

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.30 pm on 17 April 2012

Present

Councillor William Huntington-Thresher (Chairman)
Councillor Ellie Harmer (Vice-Chairman)
Councillors Reg Adams, Kathy Bance, Julian Grainger,
Samaris Huntington-Thresher, David Jefferys, Nick Milner,
Ian F. Payne and Stephen Wells

Also Present

Councillor Colin Smith and Councillor Peter Fortune

79 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Subsequent to the meeting an apology was received from Councillor David Hastings.

80 DECLARATIONS OF INTEREST

Councillor Ellie Harmer declared a personal interest at item 8c as Chairman of the Leisure Gardens and Allotments Panel. Councillor Stephen Wells also declared a personal interest at item 8c by virtue of renting a plot at an allotment site in the borough.

81 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions to the Committee.

82 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 28TH FEBRUARY 2012

The minutes were agreed.

83 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

Five questions to the Portfolio Holder had been received for written reply. Details of the questions and replies are at **Appendix A**.

84 ENVIRONMENT PORTFOLIO - PREVIOUS DECISIONS

Members were provided with Decisions of the Portfolio Holder taken since the Committee's previous meeting on 28th February 2012.

85 ENVIRONMENT PORTFOLIO HOLDER PRESENTATION AND QUESTIONS

There was no presentation or discussion on this item.

86 PRE-DECISION SCRUTINY OF REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER

A) BUDGET MONITORING 2011/12

Report ES12060

Based on expenditure and activity levels to 31st January 2012, the controllable budget for the Environment Portfolio was projected to be underspent by £249k. The total Portfolio underspend was projected to be £273k.

Details were provided of the 2011/12 projected outturn with a forecast of projected spend for each division compared to the latest approved budget. Background to the variations was also outlined.

The Director agreed to advise Members of the actual Portfolio outturn as soon as possible.

RESOLVED that the Portfolio Holder be recommended to endorse the latest 2011/12 budget projection for the Environment Portfolio.

B) CHISLEHURST AND ST PAULS CRAY COMMONS CONSERVATORS - NOMINATIONS FOR ELECTION AND ANNUAL REPORT

Report ES12058

Approval was sought to the re-appointment of four nominees to the Board of the Chislehurst and St Paul's Cray Commons Conservators for the three-year period to 31st March 2015.

There was also a vacancy caused by a mid-term resignation of a member from the Board. Given the current lack of additional nominations it was suggested that the Board of Conservators be given authority to appoint a suitable new member in due course, should a volunteer with the necessary

skills and attributes present themselves. This would need to be ratified via the next annual nominations report during 2013.

The Conservators Annual Report for 2011 was also provided.

In supporting the recommendations and noting an annual expenditure in excess of £100k by the Conservators, the Chairman highlighted the value for money in providing an annual grant of £36,310 to the Conservators over a five year period.

RESOLVED that the Portfolio Holder be recommended to:

(1) note and approve the retirements and requests for re-standings as set out at paragraph 3.3 of Report ES12058;

(2) record the vacancy that exists and authorise the Chislehurst and St Pauls Cray Commons Conservators to appoint as and when a suitable candidate volunteers - reporting such details via the next nomination report in 2013; and

(3) receive and note the Conservators Annual Report for 2011 (Appendix A to Report ES12058).

C) ALLOTMENTS - STATUS CHANGE OF TEMPORARY SITES

Report ES12063

The Leisure Gardens and Allotments Panel had formally requested that the status of a number of existing 'Temporary' allotment sites be confirmed as 'Statutory', given their significant permanency and longstanding.

The Bromley Allotments and Leisure Gardens Federation (BALGF) had established that all of the sites still listed as "Temporary" had been in active use for considerably more than 25 years.

A summary of the sites listed as "Temporary" was provided along with statements on each one. The four rented sites at Bull Lane, Holy Trinity, Hook Farm and Pine Walk were not included at this stage as they are on land not owned by the Authority. Jubilee Allotments are restricted in their availability and are also excluded. Of nine remaining, all had been in continuous use for over 25 years.

In discussion it was indicated that officers should approach the private landlords of the four rented sites to establish whether they were prepared for the sites to be made permanent. Councillor Ellie Harmer expressed her support for the recommendation.

RESOLVED that the Environment Portfolio Holder be recommended to approve the status of the following nine sites from 'temporary' to 'statutory':

Adams Road; Beckenham Lane; Chelsfield; Halls Farm; Hillcrest; Kingshall Road (Alders); Harvington; Tugmutton and Wickham Road.

D) PROPOSAL FOR PROVISION OF ENFORCEMENT SERVICES

Report ES12066

Members considered a proposal for an external agency to provide an enforcement service for the serving of fixed penalty notices (FPNs) for offences related to littering and dog fouling.

Since April 2007 the Metropolitan Police, through their PCSOs, had been operating in partnership with Council officers to serve FPNs. The Council had received a proposal from XFOR Local Authority Support Ltd. (XFOR) to provide an enforcement service for the serving of FPNs to offenders who drop litter or allow their dogs to defecate in public places. The uniformed enforcement officers would also be able to advise and educate the public in relation to environmental awareness. XFOR currently provided a similar service for Enfield Council.

LBB's existing policy on FPNs for litter and dog fouling offences had a provision for discounting the fine for early payment as recommended by London Councils. However, the proposed scheme would not break even at Bromley if the discounted rate was available. It was recommended that, as with the Enfield model, the fine level be £80 with no reduction for early payment. Accordingly, LBB's policy would need amending to remove the discount option for early payment.

If the proposal was approved, XFOR would submit a formal proposal and draft Service Level Agreement. A trial period of six months was proposed, starting 1 June 2012, to enable both parties to determine the effects and suitability of the service. XFOR would provide one team leader and four patrolling enforcement officers operating for 40 hours per week, Monday to Saturday between 8.00am and 6.00pm, with any other days, hours or special projects by agreement. XFOR's fees for providing this service would be £45 + VAT for each FPN issued.

The estimated income to XFOR would be over £100K and, as such, the Council would normally expect to obtain competitive tenders to ensure VFM. Anecdotal evidence suggested there were few if any other private sector providers for this type of service. Under CPR 13.1, with the support of the Director of Resources and the Finance Director, the Portfolio Holder may agree to waive this requirement. In light of the limited trial nature of the service, the information of the effectiveness of XFOR received from LB

Enfield, and the limited market, officers considered it reasonable to accept XFOR's proposal solely for a six month trial.

In discussion there were a number of comments. Councillor Julian Grainger commented that teenagers were a major contributor to litter. Noting that a letter can be sent to the parents or guardian of an under age person advising of an offence (instead of an FPN which is not normally issued to persons under 18 years of age), he enquired of the process for sending the letter.

Members were advised that it was possible to issue a FPN to persons under 18 years of age but there were complications with the mechanism to recoup the penalty cost payable. The Head of Street Environment referred to assessing outcomes from the six month trial including feedback on matters such as juvenile related enforcement. Councillor Ian Payne felt that letters were effective e.g. a letter to a young person's school.

Councillor Reg Adams suggested that under 18s were mostly responsible for littering. However, he was not in support of criminalising young people and he asked what action could be taken if a young person refrained from providing full details. Members were advised that if the police were not available it would not be possible to secure such details. The Director indicated that the police would look to support with names and addresses where possible and that enforcement officers would also be wearing video cameras to record the interaction with the alleged offender.

With a charge by XFOR of £45 plus VAT for each FPN issued, Councillor Samaris Huntington-Thresher asked whether the Council would be liable for the fee if a reliable name and address had not been achieved. In response, it was indicated that efforts would be made wherever possible to obtain the details.

With the exception of dog fouling, Councillor Grainger was concerned about removing the early payment discount and saw public relations pitfalls in such an approach. He also questioned whether the discarding of an apple core into the undergrowth could be regarded as littering. Councillor Payne viewed an apple core as litter and enquired whether there was a need to invite the Chief Executive of Keep Britain Tidy to speak to the Committee.

Responding to a question from Councillor Payne, the Head of Street Environment referred to enforcement with Street Litter Control Notices. The Chairman referred to working more closely with Town Centre Managers (and the monitoring of this). In response to concerns from Councillor Grainger, it was explained that legislation enabled the issue of Street Litter Control Notices to enforce against businesses not acting responsibly towards litter generated from their premises.

The Portfolio Holder referred to links with the Renewal and Recreation and Public Protection and Safety Portfolios and commented that people who litter should be looking at some form of admonishment. There was a debate concerning enforcement related to under 18s and it was necessary to look

carefully at this - the Portfolio Holder did not want to see young people criminalised. He felt that most would applaud the proposed trial and he was keen to take it forward.

Councillor Samaris Huntington-Thresher felt that the trial should identify the offence for which each FPN had been issued. She also felt that the number of letters sent out/number of under 18s committing an offence should be registered. If cigarette littering had emanated from a moving vehicle, she asked whether it was possible to capture the registration mark of the vehicle – she asked how it was possible to effect enforcement in such circumstances. It was indicated to Members that at present it was necessary to identify the individual committing an offence; however, future legislation was planned whereby it would be possible to fine the owner of the vehicle.

Councillor Grainger referred to the extent of littering and evasion from penalty. He felt that a £20/£30 fine would be more proportionate, indicating that more offenders would be more likely to pay the fine. He also sought an increase in the level of fines for dog fouling. Members were advised that the current level of fines across London for dog fouling had been set by legislation; the maximum penalty through the court process was £1,000, whereas for a FPN the fine was £80 and reduced to £50 if paid within 10 days.

Responding to a question from Councillor Adams concerning geographical coverage of the trial, the Director confirmed that it would be borough wide. There would be discussions on where to deploy XFOR staff and no reason why there should not be debate with ward Councillors on this.

The Chairman enquired about reviewing the success of the scheme and whether it was then intended to progress to a formal competitive tender process. The Director indicated that the intention was to review the scheme after six months trial - the Chairman's preference being for an early review to avoid either a hiatus or an extension to a contract which hadn't been competed, if it was desired to continue the active enforcement of littering offences.

RESOLVED that the Portfolio Holder be recommended to:

- (1) note the proposal offered by an external agency for the provision of certain enforcement services;**
- (2) waive the requirement for competitive tendering under CPR 13.1 and agree to enter into a six-month trial period with XFOR for the issuing of FPNs, starting 1st June 2012 (or as soon as possible thereafter), to determine the suitability and effects of the services being offered; and**
- (3) remove the early payment discount presently offered to those issued with FPNs to make the proposed service more financially viable.**

**E) BRITTENDEN PARADE GREEN STREET GREEN - OPTIONS
FOR MAKING UP FOR ADOPTION AS HIGHWAY
MAINTAINABLE AT PUBLIC EXPENSE**

Report ES12051

Optional schemes, with costs, were set out for the improvement of the footway or footway and carriageway in Brittenden Parade, Green Street Green. Brittenden Parade is an unadopted road, running off Glentrammon Road, near its junction with and parallel to Sevenoaks Road.

It was intended that the approved scheme would be funded by monies associated with the Local Improvement Plan (LIP) budget and be taken forward under the provisions of the Private Street Works Code contained in the Highways Act 1980 and by subsequently adopting the works as highway maintainable at public expense.

Details of the scheme options were outlined in Report ES12051 and the Portfolio Holder was asked to decide whether any of the schemes should be used as the basis for carrying out a referendum of the owners and occupiers of the retail and residential units in Brittenden Parade.

In discussion, Councillor Grainger indicated a preference for Scheme C but had doubts on the necessity for a further street light. He felt the scheme should not be financed by Council taxpayers and suggested exploring ways of raising funds to put some leverage on land owners and occupiers.

Councillor Samaris Huntington-Thresher referred to the site being well used by shoppers and tenants and expressed a preference for Scheme C. She felt that options expressed in a referendum should be recorded against those making them e.g. shopkeeper, resident.

Before holding a referendum, Councillor Payne suggested that businesses in the parade should be approached for a financial contribution towards the works. Councillor Wells indicated that the freeholder of the land should ensure the road is kept in order and that the freeholder be spoken to and not the occupiers; a sole landowner, he suggested, would be responsible for making up the curtilage of the road and felt that the freeholder(s) should be asked to provide for improvements. The Assistant Director (Transport & Highways) indicated that the current proposal was for any scheme to be funded by monies associated with the Local Improvement Plan (LIP) given the potential public benefit. The Portfolio Holder favoured Scheme C; the making up was managing for public use and for footfall. Councillor Samaris Huntington-Thresher also indicated that the road is used for parking for shops rather than for private purposes. She suggested talking to the landowner(s) first before the frontagers and that clarity was needed on the steps to take; it was necessary to be clear on what was trying to be achieved and the steps for this.

On adoption, Councillor Wells indicated that the general public would be able to park on the road. He highlighted his view that it was the freeholder(s) who needed to be consulted first.

In conclusion, it was recommended that Option C be moved forward and the process begin by having discussions with the landowner(s); if the landowner(s) were to agree any financial contribution, this should be reported back.

RESOLVED that the Portfolio Holder be recommended to agree that:

(1) Scheme C be used as a basis for moving forward – initially by consulting the landowner(s) before carrying out any later referendum of the owners and occupiers of the retail and residential units situated in Brittenden Parade; and

(2) should a referendum subsequently take place, a further report be provided detailing its results and, if appropriate, seeking a First Resolution under s.205(1) of the Highways Act 1980 for the implementation of the agreed scheme under the provisions of the Private Street Works Code contained in that Act.

F) PARKING APPEALS POLICY

Report ES12062

Members considered a report seeking endorsement of the guidance given to officers when considering appeals made against parking Penalty Charge Notices. Internal Audit had advised that Member endorsement of the guidelines would demonstrate good practice.

In discussion, Councillor Grainger had a number of comments and questions on the guidance, “*Outline Guidance on Waiving Penalty Charge Notices*” including those summarised below.

- Where reference is made to “*consideration will be given to waiving*”, Councillor Grainger asked whether that indicated that waiving is exceptional or more likely to happen.
- Councillor Grainger referred to a five minute discretion for one circumstance (Policy 24 - motorist returning to their vehicle as the PCN has been or is being issued) but highlighted that a similar five minute discretion is not recorded elsewhere in the document for other situations.
- At Policy 8, there were a number of wards with roads having a one hour commuter parking restriction in the day and to take account of this further discretion was needed for health care workers having to park during the restriction.

- For Policy 10 and noting that the collection of shopping was not permitted under the policy, Councillor Grainger sought a definition of shopping (which could include heavy and bulky items). He also indicated that some car drivers had been penalised for using a loading bay while collecting a large item.
- Concerning Policy 12 and specifically Asthmatic conditions, Councillor Grainger highlighted that Asthmatic attacks can be surprise attacks triggered by a number of allergens.

In response to the points raised, it was indicated to Members that each case should be taken on its merits - taking into account all relevant considerations - and it was necessary to ensure that the authority's discretion is not fettered.

For a person suffering an asthma attack in a car it was hoped that assistance would be provided and discretion used in the circumstances. Similarly, if it was necessary for a motorist to leave a vehicle to use an inhaler, discretion would also be expected. (Note: having the condition of asthma would not of itself be sufficient grounds to prevent the issue or waiving of a PCN).

If a healthcare worker was not displaying a permit and attending an emergency, a PCN could be waived if the health care agency provided evidence to such effect.

For the purpose of loading/unloading at a parking restricted location, a period of three minutes was generally observed. Specific loading bays were provided for use by goods vehicles in the loading/unloading of heavy/bulky goods. There was also a separate category of bay for use by cars although it was generally acceptable for cars/estate vehicles to use all loading bays provided there was need to load/unload heavy/bulky goods and it was difficult to stop for up to three minutes elsewhere. However, for the purposes of shopping, motorists were not permitted to park their vehicles in the bays; instead motorists were encouraged to park at a suitable pay and display bay for the purposes of visiting a shop and then bring their vehicle outside of the shop for up to three minutes to load purchases.

Examples of evidence for considering mitigating circumstances were also outlined e.g. repair receipts for a broken down vehicle and a faulty fuel gauge/incorrect reading when a vehicle no longer had fuel.

Councillor Jefferys suggested that the document be reviewed for clarity of language. For Policy 12 he referred to an individual having a chronic condition. Accepting that a chronic condition in itself was not a cause to waive a PCN, he nevertheless suggested the inclusion of specific conditions which could be considered for discretionary purposes. This would avoid any confusion – for example, rather than indicate that a PCN would not be waived for the Diabetic condition, diabetic agencies could be consulted on specific aspects of the condition which are acute and could therefore be considered for discretionary purposes. Councillor Jefferys also offered to provide further advice in view of his professional background.

Councillor Reg Adams welcomed the Guidance and to the document being available in the public domain, albeit there could be a risk of providing suggestions for avoiding FPNs.

Responding to a question from Councillor Samaris Huntington-Thresher, the Head of Parking Services confirmed that a Traffic Warden can stop issuing a PCN (e.g. on return of the motorist) but when the print button had been pressed and Notice produced, the Notice could not be retracted. The Warden could however make a note of any circumstances in his/her pocket book.

Referring to Policy 17b, Councillor Grainger hoped that a Traffic Warden would be sympathetic where he/she had observed a motorist leave a parked vehicle and return with change to purchase a parking ticket. Concerning Policy 17d and waiving a PCN for failing to display a Pay and Display ticket where an original or valid copy had been bought before PCN issue, Councillor Grainger asked why such a waiving was limited to the first occasion in a 12 month period. He felt there were a number of reasons why a ticket could come away from the widescreen or dashboard.

On Policy 17b, Members were advised that a Traffic Warden would provide three minutes observation time and a small amount of preparation time to photograph the vehicle and print a PCN. It was hoped that this would provide sufficient time for the motorist to obtain change. For Policy 17d, a hard line had traditionally been taken on failure to display, but for those who were genuine and had produced satisfactory evidence of purchasing a ticket, a more sympathetic approach could now be taken. However, there was still a need to provide a clear incentive for tickets to be properly displayed. Councillor Wells provided compliments on the arrangements for making parking payment by mobile phone.

RESOLVED that the Environment Portfolio Holder be recommended to:

(1) note the outline guidance set out in the Appendix to Report ES12062 for appeals against Penalty Charge Notices; and

(2) endorse the contents therein.

G) ENVIRONMENT PORTFOLIO PLAN 2012/15

Report ES12042

Members considered the draft Environment Portfolio Plan for 2012/15 (less year-end performance data for 2011/12 which was unavailable at the time of drafting).

After Portfolio Holder agreement, it was intended to present the Portfolio Plan to the Committee's next meeting to facilitate:

- accountability for the achievement of 2011/12 milestones and performance expectations;
- understanding of the Portfolio's objectives for 2012/15; and
- setting milestones and local performance expectations for 2012/15.

In discussion, Members made a number of points on the draft Plan including those summarised below.

- For Outcome 2, it would be helpful to see tonnages alongside the percentage figures and a total tonnage of waste for each year (i.e. material for landfill/recycle/compost); even if 60% of a further thousand tonnes of waste was recycled across the borough, it would still indicate an extra 400 tonnes of waste to landfill.
- For Outcome 1, an explanation was sought on the meaning of detritus.
- Concerning Outcome 4 and the Performance Indicator (PI) on *Condition of Principal Roads (NI 168)*, details were sought of the length or area of roads in addition to actual and target percentages.
- At page 14 of the Plan it was questioned whether most or all of the aspirations were necessary, as they could be insufficiently precise to merit inclusion.
- It was questioned whether actual data should be provided for two previous years rather than one in order to identify a trend and help assess the merit of the targets.
- At the third paragraph of page 4, reference was made to *“implement a parking scheme around Beckenham Town Centre”*. It was suggested that this be taken forward in consultation with the Beckenham and West Wickham Town Centres Working Group commissioned by the Renewal and Recreation PDS Committee. Reference was also made to the Portfolio Holder's Decision on 16th March related to the Beckenham Parking Review and in relation to the six month review of the CPZ (which would include consideration of any need for a Beckenham Business Parking Permit), it was suggested that the Beckenham Business Association be consulted. Additionally, it was indicated that the Beckenham and West Wickham Working Group were aware of the six month review and it was hoped to take a more holistic approach to Beckenham parking. Reference was made to future work by consultants and a wish that no exercise be taken forward outside of work by the consultants.
- Related to Outcome 4 and *“Commence a new street lighting programme to replace 8,000 old lamp columns during 2012/14”*, a viewpoint made favoured the replacement on a one for one basis rather than whole road.

- Concerning the implementation of effective Travel Plans at Outcome 5, reference was made to carrying out a survey before and after to assess the effectiveness of a Plan.
- With reference to Outcome 6 and the PI on “*Adaption to a changing climate (level of preparedness – former NI 188)*” clarification was sought on what was meant by preparedness. It was also suggested that the cost benefit of action to prepare for the impact of a changing climate be highlighted.
- For Outcome 1 and noting a target for future years of less than 2500 illegal fly-tipping incidents, clarification was sought on whether there might be a long term trend (towards higher numbers) rather than maintenance of a static lower target for future years.

Responses - including those summarised below - were provided to a number of the Member comments.

It was confirmed that the Beckenham and West Wickham Town Centres Working Party would be consulted on any changes to parking at Beckenham Town Centre.

Concerning standards of highway maintenance in light of the budget position, the aim was to hold to standards achieved for services such as highway and footway maintenance.

On adaption to a changing climate, there were national definitions used in addressing issues resulting from a changing climate; where possible, officers tried to keep terminology related to carbon/CO2 in tune with the borough’s policy framework.

Concerning Travel Plans and travel to school, there had been previous discussions at Committee on the matter and the Assistant Director (Customer and Support Services) felt that there was little he could add to discussions already held.

For illegal fly-tipping, Members were reminded that for 2010/11, data was poorly recorded and there was an inflated figure. The measurement issue had since been addressed.

For waste minimisation and recycling, tonnage details in the form of residual household waste (kg per household) were included at Outcome 2 of the Plan. More information could be inserted if desired, and it was suggested that Members advise the Portfolio Holder in this regard.

Concerning an explanation of “*detritus*” and given the nature of the borough, it could be expected that this would be more of a challenge for Bromley than some other boroughs. It was felt that the target of street cleanliness related to detritus was a reasonable expectation set by Members.

Concerning the PI related to the condition of Principal Roads, it was indicated that the Portfolio Plan was not a document for including factual information such as the length or area of roads.

Concerning the section at page 2 of the Plan entitled “*Enhancing Parks and Green Spaces*”, Councillor Samaris Huntington-Thresher felt that in addition to referring to Park Friends, the text should be enhanced to refer to support provided for community facilities generally such as swings and playgrounds and the way that Friends access grant funding.

The Committee endorsed the current approach to the drafting of the Portfolio Plan and its level of detail.

RESOLVED that the Environment Portfolio Holder be recommended to:

- (1) endorse the aims and outcomes proposed in the attached draft Portfolio Plan, taking into consideration the agreed budget for 2012/13;**
- (2) receive a further report in July 2012 setting out specific performance expectations for the Environment Portfolio in 2012/15; and**
- (3) take account of comments made in discussion when taking forward (1) and (2) above.**

87 MINOR TRAFFIC/PARKING SCHEME REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER

A) PRIVATE STREET WORKS - RAVENSBOURNE AVENUE - REVISED SECOND RESOLUTION

Report ES12059

To enable the unadopted section of Ravensbourne Avenue to be made-up and adopted as a highway maintainable at the public expense, with the addition of surface water drainage, a revised second Resolution of Approval under the Private Street Works Code was sought.

RESOLVED that the Portfolio Holder be recommended to:

- (1) approve without modification the revised specification with drainage design, as detailed in plan No. 11068-01, sections, estimate and provisional apportionment, replacing the previous documents approved by the Portfolio Holder on 1st March 2011; and**
- (2) resolve that the Council bears the whole of the cost of the street works, which will be met from funding provided by Transport for London, under the provisions of s. 236(1) of the Highways Act 1980.**

88 ENVIRONMENT DEVELOPMENT ANNUAL REVIEW: 2011/12

Report ES12026

Members considered an annual report informing the Committee on environmental development progress during 2011/12, reflecting a continuing emphasis on integrating environmental management with the Council's efficiency agenda.

Highlights of the 2011/12 report included:

- successfully reporting Carbon Reduction Commitment Footprint and Annual Reports;
- decreasing operational carbon emissions by 14.0% (2010/11 compared with 2006/07);
- avoiding £220k of revenue spend through Carbon Management Programme activity at the Civic Centre and on Street Lighting;
- delivering innovative energy efficiency projects through the Carbon Management Fund;
- developing the Environmental Champions Network, to further green the workplace;
- celebrating residents' achievements at Bromley's Environment Awards (BEAs) 2011 and preparing for BEAs 2012;
- contributing to the Bromley Sustainable Schools Forum;
- working with partner organisations in Bromley's Environment Partnership; and
- avoiding some 55,000 tonnes of waste and £3m unnecessary revenue costs through waste minimisation activity since 1995.

Concerning replacement of the ageing Walnuts' District Heating System and data on estimated cost, annual avoided spend and carbon saving associated with replacement technologies (Table 5 of Report ES12026), Councillor Grainger commented that condensing boilers had a shorter life span than conventional boilers and he suggested factoring in a replacement boiler after 7/8 years. The Environment Development Manager referred to the type of boiler for consideration being of an industrial type which differed from domestic boilers.

In a scenario of investment in renewable technology, Councillor Grainger asked whether CRC tax payment would be necessary on the emissions associated with the renewable electricity for which subsidies had been received. The Environment Development Manager indicated that this was the case.

Councillor Kathy Bance enquired whether there was an increased use of real nappies. In response, the Environment Development Manager indicated that Bromley was good on this and their use was good for parents financially as well as for the environment.

Councillor Adams indicated that there was a body of evidence concerning CO₂ and climate change and he highlighted that domestic emissions in the borough were 2.3t per capita, with Bromley having the highest domestic emissions of all London Boroughs. The Environment Development Manager referred to most of the emissions coming from housing stock in the borough, a significant amount of which was pre-war, with a number of detached and semi-detached properties having no cavity walls which could be insulated. He referred to the Government's Green Deal which could help towards an insulation solution for properties with solid walls.

Councillor Jefferys enquired whether Report ES12026 could be made more widely available. The Chairman sought to promote its measures and initiatives which would enable the Council to reduce its environmental tax liabilities. He felt that the largest financial saving was through reduced energy use.

Councillor Samaris Huntington-Thresher offered thanks for her previous comments related to presentation being taken on board in the report. Referring to a forecast of LB Bromley CRC Emissions (Table 1 of Report ES12026), she asked why it was the case that CO₂ tonnage from Operational Property was forecast to reduce in future years but that CO₂ tonnage for maintained and academy schools was forecast to rise. Members were advised that school heating costs were largely fixed but with increased technology usage at schools, their emissions were expected to increase.

Concerning CMP Progress from baseline (2006/07) to date for Council, Schools and Mytime buildings (Table 3 of Report ES12026), the Chairman asked why there had been more of a reduction in emissions related to Mytime (-30%) and Schools buildings (-16%) compared to Council buildings (-9%). The Environment Development Manager indicated that some schools had been able to make changes faster (more opportunities to improve, especially those schools with older buildings and inefficient equipment). The Council had already undertaken this so it was easier to work from a higher rather than lower base. Between 2009 and 2011 there was also interest in where the Civic Centre site might be located for the future and so investment had been delayed. Additionally, Council data was better than school's data, some of which was estimated.

The Chairman thanked the Environment Development Manager for his answers.

RESOLVED that the report be noted.

89 FORWARD WORK PROGRAMME, MATTERS ARISING FROM PREVIOUS MEETINGS, AND CONTRACTS REGISTER

Report ES12056

In considering the Committee's future work programme, the Chairman highlighted that there would be five scheduled meetings of the Committee for

2012/13, but if it was necessary to convene extra meetings, this would be possible.

RESOLVED that:

- (1) the draft work programme for 2012/13 be agreed;**
- (2) progress related to previous Committee requests be noted; and**
- (3) a summary of contracts related to the Environment Portfolio be noted.**

90 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

91 SUITABILITY AND USE OF TFL'S FRAMEWORK FOR ENGINEERING CONSULTANCY SERVICES TO SUPPORT IN-HOUSE AND PARTNERSHIP WORKING - UPDATE

Report ES12064

Members considered a progress update in respect of the use of Transport for London's Framework Contract – this following a trial period of use.

APPENDIX A

QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR WRITTEN REPLY

Questions from Mr Karl-Heinz Richter

1. In the absence of appointing the Asset Transfer Unit in considering the transfer of Crystal Palace Park to an independent body, could (a) Bromley Council please confirm if they are getting separate advice from an alternative to the Asset Transfer Unit regarding this potential asset transfer, and (b) could Bromley Council please confirm how they can demonstrate that they are following national best practice with regards to this potential asset transfer (which normally first includes the formulation of a Borough-wide Asset Transfer Policy) ?

Reply

a) The Council as yet has not engaged support from the Asset Transfer Unit or any other alternative Asset Transfer Unit organisation in relation to Crystal Palace Park.

b) The council is committed to best practice as demonstrated and outlined in a published committee report on the Future Governance of Crystal Palace Park, approved by the Council's Executive on the 19th October 2011.

As a result of this approval, the Council has established a temporary Crystal Palace Park Management Board with comprehensive representation from the local community, neighbouring boroughs and organisations with wide-ranging expertise in green space management and governance.

The London Development Agency's Masterplan for the Park is subject to a judicial review with a decision to be announced shortly. When the outcome is known, the Council will be in a better position to move forward on governance options for, and the future management of Crystal Palace Park.

2. In the context of the new Localism Act (15 November 2011) that enshrines legislation for how to shift power back into the hands of individuals, communities and councils, could Bromley Council please confirm if and from whom they are getting specific advice and guidance on the Localism Act, to be fully informed about the opportunities that it provides for us (both the community and local authority), and how we can take full advantage of this new legislation so that the Crystal Palace Park can be an exemplar of community-LA partnership?

Reply

The Council has a range of expertise within its legal and property departments with officers who have the necessary skills and knowledge to advise on all aspects of Local Government legislation. The Council routinely seeks external advice when required and will adopt this approach should it be deemed necessary with regard to any questions or uncertainties arising from the Act you refer to.

Questions from Mr Colin Willetts

1. Could the Portfolio Holder tell us if the Council intends to replace our outgoing Highways Inspector (Cray Valley West) like for like, if yes, could you tell us when exactly?

Reply

A new Highways Inspector covering Cray Valley West Ward commenced work on 2nd April.

2. Following B.T. board trench works along frontage verges outside 277- 289 Chipperfield Road, would the Portfolio Holder see to it that the grass is reinstated/reseeded back to its original condition (without rubble) and broken concrete edgings adjacent vehicle crossovers are replaced as well?

Reply

A defect has been raised against BT for the quality of their reinstatement works in Chipperfield Road, and the remedial works will be monitored to ensure they meet the required specification.

3. With regard to the recycling paper banks in Cotmandene Crescent car park, other than the large amount of flytipping build up of insitu obstructions 6/4/12 which require regular daily inspection and removal when necessary, would the Portfolio Holder in the first instance re-position paper banks to face outwards (rather than sideways) and in the second instance renew the battered/faded ones which have now become an 'eyesore' to residents living opposite?

Reply

The Waste Team are currently reviewing options for improving the visual aspect and operation of our stock of recycling banks Boroughwide and this request, as previously raised by Cllr John Ince, will be explored shortly as part of that process.

The Meeting ended at 9.56 pm

Chairman