

Minutes



To: All Members of the Highways and Environment Cabinet Panel, Chief Executive, Chief Officers, all officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Theresa Baker
Ext: 26545

HIGHWAYS AND ENVIRONMENT CABINET PANEL 3 February 2020

ATTENDANCE

MEMBERS OF THE PANEL

P Bibby (Chairman), E H Buckmaster (Vice Chairman), S B A F H Giles-Medhurst, S K Jarvis, S J Featherstone (substituted for J R Jones), J G L King, R Mills, M B J Mills-Bishop, M D M Muir, R G Parker, R H Smith, J A West, C B Woodward.

OTHER MEMBERS IN ATTENDANCE

Upon consideration of the agenda for the Highways and Environment Cabinet Panel meeting on 3 February 2020 as circulated, copy annexed, conclusions were reached and are recorded below:

Chairman's announcements:

To accommodate officer commitments item 7 was considered before item 3.

M D M Muir declared an interest as recorded at item 3.

E H Buckmaster declared an interest as recorded at item 3.

PART I ('OPEN') BUSINESS

ACTIONS

1. **MINUTES**
- 1.1 The Minutes of the Cabinet Panel meeting held on 21 November 2019 were confirmed as a correct record and signed by the Chairman.

2. PUBLIC PETITIONS

2.1 There were no public petitions.

3. INTEGRATED PLAN 2020/21 - 2023/24 HIGHWAYS AND ENVIRONMENT

[Officer Contact: Faisal Mir (Assistant Director Finance and Business Support, Environment and Infrastructure (Tel: 01992 555692)]

M D M Muir declared a Disclosable Pecuniary Interest in item 3 as he is a member of North Herts District Council and Hertfordshire County Council. In accordance with the dispensation provided to all Members who have a disclosable pecuniary interest arising from an allowance from the County Council, another local authority in Hertfordshire, or a body to whom they have been appointed by the County Council, he remained in the room and participated in the debate and vote on the Integrated Plan.

E H Buckmaster declared a declarable interest as he is a Board Member of the Hailey Centre in Sawbridgeworth, his daughter works for the Library Service, his wife is a volunteer for the Community Library in Sawbridgeworth, his son is an apprentice at East Hertfordshire District Council and he is also chairman of Sawbridgeworth Young Peoples Recreation Centre which hosts YC sessions; he remained in the room and participated in the debate and vote on the Integrated Plan.

3.1 The Panel received a report which provided a high-level overview of the County Council’s financial position (the Integrated Plan (IP)) in order to consider those issues relating to the Highways and Environment portfolio.

3.2 Officers highlighted the positive nature of this budget review for the Highways and Environment portfolio, with additional revenue funding of £1m for maintenance of gullies and trees, no new revenue policy choices, and efficiencies with respect to generating more money from developers and the utility companies. The outlook in terms of capital funding was also positive with an additional £9m for maintenance for safety barriers, street lighting and traffic signals.

3.3 **In relation to the portfolio’s review of its effectiveness / value for money in delivering the service outcomes** (Page 158 of the IP) a member challenged that (i) potholes measuring 300mm wide and 50 mm deep were dangerous to cars, motorcyclists and cyclists, consequently the intervention response time for ‘Cat 1’ potholes should not be location dependent; (ii) the lack of clarification in the table on page 158 on how the Council’s response times compared with other authorities was misleading to the public. Officers clarified that a risk-based approach was used to categorise the most severe potholes. ‘Cat 1’ potholes with depths of 40mm on cycle lanes and 50mm on other routes on ‘A’ class roads were considered the most severe pothole defects and were responded to within

**CHAIRMAN’S
INITIALS**

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24 hours; those with these dimensions on unclassified roads were considered lower risk and were responded to within 20 working days. Officers emphasised that the comparison table of Authorities' response times referred to only the severest pothole defects; it did not provide the breakdown of the risk-based approach for the different road categorisations for the authorities. It was suggested that the heading of the table did make it clear that the quoted response times were for the most severe faults, and not all.

The Liberal Democrat Group requested that their disagreement to the explanation of the Cat 1 default was minuted.

- 3.4 **Regarding the revised capital bids – annual programme** (Page 166) a Member suggested that in view of the growth programme and associated infrastructural growth, for energy saving and to reduce CO₂ emissions, consideration be given to free standing solar panel streetlights. Engagement should also be undertaken with the Development Management Team and developers on roads that were likely to be adopted in the future.
- 3.5 During discussion of the traffic signal refurbishment / replacement programme, a Member expressed concern that in refurbishments where the safe to cross indicator, originally positioned in front of the pedestrian, was replaced with one at the side, sight of the indicator could be obscured by other pedestrians. Officers clarified that to compensate for this at busy locations a secondary indicator was installed above head height. It was emphasised that the policy was to replace Pelican crossings with Puffin crossings unless it was necessary to retain the former.
- 3.6 **In terms of the capital programme** Members across all sides of the panel highlighted that the Highways Locality Budget (HLB) of £90k per Member had not increased since its inception and, due to inflation over time, Members were able to commission less with it. Members suggested that capitalisation of £780k of additional funds from the council's £146m in reserves would enable a rise in the HLB to £100k. The panel were reminded that the HLB amounted to a reduction in officers' budget of £7m to spend as necessary on the portfolio, that it enabled members to tailor spending of this amount from the portfolio to their local priorities, and that the opportunity for planned spending up to 2 years in advance made best economic use of it.
- 3.7 During discussion of **key budgetary movements – pressures** officers clarified that the additional £652k of funding per year to *support additional tree maintenance work, including inspection and safety related work*, would be spent on tree inspections and follow-on works. It was emphasised that this would not be a regular routine tree maintenance programme, but continuation of cyclical inspections and resultant follow-on works. Officers further clarified that Highways endeavoured to replace felled trees, but the outcomes of tree inspections and resultant works,

within the finite budget available can affect how many new trees can be planted.

3.8 During discussion of **Revised Capital Bids- Projects** officers clarified that the increase in funding of £2,790k for the New River Bridge Scheme would be provided by the LEP plus Section106 funding.

3.9 An opposition Member welcomed the increase in revenue and capital but felt that there was insufficient funding in place to support ongoing requirements.

Conclusions:

3.10 The Panel commented as above on the proposals relating to the Integrated Plan in respect of Highways and Environment.

4. UNATTENDED CAMERA ENFORCEMENT

[Officer Contact: Derek Twigg, Assistant Network Manager
(Tel: 01992 658113)]

4.1 Members received a report which detailed a proposal to use unattended enforcement cameras on the highway network as required for the proposed Clean Air Zone in Broxbourne. Such cameras could also be used at other places in the County to support sustainable modes of transport by improving bus reliability and traffic management.

4.2 Officers emphasised that Local Authorities were limited to and were enforcing bus lanes and gates under the Traffic Management Act 2004 and the Transport Act 2009 (s 144). Hertfordshire had been consulted on and expressed a wish to take on greater enforcement powers (such as those in London e.g. moving traffic offences), as per Part 6 of the Traffic Management Act 2004. However, whether to commence Part 6 was a decision for central government.

4.3 During discussion Members heard that unattended enforcement cameras in Clean Air Zones would record vehicles going through the Air Quality Management Zone and would recognise those not on a list of exempt vehicles; those lacking exemption would have to pay.

4.4 Officers clarified that a 'Bus Gate' was a signposted short section of road blocked off to all traffic except buses and, where authorised by the associated site-specific Traffic Regulation Order (TRO), cycles and taxis (hackney carriages). Bus Gates would be considered bus lanes and ANPR would stop contraventions by HGVs and cars. Since some of the associated TROs had been in place for a number of years each Bus Gate would be inspected to determine whether the TRO was sufficiently robust to stop contraventions and was also appropriate to the current situation.

**CHAIRMAN'S
INITIALS**

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- 4.5 Following officer clarification that prior to any implementation it is normal to establish volumes of contravention, a Member commented that as the existence of the physical measures on Bus Gates were noted by the public, behaviour would change leading to fewer contraventions.
- 4.6 To Member observation that enforcement of Bus Gates was also a safety issue, officers concurred that it would probably reduce the use of side streets or roads not intended as cut throughs i.e. rat running.
- 4.7 Following Member emphasis that a robust public relations exercise was required to publicise the purpose of the cameras and counter the assumption this was a revenue raising exercise, officers advised that any surplus would be targeted at highways improvements. One option would be to consider an introductory period where warning notices would bring the existence of camera enforcement to the attention of the public; after this a penalty would apply.
- 4.8 The Panel was advised that the potential sites shortlisted for unattended camera enforcement would be brought to Members rather than back to the Panel.

Conclusions:

- 4.9 The panel commented as above on the proposals on unattended camera enforcement and recommended to Cabinet that Cabinet give approval for officers to work up a short list of potential sites and a costed option for the introduction of unattended camera enforcement.

5. SPEED INDICATOR DEVICE – EXTENDED MAINTENANCE WARRANTY PROTOCOL

[Officer Contact: Ian Thompson, Highway Locality Manager
(Tel: 01992 658175)]

- 5.1 Members received a report on the future maintenance of Speed Indicator Devices (SIDs) with a view to seeking the Panel’s support to recommend to Cabinet amendment of the Highway Locality Budget (HLB) scheme to fund a proposed extended warranty for SIDs.
- 5.2 The Panel learned that in total 290 SIDs had been installed or ordered across Hertfordshire since 2015/16. The purchase price had included a 5-year warranty for maintenance, repair or replacement if required. From 2020/21 onwards this warranty would end dependent on installation date.
- 5.3 Officers recommend extension of the warranty by another 5 years at a cost of £1000 per SID due on the 1 April of the 6th year of operation, payable from the Local Member’s Highways Locality Budget (HLB).

**CHAIRMAN’S
INITIALS**

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- 5.4 The second option was not to extend the warranty. Where a SID was causing a danger or safety hazard, its removal would be funded through the CAT 1 budget but, in all situations other than the latter the Local Member in whose division the sign was located would be responsible for its removal, replacement or repair via their HLB; Members noted the costs of repair / replacement if the extended warranty was not chosen.
- 5.5 Members were updated that the Police and Crime Commissioner (PCC) had agreed to extend the warranty for the 44 SIDS it had funded, provided that the County Council also agreed to fund the warranty extension of the 233 SIDs funded by Local Members, and the 13 funded by third parties with the support of the Local Member.
- 5.6 In response to Member challenge officers clarified that:
- If the extended warranty option was chosen it would also apply to the 9 SIDS which had been funded by third parties. If the third party, e.g. a parish, was prepared to fund the extended warranty officers would work with the Local Member to facilitate this. However, in situations where a third party was not prepared to fund the extended warranty the cost would fall to the Local Member from their HLB.
 - If the identity of the perpetrator was known, the Council would follow up the 3rd party insurance claims where SIDs had been damaged in Road Traffic Accidents or in the few situations where SIDs had disappeared overnight. However, if the SID was under warranty it would be replaced under the warranty.
 - If the option not to extend the warranty was chosen, the PCC would not fund the warranty extension for the 44 SIDs it had funded and the cost of their repair or replacement would fall to the Local Member;
 - The extended warranty was per SID not per socket.
- 5.7 During discussion The Panel heard that as the SIDs aged there was greater likelihood of failure and Ringway, the extended warranty supplier, would bear the risk of the cost of repair or replacement, in the worst-case scenario £4,500 for a new SID in an existing socket with 5-year warranty.
- 5.8 Officers highlighted the high number of SIDs in the county, the 6 months to 1-year duration of their impact and the option to move them to different sites or to remove them.

Conclusions:

**CHAIRMAN'S
INITIALS**

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- 5.9 The Panel:
1. Endorsed the recommendation for an extended 5-year warranty to cover maintenance as detailed in Option1 and to start from April 2020.
 2. Recommended to Cabinet that Cabinet agree to the extended five-year warranty for all SIDs in the county that are not funded by the Police and Crime Commissioner's office and amend the Highways Locality Budget scheme (HLB) so that the cost of this is met from the HLB of the member in whose division each SID is situated.

*The panel voted as follows: 10 in favour : 3 abstentions.
(The Liberal Democrat group abstained)*

6. RESPONSE TO TREE PLANTING MOTION

[Officer Contact: Mike Jarrett, Highways Operational Manager
(Tel: 01992 658376)]

- 6.1 The Panel received a report in response to the Motion referred to Highways and Environment Cabinet Panel from Council on 26 November 2019: *“Council believes that, as part of the response to its declaration of a climate emergency:*
- a) Any highway tree which is removed should be replaced with another tree in the nearest suitable location;*
 - b) That steps should be taken in conjunction with Borough, District, Town and Parish Councils to identify locations where additional trees can be planted on urban and rural highway verges and on other highway land.”*
- 6.2 Officers emphasised that that the current working practice of trying to replace a tree whenever one was felled was already in line with paragraph a) of the Motion. This 1 for 1 planting related to work carried out on a 3-yearly cycle, a replacement being planted providing there was space, no conflict with underground pipes and cables, it did not relate to an insurance claim, that it and was not a low value tree e.g. a self-set ash and that there was sufficient budget remaining. Officers emphasised the current approach above, with the addition of trees felled as a result of a report from the public being removed using Category 1 and 2 funding being added to the tree planting running list for future consideration.
- 6.3 Officers acknowledged paragraph b) of the Motion i.e. location identification for additional tree planting on urban and rural highway verges and other highway land. Additional funding would be required for location identification, planting, maintenance and management, whilst areas which would result in high traffic management costs ought to be avoided. Members heard that the Tree Health Project Officer would be liaising with the Districts and Boroughs to identify addition tree planting locations, this information to be included in his report to the Panel on Tree Resilience.

- 6.4 In relation to motion a) a Member emphasised that as mature trees removed more carbon from the atmosphere than standard ones, the latter taking 80-90 years to attain maturity, for each mature tree that died or failed anywhere on county land 2 standard trees should replace it. If the tree concerned was on highway land and there was insufficient space to replant with 2, one could be replanted on highway land, the other on any county land.
- 6.5 Members expressed support for the above suggestion. They also supported officers' current approach as per paragraph 6.2 above. Further to this, as trees removed as a result of a report from the public are funded from Category 1 or 2 and were not routinely replaced, Members supported officers' proposal to align Category 1 and 2 work with the Strategy i.e. addition of: *all trees felled as a result of a report from the public being removed using Category 1 and 2 funding being added to the tree planting running list for future consideration using Category 6 funds.*
- 6.6 During discussion officers clarified that:
- Where financial constraints prevented trees on the running planting list from being planted one winter, they remained on the list to be considered in subsequent planting years.
 - Third party funding was accepted for planting e.g. from developers for planting trees on private developments.
 - Shrubbery planted on highway land unsuitable for trees also required maintenance and therefore incurred maintenance expenditure.
 - Officers provided Ringway with a list of approximately 15 tree species for planting. The contractor considered location and pollinators. When planting rows of trees, Ringway used a mixture of these species to ensure a variety of blooming trees on a road with a varying lifespan and consequently staggered removal / replacement times.
- 6.7 During discussion Members commented that:
- Officer specification of tree species for each site was essential to avoid unnecessary highway maintenance costs;
 - Large-canopied trees were unsuitable for urban locations as they required canopy reduction to avoid pavement lift;
 - District councils, including Planning Committees, would be interested in nominating species for planting;
 - A mechanism to enable third parties to contribute to tree planting should form part of the next report to panel;
 - In view of the need for good air quality around schools and as some schools already had their own tree planting projects, they could be approached to offer land for tree planting; parents might also be willing to provide funding;
 - It should be possible to fund replacement trees for £735 for two;
 - The tree planting season is January to March and planting outside this time frame incurred the additional cost of tree water bags;
 - In view of the growth agenda and the climate emergency, the

Development Management Team (DMT) needed to interact more robustly with developers to ensure they contributed to tree planting on new developments;

- The DMT needed to work with developers on landscape master planning on the species of trees they planted;
- The DMT needed to ensure that developers replaced existing trees removed in the course of building developments and, if necessary, this could be on county land;
- The funding for this additional tree planting was not clear.

6.8 In view of Members comments and as per paragraph 6.2 above, officers suggested carrying on as present, and that both aspects of the Motion be included as part of the anticipated 2020 review of the Highway Tree Strategy and Guidance Document. It was emphasised that progress on the latter was dependent on progress of the council's Sustainable Hertfordshire Strategy and the Tree Resilience and Recovery Strategy.

6.9 To manage expectations in regard of the Highway Tree Strategy, the Assistant Director Highways Operations agreed to circulate an information note providing the dates, when known, for the delivery of the higher-level strategies.

A Boucher

6.10 Noting Members' comments, the request for a further report to Panel and the time constraints involved, the chairman proposed the following amendment to the recommendations:
The Panel is requested to note the content of this report and, taking into account all suggestions and comments made, officers to come up with a revised report as soon as practicable after the Sustainable Hertfordshire Strategy and the Tree Resilience and Recovery Strategy are published.

6.11 Since some Members had observed that trees removed under Cat 1 and Cat 2 were not routinely replaced and to ensure that they were, a member proposed the addition of the following amendment to the amendment proposed at 6.10 above:

In order to align Category 1 and 2 work with the existing Strategy, it is proposed that all tree felling locations are added to the tree planting list, for future consideration using Category 6 funds.

The amendment fell

The panel voted as follows: 5 in favour : 8 against (the opposition voted in favour)

6.12 The substantive amendment stood
The Panel voted as follows: 8 in favour : 5 abstentions (the opposition abstained)

Conclusions:

6.13 The Panel noted the content of the report and, taking into account all suggestions and comments made, officers to come up with a revised report as soon as practicable after the Sustainable Hertfordshire Strategy and the Tree Resilience and Recovery Strategy are published.

**CHAIRMAN'S
INITIALS**

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7. ADOPTION OF THE PLACE & MOVEMENT APPROACH

[Officer Contact: Sue Jackson Group Manager Highways Operations & Strategy (Tel: 01992 588 615)]

- 7.1 The Panel considered a report on the technical Place and Movement approach to recognising the needs of different road users, managing the interfaces between them and the implications for adopting the approach, with a view to recommending that Cabinet agree its adoption and embedding as a concept in Local Transport Plan 4 (LTP4).
- 7.2 Members welcomed the approach and observed that, to add weight to its importance officers should emphasise that it had the general agreement and understanding of the objectives by the Members Advisory Group (MAG), a cross party County Council Member sounding group.
- 7.3 During discussion of developers' outdated adaptations of parts of the highway to accommodate large housing developments, officers clarified that engagement at the pre application stage and through the Local Planning Authorities (LPAs) increased the likelihood of adoption of the approach, but this could not be forced on them. The principles of the approach were in LTP4 and the matrix was a tangible tool for achieving them. Until the Speed Management Strategy (SMS) was agreed, Cabinet's adoption of the approach and its incorporation into Roads in Herts would place officers in a stronger negotiating position.
- 7.4 To Member concern at the cost of funding additional highway infrastructure for the growth agenda, the Panel heard that there was now a Strategic Sites Team in Highways to engage early with developers to influence them to work within LTP4 expectations before they had committed all their funds to outmoded highway adaptations. Officers were working closely with the LPAs to provide site infrastructure needs understanding for incorporation into planning conditions. Attention was drawn to the council's difficulty in enforcing its highway infrastructure requirements as it was not a statutory planning authority.
- 7.5 Responding to a Member challenge officers clarified that when applied to a road, the function of what that specific area should be was the focus and not how it currently functioned. Geographic Information System mapping of the county's highway network had identified the issues in terms of LTP4 objectives in the network (e.g. gaps in providing a continuous network including for cycling and walking), what needed to be considered and what was required to achieve this. It helped to identify appropriate types of scheme, clash points between different categories and provided solutions for areas where the distinctions were less clear cut, for discussion with the Local Members and community.

**CHAIRMAN'S
INITIALS**

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- 7.6 The Panel emphasised the need for robust comment from the council as a planning consultee to ensure community issues were considered.
- 7.7 Members heard that the Place and Movement approach had to be agreed by Cabinet and formalised within Roads in Herts before the SMS could progress; as a working guiding document within the SMS it would not go to consultation. Once the approach was agreed the SMS could progress through to presentation at May Cabinet for adoption in the autumn.
- 7.8 Officers clarified that where a difference of opinion existed on the appropriate speed limit at a site, the Place and Movement approach would identify whether the place and movement function / environment had changed or was in the process of doing so. This provided a way of assessing speed limit change requests in a consistent way as part of the SMS. However, as speed limits were governed by the SMS and this was guided by current usage of a site, speed surveys would decide the issue.
- 7.9 The panel discussed the type of opportunity Members would be given to view the place and movement network for their division and to raise any anomalies with officers. In view of the challenges in getting Members together and to enable consideration of the passage of some roads through more than one division, the chairman requested that Members were provided with the map of their wider area.

R Thacker

Conclusions:

- 7.10
 - 1. The Cabinet Panel considered the Place and Movement approach and its potential use to embed LTP4 concepts
 - 2. The Cabinet Panel recommended to Cabinet that Cabinet adopt the Place and Movement approach and endorses the use of its principles in the following LTP4 supporting documents:
 - (i) Speed Management Strategy
 - (ii) The next generation of Roads in Herts (Hertfordshire Design Guide)
 - (iii) Active Travel Strategy
 - 3. The Cabinet Panel recognised its use as part of the toolkit for supporting the following strategies:
 - (i) Maintenance of Active Travel Strategy
 - (ii) Network Management Strategy
 - (iii) Road Safety Strategy

8. OTHER PART 1 BUSINESS

- 8.1 There was no other Part 1 business

**QUENTIN BAKER
CHIEF LEGAL OFFICER**

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**CHAIRMAN'S
INITIALS**

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