

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 23 March 2009 at 9.30 am

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

Councillors: CM Bartrum, WLS Bowen, JW Hope MBE, MAF Hubbard,
TW Hunt, PM Morgan, A Seldon and PJ Watts

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

47. APOLOGIES FOR ABSENCE

Apologies were received from Councillor NL Vaughan.

48. NAMED SUBSTITUTES

There were no named substitutes.

49. DECLARATIONS OF INTEREST

No declarations of interest were made.

50. MINUTES

In response to a question concerning the Council's fleet management the Cabinet Member (Environment and Strategic Housing) confirmed that the issue was due to be discussed at a Leaders Briefing session. The Director of Environment and Culture commented that a high proportion of vehicles used on Council business were operated through the contract with Amey and the current expectation was that Amey would be implementing a programme of vehicle renewal.

RESOLVED: That subject to the deletion of the words 'under original budget' from line 5 of Minute 40 and recording an apology from Councillor PM Morgan, the Minutes of the meeting held on 2nd March 2009 be confirmed as a correct record and signed by the Chairman.

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

Mr P McKay suggested that the Committee scrutinise the County highways Definitive Map with particular reference to work yet to be recorded, especially concerning the designation of 'quiet lanes' and 'green lanes'.

The Chairman thanked Mr McKay for the suggestion and for providing paperwork on the issue prior to the meeting.

The Chairman referred to a suggestion from Mr M Bodhingle on a similar theme raising concerns over partly adopted highways.

The Chairman thanked Mr Bodhingle for the suggestion and for providing paperwork on the issue prior to the meeting.

In accordance with the agreed procedure for public suggestions the Chairman and Vice-Chairman will research the issues raised and consider whether they should form part of the Committee's work programme.

Mr J Laws, Hereford Access for All, suggested that the Committee scrutinise the state of the pavements in the City which he said were in a hazardous state, particularly to the infirm or wheelchair users.

The Chairman thanked Mr Laws for the suggestion and, with the Vice-Chairman, undertook to research the issue and consider whether it should form part of the Committee work programme.

Councillor A Seldon (Bromyard Ward) presented a letter on behalf of a constituent suggesting that the Committee should look into the number, and condition, of development sites where work had started and now seemed to have been abandoned. He referred to one in particular in Bromyard.

The Chairman handed the letter to the Head of Planning and Transportation and requested that the matter be investigated and that he be kept informed.

52. SETTING LOCAL SPEED LIMITS

The Committee were informed of the Council's approach to considering and changing local speed limits and were provided with an update on how the Council was planning to implement the guidance set out in DfT Circular 1/2006 'Setting Local Speed Limits'.

The Interim Transportation Manager reported that the Council's approach to setting local speed limits was part of a wider Speed Management Strategy which formed a key component of the Road Safety Strategy, set out in the Local Transport Plan (LTP). The Speed Management Strategy worked alongside a Minor Safety Improvements Programme and the Road Safety Education Programme. His joint report with the Lead Engineer (Traffic), outlined: the LTP and Local Area Agreement indicator performance; the Council's approach to setting local speed limits, and the key elements of DfT Circular 1/2006. The current policies and criteria will be revised and adapted to meet the objectives of Circular 1/2009 and the report indicated the programme for the review to meet the December 2011 completion target.

During the course of debate the following principal points were noted:

- Speed limits needed to be reasonable and appropriate to the environment. In certain circumstances speed limits may need to be reinforced by the introduction of engineering works to highlight to drivers the need for the limit. Driver frustration about limits should be avoided as this could lead to inappropriate driving and accidents.
- In accordance with the protocol, consultation was undertaken with ward members and town and parish Councils over proposals for limits.
- Vehicle speed was a major issue and the Council was addressed this through speed limits and engineering works, however, road safety and driver education were also key factors.
- Speed limits needed to be enforceable and imposing further limits would require further resources by the police.
- There are pro's and con's for installing Speed Indicator Display (SID) signs which instantly informs the driver of their speed and provides monitoring

reports of actual speeds for later analysis. The Council were working with town and parish council's over their use.

- It was commented that a reduction in speed e.g. 60pmh down to 50mph, would help in meeting various targets e.g. Killed or Seriously Injured (KSI), and vehicle emissions.
- While the report highlighted that the KSI figure for 2008 was the lowest ever recorded in the County and provided confidence that the strategy was working, questions were asked over the reliability of the base data used.
- Comment was made that while the report set out the technical aspects of implementing the policy a more positive or proactive approach needed to be portrayed to the public.
- Reference was made to a new initiative being introduced in Hampshire to encourage drivers to reduce road speeds on which members requested further information.
- The Committee noted that one of Governments' priorities for action is for highway authorities to review the speed limits on all of their A and B class roads and implement any necessary changes in accordance with the Circular and its guidance by 2011. Comment was made that the Council must not be complacent and that the review programme target of 2011 was too generous. It was suggested that the Council should be aiming for 50mph roads to be reviewed by August 2009 and 30mph by the end of 2009.
- It was suggested that an urban speed limit e.g. 20mph, should be considered for whole residential estates and more information was requested on this.

The Cabinet Member (Highways and Transportation) summed up by: urging parish Councils to work with this authority over the use and sighting of SID signs; part time 20pmh zones near schools and in villages were being progressed subject to recourses; he had already requested a meeting with the Road Safety Partnership to discuss various aspects of road safety; the traffic order protocol was being reviewed to give greater priority to schemes arising from Killed or Seriously Injured incidents and that unfortunately a high proportion of KSI incidents occurred on the A49 which was managed by the Highways Agency.

RESOLVED: that the report be noted and a further report be presented to the November 2009 Committee setting out:

- 1. the progress with undertaking the review to meet DfT Circular 1/2006;**
- 2. the progress made in delivering road safety and education work;**
- 3. indicating the issues around setting a whole estate urban speed limit;**
- 4. how the new initiative in Hampshire works; and**
- 5. the financial and resource implications.**

53. FLOODING OF ROADS AND PROPERTIES IN HEREFORDSHIRE - VARIOUS ASPECTS

The Committee were provided with information on the recent flooding events in the County as requested by the Committee on 24 November 2008, and the resultant actions from those events.

The Acting Construction Manager presented the report which briefly set out the impact of the 2007 and 2008 flooding in the County; the Council's response to those events; the resultant data collection and analysis and the range of actions arising since those events. She commented that the 2007 events (June and July) were unusual both in their intensity, causing flash flooding as opposed to the frequently occurring fluvial events, and also their timing during the summer months. The key point about the 2007 events was the widespread flash nature of the flooding. During both events in 2008 (September and November) the County was hit by extensive heavy rainfall and, while not as severe as the 2007 events, roads were closed,

several properties were flooded and damage was caused to the highway network and drainage systems. Following both sets of events data had been collated to compile a comprehensive list of properties that had suffered flooding. There now needed to be a review of the flooding sites, consider the action response and implement any appropriate action. However, this could be a significant challenge for the Council given the level of resources currently available.

On scrutinising the report the following principal points were noted:

- While the floods had been a significant issue for the County with £3m of additional works, the Council had still been able to fulfil its original maintenance programme.
- Questioned on the Councils relationship with the Environment Agency the Committee were informed that the relationship was good and that meetings had been held at a Regional level to progress strategic flooding issues and discuss specific local schemes. However, there was always scope for improvement and it was hoped that the recommendations from the Pitt Report to government would clarify areas of responsibility and facilitate clearer plans for the longer term.
- A report containing a series of recommendations developed by those people directly affected by the floods, and drafted by the HVA, was currently being considered by the Recovery Group. The Chairman of the Council, who had chaired the HVA meeting, relayed the concerns of town and parish councils over drainage issues and requested that the local councils be kept informed of outcomes.
- Questioned on the application for a share of Defra funding for household-level flood protection and resilience measures, the Committee were informed that the application would be submitted within the next month and the outcome would be known in a few months time. Further questioned on whether residents would be able to make retrospective claims against any Defra funding, the Acting Construction Manager undertook to investigate further.
- Responding to whether town and parish councils were consulted over the local supply and storage of sandbags the Committee were informed that they were consulted over their requirements.
- It was noted that the study of flood sites could generate a significant period of investigation and capital works which would need to be prioritised for the financial year 2009/10 capital budget. If the new Floods and Water Bill brought with it additional funding then the programme may be accelerated.
- The reference to 'benefit' in appendix 1 related to the ranking as part of the flood policy. (Higher the figure the higher the ranking)
- Referring to agenda item 8 paragraph 9, that the grant allocation following the de-trunking of the A465 will be used to mitigate the winter maintenance overspend, concern was raised that the use of the grant in this way would not provide for maintenance works to be undertaken to various culverts, thereby mitigating localised flooding.
- The Cabinet Member (Highways and Transportation) commented that the Council were proactively investigating possible funding, including via the levee schemes, to enable further flood alleviation works to continue.

RESOLVED: that subject to the above comments the report be noted.

54. REVENUE BUDGET MONITORING

The Committee were advised of the financial position for the Environment Programme Area budgets for the period to 31st January 2009.

The Director of Resources representative reported that the total budget for 2008/9

had increased to £25,765,000 from the amount previously reported. The increase of £418,000 was due to A) a reduction of £28,000 in the Highways budget resulting from the re-alignment of the Head of Service budgets following the reorganisation of directorates; and B) the Transportation budget increasing by £446,000 following the allocation of the Area Based Grant.

On scrutinising the report the following principal points were noted:

- Referring to budget pressures in the Planning Services it was noted that the cost of scanning plans would be addressed to a major degree through the introduction later in the year of the new IT system for planning. This would also speed up the time taken in making planning information available on the Councils web site.
- Questioned on the low spend to 31.1.09 on the 'Land Drainage/Flood Alleviation' budget in appendix 1 the Committee were informed that this was due to the reprofiling of the maintenance budgets.
- The Committee noted that the new crematorium was now operational and, having applied a forward thinking business plan, could now offer a greater range of crematoria facilities.
- Various questions were asked concerning the setting and level of the winter maintenance budget which consistently overspent. The Director of Environment and Culture responded that it was difficult to predict the maintenance levels needed in any one winter. The Medium term financial strategy did, however, contain a reserve to off-set part of any overspend incurred.
- Questioned on the 'Big Conversation' referred to in paragraph 27, the Director of Environment and Culture reported that £75,000 had been used to facilitate consultation both within the directorate and with partners on how the many services should work together to deliver the services to the people. The Cabinet Member (Environment and Strategic Housing) commented that while there had been initial criticism the event had proven to be extremely valuable.

RESOLVED: that subject to the above comments the report be noted.

At this point the Committee adjourned for 8 minutes and resumed at 11.51am

55. REVENUE MONITORING - PLANNING SERVICES EXPENDITURE ON LEGAL AND CONSULTANCY COSTS

The Committee considered information on legal and consultancy costs in the Planning Service particularly those incurred in pursuing appeals on proposals refused against officer recommendation which had been requested by the Committee at its 24 November meeting.

The Head of Planning and Transportation presented his report which was set out in three sections. Part one provided an overview of total expenditure in the areas in question in the last two financial years and set these in context against the comparable total expenditure for previous years. Part two provided an analysis of costs incurred in appeals where Committee refusal was against officer advice and he highlighted that even if successful every appeal had a cost due to officer time and resources. Part three provided an analysis of costs incurred in other cases where approval of applications/allocation of land for development had generated abnormal expenditure.

He commented that the previous high levels of development activity, and resultant increased levels of appeals, had now fallen back and lessons had been learned during this busy period.

On scrutinising the report the following principal points were noted:

- Questioned on the historically low level of budget the Head of Planning and Transportation responded that previous short falls had been supported from higher levels of income generated through the fees. This year had seen a significant down turn in applications and therefore fee income had reduced. There was also the constraint on not running the service for profit.
- While not questioning the integrity of the officers it was acknowledged that difficulty could arise when the same officer had to deal with both the application and any resultant appeal.
- A point was made that a high proportion of applications were successfully dealt with through the planning procedure and generally it was the more contentious applications that went before the Committee. As such it was right for Members to give due consideration to applications.
- The Committee noted that all bar one of the appeals set out in the appendix had been determined on written representations.
- The difference between the total expenditure, indicated in part 1 of the report, and the total of costs, indicated in Appendix 1 and 2 which indicated the abnormal costs e.g. expert advice, was due to other areas of expenditure being included in the budget.

RESOLVED: That subject to the above comments the report be noted.

56. CAPITAL BUDGET MONITORING

The Committee were advised of progress of the 2008/09 Capital Programme for Environment within the overall context of the Herefordshire Council's Capital Programme.

The Director of Resources representative reported that the total of the Capital Programme had reduced to £21,056,000 from £21,951,000 previously notified. Brief details of the budget changes were set out in the agenda report together with a headline indication at Appendix 1 to the report.

On scrutinising the report the following principal points were noted:

- Questioned on the receipt of payments for the Ross Flood Alleviation Scheme the Committee noted that regular payment claims had been submitted to the Environment Agency and the most recent claim had been received. However, the Chairman of Strategic Monitoring Committee commented that he thought the Director of Resources was reviewing the admissible grant position.
- Questioned on the change to the budget for Safer Routes to Schools and school 20mph Zones the Committee were informed that due to delays with a number of schemes the budget had been reprofiled with any underspend being carried forward to next years budget.
- Noting the purchase of wheelie bins, referred to at paragraph 5iv, the Committee noted that responsibility for their purchase would rest with the contractor for the new waste contract. Bins would not be computer chipped and were highly likely to be made from recycled plastic.
- Responding to why there was a wide variance in the budget for Hereford City Centre Enhancements, the Committee were referred to paragraph 5ii of the report.
- In response to questions concerning expenditure on Park & Ride schemes the Committee noted that preliminary site search work had been undertaken for the South site. The Cabinet Member was unable to comment at this stage concerning the North Site.

RESOLVED: that subject to the comments above the report be noted.

**57. ENVIRONMENT & CULTURE AND REGENERATION DIRECTORATES:
PERFORMANCE FOR NINE MONTH PERIOD TO DECEMBER 2008**

The Committee received an update report on the progress towards achievement of targets for 2008-09 relevant to the Environment Scrutiny Committee and contained within the Environment & Culture and Regeneration Directorate Plans.

RESOLVED that subject to customer satisfaction data being presented in a clearer form in future reports the report be noted.

58. SERVICE DELIVERY REVIEW - UPDATE

The Committee received an oral update on the Services Delivery review.

The Interim Head of Highways reported that negotiations with Amey concerning the service delivery partnership were at an advanced stage and could only refer the Committee to the report to Cabinet on 22nd January when principals had been agreed. Meetings had been held with the unions and briefings had been given to staff. A further report would be made in due course.

59. WASTE DISPOSAL PFI CONTRACT - UPDATE

The Committee received an oral update on the waste disposal PFI contract.

The Director of Environment and Culture reported that progress was being made and an exempt report on the Herefordshire and Worcestershire Waste Arrangements, concerning the waste disposal arrangements, had been presented to Cabinet on 22nd January 2009.

60. COMMITTEE WORK PROGRAMME

The Committee considered its work programme.

Following the recent determination of the planning application for an open windrow greenwaste composting facility at Morton-On-Lugg it was questioned what environmental monitoring would be in place and, in view of local concerns, whether this Committee should monitor the potential impact of the facility.

The Interim Head of Culture and Leisure reported that while health officers would be monitoring the facility the contract monitoring arrangements rested with the Environment Agency.

The Director of Environment and Culture suggested that once the facility had been running for a while and monitoring had taken place the Committee could consider inviting the Environment Agency to a future meeting to discuss any issues arising.

Concern was raised that insufficient progress was being made in relation to NI186 – per capita reduction in CO2 emissions in the LA area – referred to in Appendix A of agenda item 11 and it was requested that a report on progress be made.

RESOLVED: That

- 1. subject to consideration by the Chairman and Vice-Chairman of those items suggested by the public under Item 5;**
- 2. the inclusion of an invitation to the Environment Agency to attend a**

future meeting to report on the environmental impact, if any, of the Open Windrow Greenwaste composting facility at Morton-on-Lugg; and

3. the inclusion of a report to the November 2009 Committee on progress in meeting NI186 target (per capita reduction in CO2 emissions in the LA area)

the work programme be noted and reported to Strategic Monitoring Committee.

The meeting ended at 12.45 pm

CHAIRMAN