

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 8 November 2016

Present

Councillor William Huntington-Thresher (Chairman)
Councillor Angela Page (Vice-Chairman)
Councillors David Cartwright QFSM, Ian Dunn,
Ellie Harmer, Sarah Phillips, Catherine Rideout and
Melanie Stevens

26 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were recorded for Cllr Samaris Huntington-Thresher and Cllr Terence Nathan.

Apologies were also received from Cllr Colin Smith as Portfolio Holder for the Environment and Cllr Lydia Buttinger as Executive Support Assistant to the Portfolio Holder.

27 DECLARATIONS OF INTEREST

There were no declarations.

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

There were no questions to the Committee.

29 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 29TH SEPTEMBER 2016

The minutes were agreed.

30 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 replies are at **Appendix A**.

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

a BUDGET MONITORING 2016/17

Based on expenditure and activity levels to 30th September 2016, the latest 2016/17 budget monitoring position for the Environment Portfolio showed an underspend of Cr £294k, with the controllable budget projected to be underspent by Cr £228k at year-end.

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

In discussion, reference was made to a projected net £50k deficit from PCNs issues by Indigo Park. This was due to a reduction in contraventions detected arising from staff sickness, leave and training in April 2016 reducing the number of CEOs on street. Employment of four additional Civil Enforcement Officers (CEOs) on street was delayed due to difficulties in staff recruitment. However, the staff were now in post. The position would be closely monitored over the next few months and there would be opportunity over the financial year for Indigo Park to undertake extra CEO patrols to compensate. A combined Key Performance Indicator (KPI) linked to training and numbers of CEOs on street would also be monitored. Ultimately, if there was a continued level of poor performance, a financial default could be incurred by the contractor.

For Parks and Green Spaces, a projected £70k overspend for water charges at Crystal Palace was due to the receipt of amended backdated bills based on actual meter readings. Bills had only been received to mid-December 2015 and officers were working closely with Thames Water to investigate the reason for a large variation between estimated and actual readings as well as obtaining the most up to date bills - there had been a combination of inaccurate and large bills.

RESOLVED that the Environment Portfolio Holder be recommended to endorse the latest 2016/17 budget projection for the Environment Portfolio.

b ADOPTION OF FIXED PENALTY NOTICES FOR FLY-TIPPING OFFENCES

Report ES16051

Regulations introduced on 9th May 2016 granted Local Authorities power to issue fixed penalty notices (FPNs) for contraventions of section 33 (1)(a) of the *Environmental Protection Act 1990 (EPA)* concerning fly-tipping, so providing an alternative sanction to prosecution. Report ES16051 outlined the case for introducing FPNs in L B Bromley, recommending a level of FPN at £400 with no early payment discount.

The fixed penalty notices would be appropriate for small scale fly-tipping rather than larger scale deposits by unscrupulous operators in waste management, repeat offenders, those responsible for large-scale fly-tipping, or for the fly-tipping of hazardous waste.

Local Authorities are permitted to set their own penalty levels within limits set by Government. To provide the greatest deterrent, the maximum level of fine at £400 fine, with no early-payment discount, was considered appropriate for L B Bromley. It was hoped that this would lead to a decrease in the number of small scale fly-tipping incidents and it was recommended that the Executive Director of Environment and Community Services authorise appropriate officers to issue FPNs, including L B Bromley Street Enforcement Officers, and Officers from *Ward Security*, the Council's Parks Security and Street Enforcement Contractor. *Ward Security* currently issued FPNs for other environmental offences and it was intended to apply the same administration costs and methods of recovery for fly-tipping offences. Failure to pay a Penalty Notice within 14 days would lead to cases being referred to the Council's Legal team.

In accordance with the legislation, income from FPN's was to be spent on functions related to litter, dog fouling, and cleansing rather than a means of generating income for other uses.

Members supported the recommendations and enforcement against fly-tipping. Concerning incidents of fly-tipping at Mottingham Lane, Mottingham, further measures could be considered including a suggestion from Cllr Cartwright (Mottingham). Stop and search initiatives would continue and infrastructure measures could be included; an overheight vehicle barrier and posts would shortly be installed at certain locations. Officers welcomed any further suggestions from Members.

An examination of public incident reports on *Fix My Street* could also help to determine where it might be appropriate to apply measures such as covert CCTV e.g. at locations where there is a high number of incident reports. Some covert cameras had been purchased recently but it was necessary for to apply to the Magistrate's Court for authority to use them under the Regulation of Investigatory Powers Act.

Cllr Ellie Harmer (Plaistow and Sundridge) also made reference to fly-tipping at Kinnaird Avenue, Bromley and highlighted fly-tipped material at a private road. Although residents had paid for removal of the material no action appeared to have been taken. However, with private roads not being maintainable at public expense, it was clarified that fly-tipped material can only be removed from an unadopted or private road if it is blocking the highway. The Council had a responsibility to maintain highway access but if material was fly-tipped elsewhere in the location, it was the responsibility of residents to have the material removed.

Although the proposed level of fine at £400 was the highest that can be introduced, should the level of costs to remove the waste exceed £400, compensation for the excess costs could be pursued through the courts.

RESOLVED that the Environment Portfolio Holder be recommended to:

- (1) approve the introduction of Fixed Penalty Notices (FPNs) for fly-tipping offences within the borough;**
- (2) agree to set the level at £400 per penalty notice without a discount for early payment; and**
- (3) agree that the Executive Director of Environment and Community Services be delegated to authorise appropriate officers to issue Fixed Penalty Notices (FPNs), under section 33ZA of the Environmental Protection Act 1990 (EPA), to persons whom the officer has reason to believe has committed a small scale fly-tipping offence.**

c ELMSTEAD LANE (PRIVATE STREETWORKS) - SECOND RESOLUTION

A Resolution of Approval was sought from the Portfolio Holder under the Private Street Works Code (outlined in the Highways Act 1980), concerning the making up and adoption of the eastern footway of Elmstead Lane, between Walden Road to the north, and Grange Drive.

Following the Committee's meeting on 29th September 2016, the Portfolio Holder made a First Resolution under Section 205(1) of the Highways Act 1980, the report for this decision (Report ES16018) highlighting that the footway had not been made up and adopted. With high footfall at the location due to the proximity of Elmstead Woods railway station, a school, and a bus stop, the Resolution of Approval would enable the Council to provide a safe and continuous footway maintainable at public expense. To adopt the footway, improvements would need to be made to the appropriate standards under the Private Street Works Code and a Resolution of Approval approves details of works necessary to bring the street to a suitable standard; an estimate of the costs of such works; and a provisional apportionment of the costs amongst owners of the premises fronting the street, including those adjoining and abutting.

The appropriate documents under Section 205(3) Highways Act had been prepared to enable the Resolution of Approval to be made, enabling the Provisional Apportionment, containing details of property ownerships, to be as up to date as possible.

Costs for the works were estimated at £33.8k, with £20k funded from the Section 106 funds for the Ravensbourne College development and £13.8k funded from the TfL LIP budget for Station Access Schemes. The Council would bear expenses of the street works under the provisions of Section 236(1) of the Highways Act 1980.

RESOLVED that the Portfolio Holder be recommended to:

(1) to approve without modification the specification, plan, sections, estimate and provisional apportionment now submitted by the Executive Director of Environment and Community Services in respect of the scheme approved by the Environment Portfolio Holder on 18th October 2016; and

(2) resolve that the Council bears the whole of the cost of the works, which will be met from funding provided by Section 106 funding and Transport for London under the provisions of Section 236(1) of the Highways Act 1980.

d NORMAN PARK PROPOSED SHARED PATH

Report ES16056

A shared path for walkers and cyclists around Norman Park would be completed by continuing the path between the park's two car parks, so avoiding the need for walkers, runners and cyclists to pass through areas of manoeuvring vehicles.

To create a cycle hub, five cycle stands and a cycle repair station and pump was proposed adjacent to the proposed refurbished and extended Norman Park Lodge.

Members supported the proposals.

RESOLVED that the Environment Portfolio Holder be recommended to approve:

(1) construction of the proposed new section of shared path in Norman Park between the two car parks as shown in the drawing at Appendix A to Report ES16056, thereby enabling completion of the shared path around the park; and

(2) the provision of five cycle stands and a cycle repair station/pump adjacent to the proposed refurbished and extended Norman Park Lodge to create a cycle hub.

e CONGESTION IN CROFTON ROAD: IMPROVEMENTS TO ORPINGTON STATION FORECOURT AND NEARBY HIGHWAY

Report ES16057

To help reduce traffic congestion along Crofton Road, measures were proposed to improve management of the Orpington Station forecourt (a separate study was being undertaken on improvements to Station Road to the east of the bridge, particularly at the Tower Road/Hill View Road junction).

The current layout of the forecourt was also considered poor and due to the high cost of service diversions it was no longer thought appropriate to install a lay-by and other associated enhancements for the bus stop outside of the station (reversing a decision made in November 2014).

Measures now proposed would improve bus stop facilities and relieve congestion along Crofton Road linked to increased car parking at the station. A re-designed forecourt would manage vehicle and pedestrian movements better and more safely (including vehicle movements in and out of the station) and also include high quality, secure cycle parking facilities.

A further refinement of the proposed design, as tabled at the meeting, now includes twelve taxi bays, ten pick-up/drop-off bays and double yellow lines.

The total cost of the scheme was estimated at £120k to be funded mostly from a S106 sum of £81,977 related to the Orpington Tesco development. The 2016/17 BCP programme would fund a further £25k and the 2016/17 LIP budget for Cycling and Walking would fund the remaining £13k.

In discussion, improved signage at the forecourt was suggested as was parallel parking for all drop-off/pick-up bays although it was highlighted that places could be lost to accommodate the bays. The maintenance of two traffic lanes across the whole forecourt was also suggested as important for reducing congestion - it would allow traffic exiting both ways onto Crofton Road to flow independently.

Moving the exit nearer to the bus stop could cause a visibility problem for exiting drivers should a bus be waiting at the stop and officers would review the design further including a possibility of moving the stop away from the exit. However, the new design would not worsen the current position and the proposed exit arrangement would create better lane discipline for traffic leaving the station.

Concerning pedestrian access to the station, it was confirmed that a zebra crossing across the Station access and egress would not be possible as it could not meet standards. Good enforcement is important on the part of South Eastern to ensure that the pick-up/drop-off bays and double yellow lines are not abused by users of the station, although it was recognised that measures at a number of other stations had proved difficult to enforce; East Croydon station appeared an exception with a large “*no stopping here*” sign and camera to provide effective enforcement.

In addition to the new 60 space cycle hub, South Eastern is looking to provide additional facilities around Platforms 7 and 8 at the station. It was also felt that tree planting would improve the ambiance of the forecourt.

In conclusion, it was highlighted that further amendments to the proposed arrangements would be agreed with the Portfolio Holder. In so doing, it was requested that the Committee’s comments and those of Ward Councillors be

noted, particularly comments related to the provision of two lanes throughout the forecourt to facilitate traffic flow.

RESOLVED that the Environment Portfolio Holder be recommended to agree that:

(1) due to the high cost of the service diversions to provide a bus lay-by and other associated enhancements, the bus stop improvement outside Orpington Station should not proceed as previously agreed (ES14075);

(2) the S106 funds, Borough Cycling Programme, and LIP cycling/walking funds be used to improve the Station forecourt, reduce the impact of traffic queuing to enter the Station (having a knock-on effect on Crofton Road), and for the provision of new high quality cycle parking for 60 bicycles alongside other improvements to cycle parking; and

(3) further investigations be undertaken regarding possible changes to Station Road to address the issues associated with congestion resulting from queueing from the Tower Road/Hill View Road junction.

f PROPOSED QUIETWAY ROUTES IN BROMLEY - QUIETWAY DEFINITION PLAN STAGE

Report ES16059

Approval was sought on two proposed Quietway routes to enable officers and TfL's delivery partners, Sustrans, to progress the routes to detailed design and implementation stages.

Should the proposed routes be endorsed to enable officers to sign-off the Quietways Definition Plan (QDP), TfL would assess whether or not the proposed routes represent quality and best value and make a final judgment on whether to release funding for the schemes. If approved by TfL, a detailed design for both schemes would then be prepared. The Portfolio Holder and Ward Members would be informed of progress and Members consulted on the detailed design of interventions.

At present TfL planned to deliver two Quietways in Bromley:

(i) from Lower Sydenham to Bromley town centre as part of Phase 2.2, joining-up with the proposed Greenwich to Kent House Station route just outside the borough boundary on Waterlink Way in L B Lewisham; and

(ii) the section of the Greenwich to Kent House Station route from Lower Sydenham Station to Kent House Station.

The routes were at feasibility stage, officers having worked with TfL and Sustrans to produce a list of proposed interventions and costings to include in the Quietway Definition Plans (QDPs) for each route.

If a route was unable to meet the level of quality TfL were seeking for Quietways (when assessed at the Sponsor's review), TfL funding would not be guaranteed for the route. As such, detailed designs had yet to be produced. Should TfL decide to fund implementation, informal consultation could be undertaken with relevant stakeholders on proposed interventions with further Member and public consultation (including statutory consultation where necessary) taking place during the design process, prior to implementation.

Passing a number of railway stations in the borough, the Lower Sydenham to Bromley route was expected to be popular, contributing to increased cycle mode share and increased rates of cycle to rail journeys. The Greenwich to Kent House route via Lower Sydenham would also provide an important link between stations on different lines in the borough, encouraging a greater uptake of cycle to rail journeys. The route linked with the Lower Sydenham to Bromley route, just north of Lower Sydenham station, providing Bromley town centre and Beckenham residents with a high-quality cycle route to other parts of South East London. Both routes would also benefit pedestrians with improved crossing facilities and potential surface quality at key points along the routes.

As large sections of both routes in the borough are based on existing London Cycle Network routes, investment from the Quietways programme would benefit all users of existing routes and enable L B Bromley to upgrade the routes at no cost to the authority. This included Kangley Bridge Road on the Greenwich to Kent House route whose improvement would provide an opportunity to implement a Pay & Display/Business Parking scheme in the road. TfL would not provide funding to displace day to day Council expenditure but where interventions were required to bring the routes to Quietway standard, there would be improvements to assets and potentially a slight reduction in revenue expenditure (e.g. from new lighting or repairs to surfacing). Potentially, interventions funded by the scheme could also make a positive contribution to the streetscape through use of high-quality surface materials, better lighting, and cleansing.

The Executive was asked to add the provisional scheme for the proposed Quietway Cycle Routes in Bromley to the capital programme. The total cost of the Quietway Cycle Routes scheme amounted to £862.5k which included funding for L B Bromley project management staff time and design costs.

No Ward Member comments were received on the section of the Greenwich route from Lower Sydenham to Kent House Station. Ward Member comments received for the route from Lower Sydenham to Bromley town were outlined to the Committee. Subject to approval being received from TfL for the two routes as outlined in the QDP and funding released for the schemes, it was intended to complete the two Quietways in the borough by 30th November 2018.

RESOLVED that:

(1) the Environment Portfolio Holder be recommended to:

- (a) endorse the proposed Quietway cycle route from Lower Sydenham to Bromley and the proposed interventions;**
- (b) endorse the proposed Quietway cycle route from Lower Sydenham to Kent House Station and the proposed interventions;**
- (c) authorise the Executive Director of Environment and Community Services to sign-off the Quietways Definition Plan (QDP) to enable TfL to formally review the proposals and make a final decision on whether to proceed with funding for the routes;**
- (d) permit Council officers (assuming TfL approval for the Quietway as proposed in the QDP is granted) to begin an informal consultation with relevant stakeholders on the proposed interventions in early 2017 which is expected to take up to three months; and**

(2) the Executive be recommended to agree to add the provisional scheme for the proposed Quietway Cycle Routes in Bromley to the Capital Programme, at an estimated cost of £862.5k, to be fully funded by TfL.

32 PRE-DECISION SCRUTINY OF REPORT TO THE EXECUTIVE

a FORMAL CONSULTATION ON OUTLINE SERVICE PROPOSALS AND PROCUREMENT STRATEGY - CONEY HILL, OXTED, SURREY CLOSED LANDFILL MONITORING & LEACHATE REMOVAL CONTRACT

Report ES16054

Report ES16054 outlined the procurement strategy involved in tendering for the maintenance, monitoring and aftercare of the closed landfill site at Coney Hill, Oxted, Surrey, assigned to L B Bromley in 1986 following abolition of the Greater London Council. The current contract for a seven year term expired on 27th July 2017 and it was proposed to let a contract for another seven year period, with the option of a three year extension, and further option to extend for an additional two years (following a best value review).

The site accepted no waste and was capped but generated landfill gas and leachate gas as the waste gradually degraded. Landfill gas was drawn from the site through a network of pipes and flared. A network of pipes also drew liquid leachate to a central lagoon from where it was tankered to an appropriate disposal facility. A network of gas and water monitoring boreholes outside of the site boundary was used to check there is no leakage of the site's contents to the surrounding environment. It was also necessary to monitor the pipeline networks and equipment to ensure they operated

appropriately, with the equipment maintained and repaired as necessary. Tankering and disposal of the liquid leachate at appropriate disposal facilities was the contractor's responsibility.

The Environment Agency monitored the site for compliance with environmental legislation and ensured that material remained contained without adversely affecting the surrounding environment. Based on analysis by the current contractor, estimates suggested that gas and leachate management/extraction would be required for a further 25 years, although volumes would reduce during the period, eventually falling to a minimal level. On confirmation of the site being effectively inert, the responsibility of L B Bromley would then be fully discharged.

The two proposed extension options would potentially allow for the contract to be co-terminus with the wider bundle of Environment contracts being let in 2019. The total potential total contract value amounted to £1,642,560, including both extensions.

Members supported the recommendations.

RESOLVED that the Executive be recommended to agree:

(1) the procurement strategy set out in Report ES16054; and

(2) the authority to extend the contract, as necessary, be delegated to the Executive Director of Environment and Community Services in consultation with the Portfolio Holder.

33 EXPENDITURE ON CONSULTANTS 2015/16 AND 2016/17

Report CSD16148

At its meeting on 7th September 2016, the Executive and Resources PDS Committee requested that a report (FSD16053) concerning expenditure on consultants 2015/16 and 2016/17 be considered by all PDS Committees.

Report FSD16053 was appended to Report CSD16148 as was Revenue expenditure on consultants in the Environment Portfolio. This focussed on (i) one-off specialist advice/no-one with specialist skills and (ii) insufficient in-house skills/resources. Expenditure in 2015/16 amounted to £183,294 and in 2016/17 to date expenditure amounted to £14,560.

As a further appendix to Report CSD16148, information on Capital expenditure on consultants in the Portfolio was outlined, broken down into expenditure on architects and multi-disciplinary/other consultants. Expenditure in 2015/16 amounted to £200,869.02 and expenditure for the first quarter of 2016/17 amounted to £2,979.34.

Noting that revenue and capital expenditure for 2016/17 only covered the first quarter, there was a desire to look at the matter again at the end of the financial year.

RESOLVED that the matter be considered again after the end of the current financial year.

34 FORWARD WORK PROGRAMME, MATTERS ARISING AND CONTRACTS REGISTER

Report ES16058

Concerning the Committee's Work Programme, it was proposed to hold a special meeting of the Committee on 24th November 2016 at 6pm to consider contract award recommendations for (i) Parking Services and (ii) Council Information Display Units.

It was also intended to convene one or possibly two meetings of the Highways/Footways Working Group before Christmas.

RESOLVED that:

- (a) the Forward Work Programme be noted;**
- (b) progress concerning previous Committee requests be noted; and**
- (c) the Corporate Contract Register extract and commentary related to Environment Portfolio contracts be noted.**

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

36 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 29TH SEPTEMBER 2016

The exempt minutes were agreed.

The Meeting ended at 8.22 pm

Chairman