

Minutes of a meeting of the Highways and Transport Overview and Scrutiny Committee.
held at County Hall, Glenfield on Thursday, 20 January 2022.

PRESENT

Mr. T. Gillard CC (in the Chair)

Mr. R. G. Allen CC
Mr. D. C. Bill MBE CC
Mr. Max Hunt CC

Mr. B. Lovegrove CC
Mr. L. Phillimore CC
Mr. C. A. Smith CC

In attendance

Mr. O. O'Shea CC, Cabinet Lead Member for Highways and Transport.

24. Minutes of the previous meeting.

The minutes of the meeting held on 4 November 2021 were taken as read, confirmed and signed.

25. Question Time.

The Chief Executive reported that one question had been received under Standing Order 35.

1. **Question by Jason Blake:**

Recording / Cataloguing Road Defects

I raise this with the Scrutiny Committee due to potential fallings I have discovered on Bosworth Road, Walton, Lutterworth, and its wider impact, where there have been many potholes some 20+, many of which have been marked up multiple times for repair, and have still not been repaired (until my intervention). Most concerning though is they can not be located on any of the Highways Inspection, or Public Reports*.

*Example: I have attached two photos of a pothole, as you can see this is a large hole - it measures 44"x26" and 5" deep. This hole had been marked up 3 times, twice in yellow with arrows and once in white, yet the council has no record of it. Also following a public report of other holes in May the whole road was checked and this hole was missed. Further to this, it was also missed by the Highways Annual Inspection at the end of June, I took this photo a week later.

Note; The Highways Maintenance Policy; any hole deeper than 40mm is Category 1 and should be completed within 72 hours)

This is not a complaint - it's an enquiry which cannot be answered by the Highways Department. Outside of Highways Annual Inspection, and Public Reports where are

these defects recorded, certainly not as a report the public can request and view as per the others mentioned. This is important for the public to know and understand and be able to hold to account the council if the roads are not maintained properly, or in the event of an accident happening. It is, as I understand it, that records should be available for these very reasons. Therefore my question to the scrutiny Committee is as follows:

Why are the council not recording/cataloguing or monitoring road defects that fall outside of annual Highway Inspection Reports, or Public Reports?

Reply by the Chairman:

Leicestershire County Council carry out highway inspections in accordance with the authority's inspection policy which is informed by the DfT Code of practice "Well-Managed Highway Infrastructure". Defects are identified and categorised for treatment based upon defined intervention criteria. Areas of the highway which show deterioration but are not defective or do not meet the prescribed intervention levels are not routinely recorded.

Supplementary question:

What about those potholes that are identified and marked up as category 1 repair that fall outside of annual inspections or a public report i.e. during a spot check? Why are they not recorded in a way that is available to the public?

Reply by the Director of Environment and Transport:

In short they are recorded on a Highways Management System called Confirm.

The National Highways and Transport survey also enables the public to hold the Department accountable.

26. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that eight questions had been received under Standing Order 7(3) and 7(5).

1. Question by Mr. Max Hunt CC:

Could the Chair confirm that whilst there is national guidance on the installation/management of assets, there is no local guidance as such.

Response from the Chairman:

Whilst there is national guidance on the installation/management of assets, there is no local guidance. There is, however, local criteria for the management of Leicestershire County Council (LCC) assets, which enables the Department to manage the asset base within the budget available.

The key policies and strategies that set these criteria are:

Road Casualty Reduction in Leicestershire and Future Approach to Casualty Reduction – 12 September 2016:

<https://politics.leics.gov.uk/documents/s122206/Road%20Casualty%20Reduction%20in%20Leicestershire%20and%20Future%20Approach%20to%20Casualty%20Reduction.pdf>

Highway Asset Management Policy and Highway Asset Management Strategy Review – 23 June 2017:

<https://politics.leics.gov.uk/documents/s129539/FINAL%20Highways%20Asset%20Management%20Policy%20and%20Strategy%20Review.pdf>

<https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>

The criteria have been developed so that they prioritise safety, followed by the need to maintain the highway in the most cost-effective way.

2. Question by Mr. Max Hunt CC:

How are the installation of highway assets, including specifically VAS signs, Bus Shelters and Zebra Crossings, prioritised where the core budget is concerned (e.g. by records of incidents, petitions, complaints, collisions, or other local factors) and are these criteria published?

Response from the Chairman:

Vehicle Activated Signs and other Safety Measures

The prioritisation criteria for the installation of highway safety measures funded by Leicestershire County Council are contained within the Road Casualty Reduction in Leicestershire and Future Approach to Casualty Reduction – 12 September 2016:

<https://politics.leics.gov.uk/documents/s122206/Road%20Casualty%20Reduction%20in%20Leicestershire%20and%20Future%20Approach%20to%20Casualty%20Reduction.pdf>

This document is available on the Leicestershire County Council website. The criteria identifies localities that should be prioritised for funding on the following basis:

- The site must be on the local road network;
- The site has experienced 7 or more accidents in 5 years;
- The site has not been investigated in recent years, or have treatment ongoing or where treatment is proposed;
- The site has been assessed to identify patterns of accidents or treatable accidents;
- The number of accidents at a site is higher than the national figure for comparable roads.

Zebra Crossings

Accepted national practice to assess the justification for a pedestrian crossing using a calculation involving both pedestrian and vehicle flows. This is known as 'PV²' and effectively evaluates the potential for conflict between vehicles and pedestrians. In 1995 the introduction of Local Transport Note (LTN) 1/95 – "Assessment of Pedestrian Crossings"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/330269/ltn-1-95_Assessment-Crossings.pdf

replaced the previous Advice Note TA10/80 "Design Considerations for Pelican and Zebra Crossings."

Most Local Authorities, including LCC continued to use a modified version of PV² formula including additional enhanced criteria taking into consideration the types of pedestrians, the different types of vehicles, the vulnerability of pedestrians plus community links etc. as detailed in LTN 1/95 and the new guidance in the Traffic Signs Manual Chapter 6: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/851465/dft-traffic-signs-manual-chapter-6.pdf

Bus Shelters

Experienced County Council officers make an assessment when a bus shelter request is received by using their knowledge of the network and by carefully considering each request based on frequency, usage and locality as well as reviewing daily passenger usage. As there is no specifically defined scoring criteria covering other factors to determine shelter requests, it is recognised that this approach requires a review. The intention going forward is to work towards developing a clear policy for bus shelter requests which will include a scoring framework for a range of factors. This work will be progressed as part of the Bus Service Improvement Plan.

3. Question by Mr. Max Hunt CC:

How many installations/improvements under the Members' Highway Fund (MHF) have been approved which do not meet the existing local criteria for funding out of the core budget?

Response from the Chairman:

68 (everything that has been approved to date).

4. Question by Mr. Max Hunt CC:

How many installations/improvements under the MHF have been approved which do meet the existing local criteria for funding out of the core budget, and are those criteria published in detail for VAS, Zebras and Shelters?

Response from the Chairman:

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No criteria exist other than whether they are allowable on the highway. The criteria for whether they are allowable on the highway is governed by the following national legislation and guidance:

Traffic Signs Manual (all chapters) <https://www.gov.uk/government/publications/traffic-signs-manual>

The Traffic Signs Regulations and General Directions 2016: <https://www.legislation.gov.uk/uksi/2016/362/contents/made>

If a member has asked for something that should be paid for out of the core budget the application has been declined and been transferred to "business as usual"

5. Question by Mr Max Hunt CC:

If installations/improvements have been approved under MHF which meet the existing local criteria for funding out of the core budget, why would members opt to use the MHF?

Response from the Chairman:

Please see the answer to question 4 above.

6. Question by Mr. Max Hunt CC:

Is it possible that an MHF application could 'jump the queue' over other more worthy cases, based on cost or long standing records of performance?

Response from the Chairman:

Safety will always be the priority and the Department will address the most pressing issues with its core budget. The objective of the MHF is to be able to address local members concerns in their local communities and it is recognised that those concerns may not always align with the priority of our core highways works. It should be noted however that the funding for MHF works is in addition to our core highways budgets.

7. Question by Mr. Max Hunt CC:

Have there been a drop in installations/improvements from core budget since MHF was introduced and if so do we foresee this continuing?

Response from the Chairman:

No.

8. Question by Mr. Max Hunt CC:

Could you confirm that where an additional asset or improvement is agreed under MHF which would increase the authority's liabilities including maintenance, a third party capable of accepting that liability must do so under a legal licence; and that if a third party cannot be identified (for instance in a non-parished area where their local highway agency has been transferred to LCC) the liability will be accepted by LCC as it would under a core budget acquisition?

Response from the Chairman:

It should be noted that Parish Councils have no responsibility for the highway network and as such there is no transfer of responsibility to LCC.

The maintenance and public liability of additional assets or improvements to the network funded by the MHF should be accepted by a third party if appropriate (i.e. bollards, MVAS etc). If a third party cannot be identified, the public liability will be "taken on" by LCC.

It should be noted that as with all LCC assets, once end of life has been reached their retention will be challenged in line with our existing policies and it may be removed.

27. Urgent items.

There were no urgent items for consideration.

28. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. L. Phillimore CC declared a Non-Registerable Interest in agenda item 8: Medium Term Financial Strategy 2022/23- 2025/26 as his wife was employed by the County Council in Special Educational Needs. This item did not directly relate to or affect the financial or other wellbeing of Mr. Phillimore's wife to an extent that this prevented Mr Phillimore from participating in the meeting.

29. Declarations of the Party Whip.

There were no declarations of the party whip in accordance with Overview and Scrutiny Procedure Rule 16.

30. Presentation of Petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

31. Medium Term Financial Strategy 2022/23 - 2025/26

The Committee considered a joint report of the Director of Environment and Transport and the Director of Corporate Resources which provided information on the proposed 2022/23 to 2025/26 Medium Term Financial Strategy (MTFS) as it related to the Highways and Transport side of the Environment and Transport department. A copy of the report marked 'Agenda Item '9' is filed with these minutes.

The Chairman welcomed Mr. O. O'Shea CC, Cabinet Lead Member for Highways and Transport, to the meeting for this item.

Arising from discussion, the following points were noted:-

Growth

- (i) The largest growth item was Special Educational Needs (SEN) transport with £1.2 million to be spent over the base budget rising to £5.15 million by 2025/26. In Leicestershire approximately 2,500 children were using SEN transport and the costs amounted to one third of the whole Highways and Transport budget. Some children needed escorts or medically trained escorts, and some children were unable to be transported with other children due to behavioural issues and therefore required solo transport which were some of the reasons why the transport was so costly. Currently the County Council's own fleet was used to transport some of the children and consideration was being given to whether the fleet could be used more in the future rather than via private taxi contracts. One of the challenges for this approach was that the children for a particular educational setting could reside far away from

each other and therefore it would be difficult for them to share the same vehicle without having to spend too long in the vehicle. Members were of the view that closer scrutiny needed to be given to SEN transport and in particular consideration needed to be given to whether the County Council was the appropriate organisation to fund all the SEN transport costs.

- (ii) Whilst the use of Hydrotreated Vegetable Oil (HVO) was a growth item with an up front cost of 0.06 million it had the benefit of reducing the Council's use of diesel fuel and therefore the fleet's emissions.
- (iii) Highways maintenance work came under both the revenue and capital elements of the budget. The Department for Transport had given indicative allocations for Highways maintenance for 2022/23. Over the past few years the allocation had been very similar each year and when inflation was taken into account this meant a reduction in real terms.

Other factors influencing MTFS delivery and other funding sources

- (iv) There were concerns about the future viability of the public transport market and in particular that bus operators would cease to run some services. The Bus Recovery Grant had been set up to support commercial bus operators due to the impacts of the Covid-19 pandemic on patronage however this scheme was due to end shortly. The County Council was intending to write to the Department for Transport asking for the Grant to be extended for a longer period of time.

Capital Programme

- (v) In response to a question from a member in relation to Zouch Bridge it was explained that the setting up of toll gates on highways required specific legislation and there were no plans for tolls in Leicestershire.
- (vi) The Capital Programme for the MTFS period 2022/23 - 2025/26 allowed for £152.15million to deliver major infrastructure schemes including Advanced Design Programmes worth £12.10. These Programmes included feasibility work for large projects as well as cycling and walking initiatives.
- (vii) Some of the costs of diverting traffic away from Melton Mowbray town centre i.e signage, had been included in the scheme costs for the Melton Mowbray Distributor Road however additional money would also need to be spent for this purpose and this funding would come from the wider Melton Mowbray Transport Strategy.
- (viii) External funding had been received from the National Productivity Infrastructure Fund (NPIF) for two road junctions in Hinckley where Rugby Road met Brookside. In total the project would cost £5 million and £3.5 million of that would come from the NPIF and the remainder from Developer contributions and match funding. The work was due to begin in April 2022.

RESOLVED:

- (a) That the report and information now provided be noted;
- (b) That the Committee recommends that further scrutiny should take place of the SEN transport budget;

- (c) That the comments now made be forwarded to the Scrutiny Commission for consideration at its meeting on 31 January 2022.

32. Progress Review on Flooding Scrutiny Review Panel

The Committee considered a report of the Director of Environment and Transport which provided an update on the progress made and work undertaken towards the approved recommendations of the January 2021 Scrutiny Review Panel report. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

In introducing the report the Cabinet Lead Member for Highways and Transport thanked scrutiny members and County Council officers for their work in relation to this topic.

It was noted that recommendation W in the Scrutiny Review Panel report was that fresh publicity be given to the importance of the role of Flood Warden to promote uptake in areas without them. The Director explained that social media was one of the ways this issue would be publicised and all local authorities, parish and town councils were to be directly communicated with regarding Flood Wardens.

In response to concerns raised by a member regarding flooding in the Hinckley area the Director of Environment and Transport agreed to discuss the matter with the member after the meeting.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That annual updates on the progress made and work undertaken towards the approved recommendations of the January 2021 Scrutiny Review Panel report be brought to the Committee.

33. Members' Highway Fund Update

The Committee considered a report of the Director of Environment and Transport which provided an update on the Members' Highway Fund (MHF) following the end of November deadline for Member submissions and set out proposals for managing the 2022/23 fund. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Members were generally very supportive of the programme and the proposals for the 2022/23 scheme. Members stated that the MHF enabled members to better liaise with communities and respond to their wishes. However, Mr. M. J. Hunt CC raised concerns that the MHF encouraged members to spend money that did not need to be spent and insufficient regard and analysis was being given to whether the projects were necessary. Mr. Hunt CC sought to ensure that when applications for vehicle activated speed signs were made the criteria for erecting the signs was met. In response other members reassured that they were carrying out the necessary research and analysis before submitting applications to the MHF, for example speed surveys were being carried out before applications for vehicle activated speed signs were submitted.

In response to concerns raised that the deadline for applications for the 2022/23 scheme was too early the Director of Environment and Transport agreed to give this further consideration and look at whether a staggered application process was feasible.

RESOLVED:

That the contents of the report be noted and the proposals for managing the 2022/23 fund be supported.

34. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 3 March 2022 at 2.00pm.

2.00 - 2.55 pm
20 January 2022

CHAIRMAN