

MINUTES of the meeting of Environment Scrutiny Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 31 March 2008 at 9.30 a.m.

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

Councillors: WLS Bowen, JHR Goodwin, JW Hope MBE, MAF Hubbard,
TW Hunt, PM Morgan, PJ Watts and JD Woodward

In attendance: Councillors H Bramer, PJ Edwards, JG Jarvis (Cabinet Member - Environment and Strategic Housing), AT Oliver and DB Wilcox (Cabinet Member – Highways and Transportation)

59. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Seldon.

60. NAMED SUBSTITUTES

Councillor JD Woodward substituted for Councillor A Seldon.

61. DECLARATIONS OF INTEREST

There were no declarations of interest.

62. MINUTES

RESOLVED: That the minutes of the meeting held 25 February 2008 be approved and signed by the Chairman.

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

There were no suggestions by members of the public.

64. REVIEW GROUP REPORT ON THE HEREFORDSHIRE TRAVELLERS' POLICY

The Committee considered the findings contained in the Review Group report on the Herefordshire Travellers' Policy.

At its meeting in September 2006 the Committee agreed to undertake a scrutiny review of the travellers' policy. While a degree of background work had been undertaken the review group undertook the bulk of its work during the latter part of 2007 and the report of the Group's findings was contained in the agenda.

The Chairman of the Travellers Policy Review Group, Councillor WLS Bowen, briefly reported on the work of the group and particularly highlighted the conclusions that:

- in relation to the travellers site at Stoney Street, Madley, the Review Group found that the site had never been popular with travellers as it was somewhat

isolated and was not on the usual routes used by Travellers. The site had not been used since 2002 apart from occasional unauthorised encampments and had suffered vandalism. In its present condition it was not available for further use. The Review Group was concerned about the ongoing situation with this site and took the view that an alternative location for the site should be sought but as this was a valuable asset it should be made available for use until such time that a replacement can be secured. It was proposed that the capital receipt from any sale of the site be ring fenced to support the acquisition of an alternative site(s).

- in relation to Open Fields, Linton, Bromyard, the Review Group found that this was a fourteen-pitch site which has been badly vandalised. At present only two pitches were occupied. These were the only plots that could be occupied without major refurbishment. The Herefordshire Unitary Development Plan had identified that this site needed to be redeveloped and redesigned with a reduction in pitch numbers. The Review Group concluded that this should be progressed as soon as is practicable.
- the other Traveller sites in the County seemed to be in good order and enjoyed by the residents.
- once West Mercia Constabulary had revised its procedures on dealing with Traveller issues a Service Level Agreement should be entered into thereby reflecting the position in neighbouring local authorities.
- the Cabinet Member consider involving the Review Group in any further development of the policy.
- subject to the correction of a number of typographical errors he commended the report for consideration by the Committee and forwarding to the Executive.

The Committee noted that the Gypsy and Traveller Site Grant, on which government guidance had recently been received, provided capital funding for improving and increasing Gypsy and Traveller site provision by local authorities and Registered Social Landlords. Nationally £97million was available between 2008-11, with the grant being allocated regionally (£7.5m to the West Midlands) through the regional housing allocation. The Committee noted that grant criteria had moved from a financial limit per plot to showing value for money per plot/site.

The Committee also noted that in some instances travellers had either permanently or temporarily taken up permanent social housing. This had, on occasions, had implications for the affordable housing policy.

The Committee further noted that a sub-regional Gypsy and Traveller Accommodation Assessment (involving Shropshire, Herefordshire, Telford & Wrekin and Powys) had been undertaken and the findings published. These findings will be incorporated into the assessments for the Regional Assembly. The findings of the sub-regional report indicate that Herefordshire will generate the need for a considerable number of plots (100 to 130) over the next 10 years. The Cabinet Member (Environment and Strategic Housing) commented that, while the County would provide its quota, this number was being challenged. The actual number of additional plots may also be reduced when current temporary plots are taken into account.

It was suggested that a number of small sites e.g. one or two plots, should be provided, so that family or family groups could be accommodated at one location.

Questioned on how encampments on private land were dealt with the Committee were informed that land owners were issued with advice and if the matter became a planning issue then enforcement action was taken. Close links had been

established between environment and planning services.

The Committee noted that the health service provision mentioned in the report was provided by the Primary Care Trust.

The Cabinet Member (Environment and Strategic Housing) thanked the Review Group for undertaking the review and that he would be considering the conclusions in the report.

RESOLVED:

- (a) **that the draft Travellers Policy, together with the conclusions set out at section 8 of the covering agenda report, be approved and referred to the Cabinet Member (Environment and Strategic Housing) for consideration;**
- (b) **the Executive's response to the review including an action plan be reported to the first meeting of the Committee after the Executive has approved its response; and**
- (c) **a further report on progress with respect to the Review be made after six months with consideration then being given to the need for any further reports to be made.**

65. THE COMMERCIAL VEHICLES AND TRAILERS PERMIT SCHEME FOR HOUSEHOLD WASTE SITES

The Committee considered the current arrangements of the Commercial Vehicles and Trailers Permit Scheme for Household Waste Sites.

The Head of Environmental Health and Trading Standards outlined the background to the introduction of the scheme. He reported that since the scheme had been introduced there had been an overall reduction in waste of 12% across all household waste sites in the two Counties (Herefordshire and Worcestershire). This had led to savings for the two authorities for 2007/08 estimated at £871,000, whilst the costs of the scheme were estimated to be £240,000 (further detailed in Appendix 1 to the report).

Turning to allegation that incidents of fly tipping had increased he confirmed there was evidence to support this assertion. He emphasised that care needed to be exercised in assessing the problem and clarified that in April 2007 the service became aware that it had been underreporting incidents due to confusion over the definition of what was a recordable incident. This had been rectified in April 2007 resulting in a 100% increase in recordable incidents. The underlying trend appeared to be around 57% which appeared high compared to the Worcestershire authorities for the same period. He reported the cost of clearing fly tipping and estimated that the increased levels this year would cost about £9,000 extra. This extra cost when set against the savings of the Permit Scheme indicated that the Council would save in the order of £148,000 in the current year on the introduction of the scheme.

Responding to questions on enforcement of Fly tipping and whether publicity was given to successful prosecutions, the Head of Environmental Health and Trading Standards reported that the joint Environmental Crime Unit currently had 20 ongoing cases, some of which were in the court process. The Cabinet Member (Environment and Strategic Housing) agreed that increased publicity concerning enforcement would be a benefit.

The Head of Environmental Health and Trading Standards further reported that major incidents of fly tipping were the responsibility of the Environment Agency. However, unless the incident was hazardous in nature the agency unfortunately left

the incident to the local authority.

While on the issue of waste it was suggested a different approach could be considered namely that of Norfolk County Council in setting up exchange sites.

RESOLVED That the report be noted.

**66. REVIEW OF HOUSEHOLD WASTE RECYCLING IN HEREFORDSHIRE:
EXECUTIVE RESPONSE TO SCRUTINY REVIEW**

The Committee were informed of the current position following the Review of Household Waste Recycling in Herefordshire and the Executive's response to the Scrutiny Review.

The Cabinet Member (Environment and Strategic Housing) thanked the Review Group for undertaking the review and for the report on their findings. He commented that in a number of aspects things had moved on, namely that black bag collection would continue to be on a weekly cycle. However, other elements from the review would be considered as the waste contract was reviewed. Talks were ongoing with the contractor concerning changes to the contract and he anticipated holding a member seminar on waste issues in the next few months. This would be followed by a report to scrutiny on the key issues.

RESOLVED That the report be noted and the key issues arising from the seminar be reported in due course.

67. CAPITAL BUDGET MONITORING

The Committee were advised on the progress of the 2007/08 Capital Programme for Environment within the overall context of the Herefordshire Council Capital Programme.

The Committee were advised that the total capital budget for Environment programme area had decreased to £27,586,000 from £28,931,000 as notified to the previous meeting. This represented a net reduction of £1,345,000 which was detailed in the report and appendix.

On scrutinising the report the following comments or principal points were noted:

- that in common with a number of other schemes the Rural Footway Improvement programme had been held up due to greater emphasis being placed on maintenance work arising from the summer floods. It was reported that the end of year outturn was likely to be approximately £45,000.
- An underspend was anticipated on the Rural Rail Improvement programme as this required the support of Network Rail who were being encouraged to participate.
- Land acquisition issues were ongoing in relation to the Park and Ride scheme.
- The current forecast was that the Public Rights of Way would spend at budget.
- It was suggested that greater emphasis was needed on the cycle network programme particularly in the Kings Acre/Whitecross area and in joining up the networks. In response the Acting Head of Highways and Transportation reported that a cycleway scheme for Holmer Road, Hereford, was being progressed with the Highways Agency and was likely to be completed in the next financial year. The Director of Environment commented that the

Sustrans project would make a significant contribution to the walking/cycling network. Comment was also made concerning the need to ensure that the cycle network was integrated with both other means of transport and the ESG development.

- Following protracted land negotiations work on the new Crematorium were now well underway.
- Part of the unused High Town refurbishment budget would be held over to supplement improvements to Widemarsh Street, Hereford, on which a report would be made to Cabinet.
- Responding to concerns that the Section 106 funding obtained through the Asda development may be lost the Acting Head of Highways and Transportation reported that this funding had originally been allocated to support the local bus service. Initial expenditure on the bus service had been met from other funding, but that funding would soon cease and therefore the Section 106 funding would be used.
- Responding to a suggestion that signs indicating distance and time by cycle be placed on main traffic routes into the City – thereby informing drivers that it may be quicker by cycle – the Acting Head of Highways and Transportation reported that, notwithstanding the intention to reduce street clutter, the suggestion would be considered.
- Responding to the issue of potholes in roads the Director of Environment reported that this was one of the issues that would be addressed in the Strategic Service Delivery review. Highway maintenance priorities were defined in the Highway Maintenance Plan.

The Chairman commented that the amount of capital borrowing needed to be carefully monitored as the amount of borrowing could have an adverse effect on the Council's future budgets.

RESOLVED: That the Capital Budget Monitoring report be noted and the Executive be reminded of the need to carefully monitor the level of capital borrowing so that future budgets were not adversely effected.

68. REVENUE BUDGET MONITORING

The Committee were advised of the financial position for the Environment Programme area budgets for the period to 29 February 2008.

The Director of Environment reported that while the Service had experienced pressures in a number of areas, as detailed in the report but principally overspends on Concessionary Travel and Winter Maintenance and reduced income from Car Parking, he expected the outturn to be within budget.

The Director of Resources representative reported that the total revenue budget for 2007/08 had reduced from £24,741,000 to £24,735,000. The reduction related to the transfer of finance staff budgets to Financial Services in the Resources Directorate. Other variations to budgets were detailed in the report and appendix.

On scrutinising the report the following principal comments or points were noted:

- Responding to the projected over spend of £293,000 in Planning the Head of Planning Services reported that this was down to four factors namely: reduced levels of fee income; reduced availability of external grant; high oncosts particularly IT related costs and the cost of implementing

- enforcement action for which there was no defined budget.
- Questioned further on the ICT costs the Head of Planning Services reported that the external facility used to digitally scan plans was expensive and had reached the end of its life expectancy and the Service was now looking to bring the facility in-house. Responding to concerns about the proliferation of ICT Systems he emphasised that as the facility had now ended a degree of urgency was needed to find a replacement but that the replacement would need to deliver both cost savings and be compatible with the anticipated wider ICT framework.
 - Responding to the issue of reduced Car Parking income it was reported that the budget had been set in anticipation of increased usage which had not materialised. The reduced availability of Merton Meadow due to the summer floods had also reduced the income levels.
 - Reference in the report at paragraph 20 to an overspend of £43,000 at Belmont related to a land purchase to facilitate the adoption of the land fill area.
 - The Head of Environmental Health and Trading Standards reported that further to the information on the Waste Contract contained at paragraph 9 negotiations were underway with the contractor over the 'trigger figure' which would initiate the higher fee.
 - The Committee noted that no specific budget was allocated for employing consultants in relation to undertaking planning enforcement cases.
 - It was noted that the Central Support Costs e.g. for ICT support, were allocated to the budgets at the end of the year. This made it difficult for the Service to predict the precise end of year position as the Service had no control over the level of cost applied.

RESOLVED: That the Revenue Budget Monitoring report be noted.

69. ENVIRONMENT DIRECTORATE PLAN: PERFORMANCE FOR THE TEN-MONTH PERIOD TO JANUARY 2008

The Committee were updated on the progress towards achieving the targets for 2007-08 in the Directorate Plan. The Committee noted that the report followed a similar format to that used for the Integrated Performance and Finance Report (IPFR), but reported on performance only.

The Improvement Manager reported that overall performance was good. However, three areas were indicated as 'red' and required attention namely: 83a – Principal road condition; 94HC – relating to fly-tipping, and 9HC – relating to the removal of abandoned vehicles. He also highlighted that Strategic Monitoring Committee on 10 March had specifically commented on indicator 83a. He further highlighted that the CPA score for the Environment Service was 3 star (covering performance in 2006-07) an improvement on the previous Services score of 2 star. Details of the indicators were contained in appendix 1 to the report.

Responding to questions concerning the difference between 'principal' and 'rural' roads the Acting Head of Highways and Transportation reported that 'principal' roads related to main 'A' roads, whereas rural roads were non-principal non classified roads. The Committee noted that, while much improved over last year, the 5% target had been missed by 1%. The Director of Environment reported that the Transport Asset Management Plan (TAMP), discussed at the February 2008 meeting, would define the criteria for future investment in the transport network.

Questioned on the target 94HC (relating to fly-tipping) the Head of Environmental Health and Trading Standards reminded Members of the earlier debate at Minute 65

and commented that measures were now in place to accurately record incidents and enforcement action was being taken. While there had been sustained improvement the 100% target would not be met this year.

In relation to abandoned vehicles it was noted that the increased value of scrap metal had had a beneficial effect in reducing the number of incidents. The Environmental Crime Unit had brought together staff to deal with incidents in a co-ordinated and flexible way.

Reference was made to target 56HC (relating to municipal waste) and the fact that much of the trade waste went to land fill instead of being recycled. The Cabinet Member (Environment and Strategic Housing) reported that legislation for trade waste was different to household waste. He commented that a change in the national legislation for trade waste would be welcomed, particularly around the manufacturer's responsibility e.g. the collection and recycling of glass from public houses.

The Chairman conveyed a degree of public concern over the unsatisfactory state of the highway and drainage systems generally and suggested that these issues needed to be closely monitored by the Executive.

RESOLVED: That the Performance Monitoring report be noted and the Executive's attention be drawn to the need to carefully monitor the state of the highway and drainage systems.

70. COMMITTEE WORK PROGRAMME

The Committee considered its work programme.

The Cabinet Member (Environment and Strategic Housing) suggested the Committee may wish to consider undertaking a review of Planning Services. He commented that the Planning Service had enjoyed wide ranging success in recent years and in particular in relation to Development Control performance and the formulation of the initial stages of the Local Development Framework. The Challenge for the future was to respond locally to the national Planning Reform agenda. At its heart was the move from a land use to a spatial planning system as the Council rolled out the Local Development Framework and delivered the new Growth Point agenda. In this context he invited the Committee to undertake a scrutiny review of the Planning Service in the County and suggested particular focus could be given to:

- How the Planning function can deliver effectively the growth required up to 2026;
- How best planning policies can be implemented through the development management function;
- The relationship between Officer, Members, Parish/Town Councillors and Applicants;
- Developing processes that support and enable good communications and relationships to be maintained;
- Exploring service delivery arrangements that will assist in the ongoing modernisation of the service;
- Explore ways in which the Planning Service becomes an enabler service.

He also suggested that the review could explore other service delivery arrangements in local authorities in general and in high performing Councils in particular.

The Committee noted that, as reported earlier, a seminar on the Waste Contract would be held for all Council Members. This would be followed by a report to Scrutiny on the key issues involved.

The Committee wished to be kept informed of progress with the Strategic Service Delivery Partnership review (reported to the meeting on 25 February 2008) and noted that a report was expected to be made to Cabinet in May 2008.

Questioned on issues concerning the Council's Small Holdings Estate the Committee noted that this issue was being considered by the Strategic Monitoring Committee.

RESOLVED: that

- a) **A Scrutiny Review be undertaken into the Planning Service;**
- b) **The suggested membership of the Planning Services Review Group be Councillors: T Hunt (Chairman), CM Bartrum, WLS Bowen, RI Matthews; PM Morgan and PJ Watts; and**
- c) **Subject to the addition of a report on the key issues arising from the Waste Contract the work programme, as set out in the appendix to the report, be noted and reported to Strategic Monitoring Committee.**

The meeting ended at 11.50 a.m.

CHAIRMAN