



CITY OF WESTMINSTER

MINUTES

Business, Planning and Transport Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Business, Planning and Transport Policy and Scrutiny Committee** held on **Thursday 8th February, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tony Devenish (Chairman), Paul Dimoldenberg, Karen Scarborough, Cameron Thomson, Jacqui Wilkinson and Jason Williams

Also Present: Councillor Danny Chalkley, Cabinet Member for City Highways.

Apologies for Absence: Councillor Julia Alexander, Councillor Thomas Crockett and Councillor Louise Hyams

1 MEMBERSHIP

- 1.1 Apologies for absence were received from Councillors Julia Alexander, Thomas Crockett and Louise Hyams. Councillor Thomas Crockett was replaced by Councillor Jacqui Wilkinson.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Paul Dimoldenberg declared a non-pecuniary interest in respect of item 5 on the agenda that he owns a flat in Marylebone Road. The Chairman declared that he had previously worked in the utilities industry but not for any of the organisations that were in attendance at the meeting.

3 MINUTES AND MATTERS ARISING

- 3.1 **RESOLVED:** That the minutes of the Business Planning and Transport meeting held on Wednesday 15 November 2017 be signed by the Chairman as a correct record of proceedings.

4 UPDATES FROM CABINET MEMBERS

- 4.1 The Committee received written updates from the Deputy Leader and Cabinet Member for Business, Culture and Heritage, the Cabinet Member for City Highways and the Cabinet Member for Planning and Public Realm on significant matters within their portfolios.
- 4.2 The Chairman welcomed Councillor Danny Chalkley, Cabinet Member for City Highways, to the meeting. The Committee put questions to and received responses from Councillor Chalkley on a number of matters that were relevant to his portfolio. Kevin Goad, Director of City Highways, was also in attendance for this item. The matters raised included the following topics:
- Surface Water Management – Councillor Chalkley was asked for an update on the maintenance of gulleys. He replied that there had been issues regarding gulleys being blocked last winter. A new contractor had since been employed and was doing a very good job. A combination of the new contractor and an investment of £250,000 in the current Highways Programme approved in April 2017 had led to significant improvements in respect of the gulleys.
 - The Cabinet Member was asked to provide further clarification on the removal of vehicles on single and double yellow lines by a recovery vehicle in order to access gullies. Councillor Chalkley replied that he had re-instated the ability to relocate any vehicles which block gulleys as the cost of clearing gulleys on a reactive basis is approximately four times the price of a planned process. The removal/recovery vehicle is shared with the Parking team.
 - Were there any measures which could be taken to move foreign owned vehicles which are parked illegally for extensive periods of time? Councillor Chalkley advised that the Council's options in this regard are very limited. The Council could not be expected to pursue and fund cases against owners of foreign vehicles through international courts.
 - When would the annual highways programme be published? Councillor Chalkley replied that this would be published shortly and would take into account a report from the lay panel which he had established in order to ensure that the programme was more reflective of the needs and experience of residents and businesses.
 - Effective Neighbourhood Working Programme – Clarification was sought on the Programme. The Cabinet Member responded that staff in City Management and Communities, Growth Planning and Housing and Public Health were being consulted on the remodelling of the structure of their sections until 7 March 2018. He added that the purpose of the Programme was to improve the all-round skills of individuals in order to provide a better service for residents. He also informed the Committee that there would not be a loss of City Inspectors. One aspect was to improve the skills of City Inspectors so that they were able if necessary to carry out highways inspections.

Councillor Chalkley was asked about the likelihood of significant redundancies and whether there was the potential for the service to be less effective as a result. He replied that there would be some people leaving the organisation. In relation to the posts that would be deleted there were a number of vacant posts. The feedback he had received from staff responding to the consultation was that they were largely positive that they would be provided with additional skills and have the opportunity to undertake different aspects of the work that were not currently in the remit of the roles.

- The Chairman referred to an article published on 7 February 2018 by Tom Edwards, Transport Correspondent for London at BBC in response to a leaked e-mail at Transport for London ('TfL'). The article confirmed that TfL was facing significant challenges in balancing its budget. It was likely that TfL would be providing less financial contributions to the City Council's projects. Councillor Chalkley/Mr Goad were requested to set out in a written response what the risks associated with this would be.
- 20mph trial zones – Further information was requested on the monitoring of the 20mph trial zones. Councillor Chalkley stated that there was electronic monitoring equipment in place which showed the speeds of the vehicles and recorded the data. The data was being collected over a twelve month period until September 2018. No analysis had yet been carried out. It was intended that after September 2018 the project would be evaluated and residents and Ward Councillors would be consulted on what should happen regarding the zones. The Cabinet Member clarified that only the Police had a role in enforcing the 20mph speed limit in the trial zones.
- When would the CityWest Homes Traffic Management Orders be established for parking in their Estates such as Churchill Gardens Estate? Councillor Chalkley responded that he would communicate with CityWest Homes on this matter and would then write to Councillor Williams.

4.3 **ACTION:** The following actions arose:

- That a written response be provided to the Chairman on the risks associated with TfL potentially reducing their financial contributions to the City Council's projects (Councillor Chalkley, Olivia Chadelle (Cabinet Officer) and Kevin Goad).
- That the Cabinet Member for City Highways communicate with CityWest Homes regarding when Traffic Management Orders will be established for parking in their Estates and write to Councillor Williams with a response (Councillor Chalkley and Olivia Chadelle).

4.4 **RESOLVED:**

That the contents of the Cabinet Member Updates be noted.

5 LANE RENTAL SCHEMES

- 5.1 The Committee received a report which looked at the possibility of the principle of lane rental being applied to streets managed by Westminster Council. It highlighted the potential benefits and risks of such a change whilst setting out details of the existing scheme operated by TfL.
- 5.2 The item was introduced by Jonathan Rowing, Head of Road Management. He referred to the two lane rental pilot schemes that were being operated by TfL and Kent County Council. He advised that the item was timely for bringing before the Committee as a consultation had been undertaken by the Department for Transport ('DfT') on the potential to extend the schemes to other authorities. With the agreement of the Cabinet Member for City Highways, officers had responded to the DfT consultation that lane rental schemes would create a positive pressure to reduce the duration of works and drive a technological change. There were concerns about the impact on residents as a result of encouraging works taking place at night, restrictions on spend within the legislation and potential bureaucracy from having 33 different funds for the spend across London if all the boroughs introduced a lane rental scheme. The consultation had now closed and DfT were now considering the responses to it.
- 5.3 Also in attendance at the meeting were Kevin Goad, Director of City Highways; Jerry McConkey, CEO, Joint Authorities Group(UK); David Capon, Joint Authorities Group(UK) Manager; Peter Loft, Secretary, London Joint Utilities Group; Martin Zelder, New Roads and Street Works Act Compliance Manager, Cadent Gas and Keith O'Brien, Fixed Network Specialist, Vodafone. The Committee heard from Mr McConkey. He explained that JAG(UK) was the link between Central Government and every highway authority in the United Kingdom on all matters pertaining to roadworks and street works. It also assisted Central Government in drafting relevant legislation and regulations and worked with colleagues from the utilities companies in writing code of practice guidance. JAG(UK)'s aims included supporting the management of all maintenance events on the highway, maintaining public safety, improving journey experience and reducing levels of congestion whilst protecting the assets.
- 5.4 Mr McConkey stated that JAG(UK) promoted permit schemes. He referred to an example of the benefits with Sefton Council having saved over 45,000 days in terms of the highway not being occupied. He expressed the view that lane rental schemes offered significant additional benefits to the existing permit schemes as a result of behavioural changes. One aim was to reduce the length of time that sites are unoccupied. If a lane rental charge was being paid on a daily basis, it was less likely to be unoccupied. Another objective was to improve planning and coordination so that it was known before companies were on site exactly what they needed to do so the work was carried out quickly and efficiently. Works should take place outside peak periods when most disruption is caused. The intention should be to try to complete the works in one go. Mr McConkey said that in respect of Kent County Council's pilot scheme, there had been a decrease in peak hour work

of 15% and a 9% increase in works where they did not charge lane rental fees as a result of companies not working during peak hours.

5.5 Mr Loft also addressed the Committee. He advised that London Joint Utilities Group is an informal gathering of utilities business representatives. He stated that there was a need to balance the needs of the users. These were not just the people who travel across the network in Westminster but also the companies involved in undertaking the improvement works. Any scheme that was implemented would have to apply to all works and activities. He urged the Committee to look at the Kent County Council Lane Rental Scheme and the exemptions in how it is administered as he believed it was far more flexible than the TfL pilot scheme. An example of this is that public spirited works like those relating to the emergency services' assets are exempt.

5.6 Mr Loft expressed concerns that costs are passed on and are absorbed by all customers as a result of lane rental schemes. Most utilities did not have the ability to discriminate amongst its customers and those residents or business which receive any perceived benefit carry an equal share to those who do not. Mr Loft was of the view that Westminster had existing powers, including through permit schemes, to control and influence utility works so that they were undertaken out of hours. He believed that there was the potential for safety and quality of works being compromised if they were always taking place at night. Mr Loft quoted a recent TfL report which suggested that 40% of damage to utility apparatus was caused by activities undertaken by local authority highway resurfacing contractors working at night. He added that an outcome of the TfL Lane Rental Scheme was that many companies were not investing in their assets within the streets where the Scheme applied. It was often being invested elsewhere. He explained that was one of the reasons why the numbers of works had reduced.

5.7 The Committee asked a number of questions on this topic, including the following:

- Was it better to place the emphasis on using technology to improve the way in which the companies worked rather than promoting out of hours working? Mr McConkey replied that JAG(UK) was keen on innovation. Part of the incentive of permit schemes and lane rental schemes was to look at different and more effective and efficient ways of working. Reducing the duration of the works would reduce the costs. Mr Rowing recommended that a lane rental scheme, if adopted by Westminster, should be strongly based on innovative use of technology as part of a positive economic case. He added there would potentially not be a significant amount of money raised by the implementation of a lane rental scheme because of a modal shift, including as a result of the innovative use of technology.

Mr O'Brien spoke about his experiences at Vodafone in relation to this matter. He said that 90% of Vodafone's work is customer driven so there was not necessarily the same forward planning of the works that some of the bigger utilities were able to do. There was therefore a need to gain authorisation via the permit scheme and work out of hours. He believed

that the permit scheme was more than sufficient to drive better behaviours.

- Mr O'Brien was asked what was a typical out of hours job and what the relationship was with residents as a result. He replied in response to the first question that it was customer driven work and Vodafone would apply for a three day minor works permit. The Council set out when the company would be able to undertake works. The works would generally involve the digging up of a pavement/footway, working on the apparatus and connecting the fibre to the building. They would generally take place at night. In respect of the second question, he responded that the relationship with residents was difficult.

Mr Rowing clarified to the Committee that companies such as Vodafone would ask to carry out work out of hours and generally they would be refused unless there were good reasons for it to take place then. The steer from the Cabinet Member for City Highways (which had become the policy) was the matter was discussed between officers and the relevant Ward Members before out of hours permission was granted. Out of hours work generally led to a number of residents' complaints.

- How long did it generally take for a hole dug by a company or utility to be filled? Mr Rowing stated that it varies. The duration of works tended to be two to three days. Officers always pushed for the works and the filling of the hole to be resolved as soon as possible. Mr McConkey commented that if a lane rental scheme was in place then the companies were more likely to improve the planning of the works and reduce their duration.
- Mr Loft was asked whether utilities could do more to be aware of where underground apparatus was located. He replied that local authorities and utilities did not have a clear universal record of all the underground apparatus or type of road construction when the ground was broken. There was a lot of work being done to try and rectify the lack of knowledge of underground apparatus and some of the money released from the TfL Lane Rental Scheme was being used for this purpose, including having artificial intelligence to predict where the apparatus is situated. This technological advance was in its infancy.
- As the concept of lane rental schemes had been around for some time, why had there only been two pilot schemes? Mr McConkey responded that DfT had decided that pilot schemes were the best way forward as they were not sure of what the benefits might be. He advised that there was a 'sunset clause' in place in the legislation so that by 2019 DfT either had to remove the sunset clause to enable the schemes to continue or discontinue them. On the basis of the experience of the pilot schemes, DfT had taken the decision to remove the sunset clause so they had seen some benefits there. Mr McConkey was of the view that part of the second phase of DfT's consultation would be exploring how lane rental schemes might be rolled out across other local authorities.

- How much was it likely to cost if a lane rental scheme was introduced in Westminster? Mr Rowing replied that there had been no assessment of cost at this stage. Officers would need to understand what the model would be that would allow lane rental charges to be implemented. Aspects that would need to be known included what the fee would be and how many roads in the borough and what sections of the roads were included. In TfL's pilot scheme, it was only a small section of the network which was included.

5.8 The Committee concluded the item by responding to the questions raised in the report under paragraph 2, 'Key matters for the Committee's consideration'. In response to the questions as to whether the Committee supported the principle of a lane rental scheme being implemented within the Council's network and whether there were any particular areas of concern that need further investigation or action, the Committee recommended that it should only be implemented if there was a positive benefit in terms of working practices including there being more effective and efficient ways of working. Such a case for lane rental schemes should be made when the matter was next scrutinised by the Committee. Revenue increases were not fair on those they impacted upon. In response to the questions as to the balance between the needs of residents and the needs of the road user can be achieved and does lane rental pose any challenges that would need to be addressed in any potential Westminster Lane Rental Scheme, the Committee recommended that in the event it was decided to proceed with the Scheme in Westminster that officers consult other London boroughs before setting out their proposals to try and achieve some consistency and joined up thinking which would aid those required to pay the rental fee. Finally, in response to the question whether the Committee would like to see any potential Scheme apply to areas of high footfall which may not currently meet the thresholds for such a scheme, the Committee recommended that any pilot scheme introduced should not include the whole of the borough. It was requested that a chart was produced which would show what the Scheme would add in comparison to the other permit schemes already in existence.

5.9 **RESOLVED:**

1. The Committee recommended that:
 - 1) A lane rental scheme should only be implemented within Westminster Council's network if there was a positive benefit in terms of working practices including there being more effective and efficient ways of working. Such a case for lane rental schemes should be made when the matter was next scrutinised by the Committee. Revenue increases were not fair on those they impacted upon;
 - 2) In the event it was decided to proceed with the Westminster Lane Rental Scheme that officers consult other London boroughs before setting out their proposals to try and achieve some consistency and joined up thinking which would aid those required to pay the rental fee; and,

- 3) any pilot lane rental scheme introduced should not include the whole of the borough.
2. That a chart be produced which would show what the Scheme would add in comparison to the other permit schemes already in existence.

6 APPRENTICESHIPS IN WESTMINSTER

- 6.1 The Committee received a report which provided an overview of apprenticeships, recent apprenticeship reforms including the introduction of the Apprenticeship Levy and the activities planned to promote and stimulate apprenticeship growth across Westminster.
- 6.2 The item was introduced by Greg Ward, Director of Economy. He stated that the Council was trying to address two specific issues in particular with the services provided. The first was that London has a very low level of apprenticeship take up. Parents in the city often did not want their children to become apprentices and companies often did not want to take on apprentices. It was important to inform both parties of the benefits of apprenticeships. Secondly, despite the new Apprenticeship Levy having been introduced which was designed to fund apprenticeship training and increase the number of high quality apprenticeships, there had been a fall nationally in the number of apprentices.
- 6.3 The Committee in scrutinising this item also heard from Eileen Gallagher, Apprenticeship Development Officer and Ben Drain, Head of Apprenticeships at The Knowledge Academy. The matters raised included the following:
 - Would a communications led approach persuade the public that vocational apprenticeship training was as valuable as learning provided at university? Mr Ward replied that communications was one element in a number of significant strands to an overall strategy. There was also scope to improve the integration of the work of the Economy Team with the education careers services. This would enable young people to be aware of the available opportunities. The Apprenticeship Levy also gives incentive to companies to employ people (for instance ten apprentices are already working for the Council) who are quite mature in terms of age and their careers and decided to take on apprenticeships later in life.
 - What was the gender split of the 54 apprentices within Council services and were there people who had applied to be apprentices who had been rejected? Mr Ward said that he would obtain this information for the Committee. He advised Members of the Committee that over the past two years the number of local residents who have become apprentices working for the Council has increased from around 10% of all apprentices to 25% and this proportion is growing. When candidates who were local residents were not successful in securing an apprenticeship, they received strong support from the Westminster Employment Service and the Westminster Adult Education Service and were assisted in applying for future roles.

- The point was made that there are world class creative, cultural and technical industries in Westminster that offer the best possible start for any apprentice. A question was also asked on whether the Council could support external apprenticeship schemes such as at The Goring Hotel. The Goring Hotel was helping homeless people get into employment and they were learning skills from world leading chefs.
- Mr Drain stated that the biggest challenge in terms of encouraging young people into apprenticeships was parent perception. Most parents of children who would currently be considering their career had been advised over time that university was the path to follow in order to be successful. The parents were not aware of the possibilities that apprenticeships could offer. Schools were required under legislation to allow apprenticeship providers to speak to pupils. However, there is still a bias towards university. Mr Drain referred to the benefits of an IT apprenticeship programme in terms of the skills provided in comparison to a computing degree. University courses had not always kept up with technological advances.
- Ms Gallagher emphasised that she would like to support businesses and help them with their workforce planning, including how they could employ apprentices and would have the skillset that the businesses need. She also believed that teachers would benefit from case studies setting out the achievements of the apprentices.
- Members of the Committee were agreed that there was often a perception problem for parents, children and employers in terms of vocational and technical training. It was necessary to ensure that apprenticeship programmes had a good reputation in order to receive the take up required from employers. It would be beneficial to make children at a younger age aware of the benefits of apprenticeships. University was not the best career route to follow for everyone.
- The point was made that in the event businesses had concerns about a potential loss of staff and skills following Brexit this could provide an opportunity for apprentices. Mr Ward commented that regardless of the politics of Brexit, companies were saying that in the current climate they were struggling to find workers. There were potential opportunities there. With businesses having to pay the Apprenticeship Levy, they were likely over time to focus on this aspect.

6.4 In response to the question set out in the report under the heading 'Key Matters for the Committee's Consideration' in terms of what more could be done to support apprenticeships in Westminster, the Committee was keen to explore the idea as to whether there was an ability to transfer a percentage of the Apprenticeship Levy to external apprenticeship schemes, in particular The Goring Hotel. Mr Drain advised that depending on the size of another organisation, if the organisation was not an Apprenticeship Levy payer it was possible to transfer up to 10% of the Council's Levy annually to that organisation. It was recommended that the Deputy Leader and Cabinet

Member for Business, Culture and Heritage, Councillor Robert Davis, who has responsibility in his portfolio for apprenticeships, investigate with officers whether there is the option of transferring up to 10% of the Council's Apprenticeship Levy to external apprenticeship schemes, in particular The Goring Hotel.

6.5 The Committee also recommended that the Council work closely with the Greater London Authority, notably Jules Pipe, Deputy Mayor for Planning, Regeneration and Skills whose portfolio includes apprenticeships. The Council should continue to focus on any potential additional funding available for apprenticeship growth, including from Central Government or the Greater London Authority.

6.6 The Committee requested that Apprenticeships in Westminster be scheduled on the Work Programme for the meeting on 21 November 2018. At this meeting officers would be asked to give an update on the progress of the activities planned to promote and stimulate apprenticeship growth across Westminster.

6.7 **RESOLVED:**

1. The Committee recommended that:

- 1) The Deputy Leader and Cabinet Member for Business, Culture and Heritage investigate with officers whether there is the option of transferring up to 10% of the Council's Apprenticeship Levy to external apprenticeship schemes, in particular The Goring Hotel;
- 2) The Council work closely with the Greater London Authority, notably Jules Pipe, Deputy Mayor for Planning, Regeneration and Skills whose portfolio includes apprenticeships. The Council should continue to focus on any potential additional funding available for apprenticeship growth, including from Central Government or the Greater London Authority.

2. That Apprenticeships in Westminster be scheduled on the Work Programme for the meeting on 21 November 2018.

7 PRESS RELEASES

7.1 The Committee decided not to produce a press release at this time in relation to the items on the agenda.

8 2017/18 WORK PROGRAMME AND ACTION TRACKER

8.1 It was agreed that a discussion on potential items for the next meeting on 12 April 2018 would take place between the Chairman and Ms Kassi, Policy and Scrutiny Officer, following the current meeting. Members of the Committee were invited to consult the Chairman and Ms Kassi during the next seven

days in the event that there were any items, including in the unallocated list, that they wished to be included for the April meeting.

8.2 **RESOLVED:** That (i) a discussion on potential items for the next meeting on 12 April 2018 would take place between the Chairman and Ms Kassi;

That (ii) Members of the Committee were invited to consult the Chairman and Ms Kassi in the event that there were any items that they wished to be included for the April meeting; and

That (iii) the action tracker be noted.

9 ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

9.1 There was no additional business for the Committee to consider.

10 DATES OF FUTURE MEETINGS

10.1 The dates of future meetings are 12 April 2018, 6 June 2018, 20 September 2018 and 21 November 2018.

The Meeting ended at 8.18 pm

CHAIRMAN: _____

DATE _____