

**MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 14 September 2009 at 9.30 am**

**Present:** Councillor RI Matthews (Chairman)  
Councillor PJ Watts (Vice Chairman)

Councillors: CM Bartrum, WLS Bowen, DW Greenow, KG Grumbley, JW Hope MBE, MAF Hubbard, TW Hunt and A Seldon

**In attendance:** Councillors PA Andrews, PJ Edwards, JG Jarvis (Cabinet Member Environment and Strategic Housing) and DB Wilcox (Cabinet Member Highways and Transportation)

**16. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor PM Morgan and Councillor NL Vaughan.

**17. NAMED SUBSTITUTES (IF ANY)**

Councillor KG Grumbley substituted for Councillor PM Morgan.

**18. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**19. MINUTES**

In minute No. 5 reference to Local Asses Forum be amended to Local Access Forum. In the second paragraph of Minute No. 6 – Presentation by the Cabinet Member (Highways and Transportation) that reference to minute 74 be amended to read minute 5.

**RESOLVED: That subject to the above amendments the minutes of the meeting held 8 June 2009 be confirmed as a correct record and signed by the Chairman.**

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

The Chairman referred to correspondence received from Mr Everitt, copies having been issued to members, regarding a number of matters in connection with the Public Rights of Way Service.

The Chairman suggested that as the correspondence contained a number of questions the matter be forwarded to the Assistant Director, Environment and Culture to answer and that the broader strategic issues be considered by the Committee when it considers a report on the PROW service, currently scheduled for June/July 2010.

**RESOLVED: That the correspondence from Mr WM Everitt concerning various aspects of Public Rights of Way be referred to the Assistant Director of Environment and Culture to answer the questions. The broader strategic issues raised will be considered by the Committee when it considers a report on PROW and Highway Definitive Map in June/July 2010.**

## 21. ENVIRONMENT & CARBON MANAGEMENT PERFORMANCE

The Committee reviewed the Council's performance against the corporate Environmental Strategy targets and received an update on the Council's targets in relation to climate change and carbon management, with particular reference to the Council's own carbon emissions.

The Assistant Director of Environment and Culture presented the report and, while acknowledging that the Council could always do more, he highlighted that the Council had retained its ISO14001 certification and referred to the wide-ranging initiatives set out at paragraph 5 of the report. He also informed the Committee that Amey Herefordshire were part of the Council's performance framework.

The Committee went through the report on a page by page basis and during the course of debate the following principal points were noted:

- It was suggested on a number of occasions that greater emphasis should be given to promoting carbon reductions through the employment of a Climate Change Officer. The Cabinet Member (Environment and Strategic Housing) commented that greater benefit would be gained by changing people's attitudes, illustrated by the Age of Stupid film. The Director of Environment and Culture also pointed out that the suggestion to employ a Climate Change officer could be seen as relieving the staff from their responsibility to make carbon reductions, which was included in all the Council's service delivery plans.
- Responding to questions on carbon reduction measures by schools the Committee noted that one member of the Sustainability Team devoted 2 days per week to supporting Eco-schools. While schools were autonomous from the Council the Cabinet Member (E&ST) undertook to discuss with fellow Cabinet Members whether further support could be made. Members were reminded that as governors of schools they could influence schools in their efficiency measures.
- Noting that the latest DEFRA figures had put Herefordshire well above the average carbon dioxide emission per person (NI186), the Director E&C reminded the Committee that the rural nature of the County would have an adverse effect on the statistics.
- It was suggested that greater emphasis should be given to improving the energy efficiency of new building developments, including the use of renewable natural resources. The Cabinet Member E&SH reported that this matter was being progressed through the current work of developing the Local Development Framework.
- Responding to similar questions on Council new build projects the Head of Asset Management and Property Services reported that the current aim was to build to the "very good" assessment level and this was contained in a revised Asset Management Plan which was due for Executive consideration later in the month. The Committee requested a report on the actions being taken to design efficiencies into Council/school new build schemes.
- Concerned about the increase in 'non-conformities' arising from ISO 14001 surveillance visits the Committee were informed that these had related to office systems to manage the process and all had now been addressed.
- A point was made that as the Council's carbon target included carbon emissions by its contractors, then it should be right to expect proper monitoring of those contractors. It was therefore suggested that quarterly returns should be submitted on their carbon emissions. The Director E&C reminded the Committee that the Council had many thousands of contractors. Following debate on whether this should relate to all, main or major contractors the Cabinet Member E&SH undertook to consider the issue and report back to the Chairman.

- A number of members expressed their frustration concerning the lack of information concerning the precise number of vehicles operated by the Council and their CO2 rating. The Assistant Director E&C reported that these figures could be supplied as they were included in a report arising out of a recent review of the council's vehicle fleet undertaken by the Energy Saving Trust. Expressing concern that baseline data may not be established the Committee were also informed that this was also contained in the report and that the final report could be considered by the Committee in due course.
- Questioned whether the various carbon reduction targets referred to in paragraphs 15-17 of the report would be met the Director of E&C undertook to provide a report to a future meeting.
- The Service Director, Amey Herefordshire, informed the Committee that Amey had set itself a 10% carbon reduction target for this year and he was confident that they would meet that target. In this context the Committee questioned why the Council were only aiming for a 1.25% annual reduction.
- Noting that carbon reductions would be built into Directorate and Service Plans for 2010/11 and that training may be needed, the Committee sought clarification over the type of training to be given and the budget for it (paragraph 26 of the report). The Committee suggested that the Executive give urgent consideration to staff training in the accounting for, and reduction in, carbon emissions.
- The Committee briefly discussed various aspects of Council contracts and in particular the apparent scaling down, due to financial constraints, of some design features that could in the long term provide environmental benefits. The Committee suggested that the Executive needed to give careful consideration to investing now for future environmental benefits.
- Noting the work undertaken on Display Energy Certificates (DECs) (see paragraph 22 of the report) the Committee questioned the effectiveness of DECs and requested that a full report on DECs together with building profiles, be presented to the March 2010 meeting.
- Noting that the introduction next April of the mandatory Carbon Reduction Commitment could provide an additional financial spur to increase energy efficiency in Council and school buildings, concern was expressed by the Committee that this could be very costly to the Council, evidenced in the report (see paragraph 29) that anticipated Council expenditure could be up to £200k per year for carbon credits.
- It was suggested that the Cabinet Member (E&SH) investigate whether low or nil interest loans e.g. offered through the SALIX Energy Efficiency Loan Scheme, could be used to finance the replacement of outdated equipment e.g. street lighting.
- In relation to the Performance Report 2008/9, appended to the agenda report, members criticised the fact that some data was still unavailable. The Assistant Director E&C acknowledged that the content of the action plan needed to be refreshed to ensure that it provided useful information.
- It was suggested that there was a lack of incentive for service areas to reduce their CO2 as any resultant savings to their budgets were likely to be kept centrally. The Committee suggested that the Cabinet Member (E&SH) consider introducing incentives to reward those areas that make significant reductions in their CO2 e.g. a rebate on their budget.
- While noting the effect of a better flare at the Stretton Sugwas landfill site in reducing emissions by converting methane to CO2 and water, the Committee noted that the possible uses of the flare, which currently produced poor quality gas with a bad flow rate, was being kept under review.

**RESOLVED: That**

- a. **the Cabinet Member (E&SH) consider expediting improved levels of building regulations to bring greater energy efficiency in property developments including the greater use of renewable natural resources;**

- b. an update report be presented to the next meeting setting out the actions being taken in relation to building efficiencies designed into new council/school properties;
- c. the Committee suggests to the Executive that the Council's major contractors are asked to submit regular (e.g. quarterly) returns on their carbon emissions so that they can be monitored to ascertain that on-going improvements are being achieved. This is on the basis that contractors are, at present, responsible for 88% of the Council's transport carbon emissions;
- d. a report be made to the next meeting on the findings by the Energy Saving Trust into the Council's vehicle fleet, detailing in particular the number of vehicles owned and maintained by the Council, specifically detailing vehicle age and emissions;
- e. a progress report be brought to the next meeting setting out the Council's intended actions to achieve the Carbon Reduction Targets;
- f. the Committee suggests that the Executive give urgent consideration to staff training in the accounting for, and reduction in, carbon emissions;
- g. when considering future contracts, the Executive should give careful consideration to how any short term savings made to reduce the cost of the contract could impact on any long term environmental and financial benefits that may be achieved by investing for the future;
- h. a report on Display Energy Certificates (DECs), including buildings down to 750sqm in size, indicating the efficiency of the building with a building profile, be reported to the March 2010 meeting;
- i. the Committee suggest to the Executive that renewed effort be resourced via our Climate Change Management Team to support schools through their Eco-Management, in particular in relation to reducing energy use;
- j. the Committee suggest to the Cabinet Member (H&T) that opportunities be sought e.g. via the SALEX Scheme to investigate nil percentage interest loans to aid the replacement of outdated street lighting;
- k. that the Cabinet Member (E&SH) consider introducing incentives to reward those service areas that make significant reductions in their CO2. e.g. a rebate on their budget; and
- l. that the report be noted.

## **22. EXECUTIVE RESPONSE AND ACTION PLAN FOLLOWING THE SCRUTINY REVIEW OF THE PLANNING SERVICE**

The Committee considered the Cabinet's response to the recommendations made to it in the Scrutiny Review of Planning Services and the Planning Service Review undertaken by the Audit Commission.

The Head of Planning and Transportation reported that Cabinet had approved the responses as set out in appendix 1 & 2 to the report to Cabinet on 30 July 2009 and

agreed that a single action plan for service improvement be compiled. The suggested changes to the planning Committees had also been debated at Council. He added that significant progress had been made against the actions. He highlighted that: a single action plan had been compiled; the membership of the Local Development Framework Task Group had been widened; constitutional issues arising from changes to the planning committees were being considered by the Constitutional Review Working Group; and systems and structures in the Planning Service were being put in place to take forward the action plan.

Questioned on staff training and IT improvements the Head of Planning and Transportation reported that various aspects of training had been provided, particularly to front line staff, thereby widening their skills base. Phase 1 of improvements to IT were on track in accordance with the change programme and it was anticipated that further phases e.g. document scanning, would drive further efficiency savings.

In response to questions concerning Member training the Committee were reminded of a recent planning work shop and were assured that further training for Members, including Town and Parish Council members, was being taken forward. Further information for Members would also be provided by the new IT system.

Questioned on issues concerning Section 106 income and government intentions to introduce a Community Infrastructure Levy (CIL) the Head of Planning and Transportation reported that a response to the government consultation on CIL was being compiled. He highlighted that any income from CIL would relate to infrastructure requirements arising from major developments.

Clarifying the position on document scanning by the Service he reported that significant savings were anticipated by bring the scanning of plans etc in-house, however, this was currently subject to a decision on a corporate system for document scanning.

**RESOLVED: That**

- (a) Cabinet's response to the findings of both Reviews of the Planning Service be noted; and**
- (b) a further report on progress against the single action plan for the service be made after six months with consideration then being given to the need for any further report to be made.**

**23. CAPITAL BUDGET MONITORING**

The Committee were advised of the progress of the 2009/10 Environment Capital Programme within the overall context of the Council's Capital Programme.

The Director of Resources representative presented the report and highlighted that the total of the Capital programme for the directorate had reduced to £16,755,000 from the figure of £17,574,000 previously reported to Committee. This net reduction of £819,000 and the main variances were described in the report. Appendix 1 to the report set out in summary the capital budgets for 2009/10 with funding arrangements in overall terms.

Noting that the Park and Ride scheme would not commence in the 2009/10 financial year, the Cabinet Member (Highways and Transportation) informed the Committee that the finance would be rolled over to subsequent years until such time as a suitable site was identified and a strong business case could be made.

The Cabinet Member (H&T) confirmed that the previous underspend against the City Centre Enhancement budget was earmarked for inclusion in the Widemarsh Street, Hereford, enhancement scheme. He also confirmed that, while accounts were still

being closed for the Ross Flood Alleviation Scheme, written confirmation had now been received from the Environment Agency that they would fund the additional expenditure incurred.

**RESOLVED: That the Capital Budget report be noted.**

#### **24. REVENUE BUDGET MONITORING**

The Committee were advised of the financial position for the Environment revenue budgets for the period to 31<sup>st</sup> July 2009.

The Director of Resources representative reported that total Environment budget for 2009/10 had increased to £26,204,000 from the amount reported to the previous meeting, which was £26,168,000. This was a net increase of £36,000 and was made up of £153,000 for Emergency Planning which had now been transferred from the Deputy Chief Executive's Directorate to the Environment & Culture Directorate and a reduction of £117,000 in relation to Community Safety which was part of the Community Services Portfolio. He highlighted that the current position for Environment was a projected underspend of £417,000. The Environment Scrutiny Portfolio included services within Environment & Culture Directorate and the Regeneration Directorate. A projected underspend of £477,000 was within the Environment & Culture Directorate and an overspend of £60,000 was within Regeneration Directorate. Further detail on the budget to 31 July 2009 was contained in the agenda report and its appendix.

A Member suggested that consideration should be given to issuing Town and Parish Councils with comprehensive highways maps indicating drains and ditches to enable them to accurately report the site of floods or blocked drains. In response the Assistant Director Environment and Culture reported that additional government grant funding had been received to enable work to be carried out on improving the Highway Asset Management map.

Noting that the report indicated that a number of underspends were anticipated within the overall budget position it was suggested that the Executive consider transferring those underspends to provide further support to the roads maintenance budget.

Following debate on the potential costs involved in waste management the Committee expressed major concern that no ultimate disposal system was yet in place to achieve the considerable reductions in residual household waste tonnage going to landfill, ahead of year 2010 government targets. In response the Cabinet Member (Environment & Strategic Housing) commented that five possible sites had been identified for a waste management facility and these were being examined and it was currently anticipated that a planning application for one of the sites was likely to be submitted early in 2010.

**RESOLVED: That**

- (a) the Cabinet Member (Highways and Transportation) consider issuing to Parish Councils a highways map indicating drains and ditches to facilitate the parish council's accurate reporting of floods or blocked drains;**
- (b) the Committee suggests that the Executive consider transferring funding, from areas identified in the report as having a potential underspend, to provide further support to the roads maintenance budget; and**
- (c) the Committee expresses major concerns that no ultimate disposal system is yet in place to achieve considerable reductions in residual household waste tonnage going to landfill, ahead of year 2010 government targets**

## 25. COMMUNITY PROTECTION TEAM

The Committee were updated on the current status of the Community Protection Team.

The Acting Regulatory Services Manager presented the agenda report and highlighted that the Council has a range of statutory responsibilities in respect of what were generally referred to as environmental crimes. The most common of these crimes, and potentially the most detrimental to our communities' enjoyment of their environment, are fly tipping, abandoned vehicles, dog fouling, and littering. A project was initiated to draw these various enforcement strands together to form a cohesive and customer-focused team. Initially known as the Anti-Social Behaviour team, considerable development work was done to arrive at a position in July 2009 whereby an operational Community Protection Team existed. The agenda report summarised the composition of the team and areas covered, the range of enforcement and education work undertaken. The report and appendix also described the criteria, internal protocol, and legislative position by which the team could be supported by overt and covert surveillance in the form of cameras and associated equipment.

The Acting Regulatory Services Manager reported that unfortunately there was a demand for the team with resultant high expectations. He acknowledged that while the team could expand into other areas it was essential that public expectation over what the team could actually do was properly managed as it wasn't the enforcement team for the whole of council business.

Responding to questions on Fixed Penalty Notices and the issuing of a Notice of Environmental Crime the Acting Regulatory Services Manager responded that from a public point of view it was important that offenders were seen by the public to be challenged. The issuing of a Fixed Penalty Notice could be used to reinforce the 'educational' intent concerning a low level offence. The issuing of a Notice of Environmental Crime, issued at the time of the offence, gave the officers more time to consider the extent of the offence and any further action needed.

The Community Protection Team was intelligence lead and therefore all forms of intelligence was taken into consideration, including the weather in cases of potential littering offences.

Questioned on the extent to which the Team had engaged in 'public education' the Committee were informed that, as the Team became more established, more work would be undertaken, including with youth groups.

The Committee noted that the Team already liaised with various services and agencies e.g. concerning waste collection. It was re-emphasised that the undertaking of overt and covert surveillance in the form of cameras and associated equipment was closely controlled and was internally monitored by the Council's Legal Service to ensure that any evidence collected would be admissible in court.

The Cabinet Member (Environment and Strategic Housing) commented that publicity for the work of the Team, particularly successful prosecutions, would see great benefit for the county as a whole.

**RESOLVED: That the report be noted and a progress report on the work of the Community Protection Team be presented to the March 2010 meeting.**

**26. COMMITTEE WORK PROGRAMME**

The Committee considered its work programme and noted that the Executive had yet to consider the findings of the Scrutiny Review of On-Street Parking.

**RESOLVED: That the work programme be approved and reported to the Strategic Monitoring Committee.**

The meeting ended at 12.25 pm

**CHAIRMAN**