

ENVIRONMENT SELECT COMMITTEE

MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 4 SEPTEMBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Richell, Cllr Matthew Dean (Chairman), Cllr Bob Jones MBE (Vice-Chairman), Cllr Peter Evans, Cllr Peter Fuller, Cllr Mike Hewitt, Cllr Tom Rounds, Cllr Tony Jackson, Cllr Jacqui Lay, Cllr Ian McLennan, Cllr Nick Murry and Cllr Steve Oldrieve

Also Present:

30 Apologies

Cllr Derek Brown is substituted by Cllr Sue Evans.

Cllr Clare Cape is substituted by Cllr Ross Henning.

31 Minutes of the Previous Meeting

The minutes of the meeting held on 26 June 2018 were approved as an accurate record.

32 Declarations of Interest

None.

33 Chairman's Announcements

1. The Chairman asked the Committee if they wished to consider the item listed on the Cabinet Forward Work Programme: 'Western Gateway – Sub-national transport body', as they had had a briefing on this as part of the Major Schemes presentation recently. It was agreed that it was not necessary for the Committee to consider this Cabinet report.
2. The Committee was reminded of the OS councillor workshop scheduled for 10th October covering the topic of 'Making OS meetings more Effective'.

3. The Scrutiny officer was asked to arrange a Chairman and Vice-Chairman's briefing on the new rules regarding housing and the changes to licensing agreements, such as with Houses of Multiple Occupancy (HMOs).
4. Following his request, Cllr Murry has been invited to attend all meetings of the council's Eco Board in an observer role.

34 **Public Participation**

None.

35 **S106 Funding**

A report from the Cabinet Member for Spatial Planning, Development Management and Property was received following a request from the Committee on 1 May 2018 to the following questions:

- a) whether any S106 money was returned to developers in the last 3 years; and
- b) whether the Council holds any Section 106 money listed as 'time expired' and has any plans for such funds.

The completeness of the report was discussed in terms of addressing the committee's original concerns. It was queried that some Section 106 funding may be held by the council which, due to time elapsed, cannot be used, but which is retained by the council (and not released for community use) because developers have not reclaimed it. Clarification of this was requested at the next meeting.

Highways officers are expected to anticipate the impact of developments on the road infrastructure and ask for it to be met by the developer, in accordance with the relevant legal frameworks and regulations. It would not be possible to ask developers to set aside a contingency fund for use in case unexpected highways issues arise.

Resolutions

- 1. To note the information provided on Section 106 funds.**
- 2. To receive clarity regarding whether the council holds Section 106 funds that cannot be used due to time elapsed, but which are not returned unless re-claimed by the developer.**

36 **Traveller Reference Group**

A report from Steve Maddern, Consultant in Public Health (on behalf of the Traveller Reference Group) updating on the progress of the Traveller Reference Group and Traveller Strategy was received.

The Committee queried why the Reference Group's membership did not appear to include a member of the Travelling Community. It was reported that the Group was in contact with relevant communities but a willing representative had not been found to sit on it as a member.

Following the adoption of an Emergency Stopping Places Strategy by Cabinet on 3rd July 2018 the Cabinet Member for Spatial Planning, Development Management and Property reported that sites belonging to the council were being considered in the first instance followed by sites under other ownership. Historically not all sites allocated for Emergency Stopping Places have been well used so it would be important to ensure the right sites are selected. An update will be brought to Cabinet in the Autumn.

Regarding Action 8 in the action plan, the Cabinet Member for Spatial Planning, Development Management and Property reported that the team pro-actively engaged with Traveller communities to ensure their views are represented and inform council policy and procedure.

Following a related report to Children's Select Committee, the need for the council's written guidance on home educating children to be made clear and understandable was emphasised.

The Committee asked for a fuller explanation of how the figures regarding numbers of travellers within the county were arrived at. The Cabinet Member for Spatial Planning, Development Management and Property advised that it is difficult to determine figures that were accurate and that can be compared meaningfully with those from other areas.

The Committee discussed Action 22, which read "Engagement with Area Boards will also take place where traveller related issues have been identified to communicate with Members and the general public. This will include appreciating the issues raised by both settled and Traveller communities, as well as providing support to communities to understand each other better."

Resolved:

- 1. To note the update of the Traveller Reference Group and support the on-going work programme of the Traveller Reference Group**
- 2. To endorse the aim, objectives and responsibilities of the Traveller Reference Group (as set out at Appendix 1)**
- 3. To receive a brief update at 6 November Environment Select Committee regarding a proposed way forward for 'Action 22', as set out in the Group's strategic action plan.**
- 4. To receive further clarification on the methodology for how the population of Wiltshire's Gypsy and Traveller Community is measured in Wiltshire in November.**

37 **Public Transport Review Update**

The Director for Highways and Transport presented a report from the Cabinet Member for Highways, Transport and Waste. This followed a request from Committee on 21st November 2017, when it resolved to receive an update on progress with work on the integration of Non-urgent Patient Transport Service (NEPTS) and Special Educational Needs and Disabilities (SEND) and social care transport. Transport issues for NEPTS, SEND and social care was seen to be a national issue and November's report highlighted to the Committee how the creation of the Council's joint Corporate Director post with the CCG would help to alleviate the problem in Wiltshire. However, the Cabinet Member for Adult Social Care, Public Health and Public Protection had subsequently confirmed in a corporate announcement that this post would not be established at present, and the Committee were interested in how this integration work would be progressed.

It was reported that there had been little integration between Non-Emergency Passenger Transport Services (NEPTS) and Special Educational Needs & Disability (SEND) transport. Some discussion had been had between Wiltshire CCG, Wiltshire Council and the current provider of NEPTS in Wiltshire, ARRIVA Transport Solutions (ATS). The discussion was around ATS utilising the fleet of wheelchair accessible vehicles owned by Wiltshire Council and based at Larkrise School in Trowbridge, on a sub-contracting basis, in order for them to fulfil their contractual obligations on behalf of the CCG. Unfortunately, after considering the offer, the school are unable to provide the service as a sub-contractor, due to the legislation applied to the licensing of the vehicles, which doesn't permit them to be used to generate an income.

A national consultation is currently open on the relevant licensing rules.

Resolutions

To receive a brief update on the national review of the relevant licensing rules under Section 19 in November, when the Section 19 consultation will have concluded.

38 **New Highways Term Consultancy Contract**

The Cabinet Member for Highways, Transport and Waste presented a report on the re-procurement of a new highways term consultancy contract when the current contract ends in December 2019. The contract provides support for the provision of essential highway services as well as specialist assistance in the preparation of reports, studies and bids for central government funding. A final version of the report would be brought to Cabinet for decision following scrutiny input.

As a major contract it was important to get the contract correct. One of the safeguards to be employed through the tendering process will be to give quality significant weighting with the split being 50/50 with price. The added value

offered to the council's highways service of each tendering company will be closely considered.

It was reported that tendering a joint contract with another local authority has the potential for diluting the dedicated service and expertise provided to the council. A framework contract with a number of providers may spread the risk of a long term contract with one provider, but may also reduce the level of service provided by the various contractors.

It was suggested that the Environmental and Climate Change considerations stated under paragraphs 37 to 41 in the report also be reflected in the final report's Executive Summary.

A query was raised regarding whether such an important service should sit within the council rather than be delivered by an external contractor. It was reported that although the council does have internal expertise in this area the reactive capacity and specialist technical expertise provided a large external consultant is difficult to compete with internally.

It was reported that not receiving enough DFT funding would not pose the risk of the council not meeting its contractual obligations.

Most of the relevant technical and environmental standards are based on European Union rules so there will be an element of risk management as the Brexit situation develops.

Resolutions

- 1. To note that tenders will be invited for a single supplier to provide Wiltshire's Consultancy Services from 1 December 2019.**
- 2. To note that the contract is to be tendered in accordance with the Council's procurement procedures, the duration will be for five years with the option to allow the service manager to extend the contract for up to two more years subject to performance.**
- 3. To recommend that the environmental and climate change considerations stated under paragraphs 37 to 41 of the draft report be reflected in the final version's Executive Summary.**

39 Well Managed Highway Infrastructure Review

The Cabinet Member for Highways, Transport and Waste introduced a report on the revision of the Highways Inspection Manual in response to the new code of practice, especially with regard to potholes and defects.

The new Code of Practise states that the intention is for Local Authorities to develop their own levels of service. The Cabinet Member confirmed that she had not discussed Wiltshire's levels of service with other local authorities as this council's services are determined by the available budget.

There is a dedicated team of inspectors who monitor the work of utility companies involving the council's highway network.

Meeting the standards set out in the inspection manual is challenging in a situation of nationally reducing resources. It was reported that the council's asset management capability has improved steadily but the current national system of funding the maintenance and improvement of non-strategic highways is overly complex and needs review.

Resolutions

To support that:

- (i) The proposed Wiltshire Highways Safety Inspection Manual (Appendix 1) is proposed for adoption and use for highway safety inspections from 1 November 2018.**
- (ii) The amended Skid Resistance Policy (Appendix 3) is proposed for adoption.**
- (iii) The highway policies set out in the report (Appendices 4 and 5) are proposed for approval.**
- (iv) Authority will be proposed is delegated to the Cabinet Member, Highways, Transport and Waste and Director, Highways and Transport to make any appropriate and legally necessary amendments to the policies and inspection manual referred to above.**

40 Updates from Task Groups and Representatives on Programme Boards

An report from the Senior Scrutiny Officer providing an update on recent task group activity was received.

Regarding resolution 2 below, the Cabinet Member for Highways, Transport and Waste reported that she considered the cost of employing agency staff to place bin labels as prohibitive.

- 1. To note the update on task group activity provided.**
- 2. Not to endorse the Waste Contracts Task Group's preferred approach of Waste Services employing agency staff to place information labels on householders' waste bins, as opposed to relying on the householder to place their bin labels in the most appropriate place**
- 3. To endorse the Waste Contracts Task Group's view that special arrangements be made for community groups who have been affected as a result of the change to the Council's commercial waste policy.**

41 Forward Work Programme

It was noted that there would be an opportunity to discuss the Resident Engagement Plan prior to decision by Cabinet. This was due to be discussed at September's Committee meeting, however, the Chairman had agreed with the report author to defer the item until Committee next meet in November.

Resolutions

To note the Forward Work Programme.

42 **Urgent Items**

Cllr Mike Hewitt raised the issue of ragwort and the fact that it is illegal to grow the plant in England. The Chairman asked the Scrutiny Officer to draft a short briefing on the Council's policies surrounding ragwort; which would be considered at the next Committee meeting.

43 **Date of Next Meeting**

The date of the next meeting was confirmed as 6 November, also with a 2pm start.

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115