



Performance  
Management  
Scrutiny Committee

12<sup>th</sup> October 2018

2.00 pm

Item

3

Public

**MINUTES OF THE PERFORMANCE MANAGEMENT SCRUTINY COMMITTEE  
MEETING HELD ON 11 JULY 2018  
2.00 - 4.35 PM**

**Responsible Officer:** Julie Fildes

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**Present**

Councillor Claire Wild (Leader)

Councillors Gwilym Butler (Vice-Chair), Karen Calder, Roger Evans, Hannah Fraser, Alan Mosley, Cecilia Motley, Peggy Mullock, Dave Tremellen and Leslie Winwood

**5 Disclosable Pecuniary Interests**

There were no declarations of pecuniary interest.

**6 Minutes of the meetings held on 16th and 17th May 2018**

**RESOLVED:**

**That the minutes of the meetings held on 16<sup>th</sup> and 17<sup>th</sup> May 2018 be approved as a correct record and signed by the Chairman.**

**7 Apologies for Absence and Substitutions**

There were no apologies for absence or substitutions.

**8 Public Question Time**

Mr Steven Mulloy submitted the following questions and the written responses were tabled at the meeting.

**Question:** On the 18th December 2017, the British Ironworks Centre (BIC) at Oswestry were invited by Shropshire Council to withdraw their retrospective planning application (16/04624/FUL), which amongst other things, sought to address the road safety at the junction of their business with the A5.

A 2009 planning application had a Condition (No13) that said:

Prior to the commencement of the development the applicant shall undertake access improvements the design of which shall be in accordance with Highways Agency design standards and to be certified as being complete by the Local Planning Authority in consultation with the Highways Agency.

Reason: To ensure that the A5 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption to the flow of traffic expected to be generated by the development and to protect the interests of road safety on the trunk road.

This Condition No13 was never complied with, and as some members will know, the activities at the BIC have grown exponentially since 2009....without any safety improvements to the junction with the A5.

The 18th December 2017 letter from the case officer (copy attached) 'inviting' the withdrawal of the planning application said:

**"Enforcement action**

*The Council has the option to take enforcement action against the current breaches of planning control. National policy states that effective enforcement is important as a means of maintaining public confidence in the planning system. **Considering the breaches on this site that have occurred, the Council is particularly concerned at the potential highway safety impacts arising from the intensification of a former farm into a tourist facility and the current substandard access/ exit.** However, I do not think it expedient to take enforcement action now for two reasons. First, I have given some weight to the fact that you operate a business here with some employment that appears popular and, second, the Council assumes that peak visitor season to the sculpture park is the summer. Thus there is theoretically sufficient time to assess a fresh application and approve appropriate traffic management measures before next summer. Next steps I am asking that you withdraw your current application and submit a new one. I propose that we set a deadline for 30 March 2018.....**The Council is likely to take enforcement action if you do not comply with this requirement.** "*

It is now the middle of July, and as yet, there is no publicly available planning application for the BIC, and even if there was, the officer's letter does not recognise the amount of time it would take to consider the application and implement appropriate traffic safety management measures, which will certainly not be in place this summer.

The breach of planning Condition was brought to officers' attention in 2015, and here we are, 3 years later, and still no improvement to the BIC junction with the A5. The Council has the power to resolve this matter now:

*Under current legislation, the Road Traffic Regulation Act 1984 (RTA 1984), authorities can make permanent TROs for one or more of the following purposes:*  
*a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising.....*

Or, the Council could take enforcement action as they threatened if an application was not received by 30th March 2018.....which it wasn't.

As there seems to be more regard for the BIC than public safety, can I ask that this committee makes enquiries as to why there has been so much leniency showed to

the BIC in their apparent complete disregard for the safety of the users of the A5, and to consider what the position might be if there were to be a fatality at the junction of the BIC with the A5?

**Response:** Officers have confirmed that a retrospective and reduced planning application has been submitted seeking to regularise the development that has taken place without permission and is currently being validated. Once validated all relevant consultees including Highways England will be consulted and their views will inform the officer recommendation and decision regarding the suitability of the access as proposed.

## 9 Members Question Time

Councillor Roger Evans asked the following question:

It is said by many that an interest grant of £80,000 was reputedly made to the New Saints Football Club (TNS) in 2012 (6 years ago) as part of the Market Towns Revitalisation Programme (MTRP). This was a public program involving a number of separate towns and was in place to help revitalise the economy of the main towns in Shropshire. All the money allocated to this program has now been distributed. Each of these programs also involved all the Local Parish and Town Councils.

I note the decision made at the recent Audit Committee. This was that in their opinion no fraud has been committed and the comment that their remit was to look and investigate allegations of Fraud. Their work had therefore been completed and they considered that if any further information is wanted then this is best asked for via the appropriate Scrutiny Committee. They noted there were differences between the remit of the committees.

I and a number of other councillors have and are being asked numerous questions by the media, residents of the area and residents living in Shropshire concerning a reputedly £80,000 grant that was made in 2012, some 6 years ago. These questions cover many areas querying the performance of the council in ensuring best value was obtained from this money, that legal rules covering the giving of grants by public bodies have not been contravened and ensuring it was used for the purposes as laid out in the agreed decision.

- Can the Scrutiny committee be given details including who made this decision, what it was to be used for and how if any of it was to be repaid including a timescale?
- If it was not part of the MRTP can it be confirmed what grant programme this was part of?
- Can we be assured that no legal rules governing grants given by public bodies have been contravened?
- Can the Performance Scrutiny Committee be assured that Shropshire Council will ensure that all grants it gives are used for the purpose as laid out in the original decision?

The Chair proposed that following legal advice taken prior to the start of the meeting, the Committee should exclude the press and public to receive the response to this question. This proposal was duly seconded. Councillor Evans expressed strong dissatisfaction with this, stating that much of the information regarding this matter was already in the public realm and he was asking for clarification. The Senior Solicitor advised that discussing the issues raised in a public forum could prejudice any legal action the Council might take in relation to this case. He advised that any consideration should be held in private session to enable free discussion of the issues.

**RESOLVED:**

**That press and public be excluded under paragraph 10.5 of the Council's Access to Information Procedure Rules. The proceedings of the Committee be not conducted in public on the grounds that they might involve the likely disclosure of exempt information as defined by the category specified against them.**

Councillor Evans requested that it be noted that he voted against the resolution.

Following discussion of the matter [as outlined in the confidential minutes] the meeting was reopened to the press and public.

## 10 Digital Transformation Programme Update

The Head of Workforce and Transformation referred Members to the briefing note distributed by email prior to the start of the meeting [copy attached to signed minutes]. The briefing note outlined the recent progress of the Digital Transformation Project.

The Director for Adult Services gave an update on progress with the Digital Transformation Programme within his area of responsibility. He advised that following five different testing rounds which examined the data transfer process and data quality, a series of issues had been identified and the decision had been taken that the implementation day would be altered to give more time to resolve these issues. The anticipated date for Adult Services would be 18<sup>th</sup> December 2018. Similar issues had been found with Children's Services and their start date had been reset at 19<sup>th</sup> February 2019. He continued that it was important that all elements were in place and secure before the transfer to the new system to avoid risk. The revised dates had been agreed as appropriate with suppliers and designers.

In response to a Member's question about the status of the project, The Director for Adult Services confirmed that the status of the project remained at red due to a number of outstanding issues which were expected to be resolved.

The Head of Finance, Governance and Assurance, responded to a Member's question about the financial impact of the slippage by assuring Members that there would be a financial impact but it was low level and would not adversely affect the Financial Strategy.

Members noted that testing with user groups including members of the public with a range of disabilities had been undertaken to ensure that the new systems were

suitable for all users and the designs adhered to Government standards, including those of accessibility. More testing would be undertaken as programmes were developed and finalised.

Members asked if the anticipation that making systems easier for the public to use would increase demand had been factored in to calculations. The Chief Executive responded that this was the expectation, but it was anticipated that service demand would return to usual levels.

In response to a Member's query about vexatious complainants, the Head of Workforce and Development commented that it was recognised that many of these people had significant mental health issues and required support. The new systems would provide richer data to enable easier identification of these individuals to allow the correct approach to be adopted. Members suggested that this might be added to the work programme as a possible topic for a Task and Finish Group.

Members discussed the recruitment of students to assist with the project.

## **11 Quarter 4 Performance Report 2017/18**

The Performance Manager introduced the report. He observed that most areas of the report remained unchanged and that there had been a few significant improvements and giving examples of:

- Delayed transfers of care
- Theatre Severn attendance
- Market halls

Whilst admissions to residential care had reduced, this was explained by a revised policy to keep people in their own homes.

He continued that there was continuing pressure on looked after children, a small reduction in transport and highways satisfaction levels and an increase in killed and seriously injured on the roads.

A Member observed that the report before the Committee had already been considered by Cabinet and requested clarification on the role of the Committee. The Performance Manager advised Members that it was the Cabinet's duty to manage performance, the Committee's remit was to consider the contents of the performance reports, and, if minded, to identify issues for scrutiny or overview.

In response to a Member's query on the revised Financial Strategy and reductions to the Public Health budget, the Performance Manager advised that the Financial Strategy Task and Finish Group had had several opportunities to review the Financial Strategy including the changes to the public health budget. The Chief Executive observed that Council's decision to increase staff pay from October 2018 had had an impact on the Financial Strategy. He continued that the Public Health Grant was ring fenced and could only be used for specific public health requirements but it would now be used for a greater number of areas of expenditure. He continued that the Health Overview and Scrutiny Committee would be considering the proposals to improve public health outcomes at its September meeting.

A Member asked if the projected savings in the public health budgets and increased expenditure in the Adults Social Care expenditure equated to cuts in services. The Chief Executive responded that an ongoing process of integration of systems with the CCG would lead to savings without the need for cuts in services. Public Health was also becoming better integrated with other Council Services which was reducing costs. He continued that within the public health remit the only item with a red rating was the raise in numbers of those killed or seriously injured on the roads.

Members queried whether savings could be made without cuts in services, the Head of Finance, Governance and Assurance responded that by delivering service outcomes more efficiently spending could be reduced. He continued that greater efficiency could be achieved through the renegotiation of contracts with suppliers or delivering some services in-house, a reduction in spend was not necessarily a reduction in outcomes.

A Member requested that more information be provided on the overall health and wellbeing outcomes across the county, she observed that the information provided tended to be centred on Shrewsbury. Information was also requested on environmental performance and it was suggested that a Task and Finish Group might be established to consider measures to reduce energy consumption.

Referring to section 6.3 of the report a Member's requested assurance that the 1% of food and drink premises in Shropshire with a 1 start rating were being given support to improve. Referring to section 9.2 he requested information on the type of contract the additional employees received. The Head of Finance, Governance and Assurance responded that using reserves was an unsustainable method of financing expenditure, he continued that there had been a shift in Government funding to a position where grants were provided for one or two years with no indication that they would continue and therefore had to be treated as one-off funding that may or may not continue.

Members noted the reduction in average wages, outline in section 7.3 of the report. It was suggested that this would be an appropriate subject for a Task and Finish Group with the purpose it identify why wages were falling. A member observed that the work of the Brexit Task and Finish Group had identified this issue and had also observed a shortage of skills in the workforce, with many skilled workers living in Shropshire but commuting out of the county to work. He noted that the Shropshire Business Board would be considering this area at its September meeting.

In response to a Members question, the Performance Manager explained that statistics on housing were not included in the report as they had not significantly changed. He also informed Members that the reporting framework for the coming year was being revised.

The Chairman of the Communities Overview Committee advised that her Committee would be establishing a Task and Finish Group to consider the issue of community transport. Members commented that the provision of suitable housing and appropriate transport was key to attracting employers with well paid jobs into Shropshire.

**RESOLVED:**

**That the report be noted.**

**12 Killed and Seriously Injured Report**

The Performance Intelligence Policy Team Leader introduced the report. He advised that the report was an overview of the situation with a gradual increase in the number of deaths and casualties over a number of years. The data included incidents on all highways within Shropshire including those controlled by the Highways Agency.

Members noted that the methodology for recording accidents and deaths had been revised. The consequence of this was that comparisons between the data sets were problematic and that an apparent increase in accidents and death rates could be due to the change in methodology. A longer period of data collection was required before levels of confidence in decisions using this data could be ascertained.

The Performance Intelligence Policy Team leader drew Members attention to the peak times in accidents coinciding with the busiest times for road use at the start and end of the working day, Monday to Friday. This was also the time when the most serious accidents were more likely to happen.

Referring to pages 9 and 10 of the report the Performance Intelligence Policy Team Leader observed that nationally, younger people were the most likely to be involved in accidents. Shropshire had a higher proportion of older people involved in accidents and who were statistically more likely to be more seriously injured. He continued that the County had a higher proportion of older people than the national average. He added that people of all ages in Shropshire were also more likely to own a vehicle as there was less public transport.

Members noted that motorbikes formed 3.5% of registered vehicles but were involved in 8% of accidents, with 33% of those involved killed or seriously injured.

The Environmental Maintenance Officer observed that the rural nature of the roads in the County was also a factor. The majority of roads were classified as A, B and uncategorised roads, single carriageway, with hills and limited visibility common place.

Members noted that there was a good working relationship between the Council and police through the Safer Roads Partnership. Unfortunately, the Officer with responsibility for Shropshire was on long term sick leave and the area was being covered by an Officer located in another area.

In response to a Member's question, the Environmental Maintenance Officer confirmed that it was possible to identify accident hotspots and to prioritise these sites for additional resources. He added that risk management work was constantly being undertaken. Members suggested that a sustainable duelling programme for the main trunk road should be considered. It was noted that many of the major roads through the County remained the responsibility of the Highways Agency.

Members discussed the issue of lowering speed limits on roads and the enforcement of them. They noted that many narrow rural roads had the statutory speed limit of

60mph which was completely inappropriate for them. Members suggested that the process for amending speed limits on roads should be reviewed.

Members observed that the A49 was used as a cycle route by riders undertaking the Land's End to John O'Groats ride. This was one of the main routes for heavy vehicles passing through the county and the lack of cycle lanes made it dangerous for cyclists. The Environmental Maintenance Officer added that increases in the size of agricultural vehicles which used the roads were adding to the issues of road safety. These heavy vehicles also caused maintenance issues for the roads they used.

Members discussed the availability of resources for road safety improvement. The Environmental Maintenance Officer advised that funding came from the Local Transport Grant which was linked to the provision of statutory responsibility and left little room for manoeuvre for other projects.

**RESOLVED:**

**That the report be noted and Task and Finish Group be jointed established with the Communities Overview and People Overview Committees to consider road safety and associated matters.**

**13 Shirehall Refurbishment**

Members noted that a report on the refurbishment of Shirehall would be considered at a future meeting of the Committee.

**14 Road Works and Street Work Task and Finish Group Report**

The Chair of the Roadworks and Streetworks Task and Finish Group introduced the report. He advised that the Group had considered both routine road works and street works and major highway projects in Shrewsbury.

Members noted that recent roadworks projects in Shrewsbury had cost £12m and had been undertaken to national standards with few complaints or delays. The Group had found that despite this huge investment in the town's infrastructure it had received very little publicity and the community were unaware of the investment.

A Member raised the issue of the impact of roadworks on the businesses located in Abbey Foregate and who had expressed concern to her as Ward Member about lack of consultation. The Chair of the Task and Finish Group responded that their findings had been that businesses in this area were happy with the improvements made. The Highways, Transport and Environment Manager commented that lessons had been learnt during this project and these were outlined in the Task and Finish Group's report.

Members discussed the permit system and how traffic lights had remained in place after the completion of works. The Chair of the Task and Finish Group observed that these issues were beyond the scope of the work of the Group.

**RESOLVED:**

**That Shropshire Council develops proposals to:**



- **Better inform people about road works and street works in their area through opportunities provided by the Digital Transformation Programme;**
- **Use social media to tell residents and elected members about road work and street work, including major projects such as SITP;**
- **Make better use of barriers erected during SITP works to inform people of the project and the benefit it is likely to bring; and**
- **Communicate successes more effectively.**

#### **15 Overview and Scrutiny Work Programme 2018 - 2019**

Members discussed the proposed work programme. It was suggested that the Public Health team should be included in discussion on place shaping. Members noted the importance of green infrastructure being included in local plans for public health.

**RESOLVED:**

**That the proposed work programme be confirmed.**

#### **16 Date/Time of next meeting of the Committee**

Members noted that the next meeting of the Performance Management Scrutiny Committee was scheduled for 2.00pm on Wednesday 12<sup>th</sup> September 2018.

Signed ..... (Chairman)

Date: