asked if this was still the case.

The Senior Carbon Management Officer responded that consumption patterns have changed and 4.30pm – 7.30pm was now a peak time and is charged at a higher rate.”

4 Declarations of Interest

Mr T Bolton declared an interest in Item 7, Highway Maintenance as he was Clerk to Staindrop Parish Council who were currently in discussion with Highways on a matter.

Councillor Sexton declared an interest in Item 7, Highway Maintenance as he was currently in discussion with Highways on a street lighting issue.

5 Any items from Co-opted Members or Interested Parties

There were no items from Co-opted Members or Interested Parties.

6 Media Relations - Update on Media Items

The Overview and Scrutiny Officer referred Members to recent press articles relating to the remit of Environment and Sustainable Communities Overview and Scrutiny Committee.

The articles were:

- Cars of the future will spot potholes and tell us say Highways England – The report would be used to inform the government's next road investment strategy which is due to start in 2020. This links in with agenda Item 7.
- National Recognition for Wharton Park restoration – The restoration of Wharton Park in Durham City has been highly commended in the Landscape Institute Awards 2017, in the heritage and conservation category.
- UK faces build-up of plastic waste – The UK's recycling industry says it doesn't know how to cope with a Chinese ban on imports of plastic waste. Britain has been shipping up to 500,000 tonnes of plastic for recycling in China every year, but trade has now stopped. This links in with agenda Item 8.
- Consultation launched into £6.2 million flood prevention plans for town – Durham County Council is considering opening up a 90-metre stretch of the Cong Burn, which runs underneath Chester-Le-Street's Market Place, and is asking members of the public for their views. The consultation will run from 11 February 2018. The Chairman advised Members that flooding would be considered at the Scrutiny meeting to be held on 2 February 2018.

Resolved: That the presentation be noted.

7 Highway Maintenance

Members considered the joint report of the Corporate Director Regeneration and Local Services and the Director of Transformation and Partnerships that provided Members with an update of highway maintenance (for copy of report, see file of minutes).

The Head of Technical Services and Highway Asset Manager were in attendance to provide Members with information relating to Highways Maintenance. The Chair had requested in advance of the meeting that the tables in the report be placed on power point slides to aid members, the slides contained the summary of the Inventory as at 31 March 2017; condition of the carriageway, footways, structures and street lighting; maintenance

backlog; results of the public satisfaction survey; budget and investment level (for copy of presentation, see file of minutes).

Members were advised that Durham County Council has a robust highway inspection regime and public reporting system. Inspections take place from fortnightly to annually and additionally the Council expects the public to report highway maintenance damage too.

Members were informed about section 58 of the Highways Act 1980 that sets out special defence in action against a highway authority for damages for non-repair of highway. That is if a pothole appears following a highway inspection, and has not been reported by members of the public how would the highway authority know about the defect.

The Highway Asset Manager explained that the Highway Maintenance Plan was available for anyone to view on the Council's website, but the Highway Safety Plan was not in the public domain. The Transport Asset Management Plan is updated and shared with Cabinet on annual basis.

The Head of Technical Services advised that it was a key objective to keep the maintenance backlog is kept under control, as it would not be realistic to clear it. Members were advised that the Council participates in the National Highways and Transport Public Satisfaction Survey. It was highlighted to members that the public satisfaction survey key benchmark indicator 23 refers to highway maintenance and clearly indicates that DCC had a rating for 2016 was 45%, which was higher than both regional and national figures but is lower than the service would like it.

In relation to Capital budget, the Head of Technical Services advised that the Council has protected and continued to prioritise investment in programmed capital maintenance. Members were advised that programmed maintenance works improve the quality of the highway. The Council has achieved the maximum Band 3 efficiency rating under the Department for Transport incentive fund. This rating will help ensure the Council maximises funding from the DfT initiative fund going forward.

The Chairman thanked officers for their informative presentation.

Councillor Howell sought clarification on the date of the year end data. The Head of Technical Services responded that it was 31 March 2016 and that the 2017 data would be available shortly.

Members commented that the data was 21 months out of date, which made it difficult to obtain a true reflection.

The Head of Technical Services responded that the data was available in draft and would be reported to Members in due course.

Councillor Howell asked if the 2017 data was better or worse and was concerned about the declining figures in particular structures. He then referred to street lighting and if the data for repairs had reduced due to some street lighting been removed.

The Head of Technical Services advised Members that the removal of street lighting was part of a project to remove 7,000 lights county wide. The process had seen this figure

reduced to 3,000 and approximately 1,000 lights had been removed to date. Each year new developments were adopted which included street lights, which added to the database.

The Chairman commented that Members who had any issues with the removal of lights asked for a review and he sought clarification from the officer if any of the reviews had been successful.

The Head of Technical Services indicated that the policy was agreed with Cabinet in 2013 and they only removed lights when it was safe to do so. A risk assessment was always undertaken and local councillors and parishes were consulted on the removal.

Councillor Martin referred to unclassified roads being below the national average and were any measures in place to reverse the trend.

The Head of Technical Services responded that they do try to keep unclassified roads at a certain level, most unclassified roads were in residential estates or rural settings. Category A, B and C roads were prioritised and depending on budget and any spare resources are used on unclassified roads.

Councillor Martin then echoed Councillor Howell's comments in relation to street lighting and that his residents also had concerns where street lights were removed, even though there were no properties, the road was still well used.

The Head of Technical Services responded that savings had to be made and street lighting is not statutory.

Councillor Sexton referred to LED lights and asked if they could be adjusted to widen the illumination. The Head of Technical Services responded that adjustments could be made to the lights. The LED retrofit reduction project was a professionally designed lighting scheme, and the lights are only meant to light the highway and the majority of complaints received from residents was in relation to the lighting not lighting up their home or garden. If the lights did this it would be classed as light pollution and wasted energy and once this was explained to residents 95% were happy, but he could look at those lights that members had concerns with.

Councillor Sexton commented on the cost to remove the lights and if it was financially viable and his view keeping people safe and not feel vulnerable was an entitlement.

Councillor Jopling on behalf of Councillor Reed commented that she had reported a street light without a number on and was advised by the service to check with the Land Registry to find out who owned the light. She thought that planning permission would have been required for the light so the Council would be aware of the ownership of the light.

The Head of Technical Services advised Members that it was possibly a private light on private land, which they had no knowledge of as planning permission was not required for lights.

Councillor Jopling then referred to some lighting that had been removed in her ward which she could not understand the reasons for removal. The Head of Technical Services

advised that the removal of the lighting was a key decision and public consultation had been undertaken and a risk assessment.

Councillor Brown referred to LED lights being so bright and asked if the brightness could be adjusted.

Councillor Gardner asked if unclassified roads and footpaths in bad condition could be marked by other environmental conditions.

The Head of Technical Services commented that 24.1% of footways were structurally unsound, the safety of the footpaths was still paramount. The majority of the structurally unsound footpaths were on mature estates and was down to budget. Where there are new developments footpaths were constructed to a specified standard.

The Chairman asked if the Committee could be provided with up to date information to come to a meeting early in next year's work programme. Members asked if the meeting be aligned to the Cabinet meeting when the information is given so that they could look at last year's data.

Councillor Clare asked how many kilometres of footpath did the council have. Members were advised that there were 3.328 km of adopted footpaths.

Resolved: (i) That the report be noted.

(ii) That future meeting's be aligned so that Members were provided with up to date data.

8 Performance Quarter 2 2017/18

The Committee considered the report of the Corporate Management Team which presented progress against the Councils corporate performance framework for the Altogether Greener priority theme for the second quarter of the 2017/18 financial year (for copy of report, see file of minutes).

The Corporate Scrutiny and Performance Manager was in attendance to give a presentation on the Altogether Greener priority theme performance and key performance messages. The Corporate Scrutiny and Performance Manager provided information on the current situation with the Chinese import ban on plastics and how this would impact on kerbside recycling and Household Waste Recycling Centres. Members were advised that O'Brien's outlets were secure and the quality of plastics meets Chinese specifications. Contractual arrangements ensure there is a shared risk between the authority and the contractor and takes into account market price variability and contamination levels. With regard to Household Waste Recycling Centres plastics was a small proportion of throughput.

Members were then provided with a chart that showed the percentage of household waste sent for reuse, recycling and composting by Local Authorities in 2016/17, Durham County Council recycles approximately 42.4%, the authority with the best recycling figure was East Riding of Yorkshire, which recycles 65.4% of its waste and the authority with the worst figure was the London Borough of Newham, which recycles 14.1% of its waste. However recycling is different from authority to authority and depends on collections and how the

waste is sorted. Members were also provided with a graph indicating the number of fly-tipping incidents.

Councillor Jopling asked what the council were doing to increase the recycling rate.

The Corporate Scrutiny and Performance Manager responded that a pilot had been undertaken with a third sector organisation and he would obtain further details on the pilot.

Councillor Jopling then asked in relation to fly tipping if the service undertook special targeting programmes similar to the police Drink-Drive campaign.

The Corporate Scrutiny and Performance Manager indicated that they undertake a range of environmental campaigns on fly tipping but these were not seasonal. The service did education in particular with the building trade and used social media to publicise enforcement action taken.

The Chairman commented that there was no pattern to fly-tipping and the service used cameras and highlighted action taken.

Mr Bolton referred to a recent radio interview with the Portfolio Holder at Birmingham City Council who had asked for high quality plastics to be used in light of the government initiative. He asked what advice should be given to local residents as there was still a lot of uncertainty of what plastics can be recycled.

The Chairman responded that each authority had different schemes which made it confusing for anyone new to the area. Durham County Council produce an information leaflet which clearly indicates what can go into each bin, stickers are also placed on bins and information is provided to households. The Council also does a comprehensive sorting of the household waste.

The Corporate Scrutiny and Performance Manager indicated that there was a wide variety of different plastics and the advice would be if in doubt place it into the recycling bin as it would be sorted at O'Brien's. He also referred to the new DEFRA regulations which could result in a change and maybe recycle more. The news at present is to avoid using plastics in the first place.

The Chairman referred to the Motion that was going to the next Council meeting on single use plastics which could be something that this committee would consider.

Councillor Sexton referred to the problems in his area with bulky waste in particular white goods and scrap metal dealers who trespass on people's property and steel metal goods. He asked if there was a list available of licensed scrap metal dealers.

The Corporate Scrutiny and Performance Manager responded that the Safer and Stronger OSC did a piece of work on Metal Theft. Scrap metal collectors should have a Scrap Metal Dealers Licence which is issued by the local authority to collect scrap metal in a specific locations within County Durham. The Police and Trading Standards did carry out checks and there is a licensing system in place.

Councillor Clare commented that fly-tipping figures were down the last two quarters and were better than previous years. The advice he gave to his constituents on plastics was if in doubt place it in your general waste bin. General waste was burnt rather than sent to landfill. He then referred to the state of bridges not being a performance indicator and asked if this could be included.

The Head of Technical Services indicated that he was happy to facilitate the request.

The Corporate Scrutiny and Performance Manager advised Members that there was a set list of performance indicators and the indicator could be added as a standard indicator or add as an escalation. Bridges could be a standard performance indicator or a feed in. He also clarified that advice about placing plastics in the recycling bin received from the service was in regard to hard plastics. Things like polythene bags and cling film are not recyclable and should be placed in the bin for residual waste.

Resolved: (i) That the report be noted.

(ii) That bridge structures be included in the standard list of performance indicators.

9 Budget Quarter 2 2017/18

The Committee considered the report of the Regeneration and Local Services Management Team which set out details of the outturn budget position as at Quarter 2 for 2017/18 and highlighted variances against revenue and capital budgets for Neighbourhood Services. The Finance Manager, Resources – Regeneration and Local Services, Phillip Curran gave a presentation (for copies, see file of minutes).

Councillor Howell sought clarification on the revenue outturn position and if the Quarter 2 figure of £101.246 million was forecast or actual income. The Finance Manager confirmed that it was actual income.

Councillor Howell then sought clarification on Business Support in the revenue 2017/18 table that had a variance of £86 million under. The Finance Manager responded that this figure should be nil due to recharges but would be adjusted by the year end.

Councillor Howell then sought clarification on the additional surpluses within Technical Services budgeting to make a surplus on trading activities of £0.9 million. The Finance Manager advised that if it generates more money than anticipated it would be a surplus which has moved to highway services which had an overspend. He also sought clarification on whether the reported capital spend is actual cash spend or also contains approved commitments and whether the Finance Manager was confident that monies would be spent by the year-end.

Resolved:

That the report be noted.

10 Verbal Update on Review of Durham County Council's Allotment Services

The Overview and Scrutiny Officer gave Members a verbal update on the review of Durham County Council's Allotment Services.

Members were advised that the review group had met twice and at the first meeting Members had looked at the allotment service, the current policy and management arrangements.

The last session looked at the importance of a good policy, key elements of a good policy and regional examples of new policy implementation. They also looked at the comparison of the current policy and the proposed new policy and a comparison of regional allotment policies which generated lots of questions. In view of this it was decided to defer the transition arrangements to the meeting to be held on 1 February 2018 and to include the future management arrangements of category 3 allotment plots.

Arrangements have been made for an additional meeting to be held on 9 February 2018, which will look at the proposed arrangements for the future management of category 1 and 2 allotment plots.

The meeting scheduled to be held on 16 February 2018, Members will hear from some Town and Parish Councils representative who have been invited to attend the meeting.

The Chairman commented that the review was a detailed piece of work which was important and wished to thank those members that had attended the review group meetings.

Resolved: That the report be noted.