

Traffic, Environment & Community Safety Scrutiny Panel.

MINUTES OF THE MEETING of the Traffic, Environment & Community Safety Scrutiny Panel held on 17 April 2009 at 3pm in the Guildhall.

(NB These minutes should be read in conjunction with the agenda for the meeting).

Present

Councillors Caroline Scott (Chair)
Mike Blake
David Fuller
Jim Patey
Paula Riches

Also present

Councillors Terry Hall, Cabinet Member for Culture & Leisure
Lynne Stagg, Cabinet Member for Traffic & Transportation.
Luke Stubbs.
Terry Henderson.

Mr R Thompson, Portsmouth resident.
Bill Murphy, Highways Manager.
Charles Stunell, Head of Transport and Street Management.
Jane Di Dino, Scrutiny Support Officer

10 Declarations of Interest (AI 1).

No interests were declared.

11 Apologies for Absence (AI 2).

Councillor Les Stevens sent his apologies.

12 Minutes of Last Meeting (AI 3).

RESOLVED that the minutes of the last meeting held on 18 March 2009 be agreed as a correct record subject to the addition of Councillor Patey's apologies for absence.

13 Review of the City Council's Contract with Colas (AI 4).

The Chair reminded the Panel that the City Council's contract is with Ensign and not Colas.

Mr R Thompson, a Portsmouth resident was invited to give his views on the Council's contract with Colas. During his contribution, the following points were raised:

In a letter dated 14 July 2008, Mr Stunell stated that 'the contract requires them [Colas] to monitor themselves to ensure compliance with legislation, codes of good practice and British Standards.' In Mr Thompson's opinion, Colas had not complied with these.

Footway works commenced in Waverley Road, Southsea on 18 December 2006 and it was advertised that these were due to take 30 working days i.e. 6 weeks to complete the work. Works were eventually completed to Colas' satisfaction on 25 June 2007 (5 months overdue). There then followed a series of site visits with Colas, Councillor Terry Hall, Council officers and Mr Thompson to discuss and agree the necessary remedial action. A copy of the list of defects prepared by Mr Thompson is attached to these minutes as *Appendix One* included the following:

Missing drainage channels.

Over a period of 16 months and on three separate occasions Colas ignored reminders to replace the channels that had allegedly been removed in error. Mr Thompson reported that eventually Colas had to break into large areas of newly laid paving to replace the missing channels.

Paving to the footpaths (Albert Road traffic lights to Allens Road).

Colas carried out remedial works on 14 February 2008 and made another site visit on 12 June 2008. Mr Thompson alleged that this proved works were still defective and wondered why no remedial works had been carried out on the Gains Road to Allens Road section of road.

Mr Thompson stated that Colas, having had two failed attempts at laying paving slabs to the necessary specification decided to completely renew the footway and erect bollards which had been allegedly damaged by traffic.

A full chronology of the visits made by Colas to Waverley Road is attached to these minutes as *Appendix Two*.

Mr Thompson felt that a lack of suitably qualified, experienced supervisors employed by Colas was the reason for these faults. He expressed concern that council taxpayers had to pay for the ongoing remedial works.

Other Defective Works.

Photographic evidence is attached.

1. Defective paving on Lawrence Road.
2. Radius kerbs not provided at road junctions.
3. At two bus stops, existing kerbs raised instead of using bus access kerbs.
4. Pot holes not being repaired to specification.

Charlie Stunell, was invited to respond to the issues that had been raised by Mr Thompson. He clarified the following issues:

If the Panel wishes to focus on works carried out in Waverley Road, detailed information can be brought to a subsequent meeting.

He did not agree with Mr Thompson's assessment of this work.

The Panel could consider whether this example of works is symptomatic of Colas' work in general throughout the city.

The City Council does not pay for specific work carried out regardless of the number of visits a contractor makes to a site.

The contract stipulates that all footways must be maintained so that they are fit for purpose. It does not take into account aesthetics or working methods.

If the Council felt that Colas was in breach of its contract, he would take action.

Bill Murphy informed the Panel that it is not in Colas' interest to carry out sub-standard work, as it is responsible for the costs of any remedial works. In his opinion as Highways Manager most of the 700 to 800 works throughout the city have been carried out to a good standard.

The Panel expressed concern at the length of time that the work carried out in Waverley Road had taken and asked Ensign to be invited to the next meeting to respond to the issues raised at this meeting.

Mr Stunell explained that the budget allows for the Council to inspect only 10% of work carried out by Colas and this is subject to staff availability.

Councillor Terry Hall submitted her views in writing to the Panel prior to this meeting and these are attached to the minutes as *Appendix Three*.

Councillor Terry Henderson was invited to give his views on the Council's contract with Colas. During his contribution, the following points were raised:

In his opinion, Colas seems devoid of any understanding of special requirements (e.g. conservation areas).

Councillor Henderson wrote to Ray Privett, PFI Contract Manager on 25 March stating that the lantern in the original cast iron street lamp at the entrance of the alleyway between numbers 12 and 14 Stanley Street had been missing for a number of years. Shortly afterwards, the street lamp was replaced with a modern replica.

Councillor Lynne Stagg informed the Panel that the original lantern was too big for the street lamp and had to be removed. Additionally, it was not possible to source original street lamps anymore.

Charles Stunell explained that the contract had not made provision for enhanced provision in conservation areas. However, since then savings that had been made within the contract and these had been used to carry out enhanced works in conservation areas.

Councillor Riches informed the Panel that she has been involved in meetings with Friends of Old Portsmouth about the street lamps and that the design of the lamps was agreed, as it would have the least impact on the historic image of the area. The replacement replica street lamps were very satisfactory. She has not received any complaints regarding the replacement of paving in Old Portsmouth.

Councillor Luke Stubbs was invited to give his views on the Council's contract with Colas. During his contribution, the following points were raised:

The trees in Allens Road are very important to the character of the road and most of the residents were very dismayed at the prospect of the removal of 12 trees (3 due to illness and 9 for health and safety reasons).

The issue was first raised at the East Southsea Neighbourhood Forum in October 2008.

The decision to remove the 12 trees seemed to be against the best interests of the area.

It would be helpful to be clear as to the roles of both Colas and the City Council with regard to tree removal and other issues.

Charles Stunell explained that a new policy regarding tree removal has been put in place and now no tree can be removed without prior consultation with the Cabinet Member and residents. Colas had not asked for any additional contribution for this extra work.

In response to a question from the Panel, Charles Stunell explained that Colas and the local utility companies work closely together to coordinate work on the roads as much as possible. However, for health and safety reasons the Gas Company has the right to dig up a road without prior warning. Additionally, new roads could be dug up in order to connect new properties to gas and electricity supplies. Afterwards, the utility company is responsible for guaranteeing the resurfacing works.

Bill Murphy informed the Panel that a Best Value Review is due to start soon with HM Treasury to assess the PFI contract. It will be a thorough review of the contract and last six months. The City Council has to carry out a best value review every five years. The City Council may have to contribute to the cost of the Best Value Review as HM Treasury only contributes limited staff time to assist the Council with this exercise.

Councillor Lynne Stagg was invited to give her views on the Council's contract with Colas. During her contribution, the following points were raised:

The PFI contract has been a learning process for both the Council and Colas, which is normal as it is the first of its kind in the country.

In her opinion, the problems occurred have been due to Colas' lack of experience in dealing with the public.

As Cabinet Member for Traffic & Transportation she meets monthly to discuss any remedial works that are required.

Colas' communication process with residents and members has improved greatly in recent months.

The Council is checking with other local authorities to ensure that it is getting value for money.

The Chair commented that she felt that Colas' process of communication is improving.

14 Date of Next Meeting (AI 5).

18 May at 3pm OR

22 May at 3pm.

The meeting ended at 5.25pm