

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 7 July 2015

Present:

Councillor William Huntington-Thresher (Chairman)
Councillor Sarah Phillips (Vice-Chairman)
Councillors Kevin Brooks, David Jefferys, Terence Nathan,
Angela Page, Chris Pierce, Catherine Rideout and
Melanie Stevens

Also Present:

Councillor Lydia Buttinger and Councillor Colin Smith

56 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence had been received from Cllr Samaris Huntington-Thresher.

57 DECLARATIONS OF INTEREST

Councillor William Huntington-Thresher declared an interest in item 6H on the agenda as he was nominated as a member of the Countryside Consultative Panel.

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

No questions had been received for the Committee.

59 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 17TH MARCH 2015

RESOLVED that the minutes of the meeting held on 17th March 2015 (excluding exempt information) be confirmed.

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

Questions had been received for oral reply from Councillor Kevin Brooks and from Simon Thackray, Chairman of the Barnmead Road Residents Association – these are set out in Appendix A to these minutes.

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

The Committee scrutinised the following reports for decision by the Environment Portfolio Holder.

A) PROVISIONAL OUTTURN 2014/15
Report FSD15042

The provisional 2014/15 outturn position for the Environment Portfolio indicated an under-spend of £1.351m against a controllable budget of £33.48m, representing a 4.04% variation. Excluding carry forward sums of £618k, the under-spend reduced to £733k. Details of the variations were outlined in Report FSD15042 and its appendix.

For the three portfolio related projects within the Member Priority Initiatives, £902k had been spent to 31st March 2015 from a sum of £1.15m set aside for the portfolio related projects. This left a balance of £248k for the Support to Friends Groups project.

RESOLVED that the Portfolio Holder be recommended to:

(1) endorse the 2014/15 provisional outturn position for the Environment Portfolio;

(2) note the position in respect of the Environment projects within the Member Priority Initiatives programme; and

(3) approve draw-down of the following carry forward sums held in Central Contingency –

- **£558k for the three split-bodied waste vehicles**
- **£20k for the works required at the Keston Dam and**
- **£40k for the countryside and woodland improvement works.**

B) BUDGET MONITORING 2015/16
Report FSD15043

Members received the latest budget monitoring position for the Environment Portfolio. Based on expenditure and activity levels to 31st May 2015, the controllable budget for the Environment Portfolio was projected to be overspent by £404k at year-end.

Details were provided of projected spend for each relevant Environmental Services Division against latest approved budget. Background to the variations was also outlined, including commentary from the Executive Director concerning the budget position for Waste Services and the financial effect of legislative changes for parking enforcement by CCTV. There was money set aside in contingency for the reduction in parking enforcement

income, and further modelling of the impact of the changes was being carried out. The Portfolio budget would be expected to be balanced for future years.

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

**C) ENVIRONMENT PORTFOLIO PLAN 2015/18 AND SCRUTINY OF
THE ENVIRONMENT PORTFOLIO HOLDER**
Report ES15038

The Committee considered the draft Environment Portfolio Plan for 2015/18. The report also contained, at Appendix 2, contract monitoring summaries for all the Portfolio's key contracts.

The Portfolio holder informed the Committee that it was important to build on the ethos of the Friends movement, particularly in areas where it was difficult to establish and maintain these groups. He recognised that each area was different, with different levels of buy-in from residents, but Cllr Lydia Buttinger, Executive Assistant for Environment, would be assisting him in looking at issues such as Snow Friends, tree pruning and street cleansing schedules, working with residents to find the optimal moments to sweep roads. He appealed to other members to come forward with ideas about how services could be improved.

Members of the Committee raised the following issues -

- Insurance for Street Friends' activities - The Portfolio Holder acknowledged that this could be a difficult area, but he called for people to be sensible and to empower themselves to improve their local environment.
- Pollution – A member asked whether the Council would risk being fined if pollution levels were excessive on some of the borough's busiest and most congested roads. The Portfolio Holder stated that the concerns had been overstated and that most of the borough had relatively clean air, although he accepted that the north west fringes of the borough might be more affected by pollution. He did not think that the Council could be fined, although the Mayor of London did risk a fine if his targets were not met.
- Parking at Railway Stations - Comments had been received from residents in Penge that increased charges were driving motorists away from small car parks near railway stations, such as at Kent House Station, resulting in a loss of revenue and an increase in parking in surrounding residential roads. The Portfolio Holder responded that he was aware of the concerns and charges could be reviewed if necessary.
- Estates with low levels of Recycling – The Portfolio Holder stated that officers were working hard to maximise recycling on estates where

there were difficulties with large numbers of flats and transient populations.

- Charges for commercial glass recycling – It was suggested that charges were discouraging publicans from recycling glasses. The Portfolio Holder responded that the Council's rates were competitive, and there were also a number of commercial providers in the market.
- Satisfaction Survey – The Portfolio Holder was asked whether, in view of the fact that no satisfaction survey had been carried out since 2010, he was confident that the Council was not missing any important concerns of residents. The Portfolio Holder responded that he acknowledged that the Council could always do better, but he considered that residents understood the Council's resource limitations.
- Road Safety – Asked what area of service gave him the most concern, the Portfolio Holder stated that although he was frustrated that roads and pavements did not look better, his main priority was road safety. He was encouraged that Bromley's policies had seen a reduction in casualties, although there had been a recent spate of serious accidents. He particularly mentioned the work done around schools and also cycling proficiency.
- Healthy Bromley – The Portfolio Holder offered to talk to the Chairman of the Health and Wellbeing Board about how health issues could be addressed through the use of Environmental Services managed assets such as Parks.
- Flytipping – The Portfolio Holder acknowledged local concerns about flytipping and stated that there was solid evidence of a national increase. He considered that a national crackdown was called for, and he had written to the Minister and the borough's M.P.s.

RESOLVED that the Portfolio Holder be recommended to:

(1) endorse the aims, outcomes, and measures set out in the draft 2015/18 Environment Portfolio Plan (Appendix 1 to Report ES15038), taking into consideration the agreed 2015/16 budget;

(2) endorse the Contract Monitoring Summaries (Appendix 2 to Report ES15038), produced to address Contract Procurement Rule 23.2 requiring the production of annual reports for contracts with a value above £500k.

**D) TRANSPORTATION, HIGHWAYS AND ENGINEERING
CONSULTANCY SERVICES CONTRACT - REVIEW OF SERVICE
PROPOSALS AND PROCUREMENT OPTIONS**
Report ES15048

Report ES15048 reviewed proposals for the future provision of externally provided Transportation, Highway and Engineering Consultancy Services.

TfL was in the process of providing the Professional Services Framework to replace its Engineering and Project Management Framework 2 (EPMF2) for accessing consultancy services. A framework enabled the main procurement tasks (OJEU, PQQ processes etc) to be performed by others, and with most work commissioned by mini-tender, tendered rates were often below framework standard hourly rates. Aecom was the current term provider for highway structures, multi storey car parks, and highway development work.

Officers had been satisfied with EPMF2 and were positive about the Professional Services Framework. Only organisations with relevant experience of working in an urban environment would qualify for the Framework, expected to be presented under a series of five Lots to encourage the employment of SMEs.

It was originally intended to continue with EPMF2 until its end date in November 2013; however, with a delay in replacement arrangements, TfL agreed with suppliers to extend EPMF2, to provide it time to tender Lots for the Professional Services Framework. Following the extension, the Council's Procurement Team advised against a further extension in using EPMF2 - EU Regulations normally limiting framework duration to four years. An interim arrangement through permissible direct negotiation with Aecom was therefore formalised by signed Waiver from 1st April 2015 to 31st October 2015 for work to a value of £90k. Should TfL remain unable to confirm a date for the availability of Lot 5 it was recommended that the arrangement be extended to at least 31st March 2016, and ideally to a time coinciding with award of the successor arrangements. The value of work to be undertaken to 31st March 2016 was likely to exceed the current waiver value, by up to a further £80k, and in accordance with Corporate Procurement Rule 13.1, the Portfolio Holder was asked to agree that the current interim arrangements with Aecom are extended not only in terms of duration but also in terms of allowing the procurement of work up to a total value of £170k.

When TfL's Professional Services Framework became available, officers would investigate viable options for the longer term provision of Transportation, Highways, and Engineering Consultancy Services.

RESOLVED that the Portfolio Holder be recommended to agree that:

(1) a further report be received comparing viable options for Transportation, Highways, and Engineering Consultancy Services, making recommendations for longer term provision of the service when TfL's Professional Services Framework becomes available; and

(2) the current contract with Aecom for the provision of Transportation, Highways and Engineering Consultancy Services be extended to a value of £170k and extended in duration until new arrangements are in place in accordance with (1) above.

E) LONDON PERMIT SCHEME FOR ROAD AND STREET WORKS
Report ES15051

Changes were needed to the London Permit Scheme (LoPS) for road and street works. The New Roads and Street Works Act 1991 and Traffic Management Act 2004 empowered the Council as Highway Authority to coordinate and monitor the works of statutory undertakers on the public highway. With Secretary of State approval, highway authorities operated a permit scheme under Part 3 of the Traffic Management Act to manage all road and street works. L B Bromley participated in the London Permit Scheme (LoPS), a common scheme, with each participating London Borough and TfL operating the scheme for its own road network, subject to normal cross boundary liaison and co-operation.

Under the Deregulation Act 2015, permit schemes would no longer require Secretary of State approval and Statutory Instrument to give them effect; the Act instead enabled authorities to approve their own schemes and vary or revoke existing schemes. A scheme previously having effect by virtue of a Statutory Instrument was, from 30th June 2015, to be treated as if it had been made by the highway authority and it was necessary for each local highway authority (permit authority) to make, vary, or revoke its permit scheme by order, to ensure that by 1st October 2015 the scheme complied with the Traffic Management Permit Scheme (England) Regulations 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015.

However, the Amendment Regulations exempted existing permit schemes from undertaking most obligations which arose for new schemes (e.g. detailed stakeholder consultation) before the amendments came into effect (other than giving a four week notice period of the implementation date).

LoPS would need amendment to comply with the Amendment Regulations. To ensure LoPS remained a common scheme, each authority would need to make an order adopting the amended LoPS. Further changes were also necessary to ensure conformity with the Amendment Regulations/statutory guidance:

- amendment of LoPS to account for the National Permit Conditions set out in statutory guidance;
- amendment of the charges section to account for permit charge discount for works undertaken on traffic sensitive streets at non-traffic sensitive times on lower reinstatement category roads;
- amendment to the reporting and evaluation section to align with the new statutory requirement in the Amendment Regulations; and

- a need to review LoPS to remove references which are non-compliant with the Amendment Regulations (e.g. reference to the Secretary of State bringing the current version of LoPS into effect).

Following the changes, including the mandatory discount on permit fees for activities on traffic sensitive streets outside traffic sensitive times, it was anticipated that income from minor permit application fees might reduce by approximately £7k. During 2014/15, the total income to LoPS from fees charged for permits amounted to £793k.

L B Bromley would need to reapply to the appropriate person within its organisation for scheme approval (i.e. Chief Executive or other appropriate officer holding the necessary delegated authority). As a permit authority, L B Bromley would need to inform stakeholders of amendments to the scheme by providing an Order setting out the necessary changes.

RESOLVED that the Portfolio Holder be recommended to approve the proposed changes to the London Permit Scheme as outlined in Report ES15051.

F) PLAWSFIELD ROAD (PRIVATE STREET WORKS) - FIRST RESOLUTION
Report ES15036

A number of complaints had been received about the condition of Plawsfield Road, Beckenham, particularly its lack of continuous paved footway for safe public access to Kent House Station. As such, a first resolution was proposed under the Private Street Works Code (Highways Act 1980) to adopt and make up the Road.

Rather than recharge frontage owners for most of the works cost, it was intended to use TfL LIP funding and the following options and cost estimates (very indicative at this stage, particularly as the final proposals would have to take into account the conservation area status of the road) were proposed:

	Description of Proposal	Cost Estimate
Option 1	Making up both footways and the carriageway.	£294,492
Option 2	Making up both footways (but not the carriageway).	£101,423
Option 3	Making up just the eastern footway.	£49,203
Option 4	Making up just the western footway.	£53,136

As £80k had been obtained from TfL to make up and adopt part of the road, additional TfL funds would be sought to cover the whole road. Sufficient funding should be available to progress Option 2 before year end but should

Option 1 be preferred, the 2016/17 LIP funding proposal could include the carriageway works so they could be progressed next year.

Option 3 would provide pedestrian access to the station without a need for vehicle crossovers and Option 1 would improve vehicle access. For Options 1 or 2, works could be carried out in phases to meet the available budget.

Cllr Kevin Brooks, as a Penge and Cator ward councillor, supported works that would improve access to the station, but wanted all options to be considered and the Barnmead Residents Association to be closely involved in developing the proposals. Cllr Sarah Phillips added that many residents from Clock House ward supported improvements and she sought making up of both footways if possible.

RESOLVED that the Environment Portfolio Holder be recommended to:

(1) make a first resolution under S205 (i) of the Highways Act 1980 in respect of the carriageway as follows -

The Council do hereby declare that the carriageway and footways within the whole of Plawsfield Road (within the street junctions of Beckenham Road/Plawsfield Road terminating at Kent House Railway Station): is not sewered, levelled, paved, metalled, flagged, channelled, made good and lighted to its satisfaction, and therefore resolves to execute street works therein, under the provisions of the Private Street Works Code as set out in the Highway Act 1980.

Schedule of works

From the street junction Beckenham Road/Plawsfield Road to Kent House Station, as detailed in drawing number 11980-01.

(2) agree that all options should be included in a public consultation, which should include in particular the Barnmead Road Residents Association.

**G) FORDCROFT ROAD AND CROSS ROAD, ST MARY CRAY -
MAKING UP (PART)**
Report ES15052

Approval was sought for (i) the layout of footways in Fordcroft Road and Cross Road, St Mary Cray and (ii) a First Resolution under the Private Street Works Code to facilitate the making-up of parts of the roads in conjunction with adjacent development. This would enable the relevant parts of the footways to be adopted and thereafter maintained at public expense.

Outline planning permission was granted in March 2012 for residential development on the site of H Smith Engineers Ltd, Fordcroft Road, St Mary Cray. The development warranted the making-up of a footway in Fordcroft Road and in part of Cross Road to improve access to the site. The footways

were the subject of a S106 agreement and conditional to grant of planning permission and commencement of the development, the owners of the site had undertaken to complete the works specified in the agreement.

As the development site owners were to meet the full cost of the scheme no charges would fall to either the frontage owners or the Council. The cost of works for Fordcroft Road was estimated at £46k, and for Cross Road, the cost of works was estimated at £26k. On-going maintenance of the footways would be funded from the footway maintenance revenue budget.

Cllr Chris Pierce reported that ward councillors were fully supportive of the proposals.

RESOLVED that the Environment Portfolio Holder be recommended to:

(1) approve the layout for the footway on the southern side of Fordcroft Road as shown on Drawing No. 11966-01;

(2) make a First Resolution under s.205(1) of the Highways Act 1980 in respect of Fordcroft Road as follows –

The Council do hereby declare that the footway on the southern side of Fordcroft Road is not levelled, paved, metalled, flagged, made-good and lighted to its satisfaction and therefore resolve to execute street works therein, under the provisions of the Private Street Works Code, as set out in the Highways Act 1980.

Schedule of Works

From a point some 66m to the west of the junction of Fordcroft Road with Bridge Road, to the junction of Fordcroft Road with Bridge Road to the east, as more particularly shown on Drawing No. 11966-01.

(3) approve the layout for part of the footway on the eastern side of Cross Road as shown in Drawing No. 11967-01; and

(4) make a First Resolution under s.205(1) of the Highways Act 1980 in respect of Cross Road as follows –

The Council do hereby declare that the footway on the eastern side of part of Cross Road, Orpington is not levelled, paved, metalled, flagged and made-good to its satisfaction and therefore resolve to execute street works therein, under the provision of the Private Street Works Code as set out in the Highways Act 1980.

Schedule of works

From a point some 20m to the south of the junction of Cross Road with Poverest Road, to the junction of Cross Road with Poverest Road to the north, as more particularly shown on Drawing No. 11967-01.

H) APPOINTMENTS TO THE COUNTRYSIDE CONSULTATIVE PANEL AND THE LEISURE GARDENS AND ALLOTMENTS PANEL 2015/16

Report CSD15086

Members supported nominations to the Countryside Consultative Panel and the Leisure Gardens and Allotments Panel for 2015/16.

RESOLVED that the Portfolio Holder be recommended to confirm the following appointments:

(1) Councillors Julian Benington, Lydia Buttinger, Mary Cooke, Ian Dunn and William Huntington-Thresher be appointed to the Countryside Consultative Panel for 2015/16; and

(2) Councillors Vanessa Allen, Teresa Ball, Mary Cooke, Ellie Harmer and Michael Turner be appointed to the Leisure Gardens and Allotments Panel for 2015/16.

I) GATEWAY REPORT - PROPOSAL FOR THE TENDERING OF CONCESSIONS IN PARKS RECREATION GROUNDS AND GREENSPACE

Report ES15049

The report provided background information and proposals for seeking innovative and appropriate concessions within parks, recreation grounds and the broader greenspace within Bromley. The Authority possessed the largest number of parks, recreation grounds, and countryside and greenspace sites within London; including Crystal Palace Park – which was of regional significance. There were 157 other named locations which offered residents and the visiting public access to a variety of landscapes.

Many of these sites offered both active and passive traditional recreation pursuits aligned with conventional park infrastructure, and in more recent years many aspects have been exposed to private sector management and operation. Equally, the Council had engaged with the broader user base such as Friends groups and other interested parties with services being delivered through devolved management. Other than these orthodox activities, there was a lack of other concessions within the Borough's parks and greenspaces - many of which were close to housing, good transport facilities with some even have existing car parks and other relevant infrastructure.

To stimulate interest in the market it was therefore proposed, in line with the Council's Procurement process, to invite expressions of interest from 3rd parties for significant concession type arrangements via a Pricing Prior Information Notice (PIN) placed within the Official Journal of the European Union (OJEU) by the Authority, (OJEU), followed by an EU compliant contracting process for a service concession type arrangement.

Prospective tenderers would initially be required to set out the broad concept of their proposals, preferred site location/s and proposed service arrangements for the delivery of the concession. The likely period would be 5+5 years but others could be longer and it was expected that the lease/contracting arrangements would be based on transferring full operational risk/cost to the service provider. Proposals would be considered and presented to members for further consideration via the appropriate decision making process.

Members considered that the proposals should be pursued, whilst ensuring that the ambience of the parks was not adversely affected. It was also likely that Friends Groups would be supportive, and Cllr David Jefferys, as Chairman of the Health and Wellbeing Board, saw this as an opportunity to encourage healthy activities.

RESOLVED that the details of the proposed tender process and timescale outlined within this report be noted and the Portfolio Holder for Environment be recommended to approve the proposed tender process and authorise officers to undertake the tendering process.

62 PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE

A) LEAD LOCAL FLOOD AUTHORITY UPDATE AND GRANT DRAW-DOWN Report ES15041

The report updated Members on the Council's role as the Lead Local Flood Authority (LLFA), including the latest changes in responsibilities, and sought approval of the Local Flood Risk Strategy and Action Plan. It also reviewed the authority's response to the 2014 groundwater flooding issue, and sought agreement from the Executive to release dedicated Central Contingency funding of £213k to ensure the Council met its statutory duties as the Lead Local Flood Authority.

It was confirmed that the expenditure proposed was fully funded from a grant from DEFRA, but future funding was unknown.

RESOLVED that

(1) The Environment Portfolio Holder be recommended to approve the Local Flood Risk Strategy and associated Action Plan and the LLFA future works programme.

(2) The Executive be recommended to release £213k from the central contingency budget to implement the proposals detailed in the report.

**63 FORWARD WORK PROGRAMME, MATTERS ARISING FROM
PREVIOUS MEETINGS, AND CONTRACTS REGISTER**
Report ES15037

The Committee considered its work programme, progress on previous requests by the Committee and a summary of current contracts.

At its meeting on 17th March 2015, the Committee, in considering the proposal to vary the Grounds Maintenance contract to provide a wholly managed service, decided to establish a Working Group to consider quarterly performance data for the contract. This would comprise Councillors William Huntington-Thresher, Sarah Phillips, Catherine Rideout and Melanie Stevens.

It was also proposed that a Budget Pressures Working Group would be set up to consider the potential to reduce projected budget increases across the Portfolio – issues such as waste tonnages, parking enforcement and fly-tipping. This would comprise Councillors Kevin Brooks, Sarah Phillips, David Jefferys and Angela Page

A member commented that the agenda for the Committee's November meeting appeared to be fairly light. However, it was likely that further issues would be added to this agenda. The Chairman drew attention to the opportunity to scrutinise an external organisation at the January meeting. This could possibly be the reactive or planned street maintenance contractors, with the contracts due for renewal in June 2017 – he would discuss this with officers. A member also suggested looking at the performance of Fix My Streets and the work it generated – this could possibly be looked at by the Budget Pressures Working Group.

RESOLVED that

(1) The forward work programme, the update on progress with previous Committee requests and the summary of contracts within the Environment Portfolio.

(2) A Grounds Maintenance Performance Management Working Group and a Budget Pressures Working Group be established, with membership as set out above.

**64 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 referred to 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**

**65 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE
MEETING HELD ON 17TH MARCH 2015**

The Committee confirmed the exempt minutes of the meeting held on 17th March 2015.

**66 PRE-DECISION SCRUTINY OF PART 2 REPORTS TO THE
EXECUTIVE**

The Committee scrutinised the following reports on matters for decision by the Executive.

A) STREET WORKS INSPECTION CONTRACT EXTENSION

The Committee supported a proposal to extend the existing street works inspection contract.

**B) CONTRACT FOR STREET ENVIRONMENT - STREET
CLEANING CONTRACT EXTENSION OPTION**

The Committee considered options for the extension of the street cleaning contract.

**67 PRE-DECISION SCRUTINY OF PART 2 REPORTS TO THE
PORTFOLIO HOLDER**

The Committee scrutinised the following proposed decision by the Environment Portfolio Holder.

**A) PROCUREMENT OF FLEET CARS AND LIGHT COMMERCIAL
VEHICLES**

The Committee considered procurement options for renewal of the Council's allocated car and light commercial vehicle fleet and supported the proposed arrangements.

The Meeting ended at 9.22 pm

Chairman