

## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.30 pm on 15 March 2016

### **Present**

Councillor William Huntington-Thresher (Chairman)  
Councillor Sarah Phillips (Vice-Chairman)  
Councillors Kevin Brooks, Simon Fawthrop,  
Samaris Huntington-Thresher, Angela Page and  
Melanie Stevens

### **Also Present**

Councillor Colin Smith and Councillor Lydia Buttinger

#### **103 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillors David Jefferys, Terence Nathan, Chris Pierce and Catherine Rideout. Cllr Simon Fawthrop attended as alternate for Cllr Chris Pierce.

#### **104 DECLARATIONS OF INTEREST**

There were no declarations.

#### **105 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were no questions to the Committee.

#### **106 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 2ND FEBRUARY 2016**

The minutes were agreed.

#### **107 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

Two questions were received for oral reply along with two questions for written reply. Details of the questions and replies are at **Appendix A**.

#### **108 PRE-DECISION SCRUTINY OF REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER**

##### **A) BUDGET MONITORING 2015/16**

**Report FSD15021**

Based on expenditure and activity levels to 31st December 2015, the latest budget monitoring position for the Environment Portfolio 2015/16 showed an under-spend of £172k, with the controllable budget projected to be underspent by £139k at year-end.

Details were provided of the projected outturn with a forecast of projected spend against each relevant Environmental Services Division compared to the latest approved budget. Background to variations was also outlined.

**RESOLVED that the Environment Portfolio Holder be recommended to endorse the latest 2015/16 budget projection for the Environment Portfolio.**

**B) ARBORICULTURAL STRATEGY/TREE PLANTING AND MAINTENANCE INITIATIVE**

**Report ES16015**

Members considered the L B Bromley Tree Strategy for the next four years setting out responsibilities for tree owners (public and private), benefits of trees to the borough, and best arboriculture practice. Prepared in response to National, Regional and Local policy frameworks, the Strategy also considers the benefits of maintaining trees, reviews the existing Policy framework and examines the Borough context including ownership of Bromley's trees.

The Strategy would be monitored by completing actions and achieving performance measures, the Council's Trees and Woodland Team reporting annually on key performance indicators and any notable issues.

Of the £750k approved by Council on 22nd February 2016 for Member initiatives, Report ES16015 proposed that £250k be delegated to the Executive Director, Environment and Community Services for additional tree maintenance, new tree planting, and enhancing woodland.

In discussion a number of points were raised.

Clarification was sought on whether trees within the grounds of academy schools should be treated as trees on private land and where appropriate protected through Tree Preservation Orders (TPOs). The Chairman suggested having a clearer definition of a safe tree with respect to storm severity (e.g. a 1 in 30 year storm event) as it would highlight to residents that trees would always be susceptible to damage if the weather was sufficiently severe. In regard to pruning and safety surveys it was highlighted that trees would be re-inspected following a storm. A definition of a low risk tree and criteria could also be provided in the Strategy.

A brief summary was also provided on the position with Ash Dieback in the borough. The position was anticipated to get worse before any improvement. According to the Forestry Commission, the problem was particularly prevalent

in the east of the borough including the St Mary Cray area. The Forestry Commission would deliver a new round of treatment and can provide further information.

If approved, it would be necessary for the Planning Department to comply with the Strategy.

Surveying TPOs and reviewing and updating them for electronic recording could take several years to implement. Interested parties would know before TPOs are revoked and Ward Members would be amongst interested parties to be informed. New TPO criteria would be reported to Members, the criteria for trees worthy of protection having not previously changed.

A Member suggested that TPOs need to be (consistently) enforced. It seemed too easy for developers and residents to remove a tree and plant another in an alternative location; a monetary sanction was necessary, not simply a new tree planting. Although some money could be obtained through the Capital Asset value scheme for trees which needed to go to Planning, compensation was sometimes not possible with planting a few saplings. The Chairman suggested a recommendation to the Portfolio Holder encouraging Planning to enforce TPO defaults.

It was intended to seek a meeting with Government sources to lobby for a change in legislation so that the onus would be on a resident/developer to prove that a tree had not been removed wilfully. It was suggested that rare trees should be automatically protected by a TPO. The Chairman suggested including a new recommendation to reflect this with the Portfolio Holder writing to Government for increased powers to enable the Council to protect trees in the borough.

**RESOLVED that the Portfolio Holder be recommended to:**

**(1) adopt the Arboriculture Strategy and Policies outlined therein and in Report ES16015;**

**(2) delegate authority to the Executive Director for Environment and Community Services, in consultation with the Portfolio Holder for the Environment, to draw-down the £250k earmarked reserve as required for enhancing the environment through maintenance of trees and the replacement of those that have been lost;**

**(3) encourage the Planning Department to enforce TPO defaults; and**

**(4) support a meeting with Government sources to lobby for a change to legislation so that the onus lay with the resident/developer to prove that a tree has not been taken down wilfully and that rare trees are automatically protected by a TPO with representations made to Government for increased powers enabling the Council to provide greater protection for trees in the borough.**

## **C) ENVIROCRIME / FLY-TIPPING ACTION INITIATIVE**

### **Report ES16017**

Following Council approval on 22nd February for £750k to be set aside as one-off funding for Member Initiatives, Report ES16017 sought approval to use £250k of the sum for action against fly-tipping and enviro-crime, the report also outlining proposed work in this regard.

Fly-tipping incidents in the borough had increased in recent years and an Officer Working Group, established last November, created an action plan to co-ordinate the Council's response to the problem. Going forward, the plan would use the £250k sum to build on existing projects and initiatives overseen by the Working Group.

The following approach was outlined:

- installation of street furniture such as height barriers and width restrictors at known hotspots;
- enforcement activities such as joint Police operations and greater use of CCTV and other technologies; and
- a communications campaign.

Although having no enforcement/prosecutions target, it was intended to prosecute where evidence existed of fly-tipping/enviro-crime and to emphasise the responsibility of individuals for their waste. Officers sought to raise the public's awareness of enforcement in the borough and a joint enforcement operation with the Metropolitan Police had been undertaken on 9<sup>th</sup> March. Over a three hour period 26 vehicles were stopped; if waste was carried, checks were made for necessary documents such as a waste carrier notice. It was intended to conduct similar operations in the next few months. As well as liaising with conventional local media (in reporting enforcement outcomes), social media could also aid deterrence.

It was confirmed that a waste carriers notice would be necessary to carry garden waste to private land as part of a business. It was also suggested that resident associations might be able to help in regard to width restrictions at fly-tipping/enviro-crime hotspots. It was confirmed that officers were looking at roads where the installation of width restrictors might be an option.

**RESOLVED that the Portfolio Holder be recommended to:**

**(1) approve the general aims set out in Report ES16017 to take further action in combatting enviro-crime; and**

**(2) delegate authority to the Executive Director for Environmental and Community Services to draw down the earmarked reserve as required to**

**take the action outlined in Report ES16017 in discussion with the Portfolio Holder.**

## **109 PARTNER SCRUTINY - WASTE MANAGEMENT CONTRACT**

### **Report ES16016**

Members reviewed the performance of Waste Management, covering the collection of all Municipal Waste (refuse & recycling) and its subsequent disposal.

The Regional Manager of the Council's Waste Management contractor, Veolia Environmental Services, was in attendance for the item along with Veolia's Contract Manager for the L B Bromley contract.

In a wide-ranging discussion on Veolia's performance a number of points were discussed with key considerations included in the summary below.

- To help prevent spillage of material between collection and deposit in vehicles, crews are taught about tidying up with supervisors liaising with collection crews – failure to deliver required standards would be considered a disciplinary matter.
- Plastics can be blown on to the highway in windy conditions and Veolia were prepared to look at introducing specific training for the problem if necessary.
- Bring banks sometimes get full with material left around the banks. Veolia's Environment Manager would look further at the problem - if necessary collection schedules would change. It was suggested that it should not be solely for residents to report such problems.
- With bottles/cans/plastics collected every two weeks, a Member noted that a number of bottles were left at bring banks over Christmas. Members were advised that collections had doubled prior to the holiday. Two vehicles are allocated to lift the bring banks and Christmas is a busy period for Veolia. Dust carts had also been used to clear material left.
- It was not possible to take forward a suggestion that collection crews also visit a local bring bank, at least to report whether or not the bank was full. Veolia collection rounds and crews were maximised. Bring banks had been assessed for low usage and through the Environment Manger and new neighbourhood officers it would be possible to empty the banks sooner with an amendment to the Waste Management contract. The new neighbourhood approach would help to remove any silo approach with services.
- The neighbourhood officers would be desk based for 30% of their time and operational outside in remaining time. More technical solutions would be introduced in the field from 1<sup>st</sup> April in the new programme. An officer would cover two wards with one working day out of five given to waste activity (other activities would include monitoring of street cleaning).

- To promote the Green Garden Waste (GGW) collection service as widely as possible, advertising in a variety of local magazines and at gardening outlets was being explored. The sides of recycling vehicles would also be used along with promotion in *Environment Matters*.
- It might be possible in the future for residents to report that a GGW collection was not needed for a particular week – this could be looked at when considering a new environmental services contract from 2019.
- The total number of missed collections in the borough compared broadly to missed collections in other boroughs.
- On recycling it was intended to complete a residual waste audit to gauge the composition of waste materials left for collection. This would help identify whether it was necessary to highlight certain materials for recycling e.g. cardboard and bathroom plastics. *Environment Matters* would also be used to promote key recycling messages. It was better for residents to segregate all plastics for recycling even if some were unable to be recycled. This would be no more expensive and evidence suggested that widening the range of plastics for recycling also increased other types of recycling.
- Recycling bags had been provided at flatted accommodation to increase recycling levels but as these had not been successful, localised issues were now being considered - it was necessary to have appropriate infrastructure in co-operation with Affinity Sutton.
- It was confirmed that the size of cardboard boxes should be reduced so that cardboard pieces can fit into collection wheelie bins – vehicles should only be loaded using the bins.

The Chairman thanked the Veolia representatives for attending the meeting.

**RESOLVED that the performance of the contractor (Veolia Environmental Services) be noted.**

## **110 SCRUTINY OF THE ENVIRONMENT PORTFOLIO HOLDER**

Addressing the Committee, the Portfolio Holder referred to managing a reducing budget for the Portfolio.

With impending service revisions for Green Garden Waste (GGW) Satellite Sites, officers would be vigilant in monitoring for any increase in fly-tipping. Recycling performance generally for L B Bromley had dropped slightly and it was necessary to restore performance to previous levels. There was possibly a higher percentage of used nappies in waste for landfill.

Changes to Parking Charges had bedded in and the Portfolio Holder was pleased that road safety continues to improve in the borough with an evidence led approach making a difference.

On budget performance next year, the Portfolio Holder anticipated keeping the portfolio to budget at least, subject to unforeseeable circumstances particularly in regards to any severe weather.

In discussion, the Portfolio Holder responded to questions on highway utility works. The Portfolio Holder suggested that gas and water pipes were at greater risk to problems in cold weather. Much of the pipe network was old and the Portfolio Holder suspected that many problems were age related. Compensation could be sought from a utility company laying new pipes or cables to an insufficient depth but it would first be necessary to prove the company had not undertaken its work properly. The Mayor of London had been clear that utility companies need to maintain good performance to keep traffic moving and there was evidence to suggest they were improving.

Aware that affordable measures had been taken to address certain congestion pinch points, the Chairman enquired of the way forward to ease other congestion problems which might be more expensive to undertake. The Portfolio Holder felt there was no obvious solution to improving traffic flows at certain places. Improving congestion was a priority and Members were encouraged to highlight any particular problem in their ward. Although some measures might now be difficult to afford, this should not prevent them being prioritised and funding bids made to TfL.

The Portfolio Holder confirmed that he would make representations to press for a change to the Regulation of Investigatory Powers Act (RIPA) so enabling CCTV cameras to be used proactively against anti-social behaviour such as fly-tipping and dog fouling.

The Portfolio Holder also responded to matters raised in connection with “*Fix my Street*” on the Council’s website.

## **111 FORWARD WORK PROGRAMME, MATTERS ARISING, AND CONTRACTS REGISTER**

### **Report ES16009**

Members noted items for future meetings in 2016/17.

An organised visit of the Waldo Road Reuse and Recycling Centre had taken place on 11<sup>th</sup> March 2016. For the future it was agreed that any visits would be solely related to work undertaken by a Working Group of the Committee.

A meeting of the Committee’s Working Group established to consider the new Environmental Services Contract would be arranged for a date in April 2016.

Concerning the latest Contracts Register Summary, an update was given on the current position concerning contracts for On-Street Poster sites and Bus Shelter Poster sites. It was noted that progress on the re-tendering of the Parking Service had been scrutinised at the Commissioning WG of E&R PDS.

The Chairman also requested any feedback post-meeting on his draft contribution to the 2015/16 PDS Annual Report for Council (the draft contribution having been tabled for Members).

In concluding the meeting the Chairman thanked Members for their scrutiny work during the year and also thanked officers for their support.

**RESOLVED that:**

- (1) the Forward Work Programme of items for future meetings in 2016/17 be noted (Democratic Services Note: since the meeting, the Council's Programme of Meetings 2016/17 had been agreed with the next meeting date of the Committee confirmed as 7<sup>th</sup> June 2016);**
- (2) progress concerning previous Committee requests be noted; and**
- (3) a summary of contracts related to the Environmental Portfolio be noted.**

The Meeting ended at 9.46 pm

Chairman

## Appendix A

### **QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FROM JANE GREEN FOR ORAL REPLY**

1. Appendix B, Agenda Item 6b (Environment PDS 2/2/16) lists Wickham Way for "Proposed Footway Resurfacing Schemes 2016/17."  
This road has a distinctive red brick pavement with a landscape strip.  
Can you please clarify whether the whole, or just part, of the pavement in Wickham Way is to be resurfaced and that the treatment will be 'like for like'?

#### **Reply**

The planned footway works in Wickham Way will consist of localised repairs to the red brick paving in those areas which have loose pavers or an uneven surface. Repairs will be completed using 'like for like' materials.

#### **Supplementary Question**

Jane Green sought further clarification on where repairs would be undertaken in Wickham Way.

#### **Reply**

The Portfolio Holder indicated that advice would be provided; officers would undertake a full review and repair where necessary. Members of the public were also welcome to report any concerns such as trip hazards.

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2. How much has been allocated in the budget for the scheduled footway resurfacing works in Wickham Way?

#### **Reply**

The works will be fully funded from the planned footway maintenance budget, although a detailed estimate has yet to be prepared for this particular project.

#### **Supplementary Question**

In view of budget constraints, Jane Green enquired of the powers the Council has to take action against householders causing any damage to the footway.

#### **Reply**

The Portfolio Holder indicated that it was necessary to find people in the act of causing damage in order for officers to initiate prosecution action. Any assistance that the local Residents Association could provide would be helpful. Jane Green commented that she had some photographs which she felt the Portfolio Holder would find useful.

Councillor Fawthrop asked whether the Portfolio Holder would agree that where examples of anti-social behaviour were seen, the full weight of prosecution action should be taken against an offender, as there would ultimately be a cost to the local Council taxpayer should this not be the case. Referring to the example of enforcement against fly-tipping, the Portfolio Holder indicated that even though a small number of offences were witnessed, on each occasion it was possible to obtain a witness statement, the Council would proceed strenuously to take the maximum level of enforcement action.

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## **QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR WRITTEN REPLY**

### **Questions from Mr Richard Gibbons**

1. Following Policyholders' comments in News Shopper in response to parents of Pratts Bottom Primary School children call for action to reduce vehicle speeds in Rushmore Hill - an area prone to traffic incidents - please quantify degree of pedestrian suffering necessary for action to be taken here, and elsewhere in the borough where similar calls have been made?

### **Reply**

It is difficult to answer your question concerning "traffic incidents" as it is not clear precisely what you have in mind when you use the term.

So far as *traffic accidents* are concerned, I can confirm that Rushmore Hill remains one of the Boroughs safer roads distributor roads.

You would need to clarify precisely what you mean by "pedestrian suffering" and "elsewhere in the Borough" to enable me to respond in a helpful and informed manner.

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2. How many miles/kilometres of roads in LB Bromley are designated with 20mph, 30mph, 40mph, 50mph, 60mph, 70mph limits, including a breakdown between local authority and TfL control/management/maintenance?

### **Reply**

Please find enclosed maps that show the roads in the Borough of Bromley by speed limit. The TLRN (Transport for London Road Network) is solely the A21 (full length) and the A232 from Locksbottom (A21 junction) westward to the Borough boundary.

I hope this is what you need.

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