

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO THE DEMOCRATIC SERVICES COMMITTEE

17 APRIL 2013

REPORT OF THE ASSISTANT CHIEF EXECUTIVE – LEGAL & REGULATORY SERVICES

SERVICE AND PERFORMANCE UPDATES

1. Purpose of Report

1.1 The purpose of this report is to update the Democratic Services Committee of the additional information requested at the previous meeting of the committee and to advise of the performance and updates in relation to the services provided to elected members.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The support provided by the Democratic Services team to elected members at all levels assists in the achievement of all corporate priorities.

3. Background

3.1 At the previous meeting of the Democratic Services Committee a number of queries were raised regarding the provision of support to elected members these queries were passed to the relevant departments and organisations for clarification and provision of information.

4. Current situation / proposal

4.1 Member Referrals

4.2 Service Performance – Member Referrals

4.2.1 The following table details the number of members referrals made to directorates/departments between 01 Dec 12 and 28 Feb 13 and the percentage of the total number of referrals that each Directorate/Department receives.

	Dec 12	Jan-13	Feb-13	Total	%
Children's	2	14	11	27	4.00
Communities	97	222	180	499	70.50
Wellbeing	7	9	5	21	3.00
Legal and Regulatory	13	15	12	40	6.00
Chief Executive	0	1	0	1	0.00
Performance	1	3	4	8	2.00
ICT & Property	2	7	4	13	2.00
External (V2C etc)	19	45	35	99	14.00
Totals	141	316	251	708	100%

4.2.2 The following table shows the completion rates of Member Referrals raised between May 2012 – Feb 2013

Month	Referred	Completed	Ongoing (Including Pending)	% Completed
May	258	256	2	99.22
June	286	277	9	96.85
July	313	308	5	98.40
August	206	201	5	97.57
September	251	248	3	98.80
October	193	190	3	98.45
November	191	188	3	98.43
December	141	136	5	96.45
January	316	303	13	95.89
February	251	238	13	94.82
Totals	2406	2345	61	97.46

4.3 Members requested that officers liaise with representatives of V2C to improve the timeliness and consistency of responses from V2C to Member Referrals. A meeting was held with V2C's Executive PA who is responsible for the Complaints and Enquiries Systems to address Members concerns.

4.3.1 The meeting was very positive and a greater understanding of each other's enquiry processes was achieved. This has enabled officers from both organisations to adapt existing procedures, improve our partnership working and deliver an improved service to Elected Members and the customers of V2C.

4.3.2 V2C have now provided Democratic Services with a dedicated pathway for Member Referrals, identified an informal point of contact to monitor the progress of referrals and established a formal escalation process.

4.3.3 It has been agreed that a follow up meeting will be held early in May to confirm that the new processes have been fully established and are operating as planned. A further review meeting is being planned in 3 months to ensure that the intended outcomes have been achieved.

4.3.4 It was identified during the meeting that Elected Members could also assist in the effective resolution of queries relating to V2C by ensuring that:

- any queries relating to V2C raised by constituents to Elected Members, have been previously reported to V2C before being escalated to a Member Referral. This does not prevent Elected Members from raising concerns to V2C if their constituents believe they have not received the level of service that is expected from them.
- the full details of any queries or complaints are included in any referral
- the Member Referral System is updated to reflect any informal updates that are provided to Elected Members (including constituents and Officers)

4.5 Communities Pilot

- 4.5.1 As part of the meeting held with V2C, the Head of Democratic Services was informed of a pilot scheme that was being developed . It was planned that Councillor M Jones in liaison with the Housing Team Leader to compile a brief guide to V2C contacts and services, provide some local information of possible development and on planned/cyclical maintenance programmes. This was hoped to be of practical use and will also improve communication and customer service, as well as enhance members' understanding of the challenges and issues faced by V2C and other social landlords.
- 4.5.2 It was also proposed to develop a quarterly cycle of 'area walkabouts'/estate meetings with the ward member where both general and specific issues could be explored and discussed. This would also provide the opportunity for V2C to respond to particular challenges or issues that are encountered 'on-the-ground'.
- 4.5.3 Councillor M Jones has requested that the Democratic Services Committee propose additional activities that could be included in the pilot scheme. It is hoped that a successful outcome to this pilot would enhance working relationships between Elected Members and V2C and in turn benefit the residents of the County Borough. It could also be used as a model to take forward with other social landlords in the County Borough.

4.6 Potholes Policy

- 4.6.1 At the previous meeting of the Committee, Members expressed their concerns regarding the filling of potholes and the regularity with which the same potholes appeared to need repairing.
- 4.6.2 The Highways Department have provided a briefing note for members attached at Appendix 1 to clarify the Authority's position in respect of potholes and their repair.

4.7 Member Development Programme

4.7.1 Pre council Briefings

4.7.2 The following Pre Council briefings have been arranged:

- 01 May 13 Domestic Abuse

4.7.3 The following topics have been requested to be considered as potential pre-council briefings:

- Bridgend Lifesavers Credit Union

With the tough economic climate and the various benefits changes that have been implemented the Bridgend Lifesavers Credit Union is keen to raise their profile and would like the opportunity to provide a brief presentation. The aim is to engage the support of every Councillor and inform them of how they may be able to help residents in their wards. The presentation will include information regarding: rent direct, a bond saving scheme with the Wallich and information relating what they are hoping to achieve in the community .

- Independent professional advocacy
To provide an overview of the authority's duties to commission and make available independent professional advocacy for vulnerable groups of children and young people, and the of role elected members in this process.
- "Louder than words" charter
A short presentation to councillors in respect of the Council's achievement of the "Louder than words" charter from the Action from hearing loss

4.7.4 Members are requested to propose any additional topics for consideration as "pre-Council Briefings"

4.7.5 Member Development Activities

4.7.6 The following Member Development topics have been provisionally planned but dates are awaiting confirmation:

- May - Personal Development Reviews (TBC)
- June - Domestic Abuse
- July - Social Services Bill
- (Sep TBC) - Media Training for Members (TBC)
- (Oct TBC) - Understanding equalities and diversity
- (Nov TBC) - Community Cohesion

4.7.7 The following training sessions for the Development Control Committee have been agreed. These sessions are primarily for members of the Development Control Committee but there is an open invitation for all members if they wish to attend.

Topic	Facilitator	Date	Time
"Biodiversity"	Countryside Council for Wales	30 May 13	12.15
"Archaeology"	Glamorgan & Gwent Archaeological Trust		
"Conservation and listed buildings"	Claire Hamm - BCBC Regeneration Team 30 May		
"Building control functions"	Brian Wallace - BCBC Building Control Team		
"Highway safety"	Nigel Moore - BCBC Highways Department		
"Results of Green Neighbourhood Network"	AECOM Consultants		
"Use of the Planning Portal"	Planning Portal		

4.7.8 The following member development events have been requested to be undertaken and will be progressed as formal development events in due course:

Topic	Requested by
Supporting People Programme	- Community Renewal and Environment Overview & Scrutiny Committee / Head of Regeneration and Development
Dementia Awareness Training	- Health & Wellbeing Overview and Scrutiny Committee
Risk Management (How the Council Manages its Risks)	- Audit Committee
Performance Management	- Corporate Improvement Manager

4.7.9 The Committee is requested to propose any additional topics that should be added to the list of future member development activities.

4.7.10 A number of regional events are being developed and these events include:

Topic	Description
Public Engagement	- This proposed event aims to provide elected members with an overview of the principles and practice of public engagement as set out in section 62 of the Local Government (Wales) Measure 2011. Bridgend is a lead Authority with this event and confirmation is awaited from the Centre for Public Scrutiny (CfPS) in respect to costs, dates and venues.
Dealing with Conflict	- This proposed event aims to provide elected members with tools and skills to enable them to deal with a variety of conflict that they may become involved with as an elected member. Bridgend is a lead Authority with this event and confirmation is awaited from external providers in respect to costs, dates and venues.

4.7.11 The WLGA has agreed to undertake evaluation of the member induction programme. This will consist of a representative of the WLGA facilitating a focus group meeting with approximately 8 elected members from Bridgend. All aspects of the induction can be considered and be independently assessed. If any other members wish to participate in the focus group, please inform the Head of Democratic Services. Details will be made available to members when a new date is confirmed.

4.8 WAO Improvement Study - Update

4.8.1 The Committee will recall from information presented to it at its last meeting that the Wales Audit Office (WAO) is currently in the process of carrying out a pan-Wales Improvement Study aimed at improving standards of scrutiny within Councils by means of a self-evaluation exercise and facilitated peer learning review. The timescales for the study span from October 12 to 31 April 13.

- 4.8.2 At its meeting on 31 January 2013, the Committee heard that Bridgend had completed its initial draft self-evaluation of the scrutiny function and had hosted a regional learning exchange event for Cardiff, Vale of Glamorgan, Swansea and Neath Port Talbot Councils.
- 4.8.3 Since the last meeting of the Committee, Bridgend's Learning Exchange Team have observed two scrutiny committee meetings at Neath Port Talbot, whilst Cardiff's Learning Exchange Team have observed two of Bridgend's scrutiny committee meetings. Feedback from the visits has been generally constructive, with all participants finding the experience interesting and beneficial.
- 4.8.4 The study will conclude by means of a further regional event due to be held on 12 April 2013 where Councils will be able to share their experiences of peer review and discuss how they intend to modify their initial self-evaluation exercises as a consequence. Further updates will be provided to the Democratic Services Committee in due course.

4.9 Scrutiny Development Fund - Project Update

- 4.9.1 At its previous meeting the Committee was informed of the Local Authority's intention to put forward a joint proposal between Bridgend and Swansea scrutiny sections to access WG's Scrutiny Development Fund. The proposal is to undertake a joint scrutiny project aimed at assessing and addressing the likely impact of Welfare Reform. Discussions at officer level are on-going but there are no further developments to report at this stage.
- 4.9.2 A bid is also being discussed with 5 other local Authorities and the CfPS for developing a model for the joint scrutiny. This will be based on the joint scrutiny of the Central South Consortium (formerly ESIS). The next meeting of the Authorities is being held on 12 April and a verbal update will be provided to members at the meeting.

4.10 All-Wales Updates

- 4.10.1 The Chairperson of the Democratic Services Committee, The Head of Democratic Services and the Training and Development officer attended a Member Support Officer and DSC Chairperson Network meeting on 19 Mar 2013.
- 4.10.2 During the meeting those in attendance were updated in relation to:

A National Update

Daniel Hurford provided an update on the Cabinet reshuffle, the Local Democracy (Wales) Bill, the Local Government (Wales) Measure 2011 and the Electoral Reform Society Councillor Survey.

Webcasting, Remote Attendance and Websites for Community and Town Councils

Sarah Titcombe provided an overview on the current position regarding these three aspects of the recent grant from the WG. The notes are attached. The Network reported that authorities are accepting the grant. The majority of authorities are progressing with webcasting although some are awaiting the guidance on remote attendance before initiating webcasting.

The Developing Role of Community and Town Councils and One Voice Wales

Lyn Cadwallader Chief Executive of One Voice Wales and Paul Egan the Training Manager provided an update on the work of the sector. Community and Town Council websites were also discussed. One Voice Wales had originally proposed that they would be able to administer the grant over two years and provide funding to councils according to their existing provision or lack thereof. However the WG grant letter has placed responsibility for administering and monitoring the grant with unitary authorities. Further updates will be provided to the Network should they become available.

Personal Development Reviews

Sarah Titcombe provided an update on the key messages emerging from the work being undertaken by the WLGA with authorities in developing PDR. Bridgend also presented on an approach that they are considering based on a simplified approach focussing on personal performance and support rather than development activities. The network provided feedback.

5. Effect upon Policy Framework& Procedure Rules

5.1 There is no effect on the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equalities implications in respect of this report.

7. Financial Implications

7.1 All activities described in this report will be met from existing budget provisions.

8. Recommendations

8.1 That the Democratic Services Committee:

1. notes the referral statistics and that Democratic Services will continue to work with all organisations to improve the Member Referrals process.
2. is requested to make proposals to enhance the Community Pilot as outlined in paragraph 4.5
3. notes the response from the Highways Department in relation to potholes
4. notes the planned member development programme and to propose additional topics for inclusion in the programme
5. notes the project and all-Wales updates

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Background documents – None

BRIEFING NOTE ON HIGHWAYS MAINTENANCE OF POTHOLES

Introduction

Potholes are an issue for the council in terms of enquiries by both the public and members in terms of hazards on the highway. The following briefing note seeks to advise members on the current practices in respect of pothole repair and provide some background information on their causations

Why Do Potholes Form

Potholes are generally created either when the foundation of the road fails causing the surface to sink and break up, or through the road surface allowing water to penetrate into the tarmac either through age, damage or physical openings for services (gas, electric, water, telecoms, sewers etc)

Water is able to gain entry to the subsurface of the road through any 'cracks' that are present on the road surface then during winter, water present under the road surface can freeze causing it to expand. You can experience this effect when you place a bottle of water in a freezer as the water freezes the expansion of the ice can have enough energy to burst the top off .

In simple terms the expansion and contraction of the water and ice under a carriageway gradually displaces material until a large enough void/depression is created as well as cause further cracking and the ingress of water . Ultimately the void collapses under vehicle traffic causing the breaking up and forming of the pothole.

Such damage can be augmented in wet weather with a 'Washing' effect as the water accelerates the removal of loose particles.



How Do We Detect / Prevent Potholes

The frequency upon which carriageways and footways are inspected is based upon a categorisation such traffic/pedestrian volume or traffic/pedestrian type which would result

in periodic inspections ranging from monthly to annually. The intervention criteria is based on an all Wales standard. Carriageways defects in excess of 40mm will be repaired, and in excess of 20mm for footways. However dependant on the classification of the highway, the response time will vary. For example a pothole in excess of 40mm on the A473 will require a repair within 24hrs, but the same pothole in a residential cul-de-sac would be repaired within 28 days. These intervention criteria and response times have been generally accepted in the courts as reasonable and complies with the Authorities Duties under Section 41 Highways Act 1980 – “Duty to maintain” Apart from these scheduled inspections the public and members are able to contact us with reports of potholes which are investigated and dealt with as per the appropriate intervention criteria

In terms of preventative actions, where the Authority are aware of carriageway openings inspectors check the quality of the work and reinstatement to ensure that the likelihood of issues are substantially reduced. Furthermore regular core testing is undertaken of a random sample of utility openings to ensure their compliance with the specification.

We also undertake carriageway resurfacing or surface treatments to reinstate or prolong the carriage way life. Such treatments address issues such as sealing of the carriageway to mitigate against water ingress and also improving mechanical resilience and resistance to skidding.

How do we deal with potholes

*Pothole repairs: The Authority repairs potholes with either a **Cold** or **Hot** material. In both cases the defect is completely cleared of any water or debris, with a section being cut back around the pothole to ensure suitable vertical faces for material to adhere. A pre-application of a tack coat to assist adhesion is applied before the cut section is filled with asphalt/tarmac and compacted with appropriate compaction equipment.*

Cold Material - This is used as an immediate response to a pothole to prevent issues to users of the highway and as the name suggests uses a cold mixture of deferred set tarmac to fill the hole and compacted into position. Whilst this is not generally considered a permanent repair in most situations these repairs will remove the immediate defect and the repairs last a reasonable time and no further works are required. Unfortunately in certain circumstances there are premature failures in the repair due to significant amount of traffic utilising the route, the weather conditions at the time of repair and the overall surface condition of the road being poor. Due to its simplicity this repair allows potholes to be made safe relatively quickly and easily.

In the event of a pothole being identified that requires remedial measures within 24hrs a Cold Material repair is used, and mitigates against injury or damage to third parties and thereby reduces the risk to the authority in the case of personal injury or damage claims.

Hot Material : In the event of a failure of a cold lay repair described above, or at locations where a cold lay repair is not appropriate, a repair is undertaken with the use of Hot Material, again the pothole is completely cleared of any water or debris, with a square/rectangular section being cut back around the pothole. A pre-application of a tack coat to assist adhesion may be applied before the cut section is filled with hot asphalt and compacted with a mechanical means such as a drum roller or a vibratory plate. The joint around the repair is then sealed. This form of repair is likely to last significantly longer than the cold repair but is more costly in terms of time and resources required. The availability

of hot asphalt is also restricted to the opening times of the suppliers. Even these repairs can be subject to failure if the structure of the road has failed, the surface around the repair is cracked or breaking up, there are water springs under the surface, the repair has been carried out in very wet or cold weather, or the area suffers from a high level of heavy turning traffic. In some instances the only appropriate repair method is complete resurfacing, which is extremely expensive.



Past And Current Position

For the financial year April 2011 to March 2012 we had in the order of 2438 reports of Potholes which were addressed according to our response and intervention criteria.

Since 1st January 2013 to mid February our inspectors and repair teams have received 481 reported potholes and sought resources to implement as many hot material repairs as possible.

Roads Looking Like Patchwork Quilts

It is often commented that the number of pothole repairs on roads resembles a patchwork quilt ?

However, if we were to extend the size of repair the cost in time and materials would escalate and would not guarantee that a pot hole would occur just outside of the repaired area. This is due to defects in the road surface that may need to be addressed through a greater level of intervention such as resurfacing or surface dressing.

Overall between 30 and 40% of the Highways funding for carriageway maintenance is expended upon reactive repairs. As this is considered a large proportion of expenditure, trials have been made with differing compounds of cold and hot repairs and we are currently satisfied that the products we utilise provide the best balance of cost against quality. In terms of robustness of duration of repair, we are trialing the utilisation of more hot material interventions wherever possible to mitigate against premature failures. The success of this operation will be monitored to ascertain if this meets the best value approach.