

Minutes of a Meeting of the Environment Capital Scrutiny Committee held on 16 July 2009 in the Bourges/Viersen Room - Town Hall

Present: Councillors C Burton (Chairman), D Day (Vice-Chairman), R Dobbs, M Fazal, J A Fox and N North

Also Present: Councillor N Sandford – Liberal Democrat Group Leader

Officers Present: Richard Wills – Executive Director of Development at Lincolnshire County Council
Paul Phillipson – Executive Director of Operations
Trevor Gibson – Director of Environment Capital, Opportunity Peterborough
Andy Tatt – Asset Management Group Manager
Brian Armstrong – Wildlife Officer
Claire Boyd – Senior Lawyer
Louise Tyers – Scrutiny Manager

1. Apologies for Absence

An apology for absence was received from Councillor Wilkinson.

2. Declarations of Interest and Whipping Declarations

Councillor JA Fox declared a personal interest in item 8 as a member of the Friends of Cuckoo Hollow and as a member of the Biodiversity Working Group.

Councillor Sandford declared a personal interest in item 8 as a member of the Biodiversity Working Group.

3. Minutes

3.1 Environment Scrutiny Panel held on 16 April 2009

The minutes of the meeting of the Environment Scrutiny Panel held on 16 April 2009 were approved as an accurate record.

3.2 Scrutiny Committee held on 6 April 2009

The minutes of the meeting of the Scrutiny Committee held on 6 April 2009 were approved as an accurate record.

3.3 Scrutiny Committee held on 29 April 2009

The minutes of the meeting of the Scrutiny Committee held on 29 April 2009 were approved as an accurate record.

4. Call In of any Cabinet, Cabinet Member or Key Officer Decisions

There were no requests for Call-in to consider.

5. Floods and Water Management Bill

Richard Wills, Executive Director at Lincolnshire County Council gave a presentation on the draft Floods and Water Bill and what the Council's new responsibilities would be and their possible implications.

The Government's intentions in relation to floods and water management had been tabled as a draft Bill before it got into the legislative programme in Parliament, therefore it may not become law during the term of the present government. The Bill was the Government's response to the Pitt Review which followed the 2007 floods.

The Floods and Water Management Bill would give the Council a number of new powers and duties:

- Local leadership – convening the Local Flood Risk Management Group
- Surface Water Management Plans
- Flood Risk Management Work Programmes
- Investigate local flooding incidents
- Adopt and maintain Sustainable Urban Drainage Systems

The Government had consistently said that there would be no net new financial burdens on local government as it would be fully funded from the funding being made available to implement the Pitt Review however no one really knew what all the new powers and duties would cost.

Observations and questions were raised around the following areas:

- As the Bill was still in its draft format what was the timetable for getting it through Parliament? It was doubtful that the Bill would go through during this session of Parliament but it was expected that any new Government would pick the Bill up quickly and progress it.
- Internal Drainage Boards worked very well, particularly the North Level Drainage Board, what consultation had been undertaken with them? The Internal Drainage Boards would be very important partners in the new arrangements but they only dealt with a small part of water and did not deal with surface water. The issue would be how we worked in partnership with them.
- If the drainage systems we would be taking over were not up to standard could we refuse to take them over? The view of local government was that they should only be taken over when they were up to an acceptable standard, similar to adoption of highways.
- More publicity and work with the public was needed on flood risks.
- Had levies on people who lived in areas that were liable to flood been considered? Gloucester City Council had added 1% on to their Council Tax which had been ring fenced for flood management.
- There was concern about further developments on flood plains, especially as Peterborough was designated to grow.

The Council was urged to start to talk to surrounding local authorities, especially Cambridgeshire and Lincolnshire. There was an offer to have observer status at Lincolnshire's meetings to see the work that they were doing in this area.

RECOMMENDATIONS

- (i) That the Leader of the Council:
 - (a) be advised of the significant implications of the proposed new legislation for the Council and local communities; and

- (b) be recommended to identify a Cabinet Member and Lead Officer to take forward preparations for the requirements of the new Bill in readiness for its enactment.
- (ii) That the nominated Cabinet Member and Lead Officer be recommended to build links and seek joint working with surrounding local authorities and other relevant agencies, including Cambridgeshire and Lincolnshire County Councils and the local Internal Drainage Boards.
- (iii) That the nominated Cabinet Member and Lead Officer be requested to submit a further report within a period of 6 months to this Committee providing responses to items (i) and (ii) above and also giving assurances that the Council is preparing for the new legislation.

6. Environmental Enforcement and Education

The Executive Director of Operations presented an overview of the Council's environmental enforcement and related activity and the opportunities and challenges in relation to future service delivery.

As part of the restructure of the Operations Directorate a new Neighbourhoods and Community Empowerment Team would bring the Environmental Enforcement and Neighbourhood Enforcement Teams together. This would enable a focussed delivery of services within localities using a neighbourhood management approach.

A number of opportunities were now available to improve this area of work including:

- Integration of teams would facilitate targeted service delivery eliminating any duplication of work and bridging gaps
- Expanding the role of XFOR to include late night enforcement within the city centre with police partners and/or action as professional witnesses to aid and increase prosecutions
- An opportunity to increase the level of education work with those who had committed environmental offences instead of imposing a fixed penalty notice or fine

Legal Services currently received in the region of 100-160 new environmental enforcement cases per month. The cases took a minimum of one hour each to process ready for court. An increase in the number of cases brought to prosecution would increase the demand on Legal Services further and a variety of options were now being considered including:

- Outsourcing the cases to a 3rd party
- Establishing a new post, for example a Legal Executive, for the purpose of processing environmental enforcement cases.

Work was also being undertaken with colleagues in NHS Peterborough to develop a model which offered those people who dropped cigarette waste an option to undergo a smoking cessation programme rather than receive a fine, similar to the speed awareness programme.

Observations and questions were raised around the following areas:

- As certain areas of the city were hotspots for fly tipping could covert operations be used in those areas? The Director confirmed that covert operations had been successful in the past but a lot more work could be done with other methods. Using covert operations was not always straight forward.

- There would not be much difference between the costs of employing a dedicated legal officer and outsourcing enforcement cases.
- A lot of work was done within schools to educate young people about environmental matters and this was done through the Environmental Education Team based in City Services.
- More publicity needed to be given to successful prosecutions to make the public aware about the possible implications of littering.
- Did the Director feel that the balance between education and enforcement was right? This was complicated as the education and enforcement areas were based within different directorates. The Council was always looking to streamline services and ideally the teams should be able to undertake both roles. Work was ongoing on this and the Director would be working with other directors about how to move forward.
- Services such as the bulky waste collection service needed to be publicised more widely. The service was currently publicised but different models for bulky waste collection could be looked at in the future.
- Was the purpose of using XFOR to stop littering or to bring in income as fixed penalty notices were always issued and never warnings? A more conciliatory approach needed to be taken and the Director confirmed that it was a difficult balance. XFOR were cost neutral to the Council as if a fixed penalty notice was not paid then XFOR were not paid.
- When travellers used makeshift sites and left litter behind, were they prosecuted? The problem was that the Council did not provide temporary sites for travellers. Officers tried to facilitate locations when it was known that travellers were moving to the City, for example for the horse fair at the end of the year.

RECOMMENDATIONS

- (i) That it be recommended to the relevant Lead Officer, subject to confirmation that the costs of outsourcing enforcement cases are less or similar to employing an additional, dedicated legal officer, that outsourcing should be the preferred option in dealing with environmental enforcement cases in order to provide greater flexibility in resourcing this service in the future.
- (ii) That it be recommended to the Lead Officer that whilst environmental enforcement activity is supported by the Committee there should be clear discretion allowed to officers not to issue a fixed penalty notice should litter be dropped accidentally.
- (iii) That it be recommended to the Lead Officer that further financial information be provided to the Committee on the balance between environmental education and enforcement by this Council during the current financial year and innovative ways be examined of engaging with the public to provide more publicity and education on the implications of littering, the outcomes of court cases and the availability of services such as the Bulky Waste Collection Service in order to minimise environmental pollution.
- (iv) That it be recommended to the Lead Officer the initiative with NHS Peterborough on using smoking cessation programmes as an alternative to issuing fixed penalty notices be introduced as soon as possible.

The above recommendations are linked to NI195 (Improved street and environmental cleanliness – levels of graffiti, litter, detritus and fly posting) and NI196 (Improved street and environmental cleanliness – fly tipping) which are in the Local Area Agreement under the priority of creating the UK's environment capital.

7. Response to Adverse Weather Conditions - Footpaths

The Asset Management Group Manager presented a report which detailed how roads and footpaths were treated during the adverse weather conditions of the past winter. It included a review on how the footpaths should be treated in the future.

The winter of 2008/09 was the worst in over 18 years with 86 gritting runs taking place as opposed to 54 for 2007/08. The Council's road network was well served by its current precautionary gritting routes that covered 43% of the total network; this figure was slightly above the regional average. In addition and unlike many other authorities, the Council also treated a strategic network of pedestrian/cycle way routes including prioritised footbridges, city centre pedestrian area, crematorium and council car parks.

There had been two difficult periods this winter, one just before Christmas and one during February. The later spell of severe weather affected the whole country and put significant pressure on salt providers. To aid the salt situation the Council purchased 3 to 5mm graded grit which when appropriate was mixed with the salt. This had aided traction in snow conditions however it did have a slight down side as unlike salt which formed into a solution the grit remained which when used excessively would add to the detritus within the drainage systems. With the impact of climate change we now needed to look at using different materials for surfacing roads.

The highest risk posed to the City was the limited coverage of footway treatments which were currently confined to the city centre shopping streets and pedestrian areas. In order to address this potential risk, whilst accepting the limited resources available, it was being proposed that the current city centre treatment routes should be expanded to include the routes that linked strategic car parks and the Railway Station to the city centre.

Observations and questions were raised around the following areas:

- This winter was exceptional and may not happen again for a number of years. If the Council purchased larger quantities of salt would it be able to be stored properly? All salt was stored at Stilton and was brought during the summer months. We tried to run down the stock of salt by the end of each winter season.
- With the more extreme, frequent weather we needed to plan to do things differently. An Adaptation Strategy for Climate Change had been developed and it may be useful to scrutinise that document at a future meeting.
- The Local Transport Plan included a Transport User Hierarchy which gave priority to foot users, how did the existing treatment regime fit in? The Officer advised that for the next season the Council would be looking to review other routes, including the Green Wheel. Under the Transport Act the Council had a duty to keep maintaining routes or be liable to claims.
- Some residents had been clearing the footpaths around their homes but the advice given by the Council was to stop as they could be liable if someone had an accident if it had not been cleared properly.
- The new Neighbourhood Councils could give advice on budget priorities in this area. Officers would look to engage with them to identify the needs in their areas.

RECOMMENDATIONS

That it be recommended to the Executive that this Committee recognises the relative infrequency of the adverse weather conditions that were encountered in 2009 but requests that the inclusion of funding for an increased treatment programme for public footpaths be considered during the development of the Council Budget for 2010/11 alongside other budget pressures.

8. Biodiversity Strategy - Progress Report

The Wildlife Officer presented a report on the progress made against the actions and targets contained within the current Biodiversity Strategy. The existing Strategy was currently being reviewed and would shortly be brought to the Committee for consideration.

All progress on required actions within the last twelve months had been achieved from within the Council's existing budgets. Future ability to progress against the Strategy would be dependent on some changes to land management and maintaining existing resources where possible.

Observations and questions were raised around the following areas:

- The Council's departments had found the current Strategy very positive and were doing a lot of work in helping to deliver biodiversity within their services.
- There were some concerns that actions within the existing Strategy were focussing on fairly small areas of land and that larger areas should be identified for changes in their management regimes. The officer confirmed that trials on management regimes were underway and that the revised Strategy would look at a network of green spaces and habitats across the City.
- It appeared that there had been no fundamental changes in the management of parks.

RECOMMENDATIONS

- (i) That a further report be received at the next meeting of the Committee on the revised Biodiversity Strategy; and
- (ii) That the Cabinet Member and Lead Officer ensure that the revised draft should include more substantive proposals and fewer references to establishing trial sites.

The above recommendations are linked to NI197 (Improved biodiversity active management of local sites) which is in the Local Area Agreement under the priority of creating the UK's environment capital.

9. Members Waste and Recycling Task and Finish Group

In April 2009 the Environment Scrutiny Panel agreed to the establishment of a Members Waste and Recycling Task and Finish Group. Following the introduction of a new scrutiny structure at Annual Council, the Task and Finish Group now needed to be reconstituted reporting to the Environment Capital Scrutiny Committee.

ACTION AGREED

That the Members Waste and Recycling Task and Finish Group be reconstituted and that it reports to the Environment Capital Scrutiny Committee.

10. Forward Plan of Key Decisions

The latest version of the Forward Plan, showing details of the key decisions that the Leader of the Council believed the Cabinet or individual Cabinet Members would be making over the next four months, was received.

The only decision relevant to the remit of this Committee was in relation to the Review of Council Subsidised Bus Services.

ACTION AGREED

To consider the proposed decision on the Review of Council Subsidised Bus Services in September.

11. Work Programme

We considered the Work Programme for 2009/10.

Due to the change in date of the Cabinet meeting scheduled for September, the item on the Budget and Financial Strategy would now be considered in November.

ACTION AGREED

To confirm the work programme 2009/10.

12. Date of Next Meeting

Thursday 17 September 2009 at 7pm.

CHAIRMAN
7.00 - 9.10 pm