

## **Report of the Overview and Scrutiny Committee**

1. This report summarises the business considered at the meetings of the Overview and Scrutiny Committee held on 28 January and 18 March, the Overview and Scrutiny Performance Panel held on 4 March and includes an update on the Sustainable Public Transport Task Group.

### **Overview and Scrutiny Committee – 28 January 2021**

#### **Adoption of Estates Update**

2. We welcomed Ray Bennett, Principal Officer, Highways and Transport at Lancashire County Council.
3. He explained the history of the process of Adoption, recounting the legislation passed to create the current process, and explained that a street to be adopted has to serve at least six separate residential properties. Further information about how Lancashire County Council determined what could be adopted was in a County Council document entitled “Code of Practice on Highway Status and Adoption”.
4. The process of the mechanism involved a developer to approach the County Council and declare that they wished for their roads, footways, and associated infrastructure to be adopted. This should occur before construction starts but is often not the case. For an agreement to take place, the Highway Authority requires evidence including planning permission, full title to the land and streets which are to be built on, the highway layout and construction and highway drainage.
5. The length of the process typically occurred 24 months from completion of the site work. Adoption is subject to a final inspection and placed on a 12-month maintenance period to highlight work for the developer to complete prior to adoption. Large complex sites that have multiple phases took significantly longer to adopt.
6. There were several barriers that could prevent agreement and the process occurring in a timely manner, these could include:
  - The design, layout or construction not complying with the County Council’s design standards for adoption
  - Full title cannot be demonstrated, some developers construct on land they do not have the title on
  - Confirmation not provided that linked agreements were established, e.g. with United Utilities to facilitate drainage of the site
  - Inspection fee not provided, and the site constructed without supervision, leading to uncertainty what had been laid down
  - Access obstructed or planted over
  - Site failed to link to a highway maintainable at public expense

7. Section 37 of the Highways Act 1980 enables owners of a road to serve notice on the Highway Authority to declare their intention to dedicate the street as a highway. All requirements for Section 37 mirrored Section 38. Though extremely rare, there have been attempts by developers to force inappropriate development onto the County Council through Section 37 in the past, and they were rejected through the Magistrate Court.
8. Section 228 of the Highways Act empowers the Highway Authority to adopt a private street after execution of street works. This is referred to as the Private Street Works Code. Section 228 is an aggressive form of adoption that removed land ownership rights and forced landowners to pay for streets to be at an adoptable standard.
9. We asked if the online mapping system was kept up to date as there were examples where constituents had their estates adopted but were told by the contact centre that it was not the case. Ray advised they are updated as soon as the adoption passed.
10. I enquired about the process if a development was finished and the developer ceased business operations. Ray explained that the process requires money from the developer before construction started but part of the highway's legislation was defective and building regulation was taken from the hands of the authority. There were plans for the legislation to be rectified but delayed due to Brexit and Covid-19.
11. We queried what a large estate could do that was not adopted. Ray explained residents need to approach the developer and push for adoption, and it is the developer's remit to approach the Council.
12. We noted that communication is not in place for residents, District Council Members and departments. We asked if GDPR was a reason for difficulties in communication between residents and the Council after developers went into administration.
13. Residents should have been aware prior to the purchase if they were on an adopted street. The developer must seek adoption, and he reiterated hopes that legislation would strengthen the position to seek payment prior to the start of construction. In terms of communication, he explained that there is a District Team in place to deal with enquiries from Parish Councils through to the parliamentary representative. We highlighted issues and Ray undertook to raise it with the team.
14. We asked about the nature of adoption for properties that were leasehold. This is complicated but ultimately the developer had the title to the land they were built on and if they did not own all of the land that was built upon, adoption would not occur.
15. We noted the report.

### **Budget Scrutiny**

16. We welcomed Councillor Peter Wilson, Executive Member (Resources) and Chris Sinnott, Deputy Chief Executive.

17. Councillor Wilson explained that the budget situation is challenging and reminded us that the Council's money came from Business Rates, Council Tax, New Homes Bonus, and grants. The current challenge is not just to set the budget but to create a plan to balance the budget. There is outstanding uncertainty with business rates, as it is linked to the Fair Finding Review.
18. The report explained that there is a deficit of £908,000, increased from £302,000 due to the leisure centre service cost, in addition to the Covid-19 Pandemic. It is estimated that the deficit is to increase to 3.2m next year and £4.3m the year after.
19. The report highlights how the administration intends to balance the budget. First by explaining the saving made from the shared services arrangement, in addition to the income generated with Market Walk, Primrose Gardens, Strawberry Fields, and Logistic House. The deficit will increase significantly to £107,000 going to £2m and then £2.9M, the year after.
20. It is proposed that council tax be increased by 1.99%, with consideration given to increase parking charges without adversely impacting the high street.
21. The administration is considering investment sites and it is believed that future savings of £1m can be achieved by 2022-2023, with £1.3m the year after.
22. It will be a considerable challenge to balance the books in light of the uncertainty with funding streams, but it is a testament to the hard work of Officers that has allowed the administration to prioritise the Corporate Plan, and to ensure that money is correctly allocated.
23. In terms of reserves, the general fund contains a committed £4M, and another £3.2m in reserve that covers Market Walk and asset maintenance support for local businesses.
24. We thanked Councillor Wilson, and the officers that compiled the budget. We enquired into the levels of money Chorley will receive from the Government Finance Settlement. Chris Sinnott said that the Council received the one-year settlement as part of the Fair Funding Review, but there is only certainty for the coming financial year and it was approximately £500,000. The figure was slightly less than the previous year.
25. I questioned if the leisure centre was going to lose £600,000, and if that figure included funds made available by central government to cover the losses of leisure centres. It was confirmed that it included the funding, but there was optimism for a recovery in the next financial year.
26. I asked about income generated and budget deficit of £170,000 caused by Strawberry Fields and if there was any indication of improvement. It was hoped that it would perform better, but it was a long term investment for the Council to provide a source of revenue for 25-50 years. Although it was not producing revenue presently, interest and demand was growing despite the present situation, and the increase in working from home.

27. We queried if there was a contingency for both Strawberry Fields and Digital House. Councillor Wilson confirmed that there are contingency plans, but they were focused on Plan A and believed that when things are up and running, interest will increase.
28. We thanked both Councillor Wilson and Chris Sinnott for attending, presenting, and noted the report.

## **Health Scrutiny**

29. We welcomed Councillor Margaret France to report on the Lancashire County Council's Health Scrutiny Meeting that took place in December 2020 and from the Lancashire Health and Wellbeing Report.
30. The situation evolved from the middle of December to the end of January and we were updated with information about test and trace, bed pressures on hospitals, and strategies employed to cope with winter bed pressures. The County was working with the military to deliver 6-week targeted surge programme of asymptomatic testing in the care, education, faith centres and large employers.
31. Test and Trace in the region had a period of six to seven days before users were notified. The number of duplicated phone calls had decreased. The test used for Covid-19 carried a large number of false negatives, but there was no indication that there were false positives.
32. Transmission of Covid-19 in hospital was high, but the numbers slowly decreased when infection control measures were implemented.
33. For the weekend of 20 January, Chorley had a figure of 373 infections per 100,000, which was below the national average and rate of infection was slowing down. The highest numbers were in the age groups 16-19 and 30-44 which 10% of tested, were positive.
34. Bed occupancy was currently 100% in critical care and increasing, the peak was not expected until the period of 3 February to 17 February, and the peak of deaths was expected from the 24 February to the start of March.
35. It was expected that the vaccination programme would not yield benefits until the end of March and into April, but more than 80% of the over 80's were vaccinated. There were rumours circulating in the ethnic minority communities that pork products were used in the production of the vaccine, but this was false, and faith groups have been working hard to dispel the rumour.
36. 167 enforcement notices had been issued the week ending 20 January, highest levels of enforcement notices were to barbers, gyms, shops and gatherings of young people.
37. Selective routine surgeries have been stepped down, but critical patients prioritised.
38. In response to a question, it was noted Covid-19 patients were being treated at both Chorley and Preston, in addition to the Manchester Nightingale hospital.

39. The update was noted.

## **Overview and Scrutiny Committee – 18 March 2021**

### **Health Scrutiny**

40. The proposal to close Chorley's A and E Department had been withdrawn and it was currently open 12 hours a day from 8am to 8pm, while children were able to be seen at Chorley Urgent Care Centre which was open 24 hours a day, seven days week.
41. The new Health Infrastructure Plan 2 was in development, but similar to Our Health Our Care it will be a long process before any changes are implemented.

### **Clean Air Strategy**

42. We welcomed Laura-Jean Taylor, Public Protection Team Leader (Early Intervention) to present the Clean Air Strategy.
43. Current measurements of air quality do not exceed the acceptable limits of nitrogen dioxide or particulate matter 2.5, although it is believed that the acceptable levels and limits were likely to be amended by the Government.
44. The Council's strategy is split into four key areas,
- The Council's internal actions
  - The revision of policies and guidance documents
  - Communication, education, and engagement
  - Research projects.
45. Implications of not adopting the Clean Air Strategy could result in the failure of the Council to achieve the goal of carbon neutrality by 2030.
46. The aims and objectives of the strategy were highlighted, these include engagement with residents and businesses, to have low or zero emissions from commercial, industrial and domestic sources, and for all council decisions to consider the impact on air quality.
47. Laura explained that it was likely that Clean Air will be considered and incorporated into the Local Plan and planning applications.
48. Relating to taxi's and private hire converting to green and zero emission vehicles, the Council's approach is to provide incentives and ensure that it is a viable and sustainable option for operators.
49. I suggested that the Clean Air Strategy returned following the consultation in the new municipal year.
50. We noted the report.

## **Overview and Scrutiny Task Group - Developing the Council's Green Agenda - Monitoring of Recommendations**

51. We welcomed Zoe Whiteside, Service Lead, Spatial Planning, Planning and Development to provide the update.
52. The final report of the Task Group was presented to Cabinet in March 2020. Sally Green, Climate Change Programme Officer was recruited to the post in February 2021.
53. The first meeting of the member led Climate Change Working Group took place in February. The main objective of the Working Group is to monitor the activity of the green agenda, to ensure the Council is on course to meet the zero net emissions target by 2030, in addition to monitoring all other targets and ambitions set by the Council and from the upcoming Environment Bill.
54. We recommended that future updates to Overview and Scrutiny are accompanied by the minutes of the Working Group. The scope of the Working Group is broad and expansive. For the Overview and Scrutiny Committee in September, a more detailed report will be presented.
55. The Green Agenda has been allocated £500,000.
56. Sally Green will present a Member Learning Session to allow all Members to access updates relating to the Green Agenda in the new municipal year.
57. We noted the report

## **Overview and Scrutiny Task Group - Quality of Housing Provided by Social Landlords - Monitoring of Recommendations**

58. Laura-Jean Taylor, Public Protection Team Leader (Early Intervention) provided an update from Jennifer Mullin, Director of Early Intervention
59. Officers met with Jigsaw and Place for People regarding the introduction of a Housing Standards Charter. Both organisations are open and receptive to working with the Council to develop a Charter but are conscious that the standards and reforms proposed within the Social Housing white paper published last year will require them to adopt many of the principles that have been suggested by Chorley Council to be included within the Charter.
60. They have asked if we can allow them the time to understand and plan how they are going to incorporate the proposed white paper changes and then mutually agree any outstanding areas that would need to be accommodated through the agreement of some local arrangements. We have agreed to revisit the conversation with the registered providers later in the year to establish progress and moving the development of the Charter forward.

61. We noted the update.

### **Overview and Scrutiny Work Programme**

62. I indicated my desire to have Neighborhoods on the Work Programme for the next municipal year, and within the meeting it was raised that cycling in the borough could be explored.

### **Overview and Scrutiny Performance Panel – 4 March 2021**

#### **Performance Focus - Commercial Services**

63. We welcomed Victoria Willett, Shared Service Lead, Transformation and Partnerships to provide a brief overview and summary of the report, and explained the Commercial and Property Directorate contained Commercial and Assets, Development and Business and more recently Projects and Development which was a South Ribble function.
64. The Directorate has a large number of capital schemes with major projects underway, including but is not limited to Alker Lane, Tatton Development and Whittle GP.
65. The Directorate is heavily involved with Covid-19 emergency response and is supporting local businesses with the administration of grants through online support and workshops.
66. The report contained an update on the budget and performance contextualised with key measures of each service. The report is accurate as of the end of Quarter Three.
67. We queried about the impact of new Government guidance relating to the use of Public Work Loan Funds by Wholly Owned Companies. It was confirmed, that the last-minute changes made by the Government about the use of the Public Works Loan Board for commercial investment caused delay, but noted Chorley Council will not be impacted by the change as the Council's focus and investment take place within the Borough. The changes were aimed at authorities that made large scale investments outside their boundaries and across the country. It was hoped when released there are not considerable changes required to the document already drafted before going to Council.
68. Councillor Alistair Bradly addressed a question from us about the bus station and potential funding from Lancashire County Council. Due to the current operational loss, a significant amount of time and money will be required to make the changes. It is proposed that for three to five years Chorley and the County Council make equal contributions. The response was negative from Lancashire County Council, and as a result Chorley is unable to afford the cost alone. Disappointment was expressed about the lack of investment Chorley received by the County Council when compared to Preston.

69. We noted the report

### **Business Planning Update**

70. Victoria Willett summarised the Business Planning update.

71. 15 business plans produced the previous year have been completed and the plans identified a further 189 projects,

- 33 were complete
- 118 were ongoing
- 11 had yet to start
- 27 were on hold

72. In September 2020, it was reported that Covid-19 and related implemented measures impacted the ability to deliver some projects, but most projects were able to move forward, either as they were, revised, or rescope. There are several reasons to explain why projects were on hold or yet to start, including the inability for the requirements to be progressed, that projects required physical or face to face involvement, or they were projects that would span several years.

73. Despite Covid-19, performance had been similar to the previous year.

74. It is expected that for the remainder of the year, virtual meetings will remain in place instead of face to face meetings and workshops, but the process for directors and service managers to deliver the projects remain the same.

75. In response to a query from us about the leisure contract and an update on Active Nation seeking costs, Councillor Alistair Bradley said that Chorley Council does not believe that Active Nation have a claim, and that going forward, it is likely that future Council contracts would include pandemic clauses.

76. We noted the report.

### **Overview and Scrutiny Task Group**

#### **Reports from the Task and Finish Groups**

77. Councillor Kim Snape updated the Overview and Scrutiny Committee relating to the progress of the Sustainable Transport Task Group. She highlighted the individuals that have attended and contributed which included Sir Lindsay Hoyle, MP for Chorley. Chris Sinnott, Deputy Chief Executive and Jonathan Noad, Director of Planning and Development.

78. Reflecting upon the Task Group's Final Report and its 22 recommendations, the process was insightful but she desired more input from the public and community groups, but understood that due to the pandemic, obtaining views had to be achieved via social media. It was acknowledged that cycling was not explored but is recommended to be its own future Task Group.

79. Resolution to issues raised is not within the power or control of the Council, but there is the potential for the Council to push for change and to improve cooperation, communication and consultation with both the County Council as the Transport Authority and the public transport providers.
80. In response to our question about the price of fares, Stagecoach acknowledged that they need to improve their promotion of the different tickets and offers available, but it is unlikely for a decrease due to the impact of the pandemic.
81. It is believed that the Council could benefit and assist Dial-a-Ride in spreading awareness, to promote volunteer opportunities, dispel misinformation, and invite them to future meetings of Town and Parish Councils.
82. For Public transport, there will be a challenge to promote and encourage users to return post Covid-19.

**Recommendation**

83. To note the report.

Councillor John Walker

Chair of Overview and Scrutiny Committee

MP