



Community and Regeneration Scrutiny Committee

Date: 13/06/2007
Open Report

Report of: Diana Glendenning
Senior Committee Officer

HIGHWAYS PARTNERSHIP TASK AND FINISH GROUP

1. Purpose of Briefing Paper

- 1.1. To provide the Community and Regeneration Committee with recommendations following a scrutiny exercise conducted by the Highways Partnership Task and Finish Group on how to improve the Council's relationship with the Highways Partnership Unit and to better understand the operation of the Highways Partnership Unit.

2. Introduction/ Background Information

- 2.1. The first meeting of the Highways Partnership Task and Finish Group was held on 19th December 2006 when members considered the interim report 'Wyre Forest Highways Partnership Scrutiny Review.'
- 2.2. It was noted at that meeting that the recommendations from the Interim Review had not been accepted by the County Council and that the proposals that had originally been put forward for the restructuring of the Highways Partnership Unit did not take place. Instead the Highways Partnership Unit became a centralised unit at the County Council with a liaison officer for each District.
- 2.3. Members of the Group were concerned that a centralised unit would have an impact on development control and suggested that the effect of the centralisation of the Highways Partnership Unit be reviewed. It was also suggested that the Group obtained the views of partner organisations to ascertain whether they had experienced any improvement or deterioration as a result of the reorganisation.
- 2.4. At the Group's meeting on 19th December 2006 it was agreed that Councillor Mrs F M Oborski would draft a questionnaire to be circulated to County and District Council Members and Parish Councils with a response deadline of 12 January 2007. As well as the questionnaire it was agreed that a letter be sent to the Chief Executives and Leaders of other District Councils in Worcestershire requesting their views on the level of service from the Highways Partnership Unit since its reorganisation.

- 2.5. At its meeting on 22nd January 2007 the Group considered the responses to the questionnaires. Twenty two completed questionnaires were returned. The questionnaires showed an overwhelming negative response to the reorganisation of the Highways Partnership Unit.
- 2.6. The Group also received a presentation from PC Julian Turner from Kidderminster Police Station on the condition of road surfaces in the Wyre Forest area. Members were concerned that unclassified residential road surfaces were in a very poor condition.
- 2.7. The Group met on the 7th February 2007 and received a presentation from the Development Control Manager on the impact of changes to the Highways Partnership Unit on development control in the district. Members were concerned about the inadequacy of advice and assistance to the Council's Development Control staff from the Highways Partnership Unit. It was therefore resolved that the Chairman would raise a question at the County Council meeting on 22nd February 2007 to the appropriate Cabinet Member regarding the Highways Partnership Unit's statutory duty to respond to planning applications. The Chairman also agreed to liaise with Worcestershire County Council's Overview and Scrutiny Committee regarding the issues raised.
- 2.8. At its meeting on 15th May 2007 the Group considered the response received to the Chairman's questions to the Cabinet Member (attached as appendix 1). The response was not thought to be adequate. In particular there was concern that unlike other District Councils in the area, there was no dedicated officer support for Wyre Forest. However the Development Control Manager informed the Group that there had been an improvement with regard to the level of support that was received from the Highways Partnership Unit at Worcestershire County Council.

3. Key Issues

- 3.1. The key issues of concern to the group from the scrutiny exercise were:
 1. There was a general consensus of opinion that the reorganisation of the Highways Partnership Unit had resulted in a poorer service being available to Districts.
 2. Concern about the lack of dedicated officer support to the Development Control Section.
 3. The poor condition of the roads in the Districts.
 4. Members of the Highways Partnership Unit were contacted via the Hub telephone number. There were no official direct dial numbers as previously. This resulted in difficulties in getting through when the Hub was busy.

5. Members had also experienced difficulties in accessing the highway faults reporting system which was a complex system.

4. Financial Implications

None.

5. Conclusion

- 5.1. The Highways Task and Finish Group examined the level of service that is available from the Highways Partnership Unit in Worcestershire and concludes that the service is not as good as when the District had its own dedicated unit. It is recognised that there is unlikely to be any devolution back to Highway Partnership Units as before.
- 5.2. Of particular concern is the fact that there is no dedicated officer to support the Development Control section at Wyre Forest District Council although the Group notes that there are vacancies within the Highways Unit and that arrangements to help provide cover have been made.

RECOMMENDED TO THE COMMUNITY AND REGENERATION SCRUTINY COMMITTEE TO RECOMMEND TO CABINET:

1. **In view of the difficulties in contacting members of the Highways Partnership Unit directly by telephone, District Council representatives on the Highways Partnership Forum be requested to raise any issues, such as concerns over poor road services, notified to them by other District Councillors.**
2. **The District Council Members of the Highways Partnership Forum be asked to report back to the Community and Regeneration Scrutiny Committee any concerns or problems that arise this year regarding the Highways Partnership Unit at Worcestershire.**
3. **All Members of Wyre Forest District Council be sent detailed information about the Highways website.**
4. **A copy of the newsletter that is sent by the Highways Partnership Unit to Parish Councils be circulated to all Members of Wyre Forest District Council.**
5. **When laptop training is provided for Members by the ICT Department, time be spent on how to access the complex Highways faults reporting system.**

Background Papers

- Minutes of the Highways Task and Finish Group:
 - 19th December 2006
 - 22nd January 2007
 - 27th February 2007
 - 16th April 2007
 - 15th May 2007
- Wyre Forest Highways Partnership Scrutiny Review Interim Report - 14th September 2005

6. Consultees

- Chairman of Highways Task and Finish Group
- Development Control Manager

7. Appendices

- Appendix 1 - Response to Questions Raised at Worcestershire County Council meeting on 22nd February 2007

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**QUESTIONS PUT FORWARD AT THE COUNTY COUNCIL
MEETING HELD ON 22nd FEBRUARY 2007**

REGARDING HIGHWAYS

QUESTION 3 – Mrs Oborski asked Mr Prodger:-

- (a) **Do you accept that the County Council are the relevant authority to deal with highway matters relevant to each and every planning application?**

Yes, unless a Trunk Road is involved, in which case, the Highways Agency is the statutory Authority.

- (b) **If the answer to part (a) is yes - do you believe it to be fair and reasonable that District Planning Officers should have to make the decision as to whether to allow the County Council more than 21 days for responses to consultations before determining applications which may in itself involve the Planning Officers taking a view as to the likely serious consequences of a particular application?**

The local highway authority is a statutory consultee for all planning applications. Beyond the statutory consultation period, it is a matter for the local planning authority whether it is necessary to extend the period of consultation in order to receive a consultation response, before determining the application. It is their responsibility to make this decision in light of the scale and complexity of the individual application, its likely impact on the local highway network and their statutory responsibility to determine planning applications within prescribed time periods.

- (c) **How does the County Council as Highways Authority fulfil their duty to respond to consultations on planning applications received by Wyre Forest District Council? In particular, with reference to Article 11A and Article 11B of the General Development Procedure Order, has the County Council submitted their annual reports for responses given since August 2005 when the new regulations came into effect?**

The Environmental Services Directorate has a Development Control Team responsible for fulfilling the duty to respond to consultations on planning applications from all Local Planning Authorities, including Wyre Forest District Council. This team, when at full strength, comprises six Engineers supervised by a Development Control Manager. Currently, there are five Engineers. The Manager's post has been vacant since December 2006. Moves are in hand to fill these vacant posts to ensure that the delivery of this service meets the requirements of the Local Planning Authorities with regard particularly to response times. The

requirement to submit an annual report on performance in responding to consultations is set out in the ODPM Circular 08/2005 "Guidance on Changes to the Development Control System". Statutory consultees, including the County Council as Local Highway Authority, are required to report on the number of consultation requests received from prospective developers and Local Planning Authorities, and the number of these requests that have been dealt with within the statutory deadline. The County Council has not formally submitted a report to date, but systems are being put in place to ensure that future reporting requirements are met. This will be the responsibility of the new Development Control Manager upon appointment. It should be noted that Government has not pursued the submission of an annual report on this issue.

- (d) **In view of the interim arrangements for providing Highway comments to Wyre Forest District Council will the County Council pay the full costs awarded against the Council in the event of an appeal where a highway reason for refusal cannot be substantiated or where a highway reason for refusal is withdrawn at a late stage in the appeal proceedings?'**

For all non-county matter planning applications it is for the District Planning Authority to determine the application in accordance with the development plan unless material considerations indicate otherwise. The District Planning Authority will obviously have regard to responses from consultees, including the local highway authority, in making that determination. It is accordingly for the District Planning Authority to determine the weight to be given to any response to consultation from the County Council as local highway authority in determining any application and if this results in planning permission being refused on highway grounds then that is a matter for the District Planning Authority in the exercise of its planning judgement. In the event of costs being awarded against the District Planning Authority by the Secretary of State or an inspector on appeal in those circumstances, that is a matter for the District Planning Authority to address, though the County Council as local highway authority would clearly be prepared to discuss awards of costs in appeals on highway grounds alone in exceptional cases.

Supplementary Question

In response to a specific enquiry Mr. Prodger said he was aware of concerns of District Council officers about vacancies within the County Council's engineering team.