

AT A MEETING of the Universal Services Select Committee of HAMPSHIRE COUNTY COUNCIL held at the Castle, Winchester on Monday, 27th November, 2023

Chairman:

\* Councillor Rob Mocatta

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|---------------------------------|----------------------------------|
| * Councillor Jackie Branson     | * Councillor Rupert Kyrle        |
| * Councillor Lulu Bowerman      | Councillor Sarah Pankhurst       |
| * Councillor Rod Cooper         | Councillor Stephen Parker        |
| * Councillor Debbie Curnow-Ford | * Councillor Stephen Reid        |
| * Councillor David Drew         | * Councillor Kim Taylor          |
| Councillor Barry Dunning        | * Councillor Rhydian Vaughan MBE |
| * Councillor Michael Ford       | * Councillor Pamela Bryant       |
| Councillor Tim Groves           | * Councillor Mark Cooper         |
| * Councillor Dominic Hiscock    |                                  |
| * Councillor Wayne Irish        |                                  |

Also present with the agreement of the Chairman: Councillor Nick Adams-King, the Executive Lead Member for Universal Services and Councillor Russell Oppenheimer, the Executive Member for Countryside and Regulatory Services

**25. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Barry Dunning, Tim Groves, Sarah Pankhurst and Stephen Parker. Councillors Pam Bryant and Mark Cooper attended as deputies.

**26. DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Personal Interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

**27. MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

## 28. DEPUTATIONS

The Select Committee received two deputations at the meeting, from Susan Davenport and Doug Jones, both speaking with regards to item 7 on the agenda, Management of Byways Open to all Traffic (BOAT) update.

## 29. CHAIRMAN'S ANNOUNCEMENTS

There were no formal announcements.

## 30. HIGHWAYS – STRONGER ROADS TODAY SERVICE UPDATE

The Committee received a report from the Director of Universal Services on the proposals for the strategy for the Stronger Roads Today campaign.

Officers provided a presentation on the proposals which highlighted the impact of the weather during winter 2022/23, which had resulted in significant damage to the road network. The County Council had sought to take immediate remedial action, with 23 rapid repairs teams repairing 1,000 defects per week over an 8 week period. Members heard that a programme of both medium and long-term works formed the strategy, which would enable sustainable, economical repair of and investment in the road network. Whilst current funding would not be sufficient to significantly improve the condition of the highway network, the Committee heard that central government had announced that some additional funding would be made available for investment in highways as a result of the cancellation of the HS2 project. It was further heard that predictions were for another challenging winter in 2023/24 but as a result of actions taken across 2023, the Council were in a better and stronger position to deal with the effects of the winter season than during the previous year.

In response to Members' questions it was heard that:

- Where water was impacting roads, particularly in rural areas, proactive steps were being taken by the County Council to improve drainage.
- The County Council had undertaken an exercise to identify the backlog in maintenance requirements to bring the network into a stable state, which had resulted from restrictions on funding, with the shortfall valued at approximately £0.5 billion. It was further noted that the County Council worked in partnership wherever possible and had sought to maximise grant funding opportunities, to make best use of resources available to maintain the road network.
- It was noted that it was very difficult to secure funding to maintain the road network within planning for developments, however the County Council had made several successful agreements. It was noted that Section 106 agreements now allowed opportunity for the County Council to seek funding for road maintenance and would form consideration for future planning.
- Members highlighted the need for the County Council to lobby the government for the power to hold utility companies to account when making road repairs, with the national requirement that repairs are made like-for-like. The Executive Lead Member for Universal Services noted that the Leader had written, along with the seven other local highways

authorities, to Central Government to ask for this power, and further noted that this was a regular matter for discussion with local MPs. It was recognised that the County Council had maintained good working relations with the utility companies and that the work they undertook was essential for infrastructure and residents, however the Council sought to take any measures possible to protect the road network.

- It was forecast that climate change would result in longer warmer and wetter winters, which would have an ongoing detrimental impact on the road network. Skansa used a proactive approach in Sweden to constantly treat the road network to seal and treat holes. A trial had been undertaken in East Hampshire which demonstrated positive outcomes and the County Council were now looking to roll this out across the whole of the road network.
- The numbers of pothole claims had grown exponentially, amounting to approximately £100k per annum, however it was recognised that the claims individually were not significant. It was noted that the change in road usage, with falls in commuting traffic following the pandemic, meant the council were reviewing changes to maintenance schedules to make best use of funding available.
- £37.5m per annum of funding, for the next 3 years, had been allocated by Hampshire County Council for repairing the road network.

Through debate it was acknowledged that it was recommended that the full implementation of the Highway Network Recovery Strategy be deferred until 2025/26 at the earliest, subject to review in Autumn 2024.

#### RESOLVED

The Universal Services Select Committee supported the recommendations being proposed to the Executive Lead Member for Universal Services on page 1 of the report.

### 31. **MANAGEMENT OF BYWAYS OPEN TO ALL TRAFFIC (BOAT) UPDATE**

The Committee received a report from the Director of Universal Services, outlining proposals for the management of Byways Open to All Traffic (BOATs).

A presentation was provided to the Committee, through which it was highlighted that byways open to all traffic (BOAT) made up 6% of the overall rights of way network and that the County Council held a statutory responsibility to assert and protect the public's legal right to use and enjoy the rights of way, including taxed and insured motor vehicles where applicable. Officers regularly assessed byways, using a RAG status to identify current status, with only 12 byways across the County currently red rated. Where possible the Council would seek voluntary restraint by users to protect those routes, with those which continued to deteriorate subject to winter closure from October to May. At the time of the meeting two byways were subject to winter closure. As a final measure the County Council would apply a traffic regulation Order (TRO). A trial was being undertaken during winter 2023 to monitor, and where necessary close, Amber routes to prevent damage. Consideration was also being given to summer closures, as a result of increased weather events during summer months resulting from climate change. It was heard that the County Council were

working positively in partnership with the South Downs National Park Authority (SDNPA), as well as with local residents and user groups, to maintain and protect the byway network. The committee heard that focus within the County Council's strategy was being moved from a reactive to a proactive approach, which was expected to result in more work on drainage and vegetation, and the development of an annual maintenance programme.

In response to Members questions it was heard that:

- Gating and fencing was key to deliver successful outcomes from the use of TRO's, with breaches of TRO's or other illegal vehicle use being the responsibility of the police to enforce.
- Engagement with user groups was essential, with support from residents feeding into the success of any TRO's and there was a fine balance between having sufficient evidence to apply a TRO and ensuring it would stand up to legal challenge.
- Usage of vehicles on BOATs had generally evolved from historical usage, and the right to do so existed in legislation. It was recognised that this may not have been the original intent of the legislation, and that Highways Agencies in general felt that the legislation needed to be reviewed and updated to bring it in line with modern usage.
- Greater communication from local communities and residents was welcomed and it was recognised that greater engagement with local volunteers would support protective and preventative approaches in maintaining the BOATs.
- The Hampshire Countryside Access Forum (HCAF) was a mix of user groups, landowners and others along with a representative from Hampshire County Council and Southampton and Portsmouth City Councils. Outside of the forum officers worked with Parish and Town Councils across the County to understand their priorities in relation to the entire rights of way network, including Byways.

During debate Members strongly encouraged ongoing engagement with Town and Parish councils and local resident and user groups in managing the rights of way networks. In particular it was suggested that paragraph 34 of the report be strengthened to formalise these arrangements.

It was also recognised that every BOAT had its own needs, usage and unique geological make up and approaches needed to be specific, not broadly generalised.

After listening to questions and debate, the Executive Member for Countryside and Regulatory Services informed Committee that he planned to write to Rebecca Pow MP (Environment, Food and Rural Affairs) appealing to Government to look at regulations to enable a wider scope for TRO's.

**RESOLVED:**

The Universal Services Select Committee supported the recommendations being proposed to the Executive Lead Member for Universal Services on page 1 of the report.

### 32. **TASK AND FINISH WORKING GROUP PROPOSAL**

The Committee considered a report from the Director of Universal Services regarding the appointment of a Task & Finish Working Group to oversee and scrutinise the County Council's stage 2 consultations relating to specific Universal Services savings proposals.

Councillor Kim Taylor proposed an amendment to paragraph 6.1 of the Terms of Reference to allow 9 Members to sit on the Working Group, enabling all political groups to be represented. This was seconded by Cllr Wayne Irish and the amendment was proposed as follows:

*The Task and Finish Working Group shall be a cross party group made up of Members of the Universal Services Select Committee (consisting of a total of 9 Members: 5 Conservative Group, 2 Liberal Democrat Group, 1 Labour Group and 1 Independent Group).*

A vote was held on the amendment, which was unanimously agreed.

Membership of the working group was agreed as:

- Cllr Lulu Bowerman
- Cllr Jackie Branson
- Cllr Debbie Curnow-Ford
- Cllr Mike Ford
- Cllr Tim Groves
- Cllr Dominic Hiscock
- Cllr Sarah Pankhurst
- Cllr Stephen Parker
- Cllr Kim Taylor

#### RESOLVED

The Universal Services Select Committee:

- a. Agreed to set up a Task and Finish Working Group to oversee and scrutinise the approach and outcomes of the County Council's stage 2 consultation relating to specific Universal Services savings proposals.
- b. Agreed the Terms of Reference for the Working Group as set out in Appendix 1.
- c. Agreed the membership of the Working Group as being 9 Members (as named above)

### 33. **WORK PROGRAMME**

The Committee's Work Programme was reviewed (Item 9 in the minute book). It was noted that additional meetings of the Select Committee would be required in 2024 to scrutinise outcomes of the County Council's stage 2 consultations relating to specific Universal Services savings proposals.

Timescale for the adoption of roads was suggested for inclusion in the work programme in future.

RESOLVED

The Universal Services Select Committee discussed and agreed potential items for the work programme to be prioritised and allocated by the Chairman of the Universal Services Select Committee in consultation with the Director of Universal Services.

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Chairman,