

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 5 October 2017

Present

Councillor Samaris Huntington-Thresher (Chairman)

Councillors David Cartwright QFSM, Ian Dunn,
Robert Evans, Russell Mellor, Terence Nathan,
Angela Page, Sarah Phillips and Melanie Stevens

Also Present

Councillor William Huntington-Thresher

14 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Cllr Catherine Rideout, Cllr Michael Tickner, and Cllr Ellie Harmer. Cllr Robert Evans attended as substitute for Cllr Catherine Rideout and Cllr Russell Mellor attended as substitute for Cllr Michael Tickner.

15 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

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

Two questions had been submitted to the Committee by Cllr Ian Dunn for written response. The questions are attached at **Appendix A**.

17 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 12TH JULY 2017

The Committee requested that a typing error on page 3 of the minutes be corrected.

In response to a question from the Chairman concerning whether the introduction of direct debit payments for the Green Garden Waste Service was in progress, the Executive Director for Environmental and Community Services confirmed that the proposal was in progress and would be implemented early in 2018.

In response to a question from a Member concerning when the public consultation in respect of when the safe cycle ways on Crofton Road would begin, the Head of Traffic and Road Safety reported that there had been a number of design issues that needed to be finalised but Officers were hopeful that the consultation would begin soon after Christmas however, due to the design issues it could be delayed until early Spring 2018. The Chairman asked Officers to provide confirmation to the Committee of when

the public consultation was expected to start. This was to be reported at the November ES PDS.

RESOLVED: That the minutes of the meeting held on 12th July 2017 be agreed and signed as an accurate record subject to the amendment outlined above.

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

A total of five oral questions and three written questions were submitted to the Environment Portfolio Holder for response. These questions, along with the supplementary questions that were asked are attached to the minutes at Appendix B.

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

**a CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2017/18
Report FSD17074**

The Committee considered a report highlighting changes agreed by the Executive in respect of the Capital Programme for the Environment Portfolio.

In July 2017, Council approved a report relating to the clearance of the remaining waste at the former Waste4Fuel site at the end of Cornwall Drive, where the land had previously been used as a waste transfer station and still had significant quantities of illegally deposited waste. The Environment Agency/DEFRA had agreed to transfer the sum of £1,607,000 to the Council to facilitate the clearance of the remaining waste, to supplement the £226,000 contribution from revenue during 2016/17 and £47,000 allocation from the 2017/18 central contingency. £1,880,000 was added to the Waste Clearance Cornwall Drive scheme to reflect the available funding and the estimated increased scheme costs.

The 2016/17 Capital Outturn was reported to the Executive on 20th June 2017, and the final outturn for Environment Portfolio schemes was £8,131,000 compared to the revised budget of £8,944,000 approved by Executive in February. After allowing for adjustments in respect of schemes that were not re-phased, a net underspend of £803,000 was re-phased into 2017/18.

Provision for transport schemes to be 100% funded by TfL was originally included in the Capital Programme 2017/18 to 2020/21 on the basis of the bid in the Borough Spending Plan (BSP). Notification of an overall reduction of £107,000 in the 2017/18 grant was reported to the Executive in July and the Capital Programme was reduced accordingly.

In response to a question from a Member, the Executive Director of Environmental and Community Services reported that as a result of the funding that had been received from the Environment Agency, waste clearance at Cornwall Drive, St Paul's Cray had started on Monday 2 October 2017, and was progressing as planned. It was

anticipated that the clearance would be completed within 8 weeks. The Committee congratulated the Executive Director on the positive outcome that had been achieved.

In response to a question from the Chairman, the Executive Director confirmed that post completion reports from all the capital projects would be presented to the PDS Committee as they became available.

RESOLVED: That the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive on 19th July 2017.

**b TFL FUNDED WORK PROGRAMME 2018/19
Report ES17065**

The Committee considered a report confirming that Bromley's LIP allocation from Transport for London (TfL) for 2018/19 would be £2.432m and details of Officer proposals as to how the funding for 2018/19 would be allocated and to which particular schemes.

The Transport Planning and Traffic Engineering Manager highlighted some key issues to the Committee, most importantly the reduction in the proposed LIP allocation for 2018/19 of £2.432m which was £50,000 less than the 2017/18 settlement, which represented a 2% reduction. 17 of the 33 London Boroughs would receive less funding next year although Bromley compared well with the average reduction of 3.65% across those 17 boroughs, the range of reduction being from 1% to 10%. Regrettably, TfL had also announced that the Local Transport Fund (LTF), which had been used to support local transport priorities and resulted in an additional £100,000 of funding each year, is also to be withdrawn with effect from 2018/19.

He also described that the Major Projects funding stream was to be replaced with a new funding stream called 'Liveable Neighbourhoods', although this would involve a new process whereby schemes were submitted and tested against the new criteria and, if successful, would receive funding. The Chairman asked Officers to circulate the criteria and guidelines to enable Members to consider and put forward suggested uses for the funding.

In response to a question surrounding access issues at Clock House station, the Transport Planning and Traffic Engineering Manager confirmed that all access issues would be reviewed and suggested that it may be helpful to have a dialogue with local Ward Members to enable Officers to be guided on local issues. The Head of Traffic and Road Safety highlighted that it was likely that a bid would need to be made to Network Rail's 'Access for All' budget to install a lift to the platform and, even if successful, was unlikely to coincide with the improvements funded through the LIP. The Head of Traffic and Road Safety agreed to follow this up with Network Rail.

In response to a question from Cllr Stevens regarding improvements at Keston Mark in order to improve the Biggin Hill corridor, the Head of Traffic and Road Safety reported that the LIP funding would fall far short of meeting those costs. Officers had been lobbying TfL for additional funding and there was now a design which needed to be modelled and required further input from TfL, although LIP funding could be used to support that. Unfortunately, this had not been straight forward and there had not been

any promise of funding at this stage. The Chairman suggested that Officers should liaise with Ward Members and that any concerns surrounding funding should be brought back to a future meeting of the Committee if necessary.

Cllr Stevens also requested that the Committee be provided with timescales concerning improvements to the bus stops that will serve the new Biggin Hill Visitor Centre, opening in November 2018, to enable progress to be monitored.

Turning to the cessation of the Local Transport Fund, the Transport Planning and Traffic Engineering Manager reported that the funding had always been fully allocated and £38,000 had been allocated to support the provision of School Crossing Patrols across the Borough. In response to a question, the Transport Planning and Traffic Engineering Manager confirmed that funding for the School Crossing Patrols would continue in 2018/19 but would come from other sources. The Head of Traffic and Road Safety reported that the money had previously been used to fund smaller schemes that had supported some of the larger schemes and it was therefore unlikely that residents would notice any impact from the loss of funding.

The Executive Director of Environmental and Community Services reported that all London Boroughs were upset about the withdrawal of the funding and a great deal of lobbying was underway. The Environment PDS Committee expressed dissatisfaction and disappointment at the withdrawal of the funding and requested that concerns be raised with GLA Assembly Members.

In response to a question from the Chairman concerning issues surrounding inappropriate use of electric car charging bays, the Transport Planning and Traffic Engineering Manager reported that Parking Enforcement had been made aware to look out for improper use. In relation to the location of charging bays, a good database had been developed and this was already helping inform the location of future bays. It was highlighted that Bromley had one of the highest levels of electric vehicle ownership. In addition, the Portfolio Holder highlighted that going forward it was expected that there would be more residential charging as electric vehicle owners chose to trickle charge overnight. It was anticipated that this would be a policy development item going forward as plans were trialled and issues identified. It was agreed that the Committee would receive a further update on this issue at a future meeting.

RESOLVED: That the Portfolio Holder be recommended to:

- 1. Approve the programme of schemes for 2018/19 contained in the enclosure for submission to Transport for London;**
- 2. Note the Environment PDS Committee's dissatisfaction and disappointment that TfL have withdrawn the Funding of £100,000 for Local Transport Priorities with effect from 2018/19; and**
- 3. Authorise the Executive Director of Environment and Community Services, in consultation with the Portfolio Holder and notification to Ward members, to make post-submission changes to the programme to reflect necessary**

changes to priority, potential delays to implementation following detailed design and consultation, or other unforeseen events.

**c HIGHWAY INVESTMENT
Report ES17066**

The Committee considered a report recommending future programmes of planned carriageway and footway maintenance following the Council's decision to invest capital funding in highways maintenance.

On 12th December 2016 the Council approved capital funding of £11.8m for investment in planned highway maintenance and the scheme was added to the Capital Programme. This would allow the condition of the borough's non-principal and unclassified roads and footways to be improved, which would also reduce the demand for reactive maintenance and enable annual revenue savings of £2.5m to be made amounting to a total of £12.5m over a period of 5 years from 2017/18. This would be partly offset by a total estimated reduction in treasury management income of £167,000 over the five year period. In January 2017 and July 2017, the Environment Portfolio Holder approved respective Phase 1 and Phase 2 programmes of work. The report before the Committee sought approval for the third phase, as shown at Appendix 'A' to the report with further reports being considered during 2018 once additional technical assessments had been completed.

The Head of Highway Network Management agreed that following the meeting clarification would be provided concerning which part of the footway in Lunar Close Biggin Hill was proposed for Phase 3 Investment as it was not clear from the information provided.

In response to a question concerning the action that could be taken to stop vehicles parking on and damaging footpaths, the Head of Traffic and Road Safety highlighted that enforcement action was always the first option and it was possible to target enforcement action in known hotspots if these were reported to the Council. The Head of Highway Network Management highlighted that where the Department was aware of problems, where possible stronger, more hardwearing materials were used. The Executive Director for Environmental and Community Services reported that where there was sufficient evidence that delivery lorries had caused damage to the footpath action had been taken to recover costs incurred in relation to repairing such damage. However, in order to recover costs there had to be solid, indisputable evidence in relation to the cause of the damage.

RESOLVED: That the Portfolio Holder be recommended to agree that the schemes listed in Appendix 'A' form the next phase of the Council's investment programme of planned highway maintenance for 2017/19, to be undertaken by the Council's existing highway term maintenance contractors.

**d POST COMPLETION REVIEW REPORT – STAND-BY GENERATORS
FOR DEPOTS
Report ES17061**

The Committee considered a post implementation review of the acquisition of stand-by generators for use at depots.

To ensure that the depots were able to function in the event of a total or partial loss of electrical power, it was considered necessary to provide back-up power in order to minimise disruption to essential services operating from the depots.

The Chairman noted that the scheme completed within budget and the original contract programme was met.

RESOLVED: That the Portfolio Holder be recommended to:

- 1. Endorse the findings of the Post Completion Review that has been carried out in respect of Stand-by Generators for Depots.**
- 2. Notes that the unspent balance will be removed from the capital programme.**

**20 EXPENDITURE ON CONSULTANTS 2016/17 AND 2017/18
Report CSD17137**

At its meeting on 7th September 2017, the Executive and Resources PDS Committee considered the attached report on expenditure on consultants across all Council departments for both revenue and capital budgets.

In response to a question from the Chairman, the Head of Highway Network Management confirmed that an update to the AECOM contract had last been provided to Members in July 2017. The Chairman suggested that for clarity the table at appendix 3 should be updated to reflect the most recent update provided to Members.

RESOLVED: that the report be noted.

**21 CONTRACT REGISTER AND CONTRACTS DATABASE
UPDATE
Report ES17074**

The Committee considered a report which presented an extract from the Contracts Register from September 2017 and an update on progress with the Council's new Contract Database.

The Contract Register detailed key information concerning 20 contracts within the Environment Portfolio with a Total Contract Value (TCV) greater than £50,000.

The Chairman stressed that in future reports, for the purposes of transparency, as much information as possible should be provided in the Part 1 report.

The Executive Director of Environmental and Community Services reported that a full report on the current position in relation to the commissioning of contracts would be provided to the Committee at its meeting in November 2017. This update would also be considered by the Council's Executive.

RESOLVED: That the report be noted.

**22 FORWARD WORK PROGRAMME AND MATTERS ARISING
Report ES17063**

The Committee considered its forward work programme and progress against matters arising from previous meetings.

The Chairman reported that for the November meeting she had requested a report and presentation on customer service to enable the Committee to undertake a 'deep dive' into this important area of work.

In January 2018, Contractors would be invited in to provide a presentation to the Committee and an update on the contractors attending the meeting would be provided at the November meeting. A Member highlighted that neither Veolia nor Kier had addressed the Committee for some time and stressed the importance of regularly scrutinising contractors.

It was also agreed that scrutiny of the Environment Portfolio Holder would be undertaken in January 2018 when the Environment Portfolio Plan was presented.

The Executive Director of Environmental and Community Services reported that in November 2017 a report setting out plans for the Commissioning of Environment contracts would be presented to the Committee.

In response to a question concerning scrutiny of the risk register, it was agreed that an item would be included on the agenda for the Committee's March meeting.

Turning to the Committee's Working Groups, the Chairman proposed that the Environmental Services Working Group be replaced with a Working Group that had an ongoing remit to take forward recommendations arising from scrutiny undertaken by the PDS Committee and to develop ideas for efficiency savings and income generation.

Following a discussion with Officers it had been suggested that the Traffic Congestion/LIP Working Group should remain.

The Chairman asked Members to forward their interest in either of the Working Groups.

RESOLVED: that the report be noted.

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

RESOLVED: That the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

**24 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE
MEETING HELD ON 12TH JULY 2017**

The exempt minutes for the meeting held on 12th July 2017 were agreed.

**25 PRE-DECISION SCRUTINY OF PART 2 REPORT TO THE
ENVIRONMENT PORTFOLIO HOLDER**

**a STREET LIGHTING POLICY
Report ES17046**

The Committee considered a report which proposed variations to the street lighting policy and supported the recommendations that had been made.

**26 CONTRACT REGISTER AND CONTRACTS DATABASE
UPDATE - PART 2
Report ES17075**

The Committee considered the Part 2 report containing additional, potentially commercially sensitive information, and noted that a full report would be provided to the Committee in November 2017.

RESOLVED: That the Part 2 report be noted.

The Meeting ended at 8.25 pm

Chairman

Minute Annex

Appendix A

QUESTIONS TO THE ENVIRONMENT PDS COMMITTEE FOR WRITTEN REPLY

From Cllr Ian Dunn

1. Please provide the dates in the past five years when the following contractors have attended this committee to be scrutinised:

Veolia (Waste collection & disposal),
Kier (Street cleansing),
Indigo, previously Vinci (former Parking Enforcement contractor),
FM Conway (Highway maintenance contract - major works),
O'Rourke Construction plc (Highway maintenance - reactive & minor works).

Reply

Veolia (Waste collection & disposal) – 15th March 2016

Kier (Street cleansing) – 15th January 2013, 29th January 2014 and
17th March 2015

Indigo, previously Vinci (former Parking Enforcement contractor) – Nil but the new parking contract which commenced on 3rd April 2017 makes provision for the contractor, APCOA, to attend the PDS Committee annually to review performance against the contract.

FM Conway (Highway maintenance contract - major works) – Nil

O'Rourke Construction plc (Highway maintenance - reactive & minor works) – Nil.

The performance of all services and contractors are also scrutinised by way of the performance targets in the Portfolio Plan. The Portfolio Plan comes to the Committee twice each Council Year.

Every meeting also includes the Forward Work Plan and any Committee Member can request additional items for future meetings.

2. Please provide the management structure of the ECS Department, showing the direct reports of the Executive Director and their direct reports.

Reply

Attached.

Environment and Community Service



Street Scene, Greenspace and Public Protection



Planning Division



Culture, Libraries and Leisure Division



Highways and Network Management Project



Traffic and Road Safety



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Appendix B

QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR ORAL REPLY

From Cllr Ian Dunn

1. Please provide an update on the implementation of the 15 Priority 1 recommendations in the recent Waste Services audit.

Reply

A full update will be provided at the next Audit Sub-Committee in November. Since taking up the post of PH, I have met with lead officers and good progress has been made in addressing the priorities identified in the report.

Supplementary Questions:

Do you think that this Committee is interested in the management of the largest contract within the Portfolio? The Chairman of the Contracts Sub-Committee reported that work was still ongoing on change control notices within this Portfolio did the Portfolio Holder have any comment on this.

Reply:

In response, the Portfolio Holder highlighted that Bromley had the second best recycling performance in outer London and one of the most cost effective contracts in London. This demonstrated that, although improvements were always achievable, the service was performing well and delivering a good service to residents. In response to the first question, the Portfolio Holder suggested it was up to the Committee when it chose to address scrutiny of contractors.

2. Please provide an update on the implementation of the 5 Priority 1 recommendations in the recent Street Works audit.

Reply

A full update will be provided at the next Audit Sub-Committee in November. Since taking up the post of PH, I have met with lead officers and good progress has been made in addressing the priorities identified in the report.

Supplementary Question:

Would the Portfolio Holder like to comment on the similarity between the recommendations made in this audit and the recommendations made in the

audit of waste services and indicate whether he believes this reflects any cultural issues within the Department?

Reply:

The Portfolio Holder replied that both the contracts highlighted were high performing contracts and there had been no failure in the delivery of service delivered to residents.

Cllr Evans – Supplementary Question:

When was the audit report published as it appears that it will be almost a year before a response can be provided?

Reply:

The Waste Service audit was published at the end of last year and the Street works audit was published earlier this year. Following the audit an action plan had been developed and this action plan had received a high degree of scrutiny from the Audit Sub-Committee. The majority of the actions were implemented immediately; however the audit action plan then checks that the changes are actually part of the embedded process before marking as complete. Some aspects which only happen infrequently, such as the waiver process, might need to wait for the implementation of the action to be demonstrated. The recommendations that remain outstanding require input from other services, such as IT and legal; these will be actioned as soon as possible.

From Mr Richard Gibbons

1. Following publication of the 2016 road casualties data, would the Portfolio Holder consider revising the projected Total Injuries & Deaths (TID) statistics published in the Environment Portfolio Plan which have been somewhat misleading since 2014, implying our streets are safer than they were 10 years ago?

Reply

The Environment Portfolio Plan contains road casualty reduction targets, rather than projections, and although these are ambitious targets, in the longer term they are not unrealistic. The Borough sees a significant downward trend road casualty numbers, just like the nation as a whole; however, the individual numbers show perturbations not a continuous reduction. After a couple of recent years where the number of people injured on our streets has not decreased, but has sadly increased, this does nothing but drive the Council's determination to make sure we do not let up in our determination to do what is in the Council's powers and to work with partners (e.g. Traffic Police) to make our streets ever safer.

Supplementary Question:

The TID figures have increased as the number of cars registered in the Borough has increased. Does the Portfolio Holder agree that reducing car dependency would reduce the number of accidents?

Reply:

The Portfolio Holder stated that correlation did not necessarily imply causation and there were many different reasons for the accidents that occurred. The Portfolio Holder also reported that the majority of wear and tear that occurred on the Borough's roads was a result of HGVs.

2. Would the Portfolio Holder confirm how many requests there have been from residents for speed reduction measures on their streets, reported via FixMyStreet and other methods for 2014/15, 2015/16, and 2016/17, and how many requests have resulted in action being taken?

Reply

I would be happy to supply the information, but it will take time to pull together the data. Would Mr Gibbons like the information to be sent to him in written form at a later date?

Supplementary Question:

Mr Gibbons confirmed that he would like the information to be sent to him following the meeting and asked whether the Portfolio Holder condoned the actions of his fellow Councillors who sat on the Development Control Committee and had overturned the Officer recommendation concerning road safety in relation to the planning application for Buller's Wood School for Boys?

Reply:

The Portfolio Holder reported that he was not at the meeting and could not therefore comment on what had happened at the meeting. However, the Portfolio Holder noted that the way in which the roads across the Borough were used had changed over time and the Portfolio Holder reported that he would be meeting with TfL to discuss bus routes in order to account for changes including new schools..

3. As part of the decluttering programme (Agenda 6b Report 3.13) would the Portfolio Holder consider a 30mph speed limit on the 7.8% of LBB maintained

roads that currently have higher speed limits, thereby reducing the number of signs needed wherever there is a change of speed, associated cost of maintenance, and consequent improvement in road safety?

Reply

I do not consider that this would be a suitable justification for considering changing speed limits. Bromley believes that speed limits should be set appropriately for the design and nature of the individual streets. Changes in speed limits alert drivers to hazards or a change of environment. For example, there are safety benefits in making it clear to drivers that their speed should be lower upon entering a village from a rural road, where a higher speed may have been safe. To simply set a standard speed limit of 30mph on every street in a diverse borough such as Bromley could well have the consequence of decreasing road safety. For example speed limits provide other road users with information on likely traffic speeds so they can behave accordingly. Roads without regularly spaced street lights would still require repeater speed limit signs, so the decluttering effect would be small. Justifying such a policy on grounds of clutter and cost would also have the implication of removing 20mph zones.

Supplementary Question:

Do you not agree that pedestrians are 5½ times more likely to be killed if they are in an accident with a car travelling at 40mph than in an accident with a car travelling at 30mph? Does the Council not have a moral duty to protect its vulnerable residents?

Reply:

The Portfolio Holder responded that he believed that road design was as important as speed limits and it was important that roads were designed in a manner which promoted safety e.g. Motorways were some of the safest roads in the country despite speed limits of 70mph.

QUESTIONS TO THE ENVIRONMENT PORTFOLIO HOLDER FOR WRITTEN REPLY

From Colin Willetts

1. We understood from Councillor Nathan he had requested two bus stop hard standings in Chipperfield at the junction with Ravenscourt and opposite number 281, however, the latter has not been marked up - could you address this issue as elderly residents are still alighting centrally directly onto the grass verge?

Reply

An order has been placed to extend the hardstanding at the bus stop near the junction with Ravenscourt Road and opposite nos. 281/283 to accommodate dual door buses.

2. Would the Portfolio Holder consider via consultation a residents permit parking scheme in Page Heath Villas?

Reply

Page Heath Villas is just outside the current Bromley town centre CPZ. Large CPZs such as this are reviewed intermittently and Page Heath Villas will be considered next time a review is undertaken, which is likely to be in 2018 or 2019.

3. With regard to the alleyway adjacent 45 Ravensbury Road, could the Portfolio Holder i) replace top sections of missing cycle barriers at both alley ends? & via enforcement letter ii) for cutback of branch overhang obstructing alley from number 45?

Reply

The alley in question is not showing as LBB owned or a Public Right of Way. Officers are investigating with regard to the question and how it may be dealt with.

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