

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 27th March, 2006 at 10.00 a.m.

Present: 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 and J.B. Williams

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

47. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Miss F. Short.

48. NAMED SUBSTITUTES

There were no named substitutes.

49. DECLARATIONS OF INTEREST

There were no declarations of interest.

50. MINUTES

In view of continuing concern about safety issues on the A49 trunk road, the Director of Environment circulated a short briefing paper to inform Members of a Steering Group meeting on 24th March 2006, with the Highways Agency.

RESOLVED: That the minutes of the meeting held on 5th December, 2005, be approved and signed by the Chairman.

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

No suggestions were received from members of the public.

52. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

The Committee was informed of the principal measures contained in the Clean Neighbourhoods and Environment Act 2005 and received an overview of the potential impact of the Act on services provided by the Environment Directorate.

The Head of Environmental Health and Trading Standards reported that the Act was a key part of the Department for Environment, Food and Rural Affairs (DEFRA) five-year environment strategy to clean up people's immediate environment, boost sustainable development, increase energy efficiency and care for the rural communities. As a consequence it covered a number of environmental issues e.g.

vehicles, litter, waste, noise, dogs and crime and disorder. The report outlined the various powers in the Act, their commencement or likely commencement date and an overview of the likely impact on the Directorate and Council.

He reported that the Council had, where possible, started to implement the relevant powers in the Act and whilst this had not been completely finalised it was expected that the new powers would be delegated in accordance with Appendix 1 to the report. Complications had arisen in implementing those powers that had commenced, in that in many instances the Government had been late in issuing the relevant guidance.

He further reported that the Cabinet Member (Environment) had set the level for fixed penalty notices for those areas where powers had commenced at £100 for litter, fly posting and graffiti offences (reduced to £50 if paid within 14 days). On commencement a similar £100 penalty would be set for dog offences. Charges for the collection of shopping trolleys had not yet been set as further work, including consultation, was ongoing to establish a fixed charge.

During debate the following principal points were noted:

- The Council's dog byelaw system would be replaced by Dog Control Orders. However, a number of issues still needed clarification particularly in relation to Parish/Town Councils undertaking aspects of enforcement.
- The current joint arrangement with the Police for the collection of stray dogs would need to terminate with the Council taking full responsibility. This would have funding and operational implications for the Council. While it could be expected that the issuing of control orders would have an impact, currently a number of Magistrates Courts had taken a lenient view of prosecution of byelaw offences.
- The introduction of new Litter Clearance Notices was welcomed and should enable the Council to enforce areas it had been unable to in the past. The Act also confirmed that cigarette butts and discarded chewing gum were litter. In this respect the Committee particularly noted a comment that the Government were considering imposing a hefty tax on chewing gum with the proceeds being used to help Councils with the cost of cleaning chewing gum from footways. The Committee wished to record their support for such a proposal to tax chewing gum (particularly the synthetic gum) and invited the Executive to make representations on the matter.
- Nuisance from light pollution (street lighting and other major sources were exempt) was included in the Act. Environmental Health staff would therefore run the risk of becoming embroiled in neighbour disputes.
- The Director of Environment reported that no additional resources had been allocated by Government to support the implementation of the Act. While the Act did enable the setting of fixed penalty notices, the income from these was not expected to be substantial. The existing budgets would therefore have to be re-cast to accommodate the extra statutory requirements.
- The delegation of certain enforcement powers would need close monitoring. While the use of Community Support Officers was welcomed, they were under the command of the Chief Constable and therefore dependent on the degree of local delegation. Initially the Committee considered holding a special meeting to debate the issues with the various parties involved,

however, it was decided to await the outcome of guidance on the use of enforcement powers.

- It was suggested that when a further report was made to the Committee a fourth column be added to Appendix 1 to indicate when the power had been implemented.

RESOLVED:**That**

- a) the implications arising from the Clean Neighbourhood and Environment Act 2005 outlined in the report be noted;**
- b) the Director of Environment convey the Committee's support for the imposition of a tax on chewing gum and the Executive be invited to make representations on the matter; and**
- c) a fourth column be added to Appendix 1 in future reports to indicate when the relevant power had been implemented.**

53. ENVIRONMENT DIRECTORATE'S CONTRIBUTION TO THE HEREFORDSHIRE PLAN

The Committee reviewed the Environment Directorate's contribution to the work of the Transport and Environment Ambition Groups.

The Conservation Manager highlighted various aspects of work, identified in the report, undertaken by the Directorate in contributing to the ambitions set out in the Herefordshire Plan as progressed by the Transport Ambition Group and the Environment Ambition Group. He reported that the revised Herefordshire Plan, to be renamed the Herefordshire Community Strategy, was expected to be launched in May 2006. The Strategy would be accompanied by an Action Plan outlining outcomes and targets that would be contained within the Local Area Agreement (LAA). The Strategy generally followed the four themes in the LAA (Economic Development and Enterprise; Healthier Communities and Older People; Children and Young People and Safer and Stronger Communities) and therefore left no obvious place for the matters falling under the former environment headings. Councillor and Scrutiny involvement in the Strategy was subject to discussion in light of emerging guidance from the Office of the Deputy Prime Minister (ODPM).

The Cabinet Member (Environment) commented that environment issues ran through each of the four themes and therefore each could expect a contribution by the Directorate. While many instances had gone unreported, much of the partnership working and contribution by the Directorate through the Ambitions Groups would soon be coming to fruition.

RESOLVED: That the report on the Directorate's contribution to the Herefordshire Plan and changes to the Ambition Groups be noted and examples of the unreported partnership working be included in future reports.

54. CAPITAL BUDGET MONITORING

The Committee was advised on the progress of the 2005/06 Capital Programme for the Environment Areas within the overall context of the Herefordshire Council Capital Programme.

The Director of Environment and the Director of Resources' representative reported that the total of the capital programme had been reduced by £130,000 from the

£12,047,000 notified to the previous meeting to £11,917,000. A brief overview of the forecast was set out in the report together with at Appendix 1 the capital budgets for programme areas.

While scrutinising the Capital Programme monitoring report the Committee noted the following points:

- Work on the Park and Ride scheme was progressing, however, its likely location, in the North of the City, was confidential as it was still subject to negotiations.
- Vehicle Activated Signs showed a 60% spent/commitment which reflected the fact that while a number of signs had been installed (Lugwardine and Credenhill) this budget heading would be phased out as this safety measure would, if considered necessary, be included in the 'toolkit' for accident remedial work in individual schemes.
- That a number of Parish Councils had taken up their legal power to purchase their own portable traffic signs for use adjacent to the highway. The Head of Highways and Transportation reported that currently there was no policy in place (time/location/ definition of traffic problem) to govern the placing of such signs by Parish Councils. Currently this Council may be legally liable for any accident caused by such a sign and he was concerned that proper management arrangements should be in place. The Director of Environment reported that there was still a debate about how to legally make these signs effective within government guidelines.
- Questioning the slippage in the programmes for the Crematorium and Grafton Travellers Site due to land purchase negotiations and planning permission procedures, and the potential knock-on effect on other schemes in the programme, the Director of Environment reported that, in general, planning permission should be included in the project plan and should not be a problem, except where an environmental impact assessment was required as this may be seasonally dependent. Land purchases could cause delays, however, these were increasingly being backed up by Compulsory Purchase Orders.
- The position concerning the provision of Travellers Sites was a dynamic and complex one. Government intent had been made clear to local authorities as travellers had been included in the Housing Needs Strategy. However, a number of neighbouring authorities had no provision and there was also a variation in the level of provision at District, County Council and Regional level.

RESOLVED: That the report be noted.

55. ENVIRONMENT REVENUE BUDGET MONITORING

The Committee was advised of the budget monitoring position for the Environment Programme area revenue budget for the period to 31st January 2006.

The Director of Environment and the Director of Resources' representative reported the current revenue budgetary position and highlighted that, due to an increase in the number of winter salting treatments, the Winter Maintenance budget was expected to be overspent by £500,000. However, in overall terms the Environment budgets, detailed in Appendix 1 to the report, were expected to come in on budget as there had been additional income from car parking and planning. Some reallocation of other resources may also be necessary.

RESOLVED: That the report be noted.

56. BEST VALUE REVIEWS - IMPLEMENTATION OF IMPROVEMENT PLANS

The Committee was updated on 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.

In relation to Development Control the Committee commented that access to planning information seemed much easier now that the service was available on-line. The Director of Environment reported that the new Development Control Manager had made progress in developing the service. He also reported that the service should not now be included within the Office of the Deputy Prime Minister's consultation for designation as Planning Standards Authorities for 2006/7 (as reported to the Committee in December 2005) as it had been demonstrated that the service was much improved. The new Head of Service when in post would further investigate the possible operation of a single Planning Committee.

The Head of Environmental Health and Trading Standards reported that the Commercial Enforcement section were awaiting the outcome of the Government's establishment of a new group to oversee the outcome of the 'Hampton Review' into regulatory inspection and enforcement functions. Concerns that licensing income was now known not to be sufficient to fund out of hours services were being raised with the Government by the Local Government Association. The take-up of the Regional Consumer Direct Call Centre in Coventry had been greater than expected. While this facility freed up local resources, those resources were now being used to follow up the increased number of issues raised via the call centre.

RESOLVED: That the report be noted.

57. MONITORING OF 2005/2006 PERFORMANCE INDICATORS - APRIL 2005 TO JANUARY 2006

The Committee was updated 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.

Responding to questions on BV82d(ii) (household waste arisings) the Head of Environmental Health and Trading Standards reported that the position was 11.85% better than expected under the target. However, this followed two years of heavy growth in tonnage figures. He hoped that recent recycling publicity was having an impact. Extending kerbside collection of recycled material would be extremely expensive and therefore any grant income received was being used to target specific areas of the County.

In relation to concerns over the percentage of major roadwork schemes that had over-run the published completion date the Head of Highways and Transportation reported that this target related to the Council's schemes on roads maintainable by the Council. He commented that the percentage figure could be skewed by the fact that only a few schemes had been undertaken and therefore a delay on one scheme could show a greater impact on the target. In relation to roadworks by other agencies he confirmed that the Council had a duty to co-ordinate the works but had no powers to impose penalties for late completion.

RESOLVED: That the report be noted.

