

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.30 pm on 2 February 2016

Present

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

Also Present

Councillor Colin Smith and Councillor Lydia Buttinger

92 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Terence Nathan and Councillor David Livett attended as alternate.

93 DECLARATIONS OF INTEREST

Councillor William Huntington-Thresher (Committee Chairman) declared a personal interest in item 6b by virtue of living at a property in Homestead Road, Orpington (a road proposed for carriageway resurfacing 2016/17 as part of the Highways Planned Maintenance Programme).

Councillor David Livett also declared a personal interest in item 6b by virtue of living at a property in Grosvenor Road, Petts Wood.

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

There were no questions to the Committee.

95 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH NOVEMBER 2015

The minutes were agreed.

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

One question had been received for oral reply with three questions received for written reply. Details of the questions and replies are at **Appendix A**.

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

A) CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2015/16

Report FSD16016

At its meeting on 2nd December 2015, the Executive agreed a revised Capital Programme for 2015/16 to 2018/19. Changes in respect of the Environment Portfolio were outlined and a revised programme for the portfolio presented.

Report FSD16016 also included comments on scheme progress at the end of the first half of 2015/16 and actual spend against budget at that point.

As part of the second quarter monitoring exercise, £1,013k had been re-phased from 2015/16 into later years to reflect revised estimates of when expenditure on Environment schemes is likely to be incurred.

RESOLVED that the Portfolio Holder be recommended to note and confirm the changes agreed by the Executive in December 2015.

**B) HIGHWAYS PLANNED MAINTENANCE PROGRAMME
INCLUDING SURFACE TREATMENT OPTIONS**

Report ES16006

Report ES16006 recommended planned footway and carriageway works for the remainder of 2015/16 and 2016/17 with a draft programme for future years. Information was also provided on carriageway treatment options and projects related to the Council's annual bid to the London Bridges Engineering Group (advising Transport for London) for structural projects on bridge assessment and strengthening.

Technical surveys provide carriageway condition data borough-wide for an assessment of network condition. Although not precise, being derived from a wide range of identified highway defects, the surveys provide valuable trend data, identifying the percentage of carriageway likely to require maintenance. Prioritisation in accordance with budget provision is based upon highway condition with account also taken of factors such as amount of use, location on the network, adjacent services, frequency of reactive maintenance, level of public enquiries, and consultation responses.

Supplementary information tabled for the meeting highlighted Ward Councillors who had provided comments/enquiries on the proposed programme, the information also listing roads noted in respect of the Member enquiries and the date of response sent by officers to each Member.

A number of comments and questions were raised in discussion with further background provided on formulating the programme. Following the technical surveys of network condition by external surveyors (to help develop the

programme), Council engineers would carry out their own assessment of each road considered and be certain of the necessary treatment before work is commenced. As such the programme was not intended to reflect the physical condition of roads listed and subsequent tests would identify anything wrong underneath the road surface. An undulating road surface would not of itself warrant inclusion within the programme; where it was possible to accept road undulations for a few years, attention could be given to dealing with severely rutted roads and roads requiring a high number of reactive maintenance visits. Only the part of a road requiring works would be treated as previously agreed by the Highway Assets Working Group. This helped to provide the most cost effective rates.

Detailed work on the programme would therefore follow the Portfolio Holder's decision with any changes to the programme (in line with service needs) being delegated to the Executive Director in consultation with the Portfolio Holder. The length of footways to be treated would be re-affirmed on site. Members were invited to accompany engineers in visiting some roads which the Portfolio Holder supported.

In the Orpington ward it was highlighted that a number of pavements on hills were now uneven, posing a risk, particularly for the elderly. The Chairman suggested that there could be value in an assessment of footway treatment options, in a similar approach to the carriageway treatment options detailed in the report. The Chairman proposed that the Portfolio Holder could then give further consideration to the footway re-surfacing schemes appended to Report ES16006. The schemes could be agreed in principle at this stage and the footway programme commenced with the first tranche of works, subject to Members looking further at remaining footways either individually or collectively at an informal meeting to provide views for the Portfolio Holder in a final decision. Following this decision, individual Member comments could still be considered with any changes to the proposed programmes being delegated to the Executive Director in consultation with the Portfolio Holder.

It was also suggested that Chelsfield Hill be included for maintenance – the road having been closed again two weeks previously - with surface treatment suggested as a cheaper option should restoration not be needed. It was further suggested that Homestead Road, Orpington (Chelsfield and Pratts Bottom Ward) might now need a detailed assessment having taken a lower priority for maintenance in previous years. In general, the road appeared in good condition but sections were experiencing frequent potholing.

Footways continued to be installed on a like for like basis - new paving slabs matched with new and old slabs matched with old - and it was intended to level uneven paving slabs as much as possible rather than use new slabs (normally, older paving slabs were also stronger).

RESOLVED that the Environment Portfolio Holder be recommended to:

- (1) agree that additional schemes listed at Appendix A to Report ES16006 be completed during 2015/16 with those at Appendix B forming the basis of the Council's programme of planned highway maintenance for 2016/17;**
- (2) give further consideration to the footway re-surfacing treatments and schemes at Appendices B and C to Report ES16006, the schemes being proposed for agreement in principle at this stage with the first tranche of works to be commenced, subject to PDS Members looking further at remaining footways to provide views for a final decision on footway re-surfacing schemes;**
- (3) agree the proposed schemes for future years at Appendix C to Report ES16006 subject to (2) above;**
- (4) agree the proposed TfL funded programme of principal road maintenance works for 2016/17 as set out at Appendix D to Report ES16006, together with the bid to Transport for London for bridge strengthening and assessment at Appendix E; and**
- (5) agree that authority be delegated to the Executive Director of Environment and Community Services, in consultation with the Portfolio Holder, to implement any changes to the proposed programmes in line with service needs.**

C) LITTERING ENFORCEMENT

Report ES16003

In taking on responsibility for the issue of Fixed Penalty Notices (FPNs) to individuals breaching requirements of the Clean Neighbourhood and Environment Act 2005, including offences for littering and dog fouling on the Public Highway, Ward Security agreed to provide two Street Litter Enforcement officers five days per week to patrol targeted hot spots for littering, primarily in Town Centre High Streets, at nil cost to L B Bromley. However, income from issued FPNs was insufficient to cover Ward Security staff costs and in a pilot scheme from May 2015, Ward Security have used existing Park Security officers on overtime (outside of contracted arrangements in the Parks Security Contract) for targeted street litter patrols across the borough (Ward Security also providing staff for the issue and administration of FPNs). Should the approach be agreed as a permanent change, Ward Security would task two of the five Park Security officers on duty to undertake approximately two hours of intelligence led targeted patrols in areas such as High Streets, outside of schools, alleyways, and local recycling centres where fly-tipping, dumping and dog fouling has been reported. By using current contract staff on overtime, more effective use is made of the existing resource while still providing the Council with a litter enforcement service.

Report ES16003 was concerned about the issuing of Fixed Penalty Notices (FPNs) to individuals breaching requirements of the Clean Neighbourhood and Environment Act 2005, including offences for littering and dog fouling on the Public Highway. Ward Security had taken on the responsibility for this function for L B Bromley in 2015. Ward Security had agreed to provide two Street Litter Enforcement officers five days per week to patrol targeted hot spots for littering, primarily in Town Centre High Streets, at nil cost to L B Bromley. However, income from issued FPNs was insufficient to cover Ward Security administration staff costs and in a pilot scheme from May 2015, Ward Security have used existing Park Security officers on overtime (outside of contracted arrangements in the Parks Security Contract) for targeted street litter patrols across the borough. Should the approach be agreed as a permanent change, Ward Security would task two of the five Park Security officers on duty to undertake approximately two hours of intelligence led targeted patrols in areas such as High Streets, outside of schools, alleyways, and local recycling centres where fly-tipping, dumping and dog fouling has been reported. By using current contract staff on overtime, more effective use is made of the existing resource while still providing the Council with a litter enforcement service.

Since May 2015, 129 FPNs had been issued at a cost of £705 for overtime plus a £3,087 contribution to Ward Security's administration costs. With the service operating at a net income, the overall net income to the Council amounted to £3,088.

Comments were made on the proposed new approach and to deterrent measures.

Education was advocated as a cost neutral approach and a request was made for the new approach to highlight the inclusion of dog fouling as well as littering.

It was difficult to identify incidents of dog fouling and accurate intelligence was needed from residents. The Portfolio Holder indicated that the Council was constrained in this area by provisions in the Regulation of Investigatory Powers Act (RIPA), the Portfolio Holder looking to make representations supporting a change to such measures. There was a degree of support from the Committee for the Portfolio Holder taking such action. It was highlighted that the Council could undertake overt surveillance under RIPA but it would be necessary to place some signs highlighting that this was taking place. The Portfolio Holder suggested that individuals are unlikely to offend if aware they are being watched. Information on RIPA would be passed to Members and the Portfolio Holder would consider the matter further (with Members) outside of the meeting.

A resident's camera evidence of an offence being committed could be used by the Council in taking enforcement action but the resident would need to make a statement and be prepared to attend Court. The Council could also take action should photographic evidence be presented by a resident showing litter being discarded from a vehicle. The evidence would need to show the

vehicle registration mark of the vehicle. For hot spots where this was particularly prevalent it was suggested that roadside signs might provide a deterrent with a possible trial to test the effectiveness of such an approach.

A Member emphasised a need to publicise information about any form of enforcement to help provide a deterrent. The Member highlighted concerns related to pigeons in the Penge area; although signs were present, there was an enforcement problem. The Chairman suggested an article on the issue in the next edition of *Environment Matters*.

A litter problem was also highlighted in relation to children being transported to or collected from school and incidents of litter being discarded from stationary vehicles in the vicinity of a school. The Chairman again highlighted the value of photographic evidence of such incidents including vehicle registration mark if the citizen was willing to make a statement and attend Court. It was confirmed that enforcement could be targeted at a specific school(s) if there was intelligence of a litter problem.

RESOLVED that the Environment Portfolio holder be recommended to approve the change to the arrangement with Ward Security for the provision of Littering Enforcement.

D) PARKING APPEALS POLICY

Report ES15080

Approval was sought for two amendments to the current parking appeal guidance:

- (i) in cases where a motorist claims not to have received a Penalty Charge Notice (PCN) on the windscreen, and
- (ii) in cases where a motorist receives a PCN having parked outside their property on a restriction designed to prevent commuter parking.

The current appeal guidance was agreed in April 2012, proving to be a robust document allowing the Parking Service to resolve all appeals as quickly, consistently, and as early in the process as possible, whilst remaining fair and reasonable at all times.

For (i) above, Parking Services currently reoffered a discounted amount when mitigating circumstances could be reasonably demonstrated. However, if mitigating circumstances could not be reasonably demonstrated, a motorist would have to pay the full amount. Occasionally, a motorist could also claim not to have received a PCN, causing a high level of dissatisfaction and a feeling of unfair treatment, leading to complaints or further appeals to the adjudicator. There was a cost to the Council for any cases reaching the adjudicator stage and re-offering the discount would positively impact on the reputation of the parking service. Other London boroughs also reset the discount period in these circumstances.

For (ii) above, it was recommended that a resident parking on a restriction outside of their property, which is only to prevent commuter parking, might have one ticket written off in any rolling 12 month period. This would only impact a small number of residents. Such appeal types were usually in situations where the resident had taken a day's leave and had forgotten it was a Controlled Parking Zone (CPZ) day rather than a weekend. In many cases the resident had already purchased a resident parking permit at a minimum cost of £40 per year, but had parked on the yellow line after returning home from work after the yellow line restriction had finished; if the resident was unable to move their car for any reason, a resident would have to pay the penalty as well. The policy change for (ii) would have little financial impact on the service and would help to mitigate a strong sense of resident frustration which was often felt. The recommendation was intended to only apply to CPZs and not all single yellow lines and in cases where the vehicle concerned was registered to a keeper residing at a property in the area. The Chairman added that its purpose was to control parking rather than prevent commuter parking.

RESOLVED that the Portfolio Holder be recommended to:

(1) agree the proposed amendment allowing a motorist to pay at the discounted amount in cases where a motorist states that they had not received a PCN on the windscreen;

(2) agree that a PCN be written off on the first occasion where a motorist receives a PCN having parked outside of his/her property on a restriction designed to prevent commuter parking (this being intended to only apply to CPZs and in cases where the vehicle concerned is registered to a keeper residing at a property in the area); and

(3) delegate to the Executive Director and Portfolio Holder for the Environment, authority to make policy guidance amendments in the future that have minor financial and/or service implications.

98 DRAFT 2016/17 BUDGET

Report FSD16011

Members considered the Portfolio Holder's Draft 2016/17 Budget incorporating future cost pressures and initial draft budget saving options as reported to Executive, 13th January 2016.

Executive requested that each PDS Committee consider the proposed initial draft budget savings and cost pressures for their Portfolio, with the views of each PDS Committee being reported back to the Executive's next meeting on 10th February 2016.

In discussion it was suggested that *Environment Matters* be used further to highlight a key message on encouraging waste reduction and recycling. The

Chairman referred to the Council's aim of becoming the highest achieving London Borough in this area. A Member highlighted that the quantity of municipal waste collected in L B Bromley had risen in the past couple of years and it was questioned whether any increase in packaging might have contributed to the rise.

Concerning the summary of budget variations 2016/17 for the Environment Portfolio (Appendix 2B to Report FSD 16011), explanation was provided on the variation of Cr 353,000 in relation to an extension of repayment of the street lighting invest to save scheme by a further two years. In so doing, it was highlighted that the number of street lanterns replaced had been increased and there were fewer street lamp columns found to need replacement. The new lanterns required less energy and a bid into the Salix Energy Saving Fund was being considered to convert further lanterns to further reduce the street lighting energy budget.

RESOLVED that:

- (1) the update on the financial forecast for 2017/18 to 2019/20 be noted;**
- (2) the initial draft saving options proposed by the Executive for 2016/17 be noted;**
- (3) the initial draft 2016/17 budget be noted as a basis for setting the 2016/17 budget; and**
- (4) the Committee's comments on the initial draft 2016/17 budget be provided to the Executive for consideration at their meeting on 10th February 2016.**

(Democratic Services Note: concerning draft savings options at paragraph 3.11 of Report FSD16011 and Appendix 1 to the report, the option on additional parking income is to be taken by schemes being dealt with in line with the appropriate level of delegation).

99 BROMLEY PARKING - CAPITAL PROGRAMME REVIEW

Report ES16010

Members noted a post implementation review of two capital schemes associated with Bromley Town Centre parking:

- The Hill Car Park – remedial strengthening (propping) works; and
- Bromley Town Centre – increased parking capacity.

RESOLVED that the report be noted.

**100 FORWARD WORK PROGRAMME MATTERS ARISING FROM
PREVIOUS MEETINGS AND CONTRACTS REGISTER**

Report ES16005

Concerning future work, it was intended that the Committee's Working Group on the new environmental services contract would meet in April 2016, prior to a gateway report being presented to Members in the summer.

For the Committee's next meeting on 15th March 2016, it was intended to provide an opportunity for the Committee to scrutinise work of the Portfolio Holder. A report concerned with street lighting was also expected in addition to other items listed at Appendix 1 to Report ES16005. Should it not be possible report on street lighting in March, a report would be scheduled for the Committee's meeting in June. A brief update was also provided on the current position in adopting and making up Plawsfield Road, Beckenham.

The Portfolio Holder highlighted a particular concern for the poor performance of UK Power Networks in the borough when responding to requests for lamp column connections. These issues had delayed the progress of the street lighting invest to save project and delayed the realisation of some of the energy savings. The Portfolio Holder asked whether a report could be considered by the Committee which might also be used to highlight the company's performance to London MPs and London Councils. If a full report to the Committee's next meeting was not possible, the Chairman suggested a background note or a short report to Members which could be used to follow-up the matter.

Members also considered the possibility of visits outside of Committee meetings and it was agreed to circulate a programme of possible events. Suggestions for visits included: (i) High Elms; (ii) a recycling separation plant (Members had previously been invited to a MURF); (iii) the SELCHIP Advanced Energy Recovery Facility, London SE14; and (iv) locations to view highway maintenance in action. An approach could also be made to Veolia to see if there was any possibility of a visit being arranged before their attendance at the Committee's meeting on 15th March 2016.

Noting that the Assistant Director, Transport and Highways, would be moving to a new position later this month, the Chairman took the opportunity to pass on the Committee's best wishes for the future and thanks for support provided.

RESOLVED that:

(1) the Committee's work programme be agreed subject to the Committee's next meeting on 15th March 2016 providing an opportunity to scrutinise work of the Portfolio Holder and consideration of a possible report concerned with street lighting;

- (2) the Committee's Working Group to consider design of the new environmental services contract be convened for a date in April 2016;**
- (3) a report be provided to the Committee's next meeting on the performance of UK Power Networks in the borough when responding to requests for lamp column connections – should a full report not be possible, a background note or short briefing report be provided to Members instead;**
- (4) a programme of possible visits be circulated to Members for consideration;**
- (5) progress related to previous Committee requests be noted; and**
- (6) a summary of contracts related to the Environment Portfolio be noted.**

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

102 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH NOVEMBER 2015

The exempt minutes were agreed.

The Meeting ended at 8.56 pm

Chairman