

DRAFT ANNUAL REPORT – OVERVIEW AND SCRUTINY FUNCTION – 2006/07

N.B. Additional material discussed by the Board at its meeting on 18 April 2007 which is now included in the Report is shown underlined.

1. **INTRODUCTION**

- 1.1 The Overview and Scrutiny function in Runnymede is undertaken by the Review Board. The Board's Terms of Reference are set out in Article 6 of the Council's Constitution, which is attached at Appendix '1'.
- 1.2 This report summarises the areas of the Board's activities for the Municipal Year 2006/07.
- 1.3 During the course of the year, the Board has continued to pursue various items within its Work Programme and has discussed a number of points and suggestions made by Members at the Council meeting in April 2006 concerning some of the issues referred to in the Board's last Annual Report.
- 1.4 The Board considers that items 2, 4, 5, 8, 9 and 11 reported below on Green Garden Waste Collection, Partnership Arrangements with Surrey County Council, Action On Fuel Poverty, Reduction In Planning Enforcement Resources, Processing Of Appeals By The Planning Inspectorate and Transport for Young People In The Evenings have been satisfactorily concluded. The other items reported upon below remain ongoing.

2. **GREEN GARDEN WASTE COLLECTION**

- 2.1 The Board has previously considered the operation of the scheme whereby green garden waste is collected from households in the borough. This scheme removes green waste from the rest of domestic refuse, resulting in both financial and environmental benefits. A Member at the April 2006 Council meeting asked the Board to consider whether to recommend revisions to the policy on the number of green garden waste collection bags which could be purchased by residents. The Board noted that the Council's Leisure and Environment Committee had agreed that residents could opt for one or two green garden waste sacks, at a reduced rate, or at an additional rate for more than three. Fees had been set at £35 for three or more sacks, £30 for two and £15 for one. The Board agreed that it did not wish to recommend any revision to the policy on provision of green garden waste collection bags.
- 2.2 The Board mentioned in its last Annual Report that it hoped that the green garden waste collection service would be rolled out across the whole borough and is pleased to note that this has been accomplished so that the item has been satisfactorily concluded.
- 2.3 The Board has noted that some residents have expressed the view that the sacks are too small. However, they have been designed to a size which does not make them too heavy to lift for health and safety reasons.

3. **PROPOSALS FOR FORTNIGHTLY REFUSE COLLECTIONS**

- 3.1 Whilst considering the green garden waste issue referred to above, the Board discussed the Council's proposals to introduce fortnightly domestic refuse collections at some stage in the future. This was a measure which had already been implemented by a number of Councils across the country, including some Surrey districts. The Leisure and Environment Committee had agreed that leaflets consulting the public on a potential future move to alternate weekly refuse collections be produced and delivered to all households and that Officers would report back to that Committee on the results of the consultation exercise. The Board agreed that any proposed move to fortnightly waste collection would need to be skilfully explained to the public. It should also make clear to the public that even if fortnightly refuse collection were introduced, there would continue to be a weekly collection for recycling products.
- 3.2 The Board has noted that whilst public acceptance of recycling was growing, many people were still reluctant to participate and it appeared both through Audit Commission research and also from the experience of other Councils, that only the move to less frequent fortnightly waste collection had the desired effect of increasing recycling of domestic waste, thereby reducing the amount of waste collected. The Board has noted that the recycling targets being set by the Government and by Europe over the next few years are extremely onerous. The Government has also not recognised the resource implications of the manual sorting of recyclables. There were also financial reasons, as

well as environmental ones, for reducing the amount of waste for disposal. In response to European legislation, the Government had introduced a Landfill Allowance Trading Scheme (LATS) under the Waste and Emissions Trading Act 2003, whereby Waste Disposal Authorities had been allocated a tonnage of biodegradable municipal waste that could be landfilled, known as an 'allowance'. Surrey Waste Disposal Authority was required to make considerable percentage reductions in comparison with its 1995 allowance, in the years leading up to 2020. Failure to achieve this would mean fines which would then be passed on to the local tax payer. The Board agreed that these financial implications for householders needed to be emphasised in publicity material.

3.3 The latest position is that the Council at its meeting on 6 March 2007 resolved that a Member/Officer Working Group for refuse collection and recycling be established for a period of 18 months, to be extended if necessary, with the remit of advising on the introduction of alternate weekly collection and giving appropriate guidance to Officers. Subject to the deliberations of the Member/Officer Working Group and following consultation with staff, UNISON and the recycling contractor, the introduction of alternate weekly collections of residual household waste was approved in principle and a further detailed report on the proposals of the Member/Officer Working Group, staffing implications, and fully costed proposals will be submitted to the Leisure and Environment Committee and to the Corporate Management Committee in due course for consideration and subsequent recommendation to full Council.

3.4 It was suggested by a Board Member that the Working Group might look at a pay per lift scheme as a potential alternative to alternate weekly refuse collections. Under this scheme a bar code label was fixed on the bin and householders were charged according to the number of times that they put the bin out for collection.

4. PARTNERSHIP ARRANGEMENTS WITH SURREY COUNTY COUNCIL – PARTICIPATION IN LOCAL COMMITTEE

4.1 The development of partnership arrangements with Surrey County Council was an item within the Board's work programme which had been referred to in the previous Comprehensive Performance Assessment of the Council. A Member at the April 2006 Council meeting had also suggested that Council participation in the Local Committee of the County Council should be actively progressed. The Council had previously agreed to participate in the Local Committee of the County Council which covered the Runnymede area, subject to settling detailed arrangements and to achieving agreement on the content of meetings. The Board has noted that arrangements for participation in the Local Committee have now been agreed and the first meeting of the Local Committee with Borough Council representatives present took place in September 2006. The Board agreed that this was a satisfactory outcome to this issue.

4.2 The Board has noted that participation in this Committee has been beneficial although Runnymede Members can only vote for part of the meeting.

5. ACTION ON FUEL POVERTY

5.1 A Member at the April 2006 Council meeting had suggested that action was required to address one of the outcomes of a recent survey, which had found that 24% of respondents were in fuel poverty and would struggle financially to heat their homes. The survey in question had been mentioned in the Review of the Runnymede State Report, which had been previously considered by the Board. The Runnymede State Report measured quality of life and sustainability within the Borough through social, economic and environmental indicators. The Board has accordingly looked at the measures being taken by the Council regarding fuel poverty.

5.2 Households are described as being in fuel poverty if they need to spend more than 10% of their income to achieve adequate levels of warmth and comfort in the home. Fuel poverty is a problem in particular for people on low incomes and for elderly people living alone in larger properties. The Board noted the contents of The National Energy Action (NEA) Charity publication entitled "Fuel Poverty Policies and Progress – A Guidance Note for Overview and Scrutiny Committees". Their Guidance Note outlined fuel poverty in the UK and the effects that this had on residents and other agencies. It also provided advice on how a scrutiny into the issue of fuel poverty might be undertaken.

5.3 The Government required local authorities to produce a Fuel Poverty Strategy and an annual Energy Conservation Report, the latter being under the provisions of the Home Energy Conservation Act

1995 (HECA). Runnymede Borough Council's Energy Conservation Report had identified a potential reduction of 30.4% of energy usage across the Borough. By the time of the HECA Annual Progress Report for the period 1 April 2004 to 31 March 2005, Runnymede had achieved savings of 28.28%. The Government Office for the South East had declared that the Borough continued to make excellent progress towards achieving its target. The actions identified within the Energy Conservation Report addressed most of the points raised in the NEA report. Runnymede, through the Runnymede Energy Efficiency Partnership (REEP), continued to work with all agencies to promote and facilitate grants and schemes to address fuel poverty issues. The Council was not, however, able to provide any direct financial assistance for people in fuel poverty.

- 5.4 Board Members agreed that they should take every opportunity to make people aware of the various energy management and energy efficiency schemes. The Board has also noted that the Council's website has links to other organisations that provide information on energy management and energy efficiency schemes. The Board noted the action which the Council was taking on fuel poverty and agreed that it did not wish to recommend any further action on this subject to the Housing and Community Services Committee.

6. ACTION ON AIR QUALITY AND THE ENVIRONMENT

- 6.1 The Board has considered the action the Council is taking to mitigate and alleviate poor air quality in the borough. This issue had been raised both by the Board itself when considering the Runnymede State Report referred to above and also by a Member at the April 2006 Council meeting.
- 6.2 In order to look at this issue in some depth, at its October meeting the Board received a report from Officers on air quality and was also pleased to welcome a representative of the Environmental Research Group based at King's College, University of London. This Group were employed as consultants by Runnymede to measure Air Quality in the borough. The Board noted the latest findings on air quality in Runnymede known as the Updating and Screening Assessment and the results of objectives (or targets) for each of the seven pollutants which were monitored at local level.
- 6.3 The Environment Act 1995 introduced a requirement for the Government to develop an Air Quality Strategy (AQS) for England and for local authorities to undertake Local Air Quality Management (LAQM). LAQM required local authorities to periodically review and assess air quality across their areas and send the results to the Government for approval. Two pollutants, ozone and polyaromatic hydrocarbons, were to be monitored by national Government. The seven pollutants to be monitored by local authorities under LAQM were benzene, 1,3 butadiene, carbon monoxide, lead, nitrogen dioxide, Particles (PM₁₀) and sulphur dioxide. The Government's Expert Panel on Air Quality Standards (EPAQS) recommended 'objectives' (or targets) for these pollutants (i.e. with the aim being that the pollutants should not be present in the atmosphere at all, or if that was not a realistic target, not beyond a certain level). The objectives were all based on health-based standards using current scientific advice taking into account the likely costs and benefits, as well as the feasibility and practicality in meeting the objectives, which were mostly in line with limit values prescribed by European Union Directives. Reviews called Updating and Screening Assessments (USAs), which examined the levels of the seven pollutants identified above, had been carried out in Runnymede in 2003 and in 2006, and a progress report had been produced in 2005.
- 6.4 In line with most local authorities, the pollution from nitrogen dioxide (NO₂) and from Particles (PM₁₀) was significant in Runnymede, with the main sources being from motor vehicles, particularly from the M25 and M3 and other busy and congested areas within the borough. The work that Runnymede had undertaken in its role under LAQM had shown that the statutory objectives for nitrogen dioxide and Particles would only be exceeded close to the M25 within the Council's area and consequently the Council had in 2004 designated an Air Quality Management Area (AQMA) for an area close to the M25. Councils were required to designate an AQMA if predictions based on the best available evidence indicated that the air quality objectives were being exceeded.
- 6.5 The Board was advised that the detailed assessment modelling predictions for the most recent USA had indicated that annual mean nitrogen dioxide concentrations did not exceed the air quality objective where there was 'relevant exposure', apart from in Addlestone near the current Civic Offices site at High Street/Church Road and also in New Haw at Woodham Lane/New Haw Road. 'Relevant exposure' in this context meant locations where houses were near to the road so that the public were likely to be exposed to the pollution on a regular basis.

- 6.6 Nitrogen dioxide emissions were higher where traffic was stationary and car engines were still running. Concerning the Woodham Lane/New Haw Road junction, the Board therefore suggested that one of the contributory factors might be that traffic was often stationary or slow moving because it was the point at which the traffic from the Brooklands shopping area met the traffic proceeding from Woking. The Board noted that objectives had only been slightly exceeded up until now and this did not mean that air quality was particularly poor, although it was clearly not as good as it might have been.
- 6.7 The Board noted the Council's work in attempting to reduce air pollution in the borough. Runnymede spent approximately £3,000 per annum on consultancy work, plus Officer time totalling approximately one-fifth of a full time equivalent member of staff. The Council had produced company travel plans (including its own) for journeys in the area. The Council also promoted yellow buses to reduce the effects of parents delivering their children to school by car, as well as 'walking buses' and a cycle strategy. Widening of the M25 which had been completed north of Junction 13 should improve traffic flow and result in lower emissions and improve air quality in the AQMA. Variable speed limits had been put in place for several years which also increased traffic flow and resulted in reduced emissions. Nitrogen dioxide had been monitored for many years and enhanced monitoring was also being carried out at 25 sites in conjunction with the Highways Agency. Two of the policies within Surrey County Council's Local Transport Plan (LTP) on improved co-ordination and integration of transport and reduction of the adverse effects of motorised transport should lead to improved air quality. This would include promoting improved rail services in the Borough. There were also various national and EU initiatives to reduce air pollution from motor vehicles which required new less polluting engines and particulate traps to be fitted to all diesel engined vehicles (known as "EURO 4 standards").
- 6.8 At its February 2007 meeting, the Board noted that the final report on sites within the Borough where annual mean nitrogen dioxide concentrations exceeded the air quality objective had now been placed on the Council's website. The report detailed the sites where the air quality for nitrogen dioxide was exceeded, namely, New Haw Road, New Haw, Civic Offices, Station Road, Addlestone, Egham Sports Centre and, as would be expected, the sites immediately adjacent to the M25. The production of this final report had been delayed because the consultants' report had been passed by the Department for the Environment Food and Rural Affairs (DEFRA) to the University of the West of England (UWE) for them to appraise it. UWE had sent in a request to Council Officers for more information which Council Officers had then passed on to the consultants. The consultants provided this information and the UWE and DEFRA had now accepted the report, subject to a detailed assessment of nitrogen dioxide and particulates being carried out by the end of April 2007. Runnymede's consultants were now carrying out this work. Officers were now consulting Surrey County Council on the report and the consultants would involve them in obtaining information on the detailed assessment. It is anticipated that the outcome of the detailed assessment will be reported to the Board at its July 2007 meeting.
- 6.9 The Board has also raised the issue of pollution from Heathrow Airport. The Board noted that as the Airport was more than 1 kilometre from the borough's boundary, Runnymede was not required to investigate air pollution from Heathrow Airport. Average concentrations of pollutants at Heathrow were generally similar to, or slightly higher than those measured at other air pollution monitoring sites in London and national targets were generally exceeded or met in line with other urban sites in London, but they dispersed fairly quickly over a short distance so as to not affect air quality in Runnymede. The national targets which were exceeded at Heathrow were the current UK Air Quality Strategy objectives for annual mean nitrogen dioxide concentration and the daily mean for Particles. In connection with Heathrow Airport, a Board Member had noticed the odour of aviation fuel previously in the borough. Scientific advice was that aviation fuel dispersed fairly quickly and did not affect air quality. Officers had contacted BAA Plc, the organisation running Heathrow Airport, to confirm the position.
- 6.10 BAA plc advised that in normal circumstances fuel was not dropped and there was no reason to do so. It was an expensive commodity and so airlines had no wish to waste it. Even in an emergency, dumping of fuel was avoided if at all possible, although safety was always of paramount importance. Air Traffic Control and airlines had very strict procedures governing when and where pilots were permitted to jettison fuel. It was only allowed during an emergency affecting a departing aircraft, when aircraft needed to return to Heathrow Airport soon after take off and to reduce the weight of the aircraft to a level which was safe for landing. Air Traffic Control directed aircraft to a height of at least 4,000 feet where there would be no ground level impact, because of the fuel evaporating and being dispersed by the wind. It was also normal practice that aircraft were directed over the sea before

jettisoning fuel, again, so the fuel was dispersed. Only in extreme circumstances, i.e. where it would not be safe for the aircraft to delay landing, would fuel be jettisoned elsewhere. All such events had to be recorded by Air Traffic Control and these were very rare. It was agreed that if Board Members wished to establish how frequently these events had occurred, they could make further inquiries to BAA plc.

- 6.11 Regarding the environment in general, the Board has noted that radioactivity emanating from the ground is not a problem in Runnymede. Other Councils such as Woking (solar panels) and Arun (recycling) have chosen to spend large proportions of their budgets on environmental initiatives. Runnymede has preferred to spend more on services for older people and community safety. All of these matters are questions of political priority.

7. **ENFORCEMENT OF PLANNING CONTROL – PROGRESS REPORT**

- 7.1 Throughout the year, the Board has continued to be advised and updated on the latest circumstances on sites where Committee authorisation to take planning enforcement action has been obtained and where there are matters still outstanding.
- 7.2 The progress report the Board receives provides a record of those cases where the Council's Planning Committee has decided to take action. There are numerous other cases which are investigated by Enforcement Officers which do not provide grounds to bring Officer recommendations to that Committee and which did not therefore appear on the report to the Board. Once persons who have infringed have complied or a case has finished, the fact is recorded on the progress report on one occasion and thereafter the item is removed from that report.
- 7.3 Enforcement action has always been viewed by Officers as a last resort after failure of all attempts at negotiation. The Board has registered its appreciation of the extent of the enforcement work which is being carried out in view of the reduced resources which are now available. (See Section 8 of this report below).
- 7.4 The Board has also noted that enforcement appeals are taking a long time to be processed by the Planning Inspectorate. (Section 9 of this report below looks at this issue in more detail).

8. **REDUCTION IN PLANNING ENFORCEMENT RESOURCES**

- 8.1 When considering the Enforcement of Planning Control progress report, the Board has noted that the Council's Planning Committee has decided to reduce staffing levels in the Planning Enforcement Section. That Committee had considered the implications of a reduction of staffing levels in the Planning Enforcement Section and noted that the ability to investigate complaints and instigate action would be reduced. The Committee had balanced these implications against the Council's challenging financial forecast and the need to realise savings and, with some reservations, had approved the disestablishment of a post of Enforcement Officer. The Board has asked about the effect on the enforcement section of the loss of the member of staff. It was noted that staff had found that they were currently having to spend a considerable amount of time answering e-mails and other enquiries, which otherwise could be spent in investigating complaints of alleged planning breaches. A report has accordingly been made to the Planning Committee in May 2006, in which it was agreed that more information than had been given previously would be forwarded to complainants when the receipt of their complaint was acknowledged. Complainants would be asked to leave the matter with Officers and not keep continually enquiring about progress. It was hoped that these new ways of working would help to offset the reduction in staffing resource.
- 8.2 The Board has agreed that its appreciation of the amount of enforcement work being done (especially in view of reduced Enforcement staffing levels) should be passed on to Planning Enforcement and Legal Officers of the Council.
- 8.3 A Member at the April 2006 Council meeting had been of the view that the loss of the out-of-hours (evenings and weekends) call out service formerly provided by Enforcement staff needed to be reviewed and the Board accordingly looked at this issue. The out-of-hours call out was one of the services which had been lost as a result of the reduction in enforcement staffing levels. The Board noted that when this service had operated it had been rarely used, as few planning matters required such an immediate response. Regarding traveller incursions, staff were advised not to go on site unaccompanied at night or weekends. Incidents of tree felling might be stopped, but even on those rare occasions where staff were called out to deal with them, irreparable damage had usually already

been done. Even without a reduction in staff, consideration was being given to stopping this service as it required staff to be available on a rota basis in evenings and at weekends for only a handful of call-outs per year. The Board did not therefore wish to recommend that the loss of the out-of-hours call-out service be reviewed by the Planning Committee.

9. PROCESSING OF ENFORCEMENT APPEALS BY PLANNING INSPECTORATE

- 9.1 A Member at the April 2006 Council meeting had suggested that representations needed to be made to the Planning Inspectorate over the length of time that enforcement appeals were taking to be processed.
- 9.2 The Board has noted that there were now substantial delays associated with enforcement appeals and that this has been of concern to residents in the borough. This is an issue which occurs regularly in the reports on progress on enforcement of planning control referred to at item 7 above, which the Board receives at each of its meetings. The Planning Inspectorate had published various reports which had found that dissatisfaction had applied largely to the first stages of an appeal, i.e. the time taken between submitting an appeal form and receiving a date for a hearing or inquiry and had concluded that the focus needed to be on helping to speed up this part of the process.
- 9.3 The Board agreed that their voice needed to be added to those who were seeking a speedier appeals process, so that they could be seen to be responsive to residents' concerns on the matter. As this was a matter which affected all Councils in the County, Officers took the opportunity to take up the matter directly with the Planning Inspectorate through the forum of the Surrey Planning Officers' Association, which represented the Chief Planners of all local authorities in Surrey. The Association had raised concerns about delays in processing planning appeals at a meeting which had been held on 21 July 2006 with the South East Inspection Manager for the Planning Inspectorate.
- 9.4 The Board has also noted that the Planning Inspectorate had written to the Council stating that there would be a delay until any newly submitted appeals could be started. This was because there had been an increase of over 31% in the number of enforcement appeals that the Inspectorate had received in the first six months of the financial year. In order to assist their resource planning, the Inspectorate had asked Runnymede to estimate how many enforcement appeals would occur in Runnymede over the next six months and for the next financial year. The Inspectorate also asked the Council for its views on the reasons for the increase in the number of appeals and had made two suggestions in that regard. The first of those suggestions was that Authorities may have more resources to dedicate to enforcement and were therefore issuing more enforcement notices. The second suggestion made by the Inspectorate was that it may be that the propensity to appeal against enforcement notices had increased.
- 9.5 Council Officers had replied by stating that the Council was likely to issue between 10 to 15 enforcement notices in the next six months. The estimate for the next financial year 2007/08 was that approximately 30 to 40 enforcement notices were likely to be issued. Council Officers considered that the current appeal system was so protracted that it encouraged deliberate breaches of planning control and fostered an increased tendency for the public to appeal against any enforcement notice (regardless of the merits of the appeal) simply to extend the life of an unauthorised development and to allow them to continue with their unlawful business or activity. Officers went on to report that the Council had not increased its staff resources to deal with enforcement matters, although the number of complaints against unauthorised developments from the general public had increased. Appellants were also increasingly seeking adjournments at inquiries because the unauthorised activities or business had undergone considerable change.
- 9.6 Officers had no doubt that there would be an increase in the deliberate abuse of the planning system until there was an effective deterrent and had informed the Inspectorate that they were of the view that the legislation should be changed and that it should be made a criminal offence to deliberately breach planning control. Officers had suggested that the Inspectorate consulted with the Department for Communities and Local Government who had undertaken a consultation on the existing enforcement system in 2002, but had not acted on the findings of that consultation.
- 9.7 The Planning Inspectorate had replied by thanking all those authorities which had responded and reported that approximately 40% of local authority respondents to the Inspectorate had indicated that their local authority had increased the amount of resource focused on enforcement work and had agreed that more people were exercising their right to appeal. A number of respondents had also

highlighted an increase in the number of complaints of breaches received by Local Planning Authorities (LPA)s, and a higher level of scrutiny of enforcement activity from Council Members and the public. Many respondents to the Inspectorate had made representations which were similar to those made by Runnymede. The Inspectorate reported that their backlog had been reduced. Respondents had also been informed of two ways in which the Inspectorate would operate differently in future. Firstly, to remove any future uncertainty about the status of appeals, the Inspectorate would acknowledge receipt of all appeals to both the appellants and LPAs. Secondly, when the Inspectorate wrote to LPAs informing them of the receipt of an appeal, they would also ask LPAs rather than the appellants to supply a copy of the enforcement notice, which should speed up the start of the appeal. It was confirmed to the Board that the latter change of operation was now in effect.

9.8 The Board is satisfied that appropriate representations have been made by the Council on this matter.

10. **DELAYS AT LEVEL CROSSINGS**

10.1 A Member at the April 2006 Council meeting had suggested that details were required of progress made by Network Rail on improvements to signalling so that traffic flow at the six level crossings in the Borough could be improved. This is an issue which has been highlighted by the Board as part of its ongoing initiative to enhance rail and bus transport in the borough and remains of particular concern to the Board as they consider that the level crossing barriers are lowered too far in advance of the train arriving, resulting in unnecessary delays (i.e. the barrier 'down times' are too long). It was the level crossings in the Egham areas which had caused most difficulty and on one occasion in the past a bus had become stranded on a level crossing.

10.2 The Board has agreed that Officers should continue to seek new signalling from Network Rail to reduce delays at level crossings. Network Rail, who deal with the rail and station infrastructure throughout the country, have responded by stating that they were concerned with keeping level crossing barrier 'down times' to a minimum as this reduced the likelihood of drivers trying to beat the barriers, as well as reducing local traffic congestion. Network Rail consider that the safest policy is to permanently close as many crossings as possible and they are constantly looking for opportunities for closure. However, it was not clear what criteria Network Rail would use in deciding whether closures of level crossings were feasible and the Board thought that this type of information should be publicly available.

10.3 Runnymede was in Network Rail's Wessex area and the Level Crossing Risk Controller (LCRC) for Wessex had provided information regarding signalling at the six level crossings in Runnymede. At Station Road, Egham, Thorpe Road, Hythe and Guildford Street, Chertsey the signals were due for renewal in the Feltham programme in 2007. At Vicarage Road, Pooley Green and Station Road, Addlestone, the signals had been renewed and were not due for any further work in the near future. At Rusham (Prune Hill) no work was planned and the phasing of the signals had been recently reviewed. The Board noted that the renewal of signals in the Feltham programme was likely to involve the replacement of the existing signals with modern ones and would not necessarily result in changes to the phasing, so that the length of the waiting times for road users when the barriers were down might not necessarily reduce.

10.4 At the crossing at Rusham (Prune Hill) the barriers were lowered and raised automatically, the triggers being the approach and departure of the train. The LCRC had visited the crossing on a number of occasions and was satisfied that the timings were set appropriately for the conditions. The crossings at the other locations in the borough were all considered to be 'high risk' because of the large volumes of road and rail traffic that passed over them. Consequently, these crossings were controlled by signalling staff at Feltham Signal Centre, via CCTV cameras. The signallers were regularly monitored and were expected to keep barrier down times to a minimum. However, the results of that monitoring were not available to the general public. The Board was of the view that the rail authorities did not provide sufficient information on this kind of topic.

10.5 The Board therefore agreed that Officers should write to Network Rail seeking detailed information on the amount of time for which barriers were down at each of the level crossings in the Borough. It was also understood that Network Rail had been monitoring the Pooley Green level crossing and Officers have also asked if the results of this can be advised to them. Despite repeated attempts by Officers to gain further information from Network Rail on these matters, none has been forthcoming.

10.6 Network Rail have circulated the details of a scheme to refurbish the barriers and control equipment at the Egham level crossing in Station Road, Egham. This would require a closure of the level crossing when the equipment was installed. The Board noted that the Council would be making representations against the granting of the order for the proposed scheme. Network Rail had stated that the scheme would not alter the amount of time that the level crossing barriers were closed. The Council has requested the Secretary of State for Transport to require Network Rail to present a scheme that would substantially reduce the time that the barriers were closed in order to relieve Egham from the disruption and separation that the barriers currently caused. The Board will be informed of the outcome of the Council's representations. Officers will continue to pursue the reduction of delays at level crossings in the borough, both for the beneficial economic impact and for the convenience of residents.

10.7 The Board has continued to monitor the progress of the proposed Airtrack scheme. This is a proposed new rail link that would provide high speed improved train services to Heathrow Airport via Reading and Guildford and one of the proposed station stops is within the borough, at Chertsey. If the Airtrack scheme ever came to fruition, improved signalling would be an essential part of it, which may therefore improve the traffic flow at level crossings. However, it is understood that bridges would need to be built to prevent level crossing delays worsening under the Airtrack Scheme. The Board has noted that while at present the Airtrack Scheme was referred to in the Regional Transport Strategy and in the South East Plan, this can provide no certainty that the scheme will take place. The Board understands that under the South East Regional Assembly Scoping exercise, the Airtrack scheme is a second tier item and the date for progress is after 2011, depending on funding being obtained.

11. TRANSPORT FOR YOUNG PEOPLE IN THE EVENINGS

11.1 The Board has considered the use of yellow buses/ Council Community vehicles, in conjunction with Surrey County Council, to provide young people with affordable public transport in the evenings. The issue was raised by a Member at the April 2006 Council meeting, in connection with the Board's initiative to enhance rail and bus transport.

11.2 The Board noted that the Community Transport service currently consisted of the Day Centre transport and the Dial a Ride Service. Both services had to be heavily subsidised in order to provide an affordable service for users. The cost of both services had grown substantially over recent years. An extension of the service to provide young people with transport in the evenings would entail additional salaries, extra maintenance to vehicles, additional administration costs, extra fuel, and an extension of the licence that the Council had for the vehicles. It was unlikely that any reasonable charge could be made to young people that would be adequate to cover these costs and therefore the service would have to be subsidised. This would therefore be an additional item of expenditure for the Council at a time when savings in current services had to be identified.

11.3 Unless the service was to cover set routes between major towns, it was likely to be very difficult to schedule and plan. The Dial a Ride services for older and disabled people required complex scheduling arrangements, which were currently undertaken for the Council by Woking Community Transport (WCT). This service operated during the day and any extension to the service to include scheduling for younger people in the evenings would lead to an increased fee from WCT. If the service was to operate on set routes between major towns then it would avoid the need for scheduling, but would duplicate existing public transport services. The Council had only recently taken Community Transport Services back in-house and to take on an additional service, for which there was no quantified level of need or funding or any experience of operation, could put at risk elements of the existing service.

11.4 Yellow School buses were funded by a combination of fares, business sponsorship and monies collected from developers related to planning permissions granted. The funding targets for the latter two elements were already challenging, in order to subsidise fares. Buses were filled as they went to a single destination. Buses running in the evenings would be in direct competition with commercial routes, and could cause them to cease running if they were no longer viable. The Board did not wish to see the Council competing with local providers. The Board also thought that if the Council did provide young people with affordable public transport in the evenings this might also provide commercial operators with an opportunity to withdraw from less profitable routes. Delivery to many destinations might be required for buses to be well used and even if they were filled, they would require substantial subsidy from additional funding which was not available. Considerable administration and support would also be needed which would be a further cost.

- 11.5 Having noted the information provided, the Board considered that the provision of affordable public transport for young people in the evenings was not a subject which they wished to recommend to be pursued further by the Council.

12. **RAIL AND BUS TRANSPORT – VARIOUS ISSUES**

- 12.1 As part of its initiative in its Work Programme to enhance rail and bus transport in the Borough, the Board has raised the issue of disabled access at stations. It was understood by a Board Member that South West Trains would not provide disabled access or assistance after 4.00 p.m. at stations, which would probably not be late enough to serve disabled people who were on the second part of day return journeys. Officers have taken up the question of improving disabled access in their discussions with South West Trains. The Board noted that station infrastructure and rolling stock was designed for an earlier age and it would take time and considerable investment to ensure that all stations and trains provided full disability access standards. Furthermore, a number of stations were not staffed on a full-time basis. However, South West Trains could provide assistance to disabled persons travelling where at least 24 hours prior notice was given. This could be arranged by telephoning South West Trains or accessing their web site.
- 12.2 At its October 2006 meeting, the Board noted that on 22 September 2006 the Department for Transport had awarded Stagecoach Group the new South Western rail franchise. This franchise, which would run for 10 years from 4 February 2007, combined the existing South West Trains and Island Line (Isle of Wight) franchises, both of which were currently operated by the Stagecoach Group. Stagecoach had announced a series of measures associated with the new franchise regarding fleet improvement and capacity, security, fares and ticketing, station enhancements, customer service and information and performance. It was understood by the Board that ownership of some stations might be passing to private sector organisations. However, this should not affect dialogue between the Council and Network Rail. The Board noted that a closed circuit television (CCTV) link was in place at stations which should assist the safety of passengers waiting for trains. There had also been improvements made to the facilities at a number of stations in the borough and to the reliability of services.
- 12.3 The Board has noted that Surrey County Council was gradually extending the scheme of real time roll-outs of bus travel information but based on the larger areas of population such as Guildford and Woking. Funding was generally limited but was more likely to be forthcoming where bus operators had been proactive and where additional financing was available (such as contributions which had been negotiated which were associated with planning applications).

13. **RUNNYMEDE CONTRIBUTIONS TO THE SURREY PENSION FUND**

- 13.1 The Board has continued to pursue an equitable treatment from Surrey County Council of Runnymede's contributions to the Surrey Pension Fund, as part of its Work Programme. The Surrey Pension fund is administered by Surrey County Council on behalf of all the Councils in Surrey and other public sector bodies (e.g. colleges, parish councils). The Actuary undertakes a valuation of the Fund every three years and this established the basis for determining employing bodies' contributions to the Fund. The last valuation date was 31 March 2004. The Board had requested further information on two issues arising from the valuation. One issue was whether the Council had received the full benefit for its two lump sum deficit contributions (made in 1996/97 and 2002/03). The other issue was whether the valuation had taken appropriate account of the transfer of Highways Agency staff to Surrey County Council.
- 13.2 The response of the former Executive Director of Surrey County Council had been reported to the meeting of the Board in December 2005, in which he argued that Runnymede had received the benefit of the lump sum payments and that the transfer of Runnymede staff to the County Council on the termination of the Highways Agency resulted in the notional transfer of assets to the County Council which was equivalent to the liabilities relating to these staff. The Corporate Management Committee in January 2006 considered the Board's recommendations from the December meeting. The Committee had resolved that no further action be taken on the issue of the past method of valuing the Runnymede share of the Pension Fund but greater transparency be sought from Surrey County Council in the calculation of asset values and the methodology used, and a change in the method of valuation so that it more accurately reflected the cashflows relating to each contributing body. The Committee had also agreed that an item be placed on the Agenda of the Surrey Pension Fund Annual General Meeting (AGM) and the Members of that meeting be asked to vote on adopting

a more transparent method of valuing the Runnymede share of the Fund in future, that Officers continue to pursue an equitable settlement of the pension fund treatment of the highways agency transfer and seek support in that endeavour from the other Surrey districts affected, and that voluntary lump sum payments to the Pension Fund be not made unless the methodology adopted by the Actuary demonstrated that Runnymede would receive the full benefit (including those from market price movement) of the contributions.

- 13.3 At its April 2006 meeting, the Board noted that the points which the Corporate Management Committee had made had been put to the Surrey Pension Fund AGM. A further meeting would be taking place between Runnymede Borough Council and Surrey County Council Officers in order to discuss the issues which Runnymede had raised.
- 13.4 There had been difficulties and a delay in obtaining a further response to these outstanding issues because of the reorganisation at the County Council and the consequent departure of key County staff. However, at its meeting in February 2007, the Board noted that the new Head of Finance at Surrey County Council had stated that Runnymede had received the full benefit of the £5.7m lump sum payment made in 2002. Had the payment not been made, the Head of Finance had stated Runnymede would have had assets of £29.2 million (rather than the £35.8 million shown in the 2004 valuation) - giving a deficit of £14 million (rather than £7.4 million) and funding level of 67.4% (instead of 82.9%). The Board was advised by the Runnymede Director of Finance that the Actuary acted on the instructions of the County Council, who had not been prepared to change the method of valuation by apportioning assets and liabilities more accurately. There were alternative methods which could have been used. On the matter of the Highways Agency transfer, the County Head of Finance had contended that the issue had been treated correctly as far as the Pension Fund was concerned. The Actuary had assessed the value of liabilities attributable to the transferring members to be £100,000 which, given the 20 year deficit spread period, the Head of Finance had contended would have a negligible impact on Runnymede's contribution rate. The County Head of Finance agreed that more careful consideration of termination costs could have been made at the time. He stated that the issue had been raised at a Surrey Treasurer's meeting where there had been an undertaking that one of the Treasurers would raise the issue formally on behalf of all affected Boroughs but unfortunately, this did not happen.
- 13.5 Runnymede was bound by the way that the Actuary calculated the shares of the overall Pension Fund attributable to each body. The method used was based on an "analysis of experience" process. It was common to all contributing bodies and was therefore fair in this respect. However, Runnymede Officers believed that it was not sufficiently precise to make full allowance for the timing of lump sum payments into the Pension Fund and therefore continued to hold the view that no further voluntary lump sum payment should be made.
- 13.6 The Board noted that Runnymede Officers considered that no further meaningful progress could be made on the issue of the transfer of pension fund assets and liabilities in respect of highways staff. The only further course of action was to commission further actuarial advice, and then follow this up with some sort of legal action. This would be expensive and the likelihood of success was uncertain. The Board discussed taking joint action with other districts or raising the matter with the Local Government Association and did not conclude that this would strengthen the Council's case. The cost of these actions would be borne by both the Runnymede and Surrey local taxpayer, and it was difficult to see how this could be justified. The Board therefore agreed that no further action be taken on the issue of the lump sum contributions or the transfer of Highways agency staff valuation. The Board did, however, agree that Runnymede Officers should seek to ensure that any future working arrangements with other public bodies provided clarity in the details set out regarding staff transfer and termination.
- 13.7 The Board also asked if it was possible for the Council to transfer to another scheme. The Local Government Pension Scheme Regulations 1997 specified that the appropriate fund for contributing employees was the administering authority within whose local government area all or most of their employing authority's area was located. For Runnymede's employees this meant the Surrey Pension Fund, so transfer to another scheme was not allowed.
- 13.8 The Board enquired about the extent to which the Surrey Pension Fund was ring fenced. The Actuary evaluated the data for each employing body and used this information to apportion assets and liabilities in the Fund to each employing body. To this extent Runnymede's performance should not be affected by the decisions of other employing bodies. However, there was not a separate fund for each employing body. This meant that if the precise timing of contributions and payments were

not reflected in the actuarial calculations, this was bound to result in key events for one employer affecting the others. It was Runnymede Officers' contention that this is what had happened with the calculation of Runnymede's lump sum contributions.

- 13.9 The Board noted the recent performance of the Fund, which was slightly ahead of the local authority median in 2005/06, although below the benchmark performance. The cumulative performance measured over ten years was, however, still affected by the poor performance that characterised the Surrey Pension Fund during the 1990s when only three Fund Managers were used. A number of Fund Managers were now employed which specialised in particular parts of the market, which was improving the returns achieved. The recent annual returns achieved by investment managers for the Surrey Pension Fund had improved in recent years in comparison to other local authority funds. However, the improvement was relatively modest and was not especially encouraging given the relatively aggressive investment strategy (i.e. a high proportion of funds in equity investments) adopted by the Surrey Fund.
- 13.10 The main issues covered at the latest Surrey Pension Fund AGM meeting were fund performance and prospects for the next actuarial review and future contribution rates. The Actuary was forecasting that employer contribution rates would need to increase by 3%. At this stage the position was further complicated because the final outcome of the national review of the Local Government Pension Scheme was still not assured. Past experience suggested that it was the practice of actuaries to make relatively pessimistic forecasts of contributions prior to the full revaluation exercise, with lower than expected increases being the outcome. In view of the large increase in Runnymede's employee costs consequent upon the recent pay comparability exercise, this might mean that the Actuary's forecast was understated in Runnymede's case. The employer's contribution rate was currently 12.5% (excluding backfunding contributions). If this were to increase by 3% from April 2008, this would increase total costs by approximately £250,000, of which the General Fund element would be £225,000. This was substantially more than the provision of £100,000 that had been made in the Financial Forecast for future additional costs and would increase the pressure on services as the Council would be forced to increase its savings targets.
- 13.11 In response to concerns about the impact of the next actuarial review, the Board noted that the Head of Finance at Surrey County Council would be convening a separate meeting with the Actuary to discuss the technical issues in more detail. Members and Officers from all of the Surrey districts would be invited to participate. The Board agreed that all Members of the Council should receive further details about this meeting when available and Members would decide who should attend from Runnymede. 3 or 4 Members in attendance would perhaps be an ideal number. The Board understands that this meeting is scheduled for late summer/early autumn 2007.

14. PROGRESS ON REVENUE REDUCTIONS

- 14.1 Over the year, as part of its work programme, the Board has monitored progress against the Council's net revenue reduction targets.
- 14.2 At its meeting in July, the Board discussed whether it considered that any of the savings being made were to the detriment of the services which the Council provided. It concluded that Officers had managed the process well and that the Council's services had been affected by the least amount that was reasonably possible. The Board was also pleased to note the increases in revenue which had been achieved and considered that all Members of the Council had been kept regularly informed of progress on the savings targets. At its October meeting, the Board noted the Council's progress in achieving net revenue reductions, which formed a part of the Financial Forecast.
- 14.3 At its February 2007 meeting, the Board noted a statement showing progress in achieving planned revenue reductions. The revenue reductions targets approved in 2005/06 (totalling £2,630,000) were key to the delivery of the Council's financial plans. The original timetable for achieving these reductions assumed that annual savings of £2,530,000 could be realised by 2007/08. In the event, £2,019,000 had been included in the 2007/08 estimates. This included interest earned on the additional capital receipts from asset disposals which was dependent on achieving not only the financial target but also the required timescale. Some of the savings were now considered to be unachievable, so the statement showed a final total of £2,330,000.
- 14.4 The Council had reached a critical phase in its programme of revenue savings. Some of the savings that had been identified in the high risk category had yet to be delivered and had to be achieved if the Council was to stand any prospect of delivering its medium term financial strategy. In particular, the

capital receipts from land sales planned in 2006/07 were intended to generate investment income which would avoid the need to make larger reductions in service budgets. These receipts were still uncertain because of a variety of factors, including the effects of the Thames Basin Heaths Special Protection Area. The budget had been prepared on the assumption that these would be received during the course of 2007/08 but, if they failed to materialise, the short-term impact would be an even greater withdrawal from balances, coupled with the need to make further compensating savings. Further savings may also be needed if future contributions to the Surrey Pension Fund were higher than forecast.

14.5 The Council's Budget Book (pages xvi and xvii) provides a detailed analysis of the anticipated savings from each of the planned initiatives. The position is monitored regularly and is one of the key indicators reported to Corporate Management Committee each quarter.

14.6 The Board will continue to receive regular reports on progress on achieving revenue reductions.

15. STAFF RECRUITMENT AND RETENTION POLICY – OFFICER FINAL YEAR SALARY ENHANCEMENT

15.1 The Board has received information on the cost of enhancing the salaries of eligible staff during the final year of their service prior to retirement, further to a request from the Board Chairman.

15.2 In 1990, the Council had introduced a scheme whereby staff with 10 years satisfactory service with Runnymede qualified for a 10% final year enhancement of salary. This scheme aimed to maintain the authority's competitive advantage in the employment market and to underline the policy of attracting and retaining able staff.

15.3 At its meeting on 1 March 2007 the Corporate Management Committee had approved a revised wording of the policy. This emphasised the discretionary nature of the benefit, explicitly required consideration of the value of the employee's continued service to the Council, and allowed for awards of up to 10%, i.e. an award of less than 10% could be made. The purpose of these amendments was primarily to ensure that the scheme was within the Council's powers. The Board noted the contents of the report to the Committee containing the revised wording. The Board also noted further information on the financial implications of this policy which had been prepared at the request of the Chairman of the Board, after consultation with a Member colleague.

15.4 The policy of enhancing final year salaries gave rise to additional costs consisting of an uplift in salary of up to 10% in the last year of service, employer's National Insurance and Pension Fund contributions on the additional salary that had been paid, and an increase of up to 10% in the pension paid to the employee.

15.5 While the salary uplift and additional employer's National Insurance and pension contributions were costs that were directly incurred by the Council, the additional pension costs were borne by the Pension Fund and could fall on the Council in two ways:-

i) If no contributions had been made to the Pension Fund to cover the cost of paying the additional pension, the increased liabilities of the Fund would increase the deficit that was attributable to Runnymede. This would result in increased backfunding contributions. Since the Actuary had spread the cost of paying for the deficit over twenty years, the additional annual cost to the Council would be similar to the additional annual pensions that were being paid.

ii) If the Actuary had increased the employers' contributions paid by Runnymede in the light of historic trends that showed that Runnymede pensions turned out to be higher than expected, then the cost of enhancing salaries would be reflected in the higher current contribution rates rather than in deficit backfunding payments. This might be one reason why Runnymede's contribution rate to the Surrey Pension Fund of 12.5% was higher than the average rate of 12.2% for Surrey District Councils (representing an additional cost of £25,000 per annum).

It was also possible that the costs were falling on the Council through a combination of the two ways outlined above.

15.6 No specific provision was made in the budget to cover the cost of enhancing salaries by up to 10%. Effectively, the additional salary and employer's oncosts had been met in the past from within the

overall salary budget. The additional pension costs formed part of the contributions that the Council made to the Pension Fund, either as backfunding contributions or as current contributions.

- 15.7 The Board noted that the policy of enhancing Officer final year salaries had in the past proved useful in facilitating major restructurings and achieving consequential revenue savings. While the policy was unlikely to have any effect on the Council's recruitment ability, there was evidence to suggest that the policy could have a significant effect on the Council's ability to retain able staff. The average length of service of Runnymede staff was 7.8 years with 30% of staff having in excess of ten years Runnymede service. Turnover at senior level was particularly low. Over the past year turnover of staff on Management grades and above had been 10% with Senior Management turnover at 8.3%. Whilst this high retention rate could not be attributed solely to the policy of final year enhancement of salaries, anecdotal evidence suggested that it had had a marked effect on staff's decision on whether or not to leave the authority's service. Currently, 76% of staff with ten or more years service with Runnymede were banded at 'very good' or above in the Performance Related Pay scheme. Retention of these key staff had not only benefited the authority by having highly experienced and able staff to deliver efficient and high standard services, but had also resulted in the saving of potentially significant recruitment and training costs.
- 15.8 The Board noted that the financial information before them had been produced by Council Officers and accepted that this provided a general indication of the cost implications. Consultation with the Actuary would have been costly and while more precise, would have been unlikely to provide a better understanding.
- 15.9 The Board considered whether there should be some form of affordability criteria included within the policy but took the view that because the scheme was discretionary and as there was now provision to pay less than 10%, costs could be contained if necessary. The Board suggested that it might be helpful for the Corporate Management Committee to have a list of Officers who might be retiring soon and therefore might be eligible for the scheme. This could never be definitive because Officers may die, suffer ill health or move on for various reasons, but it would give some indication of the costs which might be incurred in future.
- 15.10 The Board believed that the Council valued its experienced staff and that this scheme was a factor in making senior staff decide to continue working with the Council. The Board considered that discontinuing the scheme would add to uncertainty amongst senior Officers, particularly in view of the move to new Civic Offices which already had a potentially unsettling effect on all staff. While the Corporate Management Committee did not have as much financial information as was now before the Board, the Board did not consider that the Committee would have decided differently because the scheme was discretionary (i.e. final year Officers did not have any entitlement to receiving this extra pay) and there was also now a discretion to pay Officers less than 10%. The Board concluded that the extra information was not sufficient to potentially alter the original decision.
- 15.11 The Board did, however, consider that the policy should be kept under close review by the Corporate Management Committee. They considered that the Committee should look at whether there may be alternative schemes which could achieve a similar objective, but allow costs to be identified more clearly. This could either be done as part of an exercise looking at a range of recruitment and retention packages, or through a separate report, whichever was appropriate. The Board asked for their comments on the policy to be brought before the Corporate Management Committee for consideration.

ARTICLE 6 - OVERVIEW AND SCRUTINY COMMITTEE (REVIEW BOARD)

6.01 Terms of Reference

The Council will appoint an overview and scrutiny Committee to discharge the functions conferred by regulations under Section 32 of the Local Government Act 2000. In Runnymede, the overview and scrutiny committee is titled the Review Board.

The Review Board will have nine Members, or as the Council may decide.

6.02 General Role

Within this Constitution, the Review Board may:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Full Council and/or any Committee in connection with the discharge of any functions;
- (iii) consider any matters affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any Committee.

6.03 Specific Functions

(a) **Policy development and review.** The Review Board may:

- (i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of policy Committees and Chief Officers about their views (in the case of Officers, professional views) on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** The Review Board may:

- (i) review and scrutinise decisions made by, and performance of, policy Committees and Council Officers, both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Members of policy Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the appropriate policy Committee and/or Council arising from the outcome of the scrutiny process;

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny Committee and local people about their activities and performance; and

(vi) question and gather evidence from any person (with their consent).

(c) **Finance.** The Review Board may be allocated funding for its role by the Council, and will exercise overall responsibility for the finances made available to it.

(d) **Annual Report.** The Review Board must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 The Review Board may form sub-committees from amongst its membership, or advisory panels from any suitable persons whether its Members or not.

6.05 **Proceedings of Review Board**

The Review Board will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.