

Minutes of the Environment Overview and Scrutiny Committee meeting held on 8 June 2006.

Present:

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| Members of the Committee: | Councillor Ken Browne (in the Chair following election) |
| “ | Ray Sweet (Vice Chair) |
| “ | John Appleton |
| “ | George Atkinson |
| “ | Gordon Collett |
| “ | Jose Compton |
| “ | Eithne Goode |
| “ | Mick Jones |
| “ | Katherine King |
| “ | Bryan Levy |
| “ | John Whitehouse |

Also Present : Councillor Martin Heatley, Portfolio Holder for Environment.

Officers: Louise Denton, Group Assistant, Performance and Development Directorate.
Graeme Fitton, Head of Transport and Highways, Environment and Economy Directorate.
Jean Hardwick, Principal Committee Administrator, Performance and Development Directorate.
Ian Marriott, Community and Environmental Legal Services Manager, Performance and Development Directorate
Max McDonogh, Group Engineer, Design Services, Environment and Economy Directorate.
Kevin McGovern, Operations Manager, Environment and Economy Directorate.
Paul Williams, Scrutiny Officer, Performance and Development Directorate

Others present: 2 Members of the public.

1. General

(1) Appointment of Chair

Resolved that Councillor Ken Browne be appointed Chair of the Environment Overview and Scrutiny Committee.

(2) Appointment of Vice Chair

Resolved that Councillor Ray Sweet be appointed Vice Chair of the Environment Overview and Scrutiny Committee

(3) Apologies for absence

Apologies for absence were received from Councillor Joan Lea (on other Council business).

(4) Members Declarations of Personal and Prejudicial Interests

Members declared personal interests as district/borough councillors as listed below:

Warwick District Council

Councillors Jose Compton and Eithne Goode.

Rugby Borough Council

Councillor Gordon Collett.

North Warwickshire Borough Council

Councillor Ray Sweet.

(5) (a) Minutes of the Meetings held on 27 April 2006

The minutes of the Environment Overview and Scrutiny Committee meeting held on 27 April 2006 were agreed and signed as a correct record.

(b) Matters Arising

None

David Addyman – The Chair referred to the recent death of David Addyman who was a valued officer in the Environment and Economy Directorate and who would be greatly missed. The Committee stood in silent tribute to his memory

2. Public Questions Time

None

3. Concessionary Travel in Warwickshire

The Committee considered the report of the Strategic Director of Environment and Economy.

The report provided a summary of the concessionary transport scheme currently operating in Warwickshire and brief details of a proposed new national scheme to start in April 2008.

During discussion it was generally agreed that the scheme, which benefited in excess of 50,000 people, should be welcomed. It was agreed, however, that it was of more benefit to older and disabled residents living

in urban areas with a high frequency of bus services than those living in more rurally isolated areas. It was proposed that a letter be sent to the Warwickshire Members of Parliament highlighting this concern.

Although the vast majority of qualifying residents in Warwick District chose to receive a free bus pass, the removal of concessionary travel tokens for those living in rural parts of the district was the cause of some concern. There were contrasting views, however, on the general effectiveness of travel tokens across the county. Whilst their flexibility permitted travel on buses, taxis and trains, there was also clear evidence of misuse of the tokens. There was concern about the level of charges introduced in the new demand responsive community transport scheme introduced in Warwick District Council to replace the token scheme. The County Council had had no involvement in the setting up of this community transport service.

In reply to concern expressed about the way in which the scheme operated Kevin McGowan said that –

- Inequities in concessionary travel schemes operating across the country had historically been the subject of considerable criticism. The best example locally was that those qualifying for concessionary travel in the West Midlands Metropolitan Boroughs had received free transport for many years, unlike those in neighbouring shire counties. The new scheme had taken a significant step in addressing these anomalies.
- Many positive elements of the scheme were already emerging. Patronage was increasing, the scheme was much simpler for drivers and passengers to understand, and services were operating more reliably.
- The Community Links scheme in Stratford District to provide demand responsive transport was a partnership scheme between District and County Council.
- The questions and concerns raised by Members about the current scheme were being asked around the country and, in relation to the 2008 scheme, who would be responsible for funding and managing the scheme.

Resolved that Council be asked to write to the Warwickshire Members of Parliament -

- (1) Expressing concern about the inequalities of the scheme, and stating that it was a 'postcode lottery' which residents would benefit from the scheme in that it disadvantaged those people living in rural areas and who were not on bus routes;
- (2) Asking that the Council's concern be conveyed to the House of Commons Transport Select Committee, which is conducting an enquiry into the provision of bus services across the UK; and

(3) Highlighting the positive aspects of the scheme.

4. Leamington Urban Mixed Priority (LUMP) Project Review

The Committee considered the joint report of the Strategic Director for Environment and Economy, Strategic Director of Resources and the Strategic Director of Performance and Development.

The report described the estimating process for the scheme and gave reasons for the cost increases. The report also described what measures had been taken to mitigate the escalating costs and gave recommendations for further town centre contracts based on the experience gained.

Graeme Fitton detailed the main reasons for the cost increases, which related to shallow cellars, shallow and unknown utilities services and buried reinforced concrete. He circulated photographs illustrating the problems.

Members then asked the following questions and Graeme Fitton replied –

Q. 1 The Chair asked, if the contractors estimate was 36% below estimate and add to that a 10% contingency (46%), did that mean that the original estimate was not right in the first place and the contract substantially overspent? If this was the case was the estimating process seriously awry?

Reply – This was always going to be a difficult contract, however, the impact of the problems had a dramatic effect on the cost and duration of the contract due to the increased complexity of working in this environment. The estimate was reasonable based on the anticipated works.

Q. 2 Councillor John Appleton recognised that the scheme was complicated and considered that the Council had done well in progressing it so far. It was, however, regrettable that the costs were so high. His concern was for public safety, having seen the photographs circulated, particularly when HGV were seen to park on the pavement where voids (cellars) had been filled in and the possibility of them collapsing in the future. He asked whether it was the responsibility of the shopkeepers or the County Council if the voids collapsed? Also, did the County Council have a claim against the utilities for unidentified services?

Reply – Where the cellars had been filled in there was not a health and safety issue. Where cellars had been repaired they were safe for pedestrian use. The radar survey should identify cellars but could not assess condition of them.

Ian Marriott advised that where voids had been filled in, they ceased to exist and no question of liability could arise. Where the County Council was refused permission to repair or strengthen cellars, it was not liable for their condition unless it had negligently damaged them. If the County Council repaired a cellar, it could be liable for any defect in the way in which it carried out the repair but did not assume a general responsibility for its future condition. If an HGV caused a cellar to collapse this would, in the first

instance, be the responsibility of the driver and the property owner, although the County Council might be criticised if it knew of persistent parking creating a risk and failed to take measures reasonably open to it as a highway authority.

Q 3 Councillor Eithne Goode asked what could be done to prevent HGVs from parking on the pavement.

Reply - HGVs parking on the pavement was an issue of concern and the Police had been enforcing this by issuing parking tickets. A police presence could not, however, be maintained at all times. Rear access to all properties on the Parade was available but the business often did not want to use them. The new design of the Parade was aimed at eliminating clutter (barriers) but if the problem of HGVs continued then this would, perhaps, have to be reconsidered.

Q 4 Councillor Gordon Collett said that the scheme had been considerably overspent and that this was unacceptable. He asked why there were no up to date maps showing the location of utility services?

Q 5 Councillor John Appleton asked (1) whether the utility companies could be liable for the increased costs because the services were not mapped? (2) how the estimated cost of Phase 2 was arrived at?

Reply – (1) The utility companies would not accept liability for the lack of information about services and there was no means to claim against them.

(2) The estimated costs of Phase 2 had been arrived at using the experience gained from Phase 1.

Councillor Mick Jones said that there was deficient mapping of public utility services before 1950 and this was an on-going problem in old towns.

Q.6 Councillor Martin Heatley asked whether the scheme was within the capital allocation that had been agreed by Cabinet? He stressed that he would have great difficulty asking Cabinet again to fund a further overspend.

Reply – The scheme was within the budget agreed by Cabinet. A full financial position would be presented at the end of the project once the costs were established.

Q 7. Councillor Atkinson asked whether the County Council would be protected from future claims in connection with work that had been carried out to fill voids where no permission had been obtained from the shopkeeper.

Reply – Ian Marriott advised that in Phase 2 efforts were being made to track down the owners of properties with cellars under the highway, and they were being asked to sign an agreement in respect of filling in the cellars for the current works. He did not know what paperwork had been created in Phase 1.

The Chair queried whether the County Council could claim against the utility services for not keeping adequate record and asked for a report to a future meeting on the options for addressing this issue.

Resolved that the Committee –

- (1) inform Cabinet of the outcome of its discussions, of its concerns with regard to the overspend on Phase 1, and the re-assurances given with regard to Phase 2 keeping within budget;
- (2) asks for a report in September 2006 with further information on utility services liability for unmapped services and potential liability in respect of HGVs parking on pavements;
- (3) asks for an immediate report to Committee in the event that there is any further anticipated overspend on Phase 2;
- (4) asks for a further report to Committee regarding the overspend once the project was complete and the costs established.

5. Future Work Programme and Items Relevant to the Work of this Committee

(a) Provisional Items for Future Meetings

The Committee noted the provisional items for future meetings as listed in the attached report.

(b) Forward Plan

The Committee noted the Forward Plan item relevant to the work of this Committee -

Cabinet – 15 June 2006

Delegation of Powers for Determining Objections to Traffic Orders with a purely local interest

6. Any Other Business

There were no items of urgent business.

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Chair of Committee

The Committee rose at 11:15 a.m.