

Environmental & Community Services Select Committee

10 July 2015 – At a meeting of the Select Committee held at 10.00 a.m. at County Hall, Chichester.

Present: Mr Tyler (Chairman)

Mr Barrett-Miles
Mrs Brunsdon*
Mr G Jones

Mr S Oakley
Mrs Phillips*
Mr Rae

Mr J Rogers
Mr Whittington**

In attendance by invitation: Ms Goldsmith (Leader), Mr Barling (Cabinet Member for Residents Services) and Mr O'Brien (Cabinet Member for Highways and Transport)

Apologies for absence were received from Mr Circus, Dr Dennis and Mr M Jones.

* arrived at the meeting at 10.30am and 10.15am respectively

** left the meeting at 1.05pm

Declarations of Interests

22. In accordance with the code of conduct, the following personal interests were declared:

Mrs Brunsdon as spouse to a BT Openreach worker, specifically involved in business to business for connectivity of Broadband, in relation to Broadband.

Mr S Oakley as a member of Tangmere Parish Council, in relation to Sustainability Report 2014-15

Mr Tyler as Chairman of the Licensing and Enforcement Committee at Arun District Council, in relation to Trading Standards Update.

Minutes of the 10 June 2015 Meeting

23. Resolved – that the minutes of the Environmental and Community Services Select Committee held on 10 June 2015 be approved as a correct record, and that they be signed by the Chairman.

24. In relation to minute no 12, 9th bullet where Members asked how much the County Council has paid KPMG for the work carried out to date on the Bold Ideas. It was confirmed by Stef Young, Service Finance manager that the current contract expired at the end of June.

The figures break down as follows:

From 27th March to 31st December – £210k

From 1st January to 31st March - £80k

From 1st April to 30th June - £80k (invoice received however not yet processed).

2014/15 Outturn Total Performance Monitor

25. The Committee considered a report by the Executive Director Corporate Resources & Services (copy appended to signed minutes), which set out the Outturn performance.

26. Stef Young, Service Finance manager and Clare Hodgson, Principal Manager, Service Finance introduced the report which provided information on the 2014/15 outturn performance in relation to finance (revenue and capital), savings programme, performance, risk and workforce which fall under the remit of Highways and Transport, Residents Services and Community Wellbeing.

- Welcomed the savings target of £14.7m being achieved, but queried if unforeseen delays have been accounted for and deducted from the total saving. Concerns were also raised over the under-spending amounts and members queried whether the excess funds would be directed towards other schemes. An officer advised that capital figures are not linked to savings and that all savings are taken from the revenue budget. The yearly spend forecasts can be difficult to predict and the diversion of funds towards other schemes or priorities may be considered as part of the monthly TPM process.
- Queried whether the funding from DEFRA in relation to the Lead Local Flood Authority grant is a one-off set up grant, and how much funding is spent on delegated manpower in the district and borough councils. An officer advised that the funding from DEFRA is on-going in order to support the new statutory duty of the County Council in relation to consulting on planning applications. The County Council works closely with the district and borough councils, but as the statutory duty is separate, does not delegate to them.
- Queried the transfer of £131,000 of Operation Watershed funding relating to surface water management into the Operation Watershed reserve for utilisation in 2015-16, given significant over bidding on independent community projects. An officer advised that there are two elements to Operation Watershed, one for surface water management and one for community projects, with separate pots of funding available.
- Requested that the district and borough councils be monitored by the County Council, as lead Flood Authority, in relation to their work on flooding. An officer advised that WSCC has reconvened the joint Task and Finish Group (TFG) on Flooding and one of their tasks will be to monitor this as part of their remit.
- Queried the difference between specialist and regular smoke alarms and whether once a cancellation is received, checks are made as to the reason and if the units are then recovered or recycled. An officer advised that specialist alarms are identified for use by those most vulnerable and are linked to the Care Line scheme which communicates to the Fire and

Rescue service. As specialist staff are required to install them the cost is slightly higher. A matrix of home safety checks are carried out prior to installation that are tailored to those at risk and factors such as infirmity, mental health and vulnerability are looked at. Recycling is carried out where possible and in the case of cancellation the focus is on revisiting, assessing and engaging with the resident, on the notification from Care Line.

27. Resolved – that the Committee welcomes the achievement of the 2014/15 savings target of £14.7 million being achieved and looks forward to the next set of figures coming back to the Committee.

Broadband

28. The Committee considered a report by the Executive Director of Residents' Services and Head of Commercial Services (copy appended to signed minutes), that provided an update on the Better Connected Broadband project.

29. Kevin Carter, Head of Commercial Services introduced the report which provided an update of the project delivery of a new super-fast fibre-based broadband infrastructure in West Sussex. The project is in two main phases and the update related to the phase 1 project only. Key updates were:

- 'Phase 1' is currently in progress with a target of achieving 90% of all residencies in West Sussex having access to superfast broadband speeds of 24Mbps by Spring 2016. The aim is for all of the county to have access to download speeds of at least 2Mbps.
- Technology used includes the fibre to cabinet option (FTTC) where existing telecoms cabinets are enabled for fibre Broadband, allowing premises already connected to the existing telecoms cabinet to receive a fibre Broadband service. . An alternative in some areas is a fibre to the premises option (FTTP) which is provided directly from the exchange either under, or above, ground. This is more costly, but faster. West Sussex has a mixture of both. Within urban areas there is more fibre to cabinet, whereas in rural areas it is more fibre to premises.
- Regarding 'Phase 2' a procurement process for a supplier has just been completed and the target is to extend coverage with speeds of 24Mbps to 95% of all properties by the end of 2017.

30. The Committee made comments including those that follow. It:

- Welcomed the access to high speed broadband for the majority of premises, but would like further clarification on value for money and the achievement of contractual and financial milestones. An officer advised that results of the suitability of cabinets during installation cannot be foreseen until a survey has been carried out. Some installations may be more complex than others, but payment to British Telecom (BT) will only be made on completion. Central government have given clear guidelines

so that surveys are paid for, but funds have only been spent on what has already been delivered.

- Supported the idea that WSCC has put funding into the project and recognises the long term economic benefits, but queried the contract with BT and the 'claw-back' mechanism in terms of share of revenue and how much these figures amount to. An officer advised that the 'claw-back' represents a 10-year business case and includes operational costs. The assumption by Broadband Delivery UK (BDUK) and central government is that it should be based on a 20% take up of new broadband services by residents and businesses. West Sussex will get a proportion of the profits, which in the case of Phase 1 will be 79%, if the take up is more and above 20%. By the end of Phase 1 there will be more clarity as to what the investment pot will look like on completion of the 10-year period.
- Queried if customers are advised about available speed prior to installation and if the technology used with the build of 'Fibre to the cabinet' (FTTC) will increase broadband speeds or if speed may be lost by using the method of connecting fibre to copper lines. An officer advised that the fastest speeds are achieved by FTTP (connecting fibre optic directly to the premises), as opposed to FTTC which uses copper lines into households. For FTTC, Broadband speed is lost the further away the premises is from the fibre enabled cabinet. e. The Better Connected website can be used as a tool to inform customers of their expected speed from suppliers prior to installation.
- Queried what plans or provisions there are to maintain speed capacity for new residential properties and developments and whether larger developments would mean separate investment. An officer advised that although WSCC has little input over this, the aim is to work across and alongside district and borough councils using the same approach taken for roads and sewers. The Broadband stakeholder group and West Sussex Rural Partnership does consider broadband provision, but it is not mandatory for a district council to impose broadband structure on new developments.
- Raised concerns that if district and borough councils do not already have central government requirements in their Local Plans, then developers may be reluctant to bear the costs themselves for broadband provision. An officer advised that developers receive an allowance from BT themselves and that the value of property may decrease if there is no superfast broadband, ensuring developers are keen to have it provided.
- Queried the EU State Aid rules and raised concerns over the delay at the start of the project. An officer advised that although there was an initial delay of provisions of EU State Aid, the delivery plan (Phase 1 and Phase 2) runs until the end of 2017 in line with central government targets.

31. Resolved – That the Committee:

- (1) Notes the progress of the project to date, in terms of schedule, budget and outcomes.

- (2) Notes the actions being taken to ensure value for money within the budget.
- (3) Welcomes that the Better Connected Broadband project is on target and looks forward to Phase 1 being completed in Spring 2016, with Phase 2 completion by the end of 2017.

Trading Standards Update

32. The Committee considered a report by the Director of Public Protection and Deputy Chief Fire Officer and Trading Standards Operations Manager (copy appended to signed minutes)

33. Philip Lipscomb, Trading Standards Operations Manager introduced the report and gave a presentation (copy of slides appended to the signed minutes) which provided an update on the work and priorities of the Trading Standards Service. Including information on the cross directorate nature of the operation of the Service and how Trading Standards is making a difference to the individuals and communities of West Sussex. Key service priorities for 2015/16 are:

- Start of life – Disrupting the supply of illicit, uncontrolled alcohol and tobacco along with new psychoactive substances (legal highs) especially to young persons. As well as supporting the healthy eating outcomes within WSCC pertaining to misleading health claims on food.
- Championing the Economy – Providing business support and tackling unfair trading to ensure a fair, responsible and competitive trading environment. Ensuring the integrity of the food chain with zero tolerance to food fraud including both human food and animal feed. Minimising risk of animal disease outbreak impacting on West Sussex economy.
- Support independence in Later Life – Protecting vulnerable members of the community from predatory trading i.e. doorstep crime and mass marketing fraud.
- Public safety – To minimise the risk of injury caused by the supply or storage of hazardous products and substances. such as fireworks, petroleum and toys.

34. The Committee made comments including those that follow. It:

- Raised concerns over staffing levels in the service and whether they were adequate, highlighting the current 3.2 Full Time Equivalent (FTE) vacancies, the reasons behind this and how this may impact un-met calls or complaints. An officer advised that there are currently 30 FTE posts and past recruitment vacancies have had a good response, but there has recently been difficulty in attracting suitable candidates. Living expenses and house prices in the area could possibly contribute to lack of uptake. The service has now opened up opportunities to graduate trainees, along

Agenda Item No. 2a

with 8 prospective candidates who will be considered for the vacant posts. A yearly business plan is also produced, outlining priorities to enable targeted resource where it is needed for the biggest impact.

- Queried how many courses or places are being offered by universities to feed into the supply of Trading Standards officers and whether a degree is a requirement. An officer advised that they have no current statistics but there has been a drop in the number of courses offered. A university course is considered helpful but not essential for trainees, as on-the-job training via study modules is also offered by the service.
- Queried how much of the £1.2 million annual budget is central government funded work and the viability of recovering costs through the use of bailiffs, or if charging for more comprehensive advice alongside the provision of statutory duty basic advice had been considered. An officer advised that current information costs are not available, although past figures can be sourced. In terms of bailiff recovered costs, there has been difficulty in getting the information from the courts. The service provides bespoke business advice and is charged at £56 per hour. Since charging was introduced however, the number of requests for advice had dropped. The possibility of European funding was also looked at but certain criteria wasn't matched.
- Noted the lack of information in the report pertaining to cyber activity or counterfeit 'over the counter' drugs such as Paracetamol. An officer advised that on a local level when an officer is dealing with a trader it is standard practice that on-line presence is taken into consideration when looking at compliance. Generally, E-crime can be tackled with current Regulations but specialist local resources can be an issue. Therefore, larger ecrime investigations can be taken on by the National Trading Standards Board which is funded by central government, being appropriately financed and resourced. The Medical Health Protection agency has counterfeit drugs under their remit.
- Raised concerns over misunderstandings by the public, arising from the use of the words 'quote' verses 'estimate' as well as 'guarantee' verses 'warranty' and would like to see more information and links on the West Sussex website in particular to highlight Scam Watch and Neighbourhood Watch. An officer advised that Trading Standards has recently launched on social media and encourages information to be passed through community outlets such as residents' associations and parish councils. The Fire and Rescue Service also offer support through open days and have officers that take part in cross training with the service. A pilot scheme in Shoreham has involved the training of fire officers in doorstep crime and identified various hotspots.
- Raised concerns over the sales techniques used by predatory traders in the form of aggressive and high pressure salesman. An officer advised that Trading Standards do have a range of legislative powers and consumer protective regulations to combat this and if proven and brought to their attention, targeted action can be taken against traders.

Agenda Item No. 2a

- Questioned the role that Trading Standards take in the policing of car boot sales and illegal street car dealing and how much is being done to combat this. An officer advised that as attendance at all car boot sales is not possible, a reaction to complaints or intelligence received would usually result in a one-off basis visit. Illegal street car dealing is usually dealt with at a local level by the district and borough councils, as they have the power to use highways regulations to restrict trading and licensing.
- Queried how often smaller livestock farms are visited by officers and whether such visits would be standard practice or only triggered by a complaint. An officer advised that any new livestock holder is contacted by Trading Standards to advise them of their responsibilities and unless a complaint is raised against them at a future date, then it is likely that they won't receive another visit. Emphasis is placed on high risk traders i.e. farms with large numbers of cattle. Each premises is rated and the risk evaluation can be set or adjusted at high, medium or low risk. High risk will entail an annual visit, whereas low will likely be 4 or 5 years. This will however depend largely on the management and size of the business.
- Welcomed a proposed tour of the Trading Standards Service for Committee members. An officer advised this could be arranged and agreed the quarterly 'Making a Difference' report can also be circulated to members.

35. Resolved – That the Committee:

- 1) Notes the report and supports the work of the Trading Standards Service and its current priorities as outlined in paragraph 1.25 – 1.32
- 2) Requests that staffing vacancies are filled as soon as possible to ease the pressure on a service that is a statutory requirement.
- 3) Requests that the service offers more general advice through its website and social media.
- 4) Raises concerns over whether the established size of Trading Standards is adequate for the range of complexities and issues it has to deal with.
- 5) Requests that a further update and progress of the Trading Standards service be brought back to the Committee in 12 months' time.

Road Works Permit Scheme

36. The Committee considered a report by the Executive Director Residents' Services and Director of Highways and Transport (copy appended to signed minutes)

37. The Cabinet Member for Highways and Transport gave a brief overview of the how the scheme gives West Sussex Highways greater control over utilities and road space.

38. Peter Atkins, Highway Network and Traffic Manager introduced the report and gave a presentation (copy of slides appended to the signed minutes) which provided an update on the introduction of the West Sussex Permit Scheme. The recommended scheme proposal is a full scheme (Option 4), applies to all works, on all roads, and requires a fee to be paid by Statutory Undertakers (utility companies) for all works (subject to operational matters). Key points included:

- Utility companies to pay a set permit fee for any planned or emergency works to West Sussex Highways, who will then act as the primary coordinator of all works.
- Greater checks and conditions to be put onto utility companies in order to fulfil works within the required time frame.
- The scheme is self-financing with an estimated time for turnaround at around 18 months. The financial benefit is anticipated be £1.5billion over 25 years with an anticipated 5% reduction in road works applications.

39. The Committee made comments including those that follow. It:

- Welcomed the introduction of the scheme but wanted reassurances that the operational service needs, in terms of staff, collective delivery and enforcement, can be effectively delivered. An officer advised that the scheme seeks to look at the optimum level of time management but that the flexibility of utility companies has to be taken into account. The planned structure allows for a margin of error, but if needed the level of resources can be increased. When a permit is granted, it is critical that West Sussex Highways are compliant with the rules too. If not delivered correctly there is room for reputational damage, so even though the advantages of the scheme are good, it will be carefully monitored. The cost of the scheme is £1.5 million in overheads, including start-up costs, base salary, national insurance, pensions and anticipated income.
- Queried if West Sussex Highways have seen much deferment in asset management plans as seen in other counties that run such permit schemes, if these would be looked at in terms of capabilities and if the utility companies have been happy to engage in the permit process. An officer advised that although there were issues in the past, the utility companies have become more proactive with the charges. West Sussex Highways have built in 30% risk management into the scheme and already have good communication with companies such as BT. Other Local Authority permit schemes would be monitored.
- Queried how an emergency or immediate action is defined so that utility companies are not able to classify them incorrectly; if there are any fines or incentives to stick within agreed timescales and what the 5% reduction in works will consist of. An officer advised that Highways staff can determine how long works will take and will put a stop to any unmanned works. They will also look to reduce the actual road space being taken up i.e. materials, vans etc. If a permit is needed for emergency works then this can be granted retrospectively if the work is required immediately.

Legitimate works can be monitored and financial sanctions applied if necessary.

- Raised the issue of reinstatement, whether this would require a new permit fee, and the importance of minimising damage to surface water drainage underneath. An officer advised that any remedial works will attract a permit fee. New inspection regimes and data testing will aim to keep reinstatement works to a minimum and hold the utility companies to account.
- Queried if new technology and equipment used to reduce the presence on the highways has been factored into the anticipated 5% reduction in road works. An officer advised that new technology and its utilisation has been considered, including the possibility of purchasing the required equipment and hiring it back to the utility companies.
- Queried if the scheme includes building industry works, pavements and all other road activities such as fun runs. An officer advised that the scheme does include all street works, carriageways and footways. Scaffolding and hoarding are not included, but do have the same co-ordination and management. Fun runs are also not part of the scheme, although, in future, it could be possible to include these types of events as the service has a good relationship with district and borough councils, ensuring good communication with organisers.

40. Resolved – That the Committee:

- Fully supports and endorses the introduction of a road works permit scheme (option 4) in West Sussex
- Requests that staffing levels are adequate to support the successful implementation and development of the scheme.
- Requests that the Cabinet Member is mindful at looking at the reinstatement policies of WSCC alongside the start of this scheme.

Sustainability Report 2014-15

41. The Committee considered a report by the Executive Director for Residents' Services and Strategic Planning Manager (copy appended to signed minutes) on the sustainability performance of the County Council.

42. Ruth O'Brien, Advisor, Residents and Environmental Services introduced the report which provided an update of the performance of the County Council in regard to its direct impact against five key indicators: carbon, energy, water, waste, and travel. This included financial performance and a summary of the work carried out during the period 2014-15 to reduce costs and direct impact in these areas.

43. The Committee made comments including those that follow. It:

- Noted that the cycle mileage has considerably reduced since 2012-13 and queried that if WSCC were still in the 'Cycle to Work' scheme if that mileage is likely to have reduced so much. An officer advised that this scheme could no longer be supported on an administration basis and would be unable to guarantee that bringing it back would increase mileage figures.
- Noted that school buildings have not been included in the figures, but work was underway to promote solar scheme to schools. An officer advised that the 'Your Energy Sussex' (YES) Partnership is promoting energy efficiency and investigating the potential for renewables with at private businesses, on our own corporate buildings and schools. Schools have the option to use YES install and maintain the panels and in return receive a reduced rate for the energy generated by the solar panels. 32 schools have been piloted for the YES scheme and six will be going ahead with solar panels. Information is sent to schools when they request it. The scheme will soon be rolled out on a broader scale.
- Queried if the possibility of a corporate account that can offer good staff incentives, or the use of a travel management company that can look at potential savings, has been considered. An officer advised that there is currently a robust review of staff travel in general, including transport means such as pool car fleets.
- Requested details on the subsidies provided for the U7 bus. An officer advised that this information will be provided to the Committee after the meeting.
- Suggested that the staffing mileage costs reductions should not be included as significant progress in the report, as there had been a reduction in staffing levels.
- Queried the prospective solar farm at Tangmere and if there are any savings in the future, whether these would be included in the energy savings figures of WSCC or of Tangmere parish council. The energy will be sold back to the grid to generate an income for the WSCC, so will not show in the report as energy savings next year. Options on how WSCC can purchase the energy back from the grid are being explored.

44. Resolved – That the Committee noted the report.

Business Planning Group Report

45. The Committee considered a report by the Chairman of the Business Planning Group (copy appended to the signed minutes).

46. Resolved – That the Committee endorses the contents of the report and particularly the Committee's Work Programme for 2015/16, revised to reflect the Business Planning Group's (BPG's) discussions.

47. With a request that the following be considered by the BPG:

- Road Safety strategy - To include looking at significant life changing injuries and persons killed.
- Anniversary of driving test – To look at what help or educational programmes can be given to new drivers, including school training programmes, with the addition of experience on motorways and rural roads.

Requests for Call-in

48. It was noted that the following request for Call-in to the Select Committee has been received since the date of the last meeting, Proposed Decision: Sustainable investment for business support: the future of grant and support programme in West Sussex – FIN 04 (15/16), which will be considered by the Committee on 23 July 2015.

Forward Plan of Key Decisions

49. The Committee considered the Forward Plan July to October 2015 (copy appended to signed minutes).

50. Resolved – That the Forward Plan be noted.

Date of the Next Meeting

51. The Committee noted that its next scheduled meeting will take place on 17 September 2015 at 10.30am at County Hall, Chichester.

The meeting ended at 1.49pm

Chairman