

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 24 January 2017

Present

Councillor William Huntington-Thresher (Chairman)

Councillors David Cartwright QFSM, Ian Dunn,
Ellie Harmer, Samaris Huntington-Thresher, Sarah Phillips
and Catherine Rideout

Also Present

Councillor Colin Smith and Councillor Lydia Buttinger

45 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Cllr Angela Page, Cllr Terence Nathan and
Cllr Melanie Stevens.

46 DECLARATIONS OF INTEREST

There were no declarations.

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

There were no questions to the Committee.

48 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETINGS HELD ON 8TH AND 24TH NOVEMBER 2016

Minutes for both meetings were agreed.

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

Three questions were received for written reply. Details of the questions and
answers are at **Appendix A**.

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

a CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2016/17

Report FSD17010

At its meeting on 30th November 2016 the Executive agreed a revised Capital Programme from 2016/17 to 2019/20. Changes in respect of the Environment Portfolio were outlined and a revised programme for the portfolio presented. Report FSD17010 also included actual spend against budget at second quarter stage and comments on progress for individual schemes/projects.

RESOLVED that the Portfolio Holder be recommended to note and confirm changes agreed by the Executive on 30th November 2016.

b HIGHWAYS INVESTMENT

Report ES17004

Members considered future programmes of planned carriageway and footway maintenance. This followed the Council decision (12th December 2016) to invest capital funding (£11.8m) on planned highway maintenance, allowing the condition of non-principal and unclassified roads and footways in the borough to be improved so reducing the demand for reactive maintenance. Annual revenue savings of £2.5m would be made - a total of £12.5m over five years from 2017/18 - which would be partly offset by an estimated reduction of £167k in treasury management income over the period.

Details were provided of carriageways and footways considered the highest maintenance priority as a first phase of the investment programme, the estimated cost of the works being £2.6m for carriageways and £0.9m for footways. Future phases of schemes would be submitted for approval during the spring of 2017.

TfL had recently confirmed 2017/18 funding of £880k for principal road maintenance in the borough and details were provided of proposed maintenance using the funds.

Portfolio Holder endorsement was also sought for a bid on structural projects related to bridge assessment and strengthening over the next three years; a bid for structural projects would then be submitted to the London Bridges Engineering Group (LoBEG), advising TfL on scheme prioritisation.

Additionally, information circulated at the meeting showed (i) the comparative whole life costs of road surfacing materials and (ii) comments from six Members on the planned programmes of carriageway and footway works. Requests for maintenance of roads not listed on the first phase of the investment programme would be included in the second phase and as such there were no further updates to roads listed in the first phase.

For principal road maintenance, the Chairman suggested that part of Sevenoaks Road between Park Avenue and Charterhouse Road be considered for maintenance work. Cllr Ellie Harmer also enquired of the reason for the bridge along Lansdowne Road in the Sundridge Park area being closed to traffic; accordingly, it was agreed that officers would look into the matter and provide an explanation to Cllr Harmer.

On footway maintenance, it was confirmed that paving slabs are installed as close as possible to trees and measures would be taken to stem tree roots as much as possible.

To help survey road surface condition reference was made to a scanning device fitted to the underside of refuse vehicles. The approach was currently being trialled by Thurrock Council funded by the Department for Transport. A Member considered this an interesting development and suggested that officers monitor the trial outcomes - a similar road surface scan was already undertaken annually in the borough.

From initial discussions by the Committee's Highways Maintenance Working Group (listed in Report ES17004), the Chairman highlighted a priority focus on carriageway schemes based upon a likely 70/30 split between carriageways and footways. In view of a carriageway focus, the Chairman suggested reactive maintenance on footways damaged by tree roots - the roots would continue to grow and early investment would not be worthwhile.

In concluding the item, Members agreed to support the recommendations to the Portfolio Holder and to also recommend that the Working Group's initial discussions listed at paragraph 3.4 to Report ES17004 be added as recommendations to the Portfolio Holder.

RESOLVED that the Environment Portfolio Holder be recommended to:

(1) agree the schemes listed at Appendix A to Report ES17004 for the first phase of the Council's investment programme of planned highway maintenance for 2017/19;

(2) agree the proposed TfL funded programme of principal road maintenance works for 2017/18, as set out at Appendix B to Report ES17004, together with the bid to Transport for London for bridge strengthening and assessment at Appendix C to the report; and

(3) agree that the summary of initial discussions from the Highway Maintenance Working Group (listed at paragraph 3.4 to Report ES17004) be regarded as recommendations and taken forward by the Portfolio Holder as additional decisions on highways investment, namely that –

- priorities for capital expenditure focus on carriageway schemes to reduce the requirement for future reactive maintenance, with a likely split of 70/30 carriageways / footways;**
- although maintenance hierarchy will be considered when selecting footway and carriageway maintenance schemes, works in lower category roads would be considered where major defects are present;**

- **carriageway projects are to include proprietary treatments such as surface dressing in rural roads;**
- **future footway maintenance schemes and material selection are to deal with known issues of damage from tree roots and over-running vehicles, with works directed at areas of damaged footways rather than whole footway maintenance schemes.**

51 PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE

a ENVIRONMENTAL SERVICES PROCUREMENT STRATEGY

Report ES17002

Executive approval was sought to commence a tendering process in April 2017 for a range of environmental services with contracts starting on 1st April 2019. A number of key environmental service contracts had been aligned to expire in March 2019 and the proposed procurement strategy reflected outcomes from a series of service reviews, soft market testing, and the Environmental Services Contract Programme Board (including input from the Committee's Working Group).

Lots 1-4 (Environmental Services) would be procured through *Competitive Procedure with Negotiation*. Used for complex contracts, the approach would drive innovation and add value through negotiation. Lots 5-7 (Arboriculture Maintenance and Highways Management) would be procured through a more traditional *Restricted Procedure* with a 15-month period between January 2018 and March 2019 considered sufficient for procurement.

Services could be provided by several individual contractors, a joint venture, consortium, or a single main contractor (who might sub-contract). For Lots 1-4 (and services placed in conjunction with them as part of the negotiated process), it was proposed to tender the contracts for an initial eight year period (01.04.19 to 31.03.27) with an eight year extension option (01.04.27 to 31.03.35) following a best value review in 2024/25. Lots 5 to 7 would be tendered for eight years only, unless tendered in combination with Lots 1 to 4.

The contracts would be tendered on the existing methodology and an outcome-based service, as this could give greater opportunity for services to be arranged more flexibly and innovatively whilst delivering value for money for the residents of the borough. Client management would focus on monitoring Key Performance Indicators to measure outcomes and take corrective action as appropriate.

Measures to mitigate risks were outlined in Report ES17002 as were a number of principles to achieve best value and sustainable contracts economically, socially and environmentally, the principles including:

- innovative approaches to service provision;
- a shared approach to risk and reward;

- use of proven 'smart' technologies for service delivery and monitoring;
- improved environmental performance and local environmental quality;
- low carbon solutions and contributing to increased environmental resilience;
- improved service performance and reduced levels of complaint; and
- contributing to the circular / sustainable economy.

Action was also being taken to assess the condition of the Council depots, their future use, and any investment requirements. Service requirements would feed into a Depots Options Appraisal process by Cushman and Wakefield designed to clarify depot space requirement. A survey was also necessary to agree the state of the Depots prior to contract commencement - the depots needing to be returned to the Council in a similar, or better, condition on contract expiry. The work would inform any improvement plans required to ensure the depots are fit-for-future-purpose. Should depot improvements be required, the cost would either be met directly by the Council or amortised over the contract term through contract payments.

It was necessary for target dates in the procurement strategy to be met. Although small and/or local service providers might find it difficult to tender given the scale and nature of services, the use of sub-contractors, including local or small sub-contractors, would be encouraged.

It was confirmed that larger amounts of fly-tipped material are currently collected by Veolia Environmental Services Ltd (Waste Collection Contractor) with smaller amounts collected by Kier Services Ltd (Street Cleansing Contractor). The services would be covered by Lots 2 and 3 respectively. Enforcement was currently managed in-house but would be included in the scope of a contract. Care was suggested to avoid differing responsibilities for fly-tipping falling between different sections and an uncoordinated approach could potentially lead to more complaints. Legal advice would be sought on which statutory functions can be put to the market.

On street cleaning, the Service continues to look at ways to increase the effectiveness of cleaning, even if this meant cleaning less frequently. This could, for example, be achieved through using local knowledge to avoid the periods of peak parking stress.

Within all lots there would be incentives to reduce costs and undertake new ways of working. Areas were being considered for savings such as further measures to divert waste from landfill. Other incentives under consideration related to a sharing of income between Council and contractor to help incentivise a contract price reduction e.g. in relation to income from the use of parks for agreed activities/events. A greater than 50/50 share for the Council was suggested should innovations derive from Members and Officers with a 50/50 share should a contractor innovate. Similar changes had already been instructed for the waste contract and officers would continue to work for such options in the strategy.

In regard to the winter service listed within Lot 7, lots 5 to 7 would comprise more conventional type contracts and officers were confident of being able to manage the co-ordination of resources to current levels. This included the scenario of a contractor working for a number of local boroughs and a simultaneous winter service demand from boroughs following heavy snowfall. For such circumstances it was important a contractor retained staff for specific boroughs. Consideration was also being given to winter service support from a waste collection contractor as a number of employees would be heavy goods vehicle (hgv) drivers.

A contract for arboriculture services would highlight the borough's tree stock and include details of maintenance requirements; as there was need to address issues, such as storm damage and vary work levels, officers would look to ensure that flexibility can be provided in a contract to permit increased activity when necessary.

It was confirmed that contractors would be expected to be innovative (e.g. provide scanners underneath vehicles) and provide best value for money.

Members agreed to support recommendations in Report ES17002 and in so doing also recommended that the Committee's Working Group provides a reference for contract related questions to be considered and continues to ensure that the strategy's timeline schedule is maintained. The Working Group could also consider what the Customer Services offer should be and include consideration on further channel shift matters that would benefit residents and measures to provide service efficiency. The Group could review the current mix of customer services and how they would look for the future.

RESOLVED that the Executive be recommended to:

(1) agree to the proposed lotting structure and procurement routes –

- **Environmental Services: Competitive Procedure with Negotiation (Lots 1-4)**
- **Arboricultural Maintenance: Restricted Procedure (Lot 5)**
- **Highways Management: Restricted Procedure (Lots 6-7)**

(2) agree that –

- **All Lots shall be tendered for an initial eight year term (1 April 2019 – 31 March 2027)**
- **Lots 1-4 may be extended for a further eight year term (1 April 2027 – 31 March 2035) subject to a best value review (in 2024/25) and being let at the Council's sole discretion**
- **Lots 5-7 may be extended on a similar basis to Lots 1-4, if placed in association with Lots 1-4.**

**52 ENVIRONMENT PORTFOLIO PLAN 2016/17: HALF YEAR
PROGRESS REPORT**

Report ES17016

Members received a six-month update assessing progress against commitments in the latest Environment Portfolio Plan.

With total waste arisings slightly higher than in previous years, it was necessary to re-launch the borough's recycling initiative through channels such as Resident Associations, Friends Groups, Environment Matters and leaflets, highlighting a message of waste minimisation and recycling. It was also possible to improve the introductory letter for new residents to the borough emphasising a recycling message. The borough was an example amongst local authority peer groups for driving waste minimisation and recycling and saving on landfill/waste costs.

Although dry recycling had increased to levels approaching those last seen in 2012/13 and 2013/14, household organics recycling was decreasing (judged by weight collected) and it was necessary to identify wards of higher waste generation to better target key recycling messages. (The organics figures in the report included Green Garden Waste). There appeared little doubt that more food waste was contributing to overall waste levels and with more people moving into the borough it was necessary to re-launch key recycling messages.

The level of fly-tipping incidents was also increasing with the number of enforcement actions against fly-tipping decreasing. A sum had been set aside last year for enforcement – with two high profile enforcement actions highlighted - but all local boroughs and counties were suffering the problem. A six-month target of 163 enforcement actions had been set for 2016/17 and 169 actions actually undertaken. With almost 1800 incidents in the first six months of 2016/17, actions comprised nearly 10% of the level of incidents - considered an appropriate level of enforcement. However, officer sickness/absence in 2016 did impact on enforcement activity. Car parks were also assessed for measures to combat fly-tipping and there was an increasing level of surveillance. Additionally, joint actions were undertaken with enforcement agencies and other local authorities with an increased level of fines imposed for fly-tipping. However, offenders were becoming more sophisticated, making it more difficult to obtain evidence. A higher level of enforcement in 2012/13 and 2013/14 could be attributed (in part) to residents leaving material for collection some days prior to collection day, warranting a warning to the householder; however, early deposit of material was now much less of a problem.

As some fly-tipping was by individuals collecting waste from householders, it was difficult to identify offenders. Vehicle barriers were being installed at known fly-tipping locations with some surveillance cameras also installed. A range of information leaflets had been produced and information sent with planning approval letters highlighted a need to use an approved waste

contractor for building waste disposal. A Member also referred to police action against fly-tipping.

Funding constraints limited more enforcement and a number of cameras were needed for other significant issues. The Regulation of Investigatory Powers Act 2000 (RIPA) also regulated the Council's ability to undertake surveillance and investigation. A Member suggested that fly-tipping often occurred where a location was run-down and subject to other problems such as graffiti. Offenders would often receive payment by cash and fine levels were also relatively small against income generated. Ward Members often know the location of fly-tipping hotspots in their ward and it was suggested that officers circulate a request for further information on such locations.

On recycling plastics, it was now possible to include all plastic types for collection; technology at a Materials Recovery Facility (MRF) now permitted recycled material to be better separated with some weaker grade plastics filtered for fuel purposes. A comprehensive list of plastics for recycling had been included in *Environment Matters* with information also included on the Council's website.

A Member also highlighted an increasing problem of householders blowing leaves into the road. Again the matter had been highlighted in *Environment Matters*. If it was possible to identify an individual, action tended to comprise a warning or more generic advice.

RESOLVED that the six-month progress against the aims of the 2016/19 Environment Portfolio Plan be noted.

53 PARKS, COUNTRYSIDE AND GREENSPACE MANAGEMENT - CONTRACT PERFORMANCE REPORT

Report ES17015

Members considered an annual performance review of Idverde Ltd (formerly The Landscape Group and then English Landscapes Maintenance Limited) covering management of parks, recreation grounds, the countryside, sports, playgrounds, events, biodiversity, allotments and environmental education - the contract with Idverde valued at £36.59m with savings of up to £1m expected by contract expiry in 2019.

Although contact monitoring had identified a number of service issues on grounds maintenance, the issues were quickly rectified and the contractor's current overall performance was considered good.

A Member was grateful for work at the Croydon Road Recreation Ground including the contribution by Friends and for fundraising to assist the park.

A Bromley Parks website had been established by Idverde but some aspects appeared to need updating with more information necessary e.g. further information on the Friends and Events pages such as park run information at

Norman Park and Crystal Palace and car parking information for Keston Common. However, Idverde's website was currently in transition and an events app was being developed. Details of 2017 events were being collected and would be uploaded in the next two months. Idverde had also published a link to the Friends Forum of Bromley Parks and Green Spaces along with links to each Friends Group website.

Idverde's performance against agreed performance indicators was reviewed each quarter and Idverde intended to update its Action Plan (Performance Management Matrix 2015-17) each year. In 2017/18 Idverde would also seek to improve any performance deficiency against ward based Key Performance Indicators (KPIs).

For any reports of dog fouling, it was confirmed that officers would liaise with the contractor and monitor the position; a problem not addressed would be regarded as a contract default.

Members also reviewed the level of interest for events at parks. Idverde looked at a number of varied opportunities including increased cold food concessions and opportunities for hot food concessions; a pilot creperie had also been undertaken at Queen's Gardens, Bromley and specialist coffee trials had been taken forward. Idverde had appointed a Business Development Officer and other business/event opportunities in parks were expected to transpire; such ventures on a regular basis would provide a better opportunity to judge their effectiveness.

The commissioned arrangements had worked well with Friends Groups and Idverde worked closely with stakeholders; stakeholder groups had provided positive feedback. Idverde also managed construction of the new play area at Queen's Park, Bromley, the project having been delivered efficiently, on time, and within budget. The commissioned arrangements were the first of their type with other local authorities interested in a similar model.

It was noted that Idverde had revised the Countryside Consultative Panel, the Panel comprising a broad membership including L B Bromley Members. The Panel's inaugural meeting in the new format took place last December, the Panel now meeting twice per annum at the Civic Centre with a site visit each summer. The Panel's initial aim for 2017 was to review bridleways, fly-tipping and biodiversity. Members supported the change in remit for the Panel.

RESOLVED that the current level of performance by Idverde and revised format of the Countryside Consultative Panel be noted.

54 DRAFT 2017/18 BUDGET

Report FSD17012

Members considered the Portfolio Holder's Draft 2017/18 Budget, including initial draft budget savings.

One consideration concerned an appropriate level of funding for 2017/18 to address an increased level of fly-tipping in the borough.

Members noted that the draft budget included an absorption of inflation for PCNs and parking fee income as no increases were planned.

For grant funding related to local flood risk management (Lead Local Flood Authorities Grant) Members were advised that the level of grant should be highlighted to authorities some one to two years in advance of receipt. The grant funding was not ring-fenced.

RESOLVED that:

- (1) the update on the financial forecast for 2017/18 to 2020/21 be noted;**
- (2) the initial draft 2017/18 Budget be noted as a basis for setting the 2017/18 Budget; and**
- (3) the Committee's comments on the initial draft 2017/18 Budget be provided to the February 2017 meeting of the Executive.**

55 FORWARD WORK PROGRAMME, MATTERS ARISING AND CONTRACTS REGISTER

Report ES17003

For the Committee's next meeting on 7th March 2017, an update had been requested on the performance of Ward Security in relation to enforcement against littering.

RESOLVED that:

- (1) the Forward Work Programme be noted;**
- (2) a report on the performance of Ward Security in relation to enforcement against littering be added to items for consideration at the Committee's next meeting on 7th March 2017;**
- (3) progress concerning previous Committee requests be noted; and**
- (4) the Corporate Contract Register extract and commentary related to Environment Portfolio contracts be noted.**

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

**57 EXEMPT MINUTES OF THE SPECIAL ENVIRONMENT PDS
COMMITTEE MEETING HELD ON 24TH NOVEMBER 2016**

The exempt minutes were agreed.

**58 PROVISION OF INTEGRATED HIGHWAY INSPECTION
SERVICE**

Report ES17008

Members considered recommendations related to the future provision of highway safety inspections and street works inspections.

59 STREET LIGHTING

This item had been withdrawn from consideration and a report was expected to be presented for the Committee's next meeting on 7th March 2017.

The Meeting ended at 9.07 pm

Chairman

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QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FROM MR RICHARD GIBBONS FOR ORAL REPLY

1. Would the Portfolio Holder acknowledge the Mayor's Healthy Streets vision to prioritise people, walking, cycling and public transport to tackle congestion, air pollution and related health issues?

Reply

The Portfolio Holder acknowledges that the Mayor has a 'Healthy Streets' vision, as well that Bromley has a cycling record that compares well if not better than neighbouring comparator Boroughs and also enjoys cleanest air in London by recent measurements.

2. Would the Portfolio Holder acknowledge the real concerns about speeding drivers reported by residents in every ward across the borough during the past year, and commit to more effective hard measure to curb vehicle speeds and rat running?

Reply

The Portfolio Holder advises you that whenever and wherever verified expressed concerns regarding speeding traffic are received, the Council will continue to work in partnership with the Police to discourage and where deemed necessary, enforce against such activity.

3. Would the Portfolio Holder acknowledge that at peak traffic periods in most areas of the borough it is now as quick or quicker to cycle than travel by car?

Reply

No, the Portfolio Holder doesn't. He does believe that you would be correct to assert 'some' rather than 'most' however.

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