

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 8 June 2009 at 9.30 am

Present: Councillor RI Matthews (Chairman)
Councillor KG Grumbley (Vice Chairman)

Councillors: WLS Bowen, JW Hope MBE, TW Hunt, PM Morgan, AT Oliver, A Seldon, NL Vaughan and PJ Watts

In attendance: Councillors PJ Edwards, TM James, JG Jarvis (Cabinet Member Environment and Strategic Housing), and DB Wilcox (Highways and Transportation).

Appointment of Chairman and Vice-Chairman for the meeting

The Special Project Lawyer explained that as no committee chairs had been appointed at the Annual Meeting of Council on 22 May, it was necessary to elect a Chairman to preside for this meeting.

Councillor RI Matthews was duly elected Chairman for the meeting.

Councillor KG Grumbley was appointed as Vice-Chairman for the meeting.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor CM Bartrum.

2. NAMED SUBSTITUTES (IF ANY)

Councillor AT Oliver substituted for Councillor CM Bartrum.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES

RESOLVED: That the minutes of the meeting held 20 April 2009 be confirmed as a correct record and signed by the Chairman.

5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

Mr P McKay - List of Streets and Definitive Map

The Chairman referred to e-mail correspondence dated 2nd June 2009, from Mr P McKay concerning the correctness of the List of Streets and Highways Definitive Map and whether the Cabinet Member (Highways and Transportation) would be requesting a report on the matter. The Chairman referred to a letter sent to Mr McKay by the Assistant Director Environment and Culture dated 17 April 2009, setting out the scrutiny position, following similar questions raised by Mr McKay at the April Committee. Mr McKay clarified his

intention to direct the current question to the Cabinet Member (Highways and Transportation) under agenda item 5 – Presentation by Cabinet Member (Highways and Transportation).

The Committee re-affirmed its intention to consider issues concerning the highways Definitive Map at a future meeting following the transfer of the service to Amey.

Mr R Coates – Climate Change

The Chairman referred to e-mail correspondence dated 1 May 2009, from Mr R Coates, copies of which had been issued to Committee members prior to the meeting, providing background to the issue and posing the questions:

1 Can the Scrutiny Committee recognise the nature of this three pronged crisis (Climate Change, Peak Oil and the need for a new approach to our economy) and start a new kind of response.

2 Could the Scrutiny Committee initiate an Action Enquiry into what it is about the Council's Culture that needs to shift so that it can respond to these three core priorities rather than supporting Business as Usual and frustrating the many Member and Officers who can see the need for change. (This could be used as a way of building readiness and commitment progressively and rapidly creating the sort of Transitional approach that is now needed).

The Chairman acknowledged that locally and nationally there was still a lot to do in relation to tackling climate change and commented that locally progress was being made.

The Committee agreed that the following response be made to Mr Coates:

Environment Scrutiny is proud of the active role they have taken in keeping the Council's overall environmental performance under active review. They have taken reports twice a year on ISO 14001, the corporate council environmental management system, for several years. Within the last year the Committee has taken 3 reports on climate change and carbon emissions, particularly those from council operations, and are again looking at emissions, this time from Street lighting, at their June meeting.

Environment Scrutiny is able to undertake enquiries and has in the past tackled subjects such as 'How best to reduce household waste to meet the government's stringent targets.' However, it is the function of Scrutiny to be a critical friend to the Executive, not to set policy or targets. Currently the council's target is to meet a 1.25% annual carbon reduction and Scrutiny have kept performance against this regularly under review.

In order to set a more robust and wide ranging response to the challenges of climate change and peak oil it would be more appropriate to challenge Cabinet to raise the Council's current targets and widen its approach. The planned showings of The Age of Stupid, under the auspices of the Cabinet Member for the Environment, may provide a useful vehicle to enable such a discussion.

Mr Gething – Co-option from Local Access Committee

The Chairman reported correspondence from Mr Gething, Chairman, Local Access Forum, requesting that the Committee consider co-opting a member from the Forum onto the Committee.

The Committee decided that the policy of inviting members of interest groups to attend the Committee when specific issues arise be re-affirmed.

Mr RM Wilson – Standards of Highway Maintenance

Mr RM Wilson suggested that scrutiny should look at the standards of highway maintenance carried out in the County and cited an example at the Radway Bridge where the road surface had been 'tar and chippinged' without first filling potholes in the carriageway which were now masked from view and in his view dangerous.

The Cabinet Member (Highways and Transportation) responded that while highways in the County needed major levels of investment unfortunately only limited resources were available. Maintenance was being concentrated on the principal and non-principal roads unfortunately to the detriment of the non-classified roads.

RESOLVED: That the specific highway maintenance example raised be investigated by officers and the strategic issue of road maintenance standards be included in the Committee work programme for consideration in approximately 6 months time.

6. PRESENTATION BY CABINET MEMBER (HIGHWAYS AND TRANSPORTATION)

The Chairman invited Councillor DB Wilcox, Cabinet Member (Highways and Transportation) to comment on: achievements or areas for improvement in the past year in his programme area as it related to this Committee; what will need to be addressed in the coming year and indicate issues he may wish to involve scrutiny in in the future.

The Cabinet Member (Highways and Transportation) started by thanking Mr McKay for his question (see minute 5) concerning the Definitive Map. He responded that there were issues over the map, however, while progress was being made, work could only be undertaken within the available resources. He undertook to respond to Mr McKay following consultation with officers.

A copy of the Cabinet Members presentation has been placed with the agenda papers in the Committee Minute book.

Following the presentation the following principal points were noted:

- Responding to comments regarding the limited funding for speed indicator devices, which seemed to be showing good results in reducing speeds, the Cabinet Member reported that every accident involving personal injury was investigated and consideration was given to whether highway improvement was needed. He also reported that he would be meeting with the Regional Director of the Environment Agency to talk about safety issues specifically on the A49.
- While noting the overspend on winter maintenance the Committee acknowledged that the previous investment in salt barns and the foresight in purchasing adequate levels of salt had paid off.
- The Committee appreciated the pressures brought to bear on Network Rail concerning the replacement of Colwall Bridge. Responding to a question on the cost and time it would have taken to provide a bridge capable of two-way traffic the Cabinet Member (Highways and Transportation) reminded the Committee that Network Rail, the owners of the bridge, hadn't planned on replacing the bridge until 2011/2012. Provision of two way traffic would have necessitated a wider bridge and therefore additional land would have needed to be acquired and planning permission sought, which would have added considerably to the cost and time.
- Questioned on the cost of Rotherwas Relief road the Cabinet Member responded that subject to closing the accounts, the current figure stood at £12.83m. This was compared to an initial whole scheme estimate of £12.01m. Responding to a question concerning undertaking further archaeological investigations in the

Rotherwas area the Director of Environment and Culture confirmed that investigations had been undertaken at the Magazine site.

- Asked about the cost of cycle training the Cabinet Member (H&T) responded that the precise cost per individual was unknown, but officers undertook to provide further information.
- Noting the impending access improvement works at the Hereford railway station, and associated costs, the Committee questioned the 'Best Value' of undertaking the works now in view of the long term intentions of the ESG to provide a transport hub at that location. The Cabinet Member (H&T) reported that long standing negotiations with the station owners had now come to fruition. The ESG proposals for the area were likely to be some years away.
- Questioned further on rail travel a member suggested that the Wooferton and Pontrilas stations be reinstated. The Cabinet Member reported a recent meeting with the Chamber of Commerce when it was agreed that stations at Pontrilas and Morton-on-Lugg would be beneficial for freight, however, he severely doubted whether this would come about in the foreseeable future.
- Questioned how savings were to be made through the Services Delivery Partnership it was reported that through transferring some services to Amey savings would occur by reducing the amount of dual working. It was noted that no compulsory redundancies were envisaged and savings would also be made through not transferring current staff vacancies.
- From personal experience a member questioned the validity of the statistics quoted for the condition of unclassified roads. In response the Interim Transport Manager outlined the method of surveying road condition. Questioned whether improvements were planned to the Heywood to Callow road the Cabinet Member responded that no major improvements for this road were included in this years programme.
- A suggestion was made that when income from Section 106 funding resumed officers should liaise closely with the local ward member(s) to ascertain any potential schemes that could benefit the local area concerned.
- Questioned on progress with the Sustrans Connects2 cycleway route to Rotherwas, the Committee were informed that officers were working with Sustrans on more detailed aspects of the scheme. The scheme will be subject to a planning application. Initial funding for the scheme was supported through the capital programme with funding from Sustrans being released as the scheme progressed.
- The Cabinet Member (Environment & Transportation) reported that a meeting had been arranged with the Road Safety Partnership to discuss their intended work programme for the County.

The Chairman thanked Councillor DB Wilcox, Cabinet Member (Highways and Transportation) for his presentation and for answering questions raised.

RESOLVED: That the presentation be noted and following consultation with officers the Cabinet Member (Highways and Transportation) respond to the question raised by Mr McKay.

7. PRESENTATION BY CABINET MEMBER (ENVIRONMENT AND STRATEGIC HOUSING)

The Chairman invited Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing) to comment on: achievements or areas for improvement in the past year in his programme area as it related to this Committee; what will need to be addressed in the coming year and indicate issues he may wish to involve scrutiny in in the future.

The Cabinet Member (Environment and Strategic Housing) informed the committee that his presentation would be given by the relevant Head of Service followed by comment from himself.

Mr P Nicholas, Assistant Director (Environment & Culture) presented a brief overview of the environmental health and trading standards division and indicated what the service did; its performance against targets; how it contributed to the CAA; notable achievements and indicated a number of current or future projects.

Cabinet Member (Environment and Strategic Housing) added that following the successful opening of the new Hereford crematorium, landscaping works would be undertaken to the surrounding area. Complaints had been received concerning the audio system when used by members of the public and these were being investigated. He acknowledged the work of his predecessor Cabinet Member for initiating the project.

He confirmed that following a review of the Pest Control Service the Service would remain in-house as he considered it important to secure a good service for the whole of the County. He would be considering further ways of ensuring good value for money.

Questioned on expenditure levels through the capital programme on land fill sites, the Assistant Director (Environment & Culture) reported that as land fill sites became older increased monitoring or maintenance could become necessary. The Director of Environment and Culture undertook to report on land fill sites to a future meeting.

Mr R Wood, Waste Services Manager, presented a brief overview of the Waste Management Service and highlighted that overall waste tonnages were down and recycling and composting percentages were up. He commented on the position of the waste disposal PFI contract and the benefits of the new Refuse Collection & Recycling Service. Discussions concerning the possible use of environmentally advanced refuse vehicles were ongoing.

The Cabinet Member added that as part of the negotiations with Focsa the possibility of them using some of the most environmentally advanced refuse collection vehicles in Europe was being discussed. A competition was being planned with schools for a poster to advertise recycling on the sides of vehicles. He anticipated that Members would be invited to visit the recycling site at Norton, Worcestershire, to see the sorting process.

Comment was made that achieving recycling targets seemed to be going in the right direction and clarification was given regarding the intended opening hours of the new household waste site in Kington.

Mr A Ashcroft, Head of Planning and Transportation, presented a brief overview of the Planning and Transportation Service. He highlighted that major progress was being made on the Local Development Framework (LDF) through the LDF Task Group; following the credit crunch there had been a fall in building activity with reduced fee income, however, indications were that things were starting to pick up, and improvements were being made in ICT services through the new web site access. Two major areas of work were underway, a response to the document "Looking at us from outside" would soon be considered by Cabinet and the ongoing need for the Service to engage with stakeholders was being addressed.

Comment was made that the Service needed to be clear about what and how the public required from the new web site. The Cabinet Member agreed that this was an important area as it would be, in many cases, the public's first point of contact. It would also be the Members interface with officers.

The Chairman thanked Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing), for answering the Committees questions.

RESOLVED: That the presentation be noted.

8. REDUCING ENERGY CONSUMPTION - STREET LIGHTING - UPDATE

The Committee received an update on progress made by the Highway Service in reducing the energy consumed and carbon dioxide generated through street lighting.

The Highway Network Manager reported that since the last report in December 2008 a green energy source at a favourable rate had been negotiated. The agenda report set out a range of potential options for reducing usage and provided a summary of current progress on energy reduction options in Herefordshire.

The Director of Environment and Culture emphasised that technology was moving very quickly in this area and the Council needed to closely monitor pilot schemes run in other areas to ensure it gained not only the energy and carbon savings but good value for money.

The Highway Network Manager reported that Powys County Council and Buckinghamshire County Council seemed to be at the forefront in pilot schemes. The Service intending adopting the Buckinghamshire 'risk assessment' approach to any lighting reduction to ensure a correct balance between energy reduction and public safety.

RESOLVED: That the report be noted and a further update be presented in early 2010.

9. BUILDING EFFICIENCY

The Committee considered options to increase energy efficiency standards in new building.

The Head of Planning and Transportation presented his agenda report which set out the current context, and a number of future proposals at national, regional and local levels to address energy efficiency standards. He also outlined to the Committee three principal options the Council could pursue namely:

Option 1 – No action – take no positive action on improving building efficiency in the County;

Option 2 – Planned approach through development of Local Planning Policies – develop initial ideas into policies that are locally distinctive, practical and which do not simply replicate the Building Regulations and develop a Design Code to cover the issue of building efficiency as part of design issues more generally. These would be picked up through the Core Strategy of the Local Development Framework.

Option 3 – Local approach outside policy context – seek to raise building efficiency standards beyond those currently set-out in Building Regulations and outside the context provided by current/existing planning policy.

He provided brief pro's and con's for each option for consideration by the Committee.

Responding to a comment that the current Unitary Development Plan (UDP) already contained provision to include renewable energy in developments, the Head of Planning and Transportation commented that inclusion in the Local Development Framework would give the Council greater power to enforce. He also commented that a number of

small building developers were already building to higher standards as they could realise a premium on sales.

Having considered the three options outlined in the report the Committee decided that option 2 should be recommended to the Cabinet Member (Environment and Strategic Housing). It was considered that this option would provide flexibility to keep up local pressure on developers.

The Cabinet Member Environment and Strategic Housing reported that due to delayed responses from the utility companies the formulation of the LDF had slipped by 6 months. This matter was being investigated by the Chief Executive.

RESOLVED: That the report be noted and based on the information provided in the report and subsequent debate the Committee recommend that the Cabinet Member (Environment and Strategic Housing) work on the basis of incorporating option 2, as described in the agenda report, into the evolving Local Development Framework and that the Chairman of the Planning Committee be informed.

10. SOCIAL CARE TRANSPORT

The Committee noted actions taken by Social Care Transport, following a review of Day Opportunities for Older People, to ensure compliance with the Council's Environmental Policy.

At its meeting on 2 March 2009 the Committee considered a report on Transportation Matters and requested an update report on the outcome of the review of Day Opportunities for Older People with specific reference to the environmental/carbon management issues. The Committee considered a report by the Associate Director of Integrated Commissioning which, in relation to transport, indicated that the review had identified that potential economies could be made within a number of day centres and travelling costs. Day service modernisation proposals could make a £50k saving and reduce unit cost of day care by 32% of which £16k would be from transport services. This equated to reducing Day Service mileage by 13,455 miles per annum with resultant savings in carbon emissions.

The Committee noted that Cabinet on 4 June 2009 had considered a report on the Re-Commissioning of Day Care Services for older people and requested that they be updated, via a briefing note, on the outcome of Cabinet's decision in relation to transport/carbon issues.

The Committee noted that where possible use was made of the Voluntary Transport sector.

RESOLVED: That the report be noted and the Committee be updated on the progress of the transport element of the review by means of a briefing note.

11. EXECUTIVE'S RESPONSE TO THE SCRUTINY REVIEW OF THE TRAVELLERS' POLICY

The Committee received a report on the Executive's response to the Scrutiny Review of the Herefordshire Travellers' Policy and considered the actions arising.

The Assistant Director (Environment & Culture) reported that the findings of the review had been considered by the Cabinet Member (Environment and Strategic Housing) on 25 November 2008 and that the recommendations in the report had been approved. The draft Traveller's Policy had been adopted and an action plan was to be drawn up by the Housing Needs of Gypsies and Travellers Working Group (HNGTWG) with input

from the Traveller Policy Review Group. The HNGTWG had been tasked with appraising the actions, progressing them and reporting back.

His agenda report set out the key actions, progress/action and responsibility arising from consideration of the review.

The Committee noted that while the Service had a good working relationship with the police they were disappointed that no progress had been made on action (v) in relation to establishing a protocol with West Mercia Constabulary clarifying responsibilities and duties primarily in the event of unauthorised encampments. The Cabinet Member (Environment and Strategic Housing) commented that both he and the Director of Environment and Culture would also be taking this matter up via the Community Safety Partnership.

The Cabinet Member (Environment and Strategic Housing) commented that because this authority had data on encampment usage the government wanted the authority to do more in the way of provision. He thought surrounding authorities should be encouraged to provide adequate provision.

RESOLVED: That the position be noted and a further update on progress against the action plan be presented in approximately 6 months.

12. CAPITAL BUDGET MONITORING

The Committee were advised of the final outturn for the 2008/09 Environment Capital Programme and the proposed Environment Capital Programme for 2009/10.

The Director of Resources representative presented the report and highlighted that the final outturn position for the Environment Capital Programme was shown in Appendix 1 to the report. The total of the Capital Programme had reduced to £18,687,000 from the figure of £21,056,000 previously reported to Committee. This represented a net underspend of £2,369,000 and the main variances were set out in the agenda report. The proposed Capital Programme for 2009/10 was attached to the report at Appendix 2. This had increased to £17,574,000 from the original budget included in the Medium Term Financial Management Strategy of £15,350,000. Details of the £2,224,000 increase were set out in the report.

Following brief debate on a number of specific schemes the Committee noted that, in view of the additional works incurred due to the floods, a good outturn had been achieved against the proposals set out in the Local Transport Plan.

RESOLVED: That the capital budget report be noted.

13. REVENUE BUDGET MONITORING

The Committee were advised of the final revenue outturn position for Environment for 2008/9 and received an outline of the agreed budget for 2009/10 with emerging pressures being highlighted.

The Director of Resources representative reported that in overall terms the final outturn variance for Environment had been an underspend of £23,000, which represented a variance of 0.06% against the final budget. A summary of the final revenue variances had been set out in the report and in appendix 1 to the report.

The Committee noted that the overspend of £84,000 by the Anti Social Behaviour Team had levelled off and resources had been moved to cover the overspend. The Committee

requested that the set up costs of the Team be circulated to Members for information. Traffic accidents were investigated by the police and reported to the Highways team who also investigated and undertook any remedial action considered necessary.

Questioned on the £135,000 overspend in 'markets and fairs' the Committee were informed that the intended move of the retail market to High Town in June 2009 would improve the trading position. Questioned on the cost of any legal challenge to the relocation of the retail market, the Director of Environment and Culture responded that normal procedures would be followed.

On questioning elements of the public transport budget the Committee requested clarification concerning an apparent wide difference between the 2008/9 and 2009/10 budgets for 'Public Transport' and 'Public Transport Rural'

RESOLVED: that the revenue budget report be noted and

- a) details of the Anti Social Behaviour Team set up costs be circulated to members; and**
- b) clarification be provided to Members concerning an apparent wide difference between the 2008/9 and 2009/10 budgets for 'Public Transport' and Public Transport Rural'.**

**14. ENVIRONMENT & CULTURE AND REGENERATION DIRECTORATES:
PERFORMANCE FOR THE PERIOD 1 APRIL 2008 - 31 MARCH 2009**

The Committee receive an update on the achievement of targets for 2008-09 relevant to the Environment Scrutiny Committee and contained within the Environment & Culture and Regeneration Directorates Plans.

The Improvement Manager presented the agenda report and commented that: the 'Direction of Travel' had improved over previous years; while there were a number of indicators for which data was still awaited the overall performance position was positive. He particularly highlighted performance, further described in the report, concerning: road and footway condition; road casualty figures; waste targets; planning application performance and street cleanliness. A detailed analysis of the customer satisfaction surveys for last year was underway and a report would be presented to the next meeting.

Questioned on School Travel Plans (NIS 198 – public transport/walking) it was acknowledged that, while these indicated small changes they had been in the wrong direction. The Cabinet Member (Highways and Transportation) commented that School Travel Plans were an important element in transportation. While some improvement had been made in NIS198 (car use) further improvement may be achieved through the review of bus timetables. The Transportation Manager commented that there were a large number of School Travel Plans, however, the new school term would provide an opportunity to remind schools of their role in the plans.

RESOLVED: That the position set out in the performance report be noted.

15. COMMITTEE WORK PROGRAMME

The Committee considered its work programme.

The Chairman referred to the Annual Audit and Inspection Letter 2008 considered by Cabinet on 7 May 2009 in which the Audit Commission had identified at paragraph 79 that 'the authority should ask the Safer Roads Partnership to update it on progress made against the action plan'. In response the Cabinet Member (Highways and Transportation) reported that he would be meeting with the Partnership later in the

month and reminded the Committee that Councillors were usually invited to attend the Partnership's annual Conference in the autumn.

The Committee decided that it wished to invite the Safer Roads Partnership to attend a Committee later in the year so that the Partnership could provide the Committee with a background to its work and an update on progress against its action plan.

RESOLVED: That

- 1. following the 2009 Road Safety Partnership Annual Conference the Partnership be invited to report to the Committee on how the Partnership was progressing against their action plan; and**
- 2. subject to the inclusion of issues identified earlier in the meeting, and set out below, the work programme be noted and reported to Strategic Monitoring Committee.**
 - a. consider progress concerning the highways Definitive Map at a future meeting following the transfer of the Service to Amey (see Minute No 5);**
 - b. the strategic issue of road maintenance standards be included in the committee work programme for future consideration. (see Minute No. 5);**
 - c. A further update on Reducing Energy Consumption – Street lighting be presented in early 2010 (see Minute No. 8); and**
 - d. Executive's Response to the Scrutiny Review of the Traveller's Policy - a further update on progress against the action plan be presented in approximately 6 months. (see Minute No.11)**

The meeting ended at 12.57 pm

CHAIRMAN