

A G E N D A

Environment Scrutiny Committee

Date: **Monday, 27th March, 2006**

Time: **10.00 a.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Environment Scrutiny Committee

To: Councillor J.H.R. Goodwin (Chairman)
Councillor W.L.S. Bowen (Vice-Chairman)

Councillors P.J. Dauncey, G.W. Davis, K.G. Grumbley, J.G.S. Guthrie,
T.W. Hunt, J.W. Newman, Miss F. Short and J.B. Williams

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 5th December, 2005.	1 - 6
5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
6. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 To outline the principal measures contained in the Clean Neighbourhoods and Environment Act 2005 and to provide an overview of the potential impact of the new Act on the services provided by the Environment Directorate.	7 - 16
7. ENVIRONMENT DIRECTORATE'S CONTRIBUTION TO THE HEREFORDSHIRE PLAN To report on the Environment Directorate's contribution to the work of the Transport and Environment Ambition Groups.	17 - 20
8. CAPITAL BUDGET MONITORING To advise Members on the progress of the 2005/06 Capital Programme for Environment Areas within the overall context of the Herefordshire Council Capital Programme.	21 - 28

9. ENVIRONMENT REVENUE BUDGET MONITORING	29 - 34
To advise Members of the budget monitoring position for the Environment Programme Area budgets for the period to 31st January 2006 including budget variations at this stage in the year.	
10. BEST VALUE REVIEWS - IMPLEMENTATION OF IMPROVEMENT PLANS	35 - 50
To report the remaining actions and the exceptions to the programmed progress in the improvement plans resulting from the reviews of Commercial Enforcement, Development Control and Public Conveniences.	
11. MONITORING OF 2005/2006 PERFORMANCE INDICATORS - APRIL 2005 TO JANUARY 2006	51 - 54
To update Members on the exceptions to the targeted progress made by the Environment Directorate for the ten months April 2005 to January 2006 towards achieving the performance indicators / targets which appear in the Council's Corporate Plan and are reported bi-monthly.	

PUBLIC INFORMATION

HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Childrens' Services, Community Services, Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

PUBLIC INFORMATION

Public Involvement at Scrutiny Committee Meetings

You can contact Councillors and Officers at any time about Scrutiny Committee matters and issues which you would like the Scrutiny Committees to investigate.

There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

1. Identifying Areas for Scrutiny

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings

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(Please note that the Scrutiny Committees are not able to discuss questions relating to personal or confidential issues.)

Remits of Herefordshire Council's Scrutiny Committees

Adult Social Care and Strategic Housing

*Statutory functions for adult social services including:
Learning Disabilities
Strategic Housing
Supporting People
Public Health*

Children's Services

Provision of services relating to the well-being of children including education, health and social care.

Community Services Scrutiny Committee

*Libraries
Cultural Services including heritage and tourism
Leisure Services
Parks and Countryside
Community Safety
Economic Development
Youth Services*

Health

*Planning, provision and operation of health services affecting the area
Health Improvement
Services provided by the NHS*

Environment

*Environmental Issues
Highways and Transportation*

Strategic Monitoring Committee

*Corporate Strategy and Finance
Resources
Corporate and Customer Services
Human Resources*

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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 5th December, 2005 at 10.00 a.m.

Present: Councillor J.H.R. Goodwin (Chairman)
Councillor W.L.S. Bowen (Vice Chairman)

Councillors: P.J. Dauncey, J.G.S. Guthrie, T.W. Hunt, R. Mills and Ms. G.A. Powell

In attendance: Councillors A.C.R. Chappell, P.J. Edwards (Cabinet Member - Environment), J. Stone, D.B. Wilcox (Cabinet Member - Highways and Transportation) and R.M. Wilson

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillors K.G. Grumbley and J.B. Williams.

39. NAMED SUBSTITUTES

Councillor R. Mills substituted for Councillor K.G. Grumbley.

40. DECLARATIONS OF INTEREST

There were no declarations of interest.

41. MINUTES

RESOLVED: That the minutes of the meeting held on 24th October, 2005 be approved and signed by the Chairman.

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

No suggestions were received.

43. GEM PERFORMANCE 2005/06 : HALF YEAR REPORT

The Committee reviewed the Council's environmental management/ISO 14001 system over 2005/06 to the half year to ensure that it continued to be suitable, adequate and effective and delivered improvement in environmental performance.

The Director of Environment and the Sustainability Officer reported upon the Council's Good Environmental Management (GEM) System, details of which were contained in the agenda report. The annexes to the report gave more detailed information on GEM audits; improvements in environmental performance and against GEM objectives – including progressing actions in the Carbon Management Plan (Annexe 2); the continuing suitability of GEM; concerns of relevant interested parties and/or new environmental issues, and a range of other GEM issues.

While scrutinising the GEM report the following principal points were noted:

- The Committee was pleased to note the number of schools registered on the EcoSchool scheme. On questioning the time taken in setting up the collection of recycled materials from schools, particularly paper, the Head of Environmental Health and Trading Standards reported that they were working with partners on this issue. However, this was dependent upon the collection contractors.
- Questioned on the extent to which recycled paper was used in the Council and in schools the Sustainability Officer reported that while the exact extent was unknown this could be ascertained. She further reported that the Council were working with West Mercia Supplies, the main supplier to the Council and Schools, on obtaining and supplying recycled products of a suitable quality and at a competitive price. She was however, aware that cheaper non-recycled paper was available from the supplier.
- The Council is committed to extending its certification to ISO 14001. An additional number of Council Services were nearly ready to join up to the certification and the Council was on course to meet its July 2006 target.
- Discussions were ongoing with power supply companies concerning the installation of 'smart' meters to monitor in near real time the use of energy.
- Following changes to the GEM system, further training for existing GEM auditors to equip them to undertake service and system audits will take place in February 2006.
- The Committee was pleased to note the significant decrease in staff car mileage, possibly due to the 'Twoshare' scheme and office relocations. There had also been a significant increase in staff cycle mileage – up 118% which may be due to an increase in cycle mileage payments.
- While there were still Health and Safety and financial issues to overcome, plans were progressing in relation to the landfill gas generator scheme (electricity from gas) at the Stretton Sugwas landfill site.
- In view of the changes to the Commons Act, currently going through Parliament, the Committee requested that a report be presented on the implications of the changes, which were believed to be considerable for local authorities.
- A degree of concern was raised in the report by the implications of the potential lack of maintenance to roadside trees in the ownership of private landowners. The Committee noted that while Highway Inspectors inspected and maintained roadside trees, private landowners, concerned about the safety implications of their trees overhanging highways and footways may be inclined to fell the trees. The Committee agreed that while an increase in public awareness was needed in relation to their landowner responsibilities, there was also a risk that healthy trees could be needlessly felled.
- While the findings of the Staff Opinion Survey 2004 showed the number of respondents aware of GEM was up to 79%, only 16% of respondents felt the authority was taking sufficient steps to reduce the environmental impact of their area of work. The Sustainability Officer responded that this may be due to the staff underestimating the range of initiatives the Council was involved in.
- Work was underway to set up a pilot Invest-to-Save fund within WMS which could develop into an Energy Services Company (ESCO). Once established this would then permit partner Councils to use the service to realise carbon savings and both energy and financial efficiencies for reinvestment in future schemes, thereby benefiting the Council and schools.
- The term 'Trapeze', mentioned in Annexe 2, was defined as being a computer package which, essentially, allowed the Education and Social Care Services transport to be co-ordinated along with public transport wherever

appropriate. This was one element of a Local Transport Plan initiative.

- In relation to the Fuel Poverty Strategy, the Committee noted that the process of implementing the Strategy, formerly dealt with in Housing, had been halted until the current staff vacancy could be filled. The Committee also noted that Adult Community Services now administered the strategy.
- The Committee noted work was underway to develop the Low and Medium Cost Measures set out in Annexe 2, but requested that further information be included in a future report on the various measures involved.

RESOLVED:

That

- a) the position set out in the GEM half year report be noted;**
- b) a report on the implications of the changes to the Commons Act be reported to a future meeting; and**
- c) further information on the various measures indicated at Low Cost Measures and Medium Cost Measures in Annex 2 to the report be detailed in a future report.**

44. DEVELOPMENT CONTROL PERFORMANCE

The Committee considered progress made against the Government's BV109 targets for 2005/06 and any outstanding actions in order to achieve the targets.

The agenda report included details of the Government targets for Development Control; the current position in terms of the out-turn figures for the last three years; comparison with other authorities and discussed a number of future actions to improve the services. The Development Control Improvement Action Plan was appended to the report at Appendix 1.

The Director of Environment and the Head of Planning Services reported that while a number of measures had been taken in response to concerns about the performance of the Development Control Service, unfortunately the Service had now been included within ODPM consultation proposals, along with seventy other authorities, for designation as Planning Standards Authorities for 2006/07. A number of factors had contributed to this situation principally loss of staff, recruitment difficulties and MVM (computer software) issues. The Head of Planning Services highlighted that the designation by the ODPM was based on old data measured up to June 2005, which he considered did not fairly reflect the current performance which by early 2006 would exceed national targets. This issue would be taken up with the ODPM.

The Head of Planning Services further reported that in light of the recent upturn in performance he was optimistic that the targets for BV109b and c (minor applications and other applications determined in under 8 weeks respectively) would be met during early 2006/7 when taken as a whole. The more problematic BV109a (Major planning applications) typically required section 106 agreements and were more complex to deal with in all respects. However, the indications were that the target for this element of BVPI109 would also be met by mid 2006.

He also highlighted that, while a number of staff vacancies had been filled, the Development Control team still had some key vacancies. The remaining officers still had an average of almost 200 cases per officer, significantly in excess of the 150 cases per officer nationally recognised by the ODPM as a suitable figure for efficient and effective operation.

Questioned on the recruitment process the Committee were informed that recruitment issues across the Council as a whole were being reviewed on a corporate basis. There were, however, national shortages of Development Control

staff with consequent recruitment and retention difficulties.

The Cabinet Member (Environment) acknowledged that the Council needed to be alert to recruitment issues and thanked the staff in the Development Control Team for their efforts to meet the targets.

The Head of Planning Services further commented on some of the activities set out in the Development Control Action Plan and in particular some of the issues associated with the electronic delivery of services.

RESOLVED That the progress reported in achieving the Government's BV109 targets for 2005/6 be noted.

45. ENVIRONMENT REVENUE BUDGET MONITORING

The Committee was advised of the latest budget monitoring position for the Environment programme area revenue budgets for the period to 31st October 2005.

The Director of Environment and the Director of Resources representative reported that the total environment Budget for 2005/06 remained as reported to the previous meeting namely £24,093,980. A detailed budget monitoring report was appended to the report. In overall terms the Environment Budgets were expected to come in on budget but this may be because of additional income from car parking and planning. Some reallocation of resources may therefore be necessary.

During the course of scrutinising the monitoring report the Committee were informed that currently there were a number of issues concerning Travellers Sites namely that a number were closed awaiting improvement or sale and relocation. The management of sites was further complicated by the lack of clear guidance by the ODPM concerning 'Housing Need' and the 'Establishment of Need' requirement in the Housing Investment Programme. The Committee also noted that a number of finance streams for public transport (rural) schemes formerly supported by the Countryside Agency were being withdrawn. Advantage West Midlands (AWM) had picked up some of the funding to finance the support staff for current schemes but had not been forthcoming with revenue funding streams to further support a number of schemes due to end.

RESOLVED: That the Environment Revenue Budget report for the period to 31st October 2005 be noted.

46. COMMITTEE WORK PROGRAMME 2006/7

The Committee considered its work programme for 2006/07.

The Chairman reported that the current work programme expired following the March 2006 meeting and following discussion with the Vice-Chairman and the Director of Environment proposed the draft programme at Appendix 1 to the report for consideration.

The Committee debated the current position in relation to Trunk Road issues, particularly in relation to the A49 and A465 issues discussed with the Highways Agency at the Environment Scrutiny Committee on 28th February 2005. The Cabinet Member (Highways and Transportation) and Director of Environment reported that meetings were being held with the Highways Agency to progress matters and recommended waiting to see what outcomes could be achieved. Both Members of the Committee and those Members whose Wards contained the A49 would be kept informed of progress. The Chairman stated that he was aware of the

Committee's feeling on this issue and would keep the question of a further scrutiny meeting with the Highways Agency under review.

The Director of Environment commented that discussions concerning Waste Management were ongoing. However, he intended to update all Council Members on this issue at an appropriate time.

RESOLVED: That the work programme at appendix 1 to the report be approved and recommended to the Strategic Monitoring Committee.

The meeting ended at 11.44 a.m.

CHAIRMAN

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Report By: Director of Environment

Wards Affected

County-wide.

Purpose

To outline the principal measures contained in the Clean Neighbourhoods and Environment Act 2005 and to provide an overview of the potential impact of the new Act on the services provided by the Environment Directorate.

Reasons

To provide an overview of the powers contained in the new Act.

Considerations

1. The new Act, gained Royal Assent on the 7th April 2005, contains a raft of new and amended legislation that is intended to strengthen local authorities powers in dealing with Anti-social Behaviour and Environmental Crime.
2. A broad summary of the new and amended powers are detailed in Paragraphs 12 – 21 below.
3. The commencement of the powers contained within the Act are still uncertain however the Act does indicate that certain powers will commence on the 7th June 2005, these powers relate are somewhat limited and relate to:
4. Measures commenced 7th June 2005:
 - a. **Vehicles** - Nuisance parking offences.
 - b. **Litter** - Extension of litter offence. Cigarette butts and chewing gum confirmed as litter.
 - c. **Advertisements** Change to defence for displaying an unauthorised advertisement.
 - d. **Waste** - Change to acting under employer's instructions defence for illegally depositing waste. Increased penalties for fly-tipping; PPC penalty changes (s105). Enabling power to develop site waste management plan regulations.
 - e. **Noise** - Increased flexibility for use of fixed penalty receipts.
5. Measures commenced October 2005:
 - a. **Vehicles** - Abandoned vehicles.
 - b. **Waste** - Repeal of divestment provisions. Fly-tipping: Recovery of investigation and clear-up costs, vehicle forfeiture;
 - c. **Crime and Disorder** - Alleygating powers.

6. Measures to be commenced in April 2006:
- a. **Crime and Disorder** - Anti-social behaviour to be taken into account in crime and disorder reduction strategies.
 - b. **Fixed Penalties** - Flexibility to set level of penalties. Parish Councils able to issue FPNs.
 - c. **Litter** - Litter clearing notices. Improvements to street litter control notices. Controls on free literature distribution.
 - d. **Graffiti and Flyposting** - Removal notices for flyposting. Improved spray paint powers. Cost recovery for removal of fly-posters.
 - e. **Waste** - Fly-tipping: extension of clear-up provisions to landowners. Fixed penalties for failure to produce waste transfer notes/waste carrier registration details. Fixed penalties for waste left out on streets. Supplementary enforcement powers (s108 EA) Reform of recycling credits scheme.
 - f. **Dogs** - Dog byelaw system replaced by dog control orders. Transfer of responsibility for stray dogs (only if agreement reached on funding)
 - g. **Noise** - Powers for dealing with burglar alarms. Extension of Noise Act 1996 to cover night-time noise from licensed premises; amendments to the fixed penalty provisions in that Act.
 - h. **Miscellaneous** - Cost recovery for abandoned trolleys. Extension of list of statutory nuisances. Amendment to contaminated land appeals process.
7. Measures to be commenced later:
- a. **Waste** - Site Waste Management Plan Regulations to be commenced – **End of 2006**. Stop, Search and Seizure Regulations to be commenced – **Spring 2007**
8. The Act contains some useful powers for local authorities and an extension of some of the Council's duties, which will undoubtedly have cost implications. It is clear that the Government have endeavoured to offset the costs of much of this legislation by the use of fixed penalty notices.
9. A number of the new powers come with a statutory requirement to provide the service, these include:
- a. *Statutory Nuisance: Insects*
 - b. *Statutory Nuisance: Light*
 - c. *Termination of police responsibility for stray dogs*
10. The two statutory nuisance provisions are completely new pieces of legislation and it is anticipated that the Statutory Nuisance provisions for artificial light may produce a substantial workload for the Environmental Protection Team and will clearly increase the pressure for the Council to improve its current out-of-hours arrangements. The termination of police responsibility for stray dogs means the Council's current arrangements with the police will need to be terminated and the Council will now have to provide some means of collecting and handling stray dogs outside normal office hours. There has been an indication that funding will be switched from the police to local authorities to facilitate this, however the expectation is that the funding will probably be inadequate because this work is relatively cheap for the Police as they already operate a 24 hour service and have the basic infrastructure to cope whereas Herefordshire Council does not.

11. The new powers relating to shopping and luggage trolleys are a welcome addition and may well enable us to reduce our costs as we will be able to charge the owners of trolleys for their return. This is not the position at present, as local authorities need the agreement of the owners. To date none of the supermarkets has been willing to give this agreement and the costs of collection and disposal have fallen on the service.

Outline of Measures

12. Crime and Disorder

- ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies. These are issues that the Community Safety Partnership will need to address with considerable evidence being provided by the Environment Directorate.
- gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour. It is not anticipated that these would be widely used powers in Herefordshire.

13. Fixed Penalty Notices (Fines)

- makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

14. Nuisance and Abandoned Vehicles

- gives local authorities the power to remove abandoned cars from the streets immediately (under certain circumstances). Whilst these new powers will be useful in reducing the problems associated with abandoned vehicles, the costs associated with developing the ability to undertake this service will increase.
- creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

15. Litter

- makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- confirms that cigarette butts and discarded chewing gum are litter.

Much of the legislation relating to litter is extending existing powers. The extension of these powers means that we can effectively enforce in areas where we have been unable to in the past

16. Graffiti and fly-posting

- extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting;
- improves local authorities powers to tackle the sale of spray paints to children;

- strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- enables local authorities to recover the costs of removing illegal posters.

17. Waste

- amends provisions for dealing with fly-tipping by:
 - ⇒ removing the defence of acting under employer's instructions
 - ⇒ increasing the penalties
 - ⇒ enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
 - ⇒ extending provisions on clear up to the landowner in the absence of the occupier.
- gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
 - ⇒ to businesses that fail to produce waste transfer notes
 - ⇒ to waste carriers that fail to produce their registration details or evidence they do not need to be registered
 - ⇒ for waste left out on the streets (local authority only)
- introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- introduces a new provision covering the waste duty of care and the registration of waste carriers
- introduces a new requirement for site waste management plans for construction and demolition projects
- repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

18. Dogs

- replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- gives local authorities, rather than police, sole responsibility for stray dogs.

19. Noise

- reduces nuisance caused by noise by giving local authorities to:
 - ⇒ deal with burglar alarms
 - ⇒ impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- gives local authorities greater flexibility in dealing with noise nuisance.

20. Architecture and the Built Environment

- establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis.

21. Miscellaneous

- enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- extends the list of statutory nuisances to include light pollution and nuisance for insects

- improves the contaminated land appeals process.
22. The act is a key part of the Department for the Environment Food and Rural Affairs' five-year environment strategy to clean up people's immediate environment, boost sustainable development, increase energy efficiency and care for rural communities.
 23. Some believe the Act is poorly drafted in places, is unnecessary in others and that its liberal use of fixed penalty notices is an invitation to confrontation with the public. Particularly if the public see these powers as a means of raising revenue through enforcement with little or no accountability.
 24. The Local Government Association has been very supportive of the Act saying that it now gives local government all the powers it has craved for years to finally stamp out environmental crime.
 25. The new act streamlines powers dealing with abandoned vehicles, empowers local authorities to tackle graffiti, litter and dog fouling and will free up police resources when local authorities have the power to search vehicles suspected of being involved in fly tipping.
 26. The campaign group Encams is also a keen advocate of the new legislation. They have argued that giving councils discretion over the size of fines allows them to clamp down in areas where graffiti, litter or dog fouling is a serious concern. But they have also sounded a note of caution. They point out that it is really important that whoever is enforcing the act is properly trained and fully understands the extent of their powers and uses them appropriately. Local authorities also have to be clear and run a communication strategy, which allows people to stay on the right side of the law. They also express concerns about funds going back into local environmental quality.
 27. The noise nuisance section of the new Act is considered, by many, to have been hurriedly rushed through and badly drafted. The Noise and Statutory Nuisance Act 1993, which was never brought into effect, adequately dealt with misfiring intruder alarms. Existing powers have been watered down by the new legislation. Alarms no longer have to be fitted with a 20-minute cut off, only one key holder is required rather than two and councils now have to designate alarm notification areas by writing to each householder, rather than adopting the powers borough-wide. There are also concerns about how to keep tabs of people moving home, and how to ensure new householders are kept informed of their responsibilities.
 28. The act also extends the Noise Act to licensed premises allowing local authorities to issue fixed penalty notices on noisy pubs and clubs. Many believe this is overkill, as powers already exist under the Environment Protection Act 1990, the Licensing Act 2003 and the Anti-social Behaviour Act 2003.
 29. The provision in the Act to defer serving abatement notices for seven days is also seen as pointless, seven days not being long enough for anyone to realistically be able to achieve any kind of arbitration. However, one positive to come out of the noise section of the act is that Councils will now no longer have to get a magistrate's permission to cut off an external alarm that has been ringing for 20 minutes.
 30. Another area of concern is how practical legislators have been in adding artificial light to the list of nuisances under part 111 of the Environmental Protection Act. Other Environmental Protection Act nuisances either impact on public health or prevent people's enjoyment of their premises.

31. Light nuisance is going to be much more difficult as light can be kept out with curtains whereas noise can't be kept out so easily. Street lighting and other major sources of light pollution are exempt from the legislation, which seems to be largely aimed at resolving neighbour disputes over security lighting. This does mean that local authorities Environmental health staff run the risk of becoming yet further embroiled in neighbour disputes.
32. The provisions in the Act relating to Stray dogs marks a major change to the current legal position, which since 1906 has been the responsibility of the police. The Clean Neighbourhoods and Environment Act finally hands strays exclusively to local authorities. Previously they were shared responsibilities which had evolved in to a situation where the responsibility was councils during the day and the police at night. There is an acceptance that whilst this is a logical way to handle strays, Councils are not going to have the funds for holding kennels or 24-hour animal welfare teams.
33. The Act now contains some specific powers that Parish/Town Councils can now make Dog Control Orders. This new power will require a considerable degree of liaison with Parish and Town Councils to ensure that there is a sensible application of these powers and there is some degree of consistency across the County on enforcement.
34. Having considered the Fixed Penalty provisions of the Act, Officers have expressed concern over the scope for Fixed Penalty notices to cover the costs of funding services in a rural County.

Current Position

35. The authority has started to implement the relevant provisions of the Act and whilst this has not been completely finalised it is expected that the new powers will be delegated in accordance with Appendix 1 to this report.
36. The Cabinet Member has now set the level for Fixed Penalty Notices for those areas where powers have now commenced, these being £100 for Litter, Fly Posting and Graffiti offences (reduced to £50 if paid within 14 days). In addition as soon as the relevant part of the Act is commenced Fixed Penalty Notices for Dog Offences will also be set at £100 (reduced to £50 if paid within 14 days).
37. Charges for the collection of Abandoned Shopping Trolleys have not yet been set, work is being undertaken with our contractors to establish a fixed charge. The Clean Neighbourhoods and Environment Act 2005 has improved the procedure for local authorities to recover their costs for abandoned shopping trolleys. It applies where a six-week period has expired and a trolley has not been claimed; the authority then become entitled to sell or dispose of it. In such cases the local authority may charge a person who appears to be the owner, an amount to cover the removal, storage and disposal of the trolley. This legislation cannot be enacted until a resolution has been made by a local authority to introduce the powers in its district or parts of its district and a period of consultation with businesses has been undertaken. How this consultation is to be undertaken is subject to guidance that is yet to be issued by DEFRA. It is considered that the relevant charges should not be levied until the guidance is issued as it may lead to legal challenges over the application of any charges to retail premises.

Risk Management

Loss of reputation from not enforcing new powers.

Recommendation

THAT The report be noted subject to any comments Members may wish to make to the Cabinet Member (Environment).

Background Papers

- The Clean Neighbourhoods and Environment Act 2005
- Draft Guidance on the Clean Neighbourhoods and Environment Act 2005 - A Consultation Document - October 2005

Appendix 1

Powers	New or Amended legislation	Divisional Responsibility
Gating Orders	New	Highways and Transportation
Exposing Vehicle for sale on a road	New	EHTS - Street Trading
Repairing vehicles on a road	New	EHTS – Env Protection
Offence of abandoning a vehicle: fixed penalty notices	Amended	EHTS - Env Protection
Extension of litter offence to all open places	New	Environment/Countryside
Litter offence: Fixed Penalty Notices	Amended/New	Environment/ Countryside
Litter clearing notices	New	EHTS
Street litter control notices	New	EHTS/Highways
Controls on free distribution of printed matter	New	Highways and Transportation(Parking)
Graffiti and fly-posting - Fixed penalty notices: amount of fixed penalty	Amended/New	Highways and Transportation – Graffiti EHTS (Street Trading) – Fly Posting
Extension of graffiti removal notices to fly-posting	Amended/New	Highways and Transportation – Graffiti EHTS (Street Trading) – Fly Posting
Sale of aerosol paint to children	New	Trading Standards
Transport of Waste	New/Amended	Environment Agency/EHTS
Deposit and Disposal of Waste	New/Amended	Environment Agency/EHTS
Power to make dog control orders	New	EHTS - Animal Health and Welfare
Termination of police responsibility for stray dogs	New/Amendment	EHTS - Animal Health and Welfare
Designation of alarm notification areas	New	EHTS
Noise offences: fixed penalty notices	New/Amendment	EHTS
Statutory noise nuisances - deferral of duty to serve abatement notice	Amendment	EHTS
Abandoned shopping and luggage trolleys	New/Amendment	EHTS
Statutory nuisance: insects	New	EHTS
Statutory nuisance: lighting	New	EHTS

ENVIRONMENT DIRECTORATE'S CONTRIBUTION TO THE HEREFORDSHIRE PLAN AMBITIONS

Report By: Director of Environment

Wards Affected

County-wide

Purpose

1. To report on the Environment Directorate's contribution to the work of the Transport and Environment Ambition Groups.

Financial Implications

2. All expenditure is from approved budgets.

Background

3. The basis for the work of the two Ambition Groups derives from the Herefordshire Plan. This sets out 10 ambitions and the Transport and Environment Groups cover two of these.
4. The Herefordshire Plan, together with the Herefordshire Partnership, were subject to a major review which began in the summer of 2005 and it is nearing completion. All Ambition Groups were consulted upon proposals for change to both the Plan and Partnership. The responses of the two Ambition Groups are referred to later within this report.
5. The Herefordshire Plan, renamed the Herefordshire Community Strategy, is expected to be launched in May 2006, together with an Action Plan. The Action Plan will cover 3 years and include, amongst others, outcomes and targets that will be contained within the Local Area Agreement (LAA) for the County. At the moment it is uncertain what other targets will be contained within the Action Plan. A new Performance Management Group will be responsible for delivering the Action Plan.
6. It is expected that the future role of Councillors and Scrutiny Committees in relation to the processes involved with the Herefordshire Community Strategy will be subject to further discussion in the light of emerging advice from the Office of the Deputy Prime Minister (ODPM). It has however been agreed that Cabinet and the Strategic Monitoring Committee will review progress upon the three-year Action Plan and roll it forward on an annual basis.

Transport Ambition Group

7. The Transport Ambition Group last met in November 2005 and more recently on 15th March, 2006.

8. The Ambition Group has provided input into a number of important projects and the development of strategic policy. These include the Widemarsh Street pedestrianisation scheme that has recently been approved by Council, development of the Edgar Street Grid, the Herefordshire Accessibility Strategy included in the emerging Local Transport Plan and wider input into the Local Transport Plan itself. Representatives from the Herefordshire Partnership have updated the group on the review of the Partnership and possible implications including development of the LAA. The Group has asked for a further presentation on the Community Strategy after the strategy has been launched along with its action plan so that the future of the Group can be determined.

Environment Ambition Group

9. The main thrust of the work undertaken by this Ambition Group has been the preparation of the Herefordshire Climate Change Strategy. This was progressed through its Climate Change Working Group and the Environment Directorate has played a significant part in undertaking consultations, the Working Group and drafting the Strategy document.
10. Part of the process for its preparation included a major consultation exercise using the "Democs" approach (Deliberative Meeting of Citizens). Members were invited to participate in the process. This approach involves not only consultation but also awareness raising through the form of a game. A total of 53 "games" were played each with between 6 and 8 people, including some 'hard to reach' groups. It is understood that Herefordshire was the first Local Strategic Partnership to use this approach to consultation and advice has been sought from a range of other organisations upon its utility. A copy of the full report on the Democs process has been placed in the Members' Room.
11. A copy of the draft Climate Change Strategy has also been placed in the Members' Room. The Herefordshire Partnership Board has agreed a final draft, and it is hoped that all Board members will sign up to the document at its next meeting. An associated Action Plan has been prepared with the Strategy and the next task for the Environment Ambition Group is to promote this to other partnership groups and organisations in order that Climate Change is integrated into their activities.
12. A further task undertaken by the Environment Ambition Group is to commence the integration of the Herefordshire Biodiversity Plan (BAP) into the activities of other partnerships, including the work of this council. The BAP was reviewed and updated in 2005, and circulated at the beginning of 2006. A copy has been deposited in the Members' Room. English Nature has combined with Herefordshire Council to appoint a Biodiversity Partnership Co-ordinator who will work with other partners and groups involved in the BAP process to help them deliver the targets and feed information in to the West Midlands partnership arrangements. A report upon this will need to be considered by the Council in due course.
13. The Environment Ambition Group gave long and serious consideration to the proposed changes to the Herefordshire Plan and Partnership. The fact that considerable emphasis was being given to themes represented in the LAA left no obvious place for all the matters falling under the environment heading. Representations were made that the Environment Ambition Group be categorised as a delivery or other supporting group within any new framework.
14. In the event, it is understood that the Herefordshire Partnership Board took the decision to maintain the 4 themes originally proposed for the Community Strategy, based upon the LAA and comprising Economic Development and Enterprise, Healthier Communities

and Older People, Children and Young People, and Safer and Stronger Communities, rather than to include the Environment as an additional theme.

15. It is intended that a partnership group advising upon environmental issues will continue although it remains to be determined how the group will contribute.

RECOMMENDATION

THAT the report be noted.

CAPITAL BUDGET MONITORING

Report By: DIRECTOR OF THE ENVIRONMENT

Purpose

1. To advise Members on the progress of the 2005/06 Capital Programme for Environment Areas within the overall context of the Herefordshire Council Capital Programme.

Financial Implications

2. Capital Budgets for the Environment Programme Areas for 2005/06 are shown in Appendix 1, on an individual basis, with funding arrangements indicated in overall terms.
3. The total of the Capital Programme has been reduced by £130,000 from £12,047,000 notified to the previous meeting to £11,917,000.
4. An additional forecast has been added to the Environment Capital Programme for the Ross-on-Wye Flood Alleviation Scheme for £300,000 which is funded via a transfer from corporate reserves.
5. Forecast expenditure for the Crematorium and Grafton Travellers' Site has reduced by a total of £447,000, these projects have slipped into 2006/07 due to land purchase negotiations and planning permission procedures.
6. Other changes represent a review of all capital schemes to reflect actual anticipated expenditure. These changes include increases in relation to the footways and bridges capital schemes reflecting the addition of capitalised salary costs of and re-allocation of the Safety Cameras scheme, fully funded by grant, to revenue. These adjustments represent the remaining increase in the Capital Budget of £17,000.

Considerations

- 5 The report has been largely based on the latest round of capital monitoring, which involved an examination of all schemes at the end of January 2006. Care is being taken to ensure the forecast spend accurately reflects the expected spend in 2005/06. The overall spending position is being kept under careful review by the Environment General capital-working Group.
6. The actual spend against each scheme is shown as at 31st January 2006.
7. The total spent or committed to 31st January is £8.762 million or 73.5% of the Revised Forecast. The actual amount spent is £6.926 million.

RECOMMENDATION

THAT the report be noted.

BACKGROUND PAPERS

- None identified.

ENVIRONMENT GENERAL CAPITAL PROGRAMME 2005/06

	Original Budget 2005/06	Revised Forecast as at 31 st January	Change in Forecast	Spend/ Known Commitments	% Spent/ Committed
	£000	£000	£000	£000	£000
LOCAL TRANSPORT PLAN					
Hereford Integrated Transport Strategy					
Walking and Access					
Pedestrian Crossing improvements	5	25	20	10	50.0
Pedestrian Route & Disabled Access Imps	70	60	(10)	62	103.3
Cycling					
Cycle Network Development	200	100	(100)	55	55.0
Public Transport Minor Schemes					
Bus Priority Measures	50	120	70	96	80.0
Passenger Transport Initiative Rail	35	8	(27)	8	100.0
Passenger Waiting Facilities	30	10	(20)	10	100.0
Park and Ride					
Christmas Park and Ride	20	15	(5)	14	93.3
Park and Ride Sites analysis	40	40		40	100.0
Rotherwas Minor Schemes					
Rotherwas Integrated Access	50	25	(25)	8	32.0
Rotherwas Access Road					
Rotherwas Access Road	260	350	90	310	88.6

	Original Budget 2005/06	Revised Forecast as at 31 st January	Change in Forecast	Spend/ Known Commitments	% Spent/ Committed
	£000	£000	£000	£000	£000
Roman Road					
Roman Road	933	1,131	198	1,131	100.0
Hereford Strategy Development	40	40		8	20.0
Rural towns and Market Towns Transport Strategy					
Walking and Access					
Pedestrian and Disabled Access Imps	20	70	50	70	100.0
Rural Footway Improvements	60	60		55	91.7
Cycling					
Network of Cycle Routes and Parking	200	77	(123)	60	77.9
Public Transport Minor Schemes					
Public Transport Information Access Points	50	30	(20)	29	96.7
Rural Rail Improvements	40	10	(30)	10	100.0
Passenger Waiting Facilities	40	55	15	54	98.2
North West Herefordshire HGV Study (Formerly Pembridge Bypass)					
North West Herefordshire HGV Study	46	41	(5)	41	100.0
Countywide Strategy					
Hearts and Minds					
Travel Awareness	35	35		35	100.0
School Travel Support	25	25		25	100.0

	Original Budget 2005/06	Revised Forecast as at 31 st January	Change in Forecast	Spend/ Known Commitments	% Spent/ Committed
	£000	£000	£000	£000	£000
Minor Safety Schemes					
Minor Safety Improvements	300	340	40	331	97.4
Traffic Calming					
Traffic Calming	150	80	(70)	54	67.5
Safer Routes to Schools					
Safer Routes to schools inc 20mph zones	380	165	(215)	116	70.3
Speed Control					
Village Speed Restrictions	40	46	6	46	100.0
Vehicle Activated Signs	20	20		12	60.0
Monitoring					
Monitoring	40	40		40	100.0
Accessibility Planning and Development Work	20	20		20	100.0
Highways Maintenance					
Capitalised Maintenance of Principal Roads	2,610	1,095	(1,515)	598	54.6
Capitalised Maintenance of Non Principal Roads	3,309	4,765	1,456	3,730	78.3
Footways	390	650	260	590	90.8
Bridge maintenance					
Capitalised Assessment & Strength of Bridges	650	700	50	498	71.1
Transport Staff costs allocated over LTP	301	301		301	100.0

	Original Budget 2005/06	Revised Forecast as at 31 st January	Change in Forecast	Spend/ Known Commitments	Appendix 1 % Spent/ Committed
	£000	£000	£000	£000	£000
Non LTP SCHEMES					
Ross-on-Wye Flood Alleviation Scheme	-	300	300		0
Hereford Crematorium	547	300	(247)	15	5.0
Leominster Closed Landfill Monitoring Infrastructure	220	220		18	8.2
Extension to Hereford Cemetery	20	20		69	345.0
Public Convenience Improvements	215	215		54	25.1
City Centre Enhancements	2,000	-	(2000)		
Grafton Travellers Site		200	200	28	14.0
Pembridge Travellers Site		2	2		0
Completing the Jigsaw	-	28	28	28	100.0
Salt Barn	-	83	83	83	100.0
TOTAL EXPENDITURE	13,461	11,917	(1,544)	8,762	73.6

	Original Budget 2005/06	Revised Forecast as at 31 st January
	£000	£000
FUNDING		
Supported Capital Expenditure Revenue	10,459	10,563
Prudential Borrowing	2,875	875
Prudential Borrowing Slippage 2004/05	127	(120)
Bus Priority Scheme		3
Completing the Jigsaw	-	28
Grafton Travellers Site		200
Capital Receipts Reserve	-	368
TOTAL FUNDING AVAILABLE	13,461	11,917

Notes:

SUPPORTED CAPITAL EXPENDITURE (REVENUE) SCE(R)

An approval to borrow in order to finance capital expenditure and permits an authority to pay for capital expenditure out of credit rather than cash. SCE(R) is issued before the start of the financial year to which it relates, and can only be used in respect of capital expenditure defrayed in that year. SCE(R) can be used in relation to any kind of capital expenditure

PRUDENTIAL BORROWING

Borrowing used to finance capital expenditure which does not have SCE(R) support. The financing costs of such borrowing have to be met from revenue budget savings or directly from Council Tax.

ENVIRONMENT REVENUE BUDGET MONITORING**Report By: DIRECTOR OF ENVIRONMENT****Purpose**

1. To advise members of Budget Monitoring the position for the Environment Programme Area budgets for the period to 31st January 2006. The report lists the variations against budget at this stage in the year.

Financial Implications

2. It is expected that all budget variances will be contained within the overall 2005/06 Revenue Budget for Environment.

Considerations

3. The detailed report on Budget Monitoring is attached at Appendix 1 for Members' consideration.
4. The total Environment Budget for 2005/06 is the amount reported to the last meeting of the Committee which was £24,093,980.
5. The Budget for 2005/06 incorporates net underspending of £491,000 brought forward from 2004/05 from Highways and Transportation (-£439,000), Environmental Health and Trading Standards (£170,000) and Planning (£760,000). This excludes any underspending or overspending on the Waste Management PFI contract, which is transferred to reserves.
6. In overall terms the Environment Budgets are expected to come in on budget because there has been additional income from car parking and planning. Some reallocation of resources may be necessary.

Highways and Transportation

7. The total budget for Highways & Transportation has reduced due to the reallocation of budget for the IT Service Level Agreement to Environmental Health & Trading Standards service.
8. The Highways budgets continue to be under considerable pressure in relation to road maintenance including verge and drainage maintenance, street cleaning and public toilets. Every effort will be made to contain spending within the budget but this may require some reallocation of reserves.
9. There is also pressure on the Winter Maintenance budget which is expected to be overspent by £500,000. Changes in weather patterns experienced in recent years have continued during the current winter, resulting in an increase in the number of marginal nights when road surfaces are wet and temperatures close to freezing. These conditions have necessitated and increased number of salting treatments with 57 being undertaken this season to the end of February compared to the average of 45 for a full winter.

10. The income for Car Parking looks likely to exceed its target by £200,000 overall.

Environmental Health and Trading Standards

11. The total budget for Environmental Health & Trading Standards service has increased due to the reallocation of budget for the IT Service Level Agreement from Highways & Transportation.
12. The spending on these services looks very much in line with the budget at present. It is expected that expenditure will exceed budget by £50,000 on Licensing as income has not increased in line with running costs.
13. The Waste Collection contract is expected to exceed the budget by £170,000 after taking into account the projected surplus on Trade Waste but this can be met by budget brought forward from 2004/05.
14. Based on the latest information on volumes, the Waste Disposal P.F.I contract expenditure is now expected to be £200,000 less than budget. Any underspend will be transferred to reserves at the end of the year.

Planning

15. During the first ten months, building control and development fee income is above budget by approximately £335,000. It is estimated that income will continue to exceed budget reaching £390,000 by the end of the financial year.
16. There is currently £229,000 Planning Delivery Grant still available to spend and it is assumed that this will be carried forward into 2006/07.

RECOMMENDATION

THAT the Revenue Budget Monitoring Report for 2005/06 be noted subject to any comments which members may wish to make.

BACKGROUND PAPERS

- None identified.

Period 1 - 10 2005-06

	2005/06 Budget £000	Forecast 2005/06 £000	Net Expenditure to Period 10 £000	Budget to Period 10 £000	Variance to Period 10 £000
Environmental Health & Trading Standards	11,414	11,275	7,553	9,809	(2,256)
Highways & Transportation	8,819	9,379	7,753	8,098	(345)
Planning	2,734	2,283	1,129	2,104	(975)
Central Support	1,127	1,127	1,127		
	<u>24,094</u>	<u>24,064</u>	<u>17,562</u>	<u>20,011</u>	<u>(3,576)</u>

Areas of Activity	2005/06 Budget £000	Forecast 2005/06 £000	Gross Expenditure to Period 10 £000	Income to Period 10 £000	Net Expenditure to Period 10 £000	Budget to Period 10 £000	Variance to Period 10 £000
Environmental Health & Trading Standards							
Air Pollution	(32)	(32)	7	(47)	(40)	(27)	(13)
Landfill and Contaminated Land	112	112	61	(1)	61	96	(35)
Water Pollution	1	1	22	(30)	(7)	1	(8)
Pest Control	(52)	(52)	25	(94)	(69)	(47)	(22)
Dog Control	36	36	19	(5)	14	30	(16)
Animal Health and Welfare	7	7	32	(75)	(43)	5	(48)
Licensing	(304)	(254)	41	(389)	(348)	(253)	(95)
Trading Standards	49	49	62	(14)	48	41	7
Commercial team	21	21	13	(1)	11	17	(6)
Pollution Control	36	36	21	(3)	18	29	(11)
Travellers Sites	(28)	(28)	62	(66)	(4)	(25)	21
Cemeteries	(13)	(13)	112	(121)	(9)	(1)	(8)
Crematorium	(305)	(305)	131	(372)	(240)	(252)	12
Waste Collection (Domestic)	2,854	3,124	2,536	(119)	2,417	2,135	282
Waste Collection (Trade)	(160)	(260)	227	(683)	(456)	(155)	(301)
Waste Disposal	5,553	5,353	4,408	(1,010)	3,398	5,374	(1,976)
Recycling	227	227	278	(75)	203	165	38
Operational budgets	8,002	8,022	8,057	(3,105)	4,954	7,133	(2,179)
Staffing Budgets	2,458	2,458			2,050	2,041	9
Staff Related Running Costs	180	180			221	150	71
Management & Overheads	492	321			227	374	(147)
Director/ESS	115	127			101	111	(10)
Support Services - ICT SLA	167	167			0	0	0
Total Environmental Health & Trading Standards	11,414	11,275			7,553	9,809	(2,256)

Analysis Period 1-10 2005/06

Areas of Activity	2005/06 Budget £000	Forecast 2005/06 £000	Gross Expenditure to Period 10 £000	Income to Period 10 £000	Net Expenditure to Period 10 £000	Budget to Period 10 £000	Variance to Period 10 £000
<u>Highways and Transportation</u>							
<u>Operational Budgets</u>							
Roads Maintenance	2,329	2,454	1,722	(4)	1,718	1,710	8
NRSWA	(117)	(117)	16	(89)	(73)	(98)	25
Winter Maintenance	530	1,030	644	(2)	642	358	284
Drainage/Flood Alleviation	139	139	86	0	86	87	(1)
Street Lighting	777	777	200	(11)	189	607	(418)
Bridgeworks	67	67	124	0	124	50	74
Public Rights of Way	223	223	188	0	188	168	20
Shopmobility	16	16	11	0	11	13	(2)
Street Cleansing	801	961	872	(3)	869	667	202
Public Conveniences	252	302	325	0	325	211	114
Public Transport (incl. Rural)	876	911	1,419	(775)	644	1,537	(893)
Other Funded Transport Schemes	0	0	(10)	(1)	(11)	(14)	3
Traffic management	86	86	82	(44)	38	68	(30)
Road Safety	3	3	18	(24)	(6)	3	(9)
Bus Stations	(14)	(14)	28	(12)	16	(11)	27
Concessionary Travel	311	311	192	(21)	171	233	(62)
Car Parking	(1,200)	(1,550)	593	(1,819)	(1,226)	(999)	(227)
DeCrim. of Parking enforcement	(449)	(299)	182	(432)	(250)	(482)	232
Searches	(2)	(2)	0	(2)	(2)	(1)	(1)
S.38 Fees	(43)	(43)	11	(37)	(26)	(35)	9
Operational Budgets	4,585	5,255	6,703	(3,276)	3,427	4,072	(645)
Staffing Budgets	569	569			459	474	(15)
Staff Related Running Costs	95	95			94	79	15
Management & Overheads	3,266	2,866			3,274	3,112	162
Director/ESS	157	363			492	361	131
Support Services - Legal & Admin	8	8			7	0	7
- ICT SLA	139	223			0	0	0
<u>Total Highways & Transportation</u>	8,819	9,379			7,753	8,098	(345)

Analysis Period 1-10 2005/06

Areas of Activity	2005/06 Budget £000	Forecast 2005/06 £000	Gross Expenditure to Period 10 £000	Income to Period 10 £000	Net Expenditure to Period 10 £000	Budget to Period 10 £000	Variance to Period 10 £000
Operational Budgets							
Environment Planning							
Building Control:							
Building Control Fees	(625)	(755)	0	(618)	(618)	(521)	(97)
Building Control	33	33	10	0	10	28	(18)
Development Control:							
Development Control Fees	(872)	(1,132)	0	(961)	(961)	(727)	(234)
Development Control	40	40	89	0	89	33	56
Forward Planning	29	29	29	(4)	25	24	1
Conservation Grants	43	43	74	(167)	(93)	36	(129)
Conservation Management	68	68	10	(78)	(68)	57	(125)
Sub-total	(1,284)	(1,674)	212	(1,828)	(1,616)	(1,070)	(546)
Staffing Budgets	2,867	2,867			2,158	2,389	(231)
Staff Related Running Costs	208	208			177	153	24
Management & Overheads	745	516			352	580	(228)
Director/ESS	52	120			58	52	6
Support Services - ICT SLA	146	246			0	0	0
Total Planning	2,734	2,283			1,129	2,104	(975)

BEST VALUE REVIEWS – IMPLEMENTATION OF IMPROVEMENT PLANS

Report By: Environment Support Manager

Wards Affected

County-wide

Purpose

- 1 To report the remaining actions and the exceptions to the programmed progress in the improvement plans resulting from the reviews of Commercial Enforcement Development Control and Public Conveniences.

Financial Implications

- 2 There has been no variation to the financial implications identified in the individual Improvement Plans.

Background

- 3 In response to comments from Members and Officers, the reporting arrangements have been developed by consolidating the reports and only reporting on exceptions to the programmed actions. That is, where actions have been completed earlier than programmed or where the timetable has not been met.
- 4 Appendix 1 of this report covers the following improvement plans:
 - Public Conveniences
 - Development Control
 - Commercial Enforcement

Appendix 1 also includes progress updates on the Development Control Action Plan and the Peer Assessment of Trading Standards.

RECOMMENDATION

THAT Members note and comment on, where appropriate, the implementation of the improvement and action plans.

BACKGROUND PAPERS

- None identified.

Further information on the subject of this report is available from Peter Cross, Environment Support Manager on
01432 260099

PROGRESS ON IMPROVEMENT PLANS

PUBLIC CONVENIENCES BEST VALUE REVIEW

Priority	Outcome	Action	Milestones	Officer(s)	By When	Progress to the end of Jan	Indicator for Improvement
High Priority – 2003/5	Improved provision of facilities	Refurbishment programme in progress	Tenbury Road, Bromyard scheduled for Summer 2005. Accelerated closure programme to be agreed.	HOS Property	To be completed 2004/5	Tenbury Road completed. Programme 06/07 under review.	Public perception indicator

DEVELOPMENT CONTROL BEST VALUE REVIEW

Priority	Outcome	Action	Milestones	Officer(s)	By When	Progress to the end of Jan	Indicator for Improvement
High	Improved quality and accessibility of highways design advice Improved speed of applications processing and responsiveness of service	Review and update current Highway Design Guide	Adopt Manual for Streets when published by DfT in November 2005	Team Leader Transportat ion	December 2003 Date revised to July 2005	Draft consultation period completed. Meeting with Forward Planning 8 th March 2006 to determine next steps in relation to SPD - Revised publication date subject to SPD requirements	BV109 – Determine applications within 8/13 weeks

DEVELOPMENT CONTROL ACTION PLAN

Actions	Milestone/Target/When	By When	Lead officer(s)* and resources	Progress to the end of Jan
Participate in implementation of corporate GIS project	Publish details of MVM based planning register on line Improve "Pendleton" score and meet requirements of BVPI 205	December 2005	Head of Planning Planning Services User Group DC Manager ICT	Corporate GIS now live (early Jan) on web site allowing on-line access to planning register records. Pendleton score confirmed at 19/21 points
Participate in implementation of corporate Electronic Record & Document Management System	Implement corporate ERDDMS Capture historic Planning and Building Control records. Re-engineer DC and BC business processes	Early 2006	ICT Project Manager Head of Planning DC & BC Managers Planning Services User Group	UK Planning on line documentation and application handling package now live with full details of all applications submitted since 1/12/05 now available. Corporate ERDMS currently on hold pending outcome of Corporate review
Maintain sufficient staff and financial resources to deliver planning services	Fully staff existing structures	Ongoing	HoS DC Manager DC Team Leaders	Currently 2 vacancies in DC being advertised
	Maintain register of external contractors / self employed staff	Ongoing	DC Manager Team Leaders / CADPOG	Maintained updates to CADPOG register of available staff.
	Consider paying retainers to potential consultants in order to ensure availability	June 2005		Considered but found not to be good value for money
	Payment of Market Forces Supplements	Ongoing	HoS Head of HR	May need to be re-considered following recruitment round in January 2006.
	Create and develop trainee posts	Aug 2005	HoS DC Manager Head of HR	Requirement for career graded posts to enable recruitment at entry level
	Visit schools to promote careers	June 2005, March 2006	DC Manager / HR	Ongoing

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Actions	Milestone/Target/When	By When	Lead officer(s)* and resources	Progress to the end of Jan
Current development plan coverage for Herefordshire	Adoption of Unitary Development Plan BVPI 200	Early/mid 2006	HoS Forward Planning Manager	UDP Inquiry concluded in June 05. Inspectors report awaited before end of March 06. UDP adoption anticipated early 2007.
Improve back office through:	Re-engineering processes for the determination of applications	Sept 2005	HoS DC Manager DC Team Leaders	Continue with review and overhaul of current DC practice eg despatch of decision notices
	Implement & utilise Corporate GIS	October 2005	Planning Service and ICT	Now live
	Document Management system providing external/internal access to back office	March 2006		See comments re: UK Planning
	Electronic submission of planning applications	December 2005		Level 2 integration with Planning Portal in place. 17 electronic applications received since Oct 05. Means of electronic payment of planning fees now required.
	Consultation by email	December 2005		Means of electronic capture of application documentation required eg UK Planning before e-consultation possible.
	Monitoring of area team and individual performance	Ongoing	HoS DC Manager DC Team Leaders	Ongoing
Information gather from other Authorities	Carry out statistical and process benchmarking exercises with high performers	July 2005	HoS DC Manager & Team Leaders	Overtaken by events as targets now being met
	Visit other Authorities who operate a single planning committee	July 2005	CSS / Member / Head of Service	Survey complete and visits to be arranged.
Conduct staff meetings on issues raised by the Staff Opinion Survey	Agreed action following meeting	June 2005	Head of Planning Services	Considered and discussed at monthly DC staff meeting when analysis available.
Identify training needs in SRDs	Training programme for SRDs	May 2005	DC Team leaders	Ongoing as part of SRD programme

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Actions	Milestone/Target/When	By When	Lead officer(s)* and resources	Progress to the end of Jan
Revise processes for S106 agreements	Agree process with legal Services	Nov 2005	HoS DC Manager Legal Services Manager	In discussion with Legal Service Manager
Migrate specified customer services to Info and Info by Phone	Defined customer services being delivered by Info and Info by Phone	June 2006	Head of Planning Services Head of Information, Technology and Customer Services	Scope of services to be migrated defined. Business case signed off

COMMERCIAL ENFORCEMENT BEST VALUE REVIEW

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Financial / Environmental Implications	Progress to the end of Jan	Indicator for Improvement
40	Improved capacity Improved customer satisfaction	Create an Info by Phone Centre to handle incoming service requests.	EHTS Staff moved to "Info by Phone"	April 2006	Head of Service	Cost neutral - long term savings / none	Draft PID in place Draft business case and plan drawn up. Project Board set up.	Customer satisfaction Cost of service
			Submission to IEG no longer required	By 15 Sept 05				
	Improved capacity Improved customer satisfaction	Re-engineer the current "Front Office" and "Back Office" functions to maximise the principle of dealing with service requests in one transaction and by minimizing referrals to the "Back Office".	Redesign processes in line with CRM (across all activities within EHTS)	Commence 1/9/05 complete April 2006 Delay in establishing suitable accommodation at Plough Lane. Target now Sept 06	MP / PN / SL / MH / RPK / Waste manager	Cost neutral - long term savings / none	The strategy document is finalised ready for signature.	Customer satisfaction Cost of service

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Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Financial / Environmental Implications	Progress to the end of Jan	Indicator for Improvement
	Improved responsiveness	To maximise the service's capacity to provide "on-line" forms and advice for businesses.	In line with CRM (across all activities within EHTS)	Commence 1/9/05 complete September 2006	MP / PN / SL / MH / RPK / Waste manager	Spend to save		Customer satisfaction Responsiveness
	Improved capacity Improved customer satisfaction Improved responsiveness	Facilitate through the use of IT – flexible working for staff.	Identify potential participants lead by Division moving to Plough Lane	Commence 1/9/05 complete July 2006	MP / PN / SL / MH / RPK / Waste manager	Reduced accommodation needs / reduction in travel	In line with accommodation strategy	Customer satisfaction Cost of service Responsiveness
			Implement flexible working policy (across all activities within EHTS)			Reduced accommodation needs / reduction in travel	Reliant on the above	Customer satisfaction Cost of service Responsiveness
	Improved capacity Reduction in staff turnover	To create a Divisional recruitment plan to ensure professional staff can be recruited and retained by the Division.	Implement market forces / supplement. Succession planning Utilise SRDs / implement career development posts and conclude job evaluation Promote professional development support through training agreements and payment of professional fees. Develop secondment opportunities internally	Ongoing – produce document by 30/12/05	MP / PN / SL / MH / RPK / Waste manager	Cost saving	Market forces supplement agreed for TSO 29 Nov 05. External funding obtained for career post Succession planning not yet progressed.	Staff turnover

APPENDIX 1

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Financial / Environmental Implications	Progress to the end of Jan	Indicator for Improvement
			and with partners. Establish more structured approach towards training of staff in “difficult to recruit” posts such as TSOs and EHOs Promote pride in Herefordshire.					
	Improved performance	A Gap Analysis be undertaken on areas where Risk Assessment has not been undertaken. This work needs to be dovetailed with the outcome of the Local Authority Better Regulation Unit (LABREG) response to the Hampton Review. Work is being undertaken to establish national priorities for the various national agencies who control these regulatory services	Undertake analysis prior to reassessment of National Priorities being established through LABREG	Finish internal analysis by April 2006 Remaining work will need to meet the national timetable.	Divisional Management Team	At this stage this is difficult to determine – the Government have indicated that some authorities do not spend enough money on regulatory services and consequently perform poorly. Benchmarking data is poor and is probably strongest for Trading Standards	The Local Authority Better Regulation Group has been disbanded. A new group – the Local Better Regulation Office (LBRO) has been established. LABREG findings are not now to be formally consulted on.	Establishment of revised BV166 (part of former LABREG work plan)
	Improved capacity	Undertake a review of possible joint working arrangements with neighbouring authorities.	Undertake Analysis of areas where Joint Working may be possible	September 2006	Divisional Management Team	Cost Savings	Ongoing discussion with Worc. CC e.g. WCC take lead roll for asbestos, Hfds lead role for legionnaires	Cost of Service

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Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Financial / Environmental Implications	Progress to the end of Jan	Indicator for Improvement
							Joint working between EH&TS have resulted in a petroleum enforcement SLA and a Trader Approval Register.	
	Improved capacity	Review the current working practices to maximise the potential for joint working between the three teams.	Compare / collate back office processes	After the re-engineering takes place	MP / SL / PN	Efficiency Savings	Ongoing but no work has progressed since Nov. Waiting on completion of business processes.	Cost of services Customer satisfaction Staff Opinion Survey Satisfaction
	Improved performance	Review the funding made available through the fee income from Liquor Licensing to expand the service and to help deliver an out of hours service (this would be cross Division service, including Environmental Protection).	Service restructure following the implementation and transitional phase of the Licensing Act 2003	April 2006	SL/RK/ AET	Efficiency Saving	The licencing income is now known to be insufficient to fund an out of hours service..	Customer satisfaction
	Improved capacity	To ensure that there is integration of the Regional Consumer Direct Service into the Trading Standards Service and the Council's SIPs programme	Start up of the Regional Consumer Direct Call Centre (being established in Coventry)	April 2006 Now delayed to May/June due to lack of capacity in Coventry.	MPP	Efficiency Saving	Included in PID	Percentage of Herefordshire Consumer Advice Calls dealt with by Consumer Direct

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Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Financial / Environmental Implications	Progress to the end of Jan	Indicator for Improvement
	Improved performance	The Council will need to review the provisions of the Bill announced in the Queens Speech to implement the recommendations of the Hampton review.	Produce a summary of effects	Finish 30/04/06	AET	To be determined	LABREG now disbanded and bill abandoned.	To be determined

Peer Assessment of Trading Standards

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
44 H	Engagement with Head of Service, Director and elected Member in the development of the Service	Regular updates and briefings to Director and Member with HOS and other Service Managers		From May 2005 – in progress	Trading Standards Manager / Head of Service	Ongoing	
		Cabinet reports to be submitted where appropriate				Ongoing Cabinet report on Street Trading produced	
		Secure Members/directors attendance at TSI Conference/Year Ahead Symposium				Invitations to be sent to Cabinet Member/Director Conference set 20-22 June 06	
		Member to visit office/work shadow				To be arranged	

APPENDIX 1

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
		Attendance by H.O.S at TS Service Meetings.				Undertaken Meeting attended 21/02/06	
H	Review of Leadership to understand how effective it is	Trading Standards Manager to undertake Corporate Management Competencies programme including 360° assessment		Sept 2005 - 2007	Trading Standards Manager	Unable to undertake in 05 – deferred to 06	Percentage of SRDs completed within timeframe
		Undertake Management Development Programme				Identified in SRD	
H	Engage with a wider range of stakeholders when formulating Policy and Strategy. Balance the needs of different stakeholders when developing policies and strategies	Undertake a stakeholder analysis and review, including using Herefordshire Partnership, Local Area Forums/Citizens Panel for consultation and setting priorities	Effective Involvement through regular consultation and formulation of Policy and Strategy	In line with Business Planning Process 06/07 September / October 2005	Trading Standards Manager/QM	Under consideration. [Not possible to fully undertake for 06/07 planning framework]	
H	Communicate relevant policies, strategies and plans to local consumers, consumer representatives and stakeholders	Publish on dedicated TS Website				Scheduled for March/April 06	Customer/Business Satisfaction Survey LAFs /Customer Panel

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APPENDIX 1

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
H	Policy and Strategy is not reviewed and assessed for effectiveness	6 monthly review meeting with PTSOs		September 2005 6-Monthly	TS Management Team	1 st Review scheduled for Nov 05 Completed.	
M	Involve and encourage staff in the development of service policies, strategies and plans	Annual Staff away day to develop Service Plan		In line with Business Planning Process October 2005	Trading Standards Manager	To be arranged. Deferred to New Year Booked for March 06	Staff Opinion Survey and Herefordshire Driver results
H	Establishment of formal/informal strategic Partnerships	Engage with key stakeholders		Ongoing	Trading Standards Manager/HoS	1. Local TSS & West Mercia Police liaison group established and chaired. 2. Smoking cessation group established 3. Membership & participation within CEnTSA at both operational and strategic level. Ongoing	

APPENDIX 1

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
H	Ensure that data reporting for TSS activities is accurate, appropriate and aligns with NPF requirements	Engage with Software provider		May 2005 to March 2006	Trading Standards Manager / Lc&Ta	MasterTrader software system reporting function upgraded. Quality and reliability of data improving. CIPFa and NPF returns completed	
M	Understand the marginal costs of Service provision as a means to help service planning and prioritisation	Activity based cost analysis undertaken	Activity based costing implemented and used to measure efficiency and drive performance Information provided to appropriate Officers	In line with Service Planning Process 06/07 OCT 2005	Finance Officer / Finance Section	Some progress but limited.	

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Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
M	Evaluate new technological developments that might impact upon Service delivery	Investigate flexible working practices and new technology	Use of ICT to assist Service delivery improvement	Ongoing	Trading Standards Manager / PTSOs Service Area /	Ongoing. Problem with ICT support and move to Plough Lane [deferred until moving date confirmed]	
L	Make services more accessible, especially to present non-users	Identify and survey non-users. Use of questionnaire/Info Shops		March 2006	Trading Standards Manager/QM	To be undertaken	
M	Set clear standards for Service provision based on consultation	Consult stakeholders		October 2006	Management Team / Research Team	In progress	Results of customer satisfaction survey
		Use of Leaflets/Customer Business Satisfaction Surveys				In progress	
H	Ensure that Customer and Business Satisfaction Survey questionnaires align with NPF reporting format	Align questionnaires		Nov 2005	Trading Standards Manager / QM	Questionnaire reviewed. Draft in progress. Looking to distribute in next tranche. Completed Revised questionnaires sent out for Businesses and Consumers Jan 06	Results of customer satisfaction survey

APPENDIX 1

Priority	Outcome	Action	Milestones	Start / Finish	Officer(s)	Progress to the end of Jan	Indicator for Improvement
H	Recording, review & analysis of complaints / compliments / comments regarding Service	Implementation of dedicated Corporate CRM system for recording and analysis of Comments, Complaints & Compliments		October 2005	I T Section	In progress	Results of customer satisfaction survey
M	Staff feedback of actions / outcomes derived from Herefordshire Driver and Staff Opinion Survey.	Standard team meeting agenda item./ Team Away Day		April 2006	Trading Standards Manager / Head of Service	In Progress	Staff perception measured by Herefordshire Driver & SOS
L	Talks, exhibitions and seminars undertaken by the Service to be evaluated and assessed for effectiveness / improvement	Pro-forma to be produced		Ongoing	All Staff	Ongoing	
		Use of pro-forma by all staff undertaking such activity	Analysis of pro-formas		Trading Standards Manager / Management Team	Ongoing	
		Data used to inform / improve Service delivery				Ongoing	
H	Key performance data to be aligned with requirements of the NPF & Peer Review Model	Trends to be monitored		March 2006	Trading Standards Manager / EH & TS Management Team	Ongoing	.
		Key data to be benchmarked					
		Targets to be established			Ongoing		
		Reviewed by EH & TS Management Team monthly				Ongoing	

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MONITORING OF 2005/2006 PERFORMANCE INDICATORS – APRIL 2005 TO JANUARY 2006

Report By: Director of Environment

Wards Affected

County-wide

Purpose

1. To update Members on the exceptions to the targeted progress made by the Environment Directorate for the ten months April 2005 to January 2006 towards achieving the performance indicators / targets which appear in the Council's Corporate Plan and are reported bi-monthly.

Financial Implications

2. All expenditure in respect of performance indicators / targets is from approved budgets.

Content

3. The report of exceptions to the targeted performance is attached at Appendix 1 for Members' consideration.
4. Performance against all other indicators is within 10% of target. In addition performance, where ascertainable, against those indicators which are reported annually also appears to be on target.
5. Also included, for comparative purposes, are the out-turns for 2004/5, the targets for 2005/6, and the performances from April to July 2005 and April to October 2005.

RECOMMENDATION

THAT the exceptions monitoring report in relation to the 2005/2006 local and national performance indicators be noted, subject to any comments which Members may wish to raise.

BACKGROUND PAPERS

- None identified

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Further information on the subject of this report is available from Graham Dunhill, Director of Environment
on 01432 260041

ENVIRONMENT SCRUTINY COMMITTEE

27 MARCH 2006

APPENDIX 1

ENVIRONMENT										
National : Best Value										
Ref	Target/Indicator	Actual 04/05	Target 05/06	Perf Apr-Jul	Perf Apr-Oct	Perf Apr-Jan	Comments	Pro rata target	Variance on pro rata target	Percentage
BV82d(ii)	Tonnage of household waste arisings which has been landfilled		73,801 tonnes	19,381.84 tonnes	37,748.85 tonnes	54,210 tonnes	Apr to Dec	61,500.83 tonnes	-7,290.83 tonnes	-11.85%
HIGHWAYS & TRANSPORTATION										
National : Best Value										
Ref	Target/Indicator	Actual 04/05	Target 05/06	Perf Apr-Jul	Perf Apr-Oct	Perf Apr-Jan	Comments	Pro Rata Target	Difference	Percentage
BV100	Local authority road works per kilometre of traffic sensitive road	3.1861	1.1	0	0	0	Target for 2005/2006 in line with Joined up Programme	0.92	-0.92	-100%
FAIR ACCESS										
BV165	The percentage of pedestrian crossings with facilities for disabled people	93.10%	99%	30% Additional work to compensate for failure of Commercial Road resurfacing planning stage	34%	40.90%	BVPI definition amended - revised targets for 2005/2006	99%	-58.10%	-58.10%
Local: To be reported to Members										
Ref	Target/Indicator	Actual 04/05	Target 05/06	Perf Apr-Jul	Perf Apr-Oct	Perf Apr-Jan	Comments	Pro Rata Target	Difference	Percentage
	Kilometres of rural footway constructed	1.5km	1.0km	2.01km	2.01km	2.01km	Includes Roman Road scheme	0.83km	1.18km	142%
	% of days public convenience facilities closed	2.15%	1.10%	1.40%	2.59%	3%	High because it includes the closure of the Bromyard and Weobley facilities for replacement and refurbishment respectively.	1.10%	1.90%	172.73%
Ref	Target/Indicator	Actual 04/05	Target 05/06	Perf Apr-Jul	Perf Apr-Oct	Perf Apr-Jan	Comments	Pro Rata Target	Difference	Percentage
	Percentage Number of Penalty Charge notice appeals cases "lost" at appeal as a percentage of those taken to adjudication.	17%	<50%	None referred	None referred	16.67%		<50%	-33.33%	-33.33%
NETWORK SERVICEABILITY										
	The percentage of major roadwork schemes that over-run the published completion date.	20%	0%	72.41%	68.00%	66.23%		0%	66.23%	66.23%
BRIDGES										
	Number of bridges inspected to safeguard structural integrity (two year rota).	428	395	70	336	396	Inspection programme completed early	329	66	20.31%
PLANNING										
Local: To be reported to Members										
Ref	Target/Indicator	Actual 04/05	Target 05/06	Perf Apr-Jul	Perf Apr-Oct	Perf Apr-Jan	Comments	Pro Rata Target	Difference	Percentage
	Percentage of applications invalid on receipt	30%	<25%	-	38%	-	Based on sampling taken in September 2005		13%	13%

Further information on the subject of this report is available from Graham Dunhill, Director of Environment on 01432 260041

