

# SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 21 November 2012

Present: Councillor D Elderton (Chair)

Councillors J Crabtree J Stapleton  
L Fraser M Sullivan  
D Mitchell KJ Williams  
C Muspratt S Williams  
T Norbury

Cabinet Members: Councillors G Davies H Smith  
C Meaden

## 29 **FILMING OF MEETING**

Prior to the first item of business, Councillor J Williams moved, seconded by Councillor M Sullivan, that –

‘Filming of the meeting be not allowed.’

Councillor J Williams suggested that filming could be regarded as disorderly and disruptive. Other Members suggested that there was nothing wrong in anyone filming a Council meeting which was open to the public.

The Chair then asked for advice from Mr K Abraham, legal representative from the Department of Law, HR and Asset Management. Mr Abraham provided the Chair with an advice note from Surjit Tour, Acting Director of Law, HR and Asset Management, which had been provided to the Leader of the Council in respect of Cabinet meetings.

With reference to the advice note, the Chair confirmed that the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 SI 2012 No. 2089 (“the Regulations”) were the relevant statutory provisions. The Regulations came into force on the 10 September 2012.

The Regulations did permit members of the public to attend Council committee meetings subject to some exceptions. Although the Regulations did state, “any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report”, they also say “nothing in these Regulations requires a decision-making body to permit the taking of any photographs of any

proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place” (Regulation 20 (4)).

Therefore members of the public had no right to film or record the meeting.

In giving further advice to the Committee, Mr Abraham emphasised that if Members found the filming so intrusive, unnerving or problematic that it interfered with the committee proceedings then the individual concerned could be asked to stop filming.

The motion was then put and carried (6:3) (One abstention)

**Resolved (6:3) (One abstention) - Filming of the meeting be not allowed.**

### 30 **MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had any disclosable pecuniary or non pecuniary interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor T Norbury declared a personal interest in agenda item 8 – Wirral University Teaching Hospitals (WUTH) NHS Foundation Trust – Travel Plan Review (see minute 37 post), by virtue of him being an employee of Merseytravel.

### 31 **MINUTES**

**Resolved – That the minutes of the meetings held on 26 September and 6 November, 2012 be approved.**

### 32 **DOMESTIC HOMICIDES**

The Acting Director of Law, HR and Asset Management submitted a report on the progress of the Domestic Homicide Review process which had been applied since the enactment of provisions contained within Section 9 of the Domestic Violence and Crime Act 2004.

On 13 April 2011 following the implementation of the Act, the statutory requirement for Community Safety Partnerships to conduct a Domestic Homicide Review (DHR) became law. The report gave details of the criteria to

be met for a DHR to be held and those involved in the Domestic Homicide Review Panels, which carried out much of the work of a DHR.

Domestic Abuse Multi Agency Risk Assessment Conferences' administration and Independent Domestic Violence Advocates were all externally grant funded and that funding would cease to exist on 31st March 2013. Unless alternative sources of revenue could be found the service which focused upon safety planning and preventing homicides amongst a very vulnerable group would cease, thus removing the support from victims and their families who had been assessed as being a high risk of further abuse.

Responding to comments from Members, Rob Beresford, Head of Regulation, informed the Committee that an application for funding had been made for 2013/14 along with a growth bid for funding. One of the main causes of domestic violence was alcohol and drug taking. It was acknowledged that issues around family finance could also increase tensions in homes. Steve McGilvray, Head of Community Safety, stated that a presentation would be made to Head Teachers in January, 2013 with regard to children who might not be aware of domestic violence within the home and the need to support these children.

The Chair stated that the Committee was wholly sympathetic with the need for the Council to do its best to look after vulnerable people within the Council's limited resources.

**Resolved – That the report and comments of Members be noted.**

### 33 **PAVEMENT AND GRASS VERGE PARKING**

The Interim Director of Technical Services presented a report which provided a strategic overview of the problems associated with pavement parking, the current legislative framework and proposals on how the Council could increase public awareness of the issue and in conjunction with the police, undertake appropriate enforcement action.

The introduction of further specific Traffic Regulation Orders would require formal advertising, processing and sealing. The pursuit of the pavement and grass verge parking agenda was not currently a funded item and would require resources to be made available. As a "growth" item, careful consideration had to be given to whether such resources could be identified considering the Council's financial position. It might be that Area Forums could decide to allocate some of their funds to this topic, but central funding was unlikely to be available.

If funding was available, there could be a prospect of extending the role of the Council's parking enforcement contractor to cover this additional area of enforcement and for them to serve fixed penalty notices on all vehicles parked

on the pavements in any of the roads where traffic regulation orders were introduced. The creation/implementation of a database to record persistent 'offenders' would require IT support and would need to conform with the Data Protection Act 1998 (as amended).

Ian Campbell of the Wirral Pedestrian Forum and Inspector Barr of Merseyside Police both addressed the Committee. Mr Campbell suggested that the Merseyside Police website should give an accurate summary of the law. Whereas the Police website used to say, "It is an offence for a person to park their vehicle on a pavement and they would normally get a parking ticket", it now made a much weaker statement that parking a vehicle on the pavement could lead to an offence of obstruction being committed. Inspector Barr responded to this by saying he would take these comments back to Merseyside Police.

Members expressed support for a warning leaflet which would be issued to warn drivers of inappropriate parking which caused an obstruction. They suggested that wording on the leaflet could be harder hitting and that registration numbers could be noted to enable a database of persistent offenders to be established. The leaflet should also include the point that it was illegal to drive on the pavement. Some of the worst offenders were utility vehicles.

David Rees, Road Safety Manager, acknowledged that the report was incomplete in that it omitted a key part of the law, namely that it was an offence to drive on or over a pavement. He was grateful that this omission had been pointed out by the Wirral Pedestrian Forum and that officers would be formulating a legal note to take account of this to be circulated to members of the Committee. Responding to Members' comments he stated that there was no short answer to the issue of terraced roads in parts of the borough where it was unavoidable for residents to park on the roads. The department intended to work with Merseyside Police to get a more consistent view on what constituted an obstruction and he suggested that he would like to be able to add the Merseyside Police logo to the warning leaflet. With regard to utility vehicles, a successful claim for damage to verges had been pursued against a utility company.

The Interim Director suggested that the fact that some legislation used to address the issue of obstruction to a public footpath or thoroughfare had been drafted in the nineteenth century was an issue that needed to be raised with local Members of Parliament.

#### **Resolved –**

**That the report be noted and the following proposed actions by the Interim Director of Technical Services be endorsed:**

- (1) Undertake consultation with Area Forums, emergency services, WIRED and the Wirral Pedestrian Association regarding appropriate minimum widths, impingement upon which would be deemed obstruction, and report back to Members in due course.**
- (2) Review, and if found practical, prepare an invest-to-save proposal to address the consequences for highway maintenance and the defence of personal injury claims arising from pavement and grass verge parking.**
- (3) If resources are available, conscious of the context described in paragraph 7.2 of the report, then implement a staged approach to managing pavement parking issues:**
  - (i). In conjunction with the Police, undertake an information/publicity campaign using a variety of media strands to raise public awareness of the problems and the potential penalties that can be imposed.**
  - (ii). Issuing of specific warning leaflets (Appendix 1) for drivers together with a database of persistent 'offenders' in problem areas.**
  - (iii). Referral to the police for dangerous, damaging or persistent obstructive parking.**
  - (iv). Refer to Area Forums/known community groups for prioritisation of specific pavement/grass verge parking restrictions with subsequent enforcement action, as appropriate.**
  - (v). Investigate the creation of a database of details of vehicles regularly parking on footways and grass verges causing obstruction and/or damage.**
  - (vi). Undertake prosecutions of drivers causing damage to the highway infrastructure.**
- (4) Request that Senior Officers raise issues relating to obstruction and footway parking with all Council staff and its contractors.**

**34 CORPORATE GOAL - 'HAVE A SAFE AND WELL MAINTAINED HIGHWAY NETWORK FOR ALL USERS' PROGRESS REPORT**

The Interim Director of Technical Services apologised that the report submitted for this item had some outdated data and that a new report would be published on the intranet and internet. The appropriate data was then circulated to the Committee and formed the basis of the debate.

The report updated the Committee on delivering services and plans which provided an assurance that, as prioritised within the Corporate Plan, all aspects of Wirral's highway network were safe and well maintained, including

an update on the performance measures in place for condition of the highway and casualty reduction.

The maintenance of all aspects of the highway infrastructure was a statutory duty imposed on the Council as Highway Authority. The Highway Authority also had a statutory duty to analyse road traffic accident data and to prepare and undertake measures to improve road safety.

**Resolved – That the progress made in achieving the goal, ‘Have a safe and well maintained highway network for all users’, be noted.**

35 **HIGHWAY MAINTENANCE: (1) SURFACING AND SURFACE TREATMENT MATERIALS AND (2) THE NATIONAL POT HOLE REVIEW**

The Interim Director of Technical Services submitted a report which gave details on the current surfacing and surface treatment materials being used for the maintenance of the highway network and the benefits associated with their use.

The report also introduced the findings of the National Pot Hole review undertaken by the government-sponsored Highways Maintenance Efficiency Programme (HMEP) titled ‘Prevention is better than Cure’, and provided an overview of the Council’s current maintenance strategy and how this compared to the HMEP review’s recommendations. The maintenance of all aspects of the highway infrastructure was a statutory duty imposed on the Council as Highway Authority.

Responding to comments from Members, Brian Smith, Highway Management Division, stated that the financial constraints the Council was under would affect the maintenance of roads. Within the budget available the department would target as best it could, with the products available, to extend the life of roads. There was a mixture of proactive and reactive repairs but the department was trying to reduce the amount of reactive repairs.

The Interim Director commented that as budgets were squeezed more and more over the next 10 years, there was a need to educate the public in the use of differing surface treatment materials. Every highway authority in the country needed to prioritise and look at its key roads.

**Resolved – That the report be noted.**

36 **PARKS MODERNISATION PROGRESS REPORT**

The Interim Director of Technical Services submitted a progress update on the Parks Modernisation Project. The Project was a complex multidisciplinary project with the purpose of establishing a modern, cost effective and efficient service comparable to that offered by the private sector by Spring 2013.

An Outline Delivery Plan was endorsed by Cabinet on 24 November 2011 (minute 205 refers) and this was further amended by Cabinet on 12 April 2012 (minutes 408 and 409 refer) and had been set out under four key workstreams all reporting to a Project Board:

- Policy, Processes and Performance
- Human Resources
- Assets
- Communication and Engagement

In addition there was an urgent short-term project to integrate the Highways Grounds Maintenance Service into the Council for 1 February 2012 on the expiry of the existing external contract.

The Chair and Committee expressed their thanks to all the staff and Friends' groups.

Mary Bagley, Parks and Countryside Service Manager, responded to comments from Members and informed the Committee that new machinery had been purchased which was specifically designed to cut grass once a year, thus enabling the creation of wild flower meadows.

**Resolved – That the progress of the Parks Modernisation programme, the improved standards in the Parks and Countryside Service and the substantial effect of the financial freeze on both revenue and capital budgets on the programme be noted.**

37 **WIRRAL UNIVERSITY TEACHING HOSPITALS (WUTH) NHS FOUNDATION TRUST - TRAVEL PLAN REVIEW 2012**

The Interim Director of Technical Services submitted a report on the Wirral University Teaching Hospital (WUTH) NHS Foundation Trust's Travel Plan Review 2012. This was the sixth annual review since the original Travel Plan was implemented as part of the Planning Approval for car parking provision at Arrowe Park Hospital in March 2006. The Travel Plan Review was currently reported on an annual basis to the Council and bi-annually reported to Members, as agreed by this Committee in November 2010. The review detailed progress to date to encourage staff to adopt sustainable transport habits and an action plan for the coming year.

The Travel Plan Review included the results of the bi-annual surveys and this showed a reduction in single occupancy vehicles (9%) driven to work by staff in comparison to the 2010 survey. There had been increases in the number of staff walking, getting the bus and car sharing to work. The survey also showed a decrease in the number of staff cycling to work.

Eddie Mellor, Director at Mott MacDonald Consultants, who had undertaken the travel review and David Hounslea, Director of Estates and Facilities at the WUTH, responded to comments from Members and stated that it was hoped to encourage more staff to cycle to work. Mr Hounslea confirmed that staff with car park permits were allowed to park on site and those applying for a permit were always asked how far from the hospital they resided. Mr Hounslea further advised that there were no plans to move the bus stops closer to the main entrance but he would undertake to look at improving the distance between the two.

**Resolved – That this Committee notes the positive progress made by the Trust in reducing single occupancy car travel to the hospital, and endorses the contents of the WUTH NHS Foundation Trust’s Travel Plan Review 2012.**

**38 BRIEFING NOTE: SCOTTISH POWER PERFORMANCE - STREET LIGHTING**

The Interim Director of Technical Services submitted a briefing note on Scottish Power performance in relation to street lighting. The required standards of performance for street lighting were:

- (i). Completion of a fault repair to a single streetlight electricity supply within 25 working days
- (ii). Completion of a service connection to a streetlight within 35 working days

At present there were no service faults awaiting repair or service connections awaiting completion that had exceeded the service standard.

**Resolved – That this Committee notes the content of the briefing note.**

**39 BRIEFING NOTE: UPDATE ON SERVICE LEVEL AGREEMENT BETWEEN WIRRAL BOROUGH COUNCIL AND UNITED UTILITIES GROUP PLC**

The Interim Director of Technical Services submitted a briefing note on the Service Level Agreement between the Council and United Utilities Group plc.

**Resolved – That this Committee notes the content of the briefing note.**

**40 DECISIONS TAKEN UNDER DELEGATED POWERS**

The Acting Director of Law, HR and Asset Management reported, in accordance with the Approved Scheme of Delegation, of those instances where delegated authority had been used with respect to the appointment of

Contractors pursuant to Contract Procedure Rule 14.1. Since the last meeting of the Committee, tenders had been accepted for works to –

- Irby Library - Flat to Pitched Roof Conversion
- Various Properties - Supply & Maintenance of Fire Fighting Equipment 2012-2015

**Resolved – That the report be noted.**

#### 41 **FORWARD PLAN**

The Committee had been invited to review the Forward Plan prior to the meeting in order for it to consider, having regard to the Committee's work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

**Resolved – That the forward plan be noted.**

#### 42 **REVIEW OF SCRUTINY WORK PROGRAMME**

The Committee received an update in relation to its work programme.

**Resolved – That the work programme be noted.**