

ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 7 March 2017

Present

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

Also Present

Councillor Colin Smith and Councillor Lydia Buttinger

60 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Cllr Ellie Harmer, Cllr Samaris Huntington-Thresher and Cllr Terence Nathan. Cllr Simon Fawthrop attended as alternate for Cllr Samaris Huntington-Thresher.

61 DECLARATIONS OF INTEREST

Cllr Simon Fawthrop declared an interest by virtue of being employed by British Telecom (BT).

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

There were no questions to the Committee.

63 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH JANUARY 2017

The minutes were agreed.

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

There were no questions to the Portfolio Holder.

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

a BUDGET MONITORING 2016/17

Report FSD17031

Based on expenditure and activity levels to 31st December 2016, the latest budget monitoring position for 2016/17 for the Environment Portfolio showed an under-spend of Cr £874k, with the controllable budget projected to be underspent by Cr £822k 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, outstanding projected defaults estimated at £200k were noted for the waste collection contract. These were highlighted as principally in relation to missed bin collections; there was now more scope for defaults given an increased level of waste collections.

The importance was confirmed of developing staff to fill staff vacancies. A number of graduates were coming through the Council's graduate programme and apprenticeship scheme. Within Environmental Services, consideration is given to taking apprentices forward; for example, a number of young traffic officers are employed within the Traffic and Road Safety Division.

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

b CAPITAL PROGRAMME MONITORING - 3RD QUARTER 2016/17 & ANNUAL CAPITAL REVIEW 2017 TO 2021

Report FSD17024

At its meeting on 8th February 2017, the Executive agreed a revised Capital Programme from 2016/17 to 2020/21. Changes in respect of the Environment Portfolio were outlined and a revised programme for the portfolio presented. Report FSD17024 also included actual spend against budget at third quarter stage and comments on progress for individual schemes/projects.

RESOLVED that the Portfolio Holder be recommended to note and confirm changes agreed by the Executive on 8th February 2017.

c CONGESTION RELIEF - CROYDON ROAD JUNCTION WITH ANERLEY ROAD

Report ES17026

Members considered proposals to help alleviate congestion and improve road safety at the junction of Elmers End Road /Croydon Road/Anerley Road. Vehicles waiting to turn right into the Aldi store cause traffic to queue back into the junction causing gridlock. With Elmers Elm Road relatively narrow, the volume of vehicles able to exit the junction is also reduced.

The main proposal involved widening the Croydon Road carriageway between the junction and entrance to the Aldi store to accommodate an additional lane parallel to a dedicated right-turn lane to the store. Vehicles would then be able to bypass right turning queues.

The estimated scheme cost amounted to £300k, much of which related to the diversion of a major British Telecom underground chamber. Funding from the TfL Bus Priority Programme would be sought to meet the scheme costs; should this not be successful, costs would be met from the 2017/18 LIP funding for congestion relief. In the meantime, detailed design work could be undertaken so the scheme is able to proceed once funds are identified.

Members were advised of a number of utilities in place beneath the footway where it was proposed to widen the Croydon Road carriageway. The footway was wide enough to permit a width reduction.

It was confirmed that Aldi had not been forthcoming in contributing towards the scheme costs. However, it was confirmed that TfL Buses were prepared to contribute £50k towards costs.

It was also confirmed that moving a bus stop opposite the store further along Croydon Road would be included in modelling. Enforceable box junctions had also been included to assist the free flow of traffic and prevent blocking. Banning right turns into the Aldi Car Park had been considered but no alternative option was readily available to enter the car park; banning right turns could cause the location to become more dangerous.

A number of Members expressed support for the scheme. Cllr Peter Fookes also indicated his support in written feedback and it was confirmed that improved pedestrian facilities could be incorporated within the scheme design should it proceed.

RESOLVED that the Portfolio Holder be recommended to:

(1) approve the implementation of proposed improvements to the carriageway layout at Croydon Road and Elmers End Road subject to consultation with Local Ward Councillors;

(2) approve the scheme at a cost of £300k to be met from the Borough's Local Implementation Plan (LIP) fund and Transport for London Bus congestion reduction funding; and

(3) delegate authority to the Executive Director of Environment and Community Services to make any further minor modifications which might arise as a result of proposed consultations and detailed design.

**66 PERFORMANCE OF WARD SECURITY CONTRACT:
LITTERING**

Report ES17021

Members received an update report concerning use of Ward Security for issuing fixed penalty notices (FPNs) for environmental crimes.

From April 2016 to January 2017, 197 FPNs had been issued with 129 FPNs paid at £80 per ticket (65% paid). With an income from paid FPNs of £10,320, £5,160 covered the cost of Ward Security administration leaving a net income to L B Bromley of £5,160.

Consideration had been given to further improving/utilising the resource through more intelligence led operations with customer and enforcement system data and use of local knowledge (held by Neighbourhood Officers and the Enforcement Team). The Enforcement Manager continued to work with Ward Security to improve the FPN payment rate with a 2017/18 KPI being provisionally set at 70%. Unpaid FPNs are reviewed by the Enforcement Manger and an evidence based decision made on whether to progress the case to formal prosecution. Final agreement to proceed with prosecution would be given by the Council's Legal Services with the decision being based on the merits of each case.

Enforcement targeting was decided by the Enforcement Manager in conjunction with input from the team of Enforcement Officers. It was necessary to focus on areas of heavy footfall such as high streets to ensure the viability of the programme. An infringement needed to be seen before enforcement action could be taken. Bromley and Orpington town centres were considered particular "hot spots". A Member enquired about more enforcement in residential roads to provide a greater deterrent; however, it was necessary to witness litter being dropped and it was important to focus on high profile areas of heavy footfall. Although not possible for Ward Security to use a dedicated enforcement vehicle (similar to mobile enforcement vehicles used for parking enforcement), the company used their own security vans and it was suggested the vans display key enforcement messages.

Should a Fixed Penalty Notice period expire without payment, the case would be considered by the Council's legal team for court action. A particular case taken to court in 2016 resulted in a £500 fine being imposed. Particular concern was expressed for the level of cigarette butts littering the outside of

railway stations. Petts Wood station was highlighted. Members were advised of enforcement action in the vicinity of the taxi rank at Bromley South station.

In view of restrictions on the use of surveillance cameras under the Regulation of Investigatory Powers Act (RIPA), the Portfolio Holder suggested the Committee might wish to consider a review on how effective camera enforcement might be undertaken in accordance with other possible legislation. The review could also cover how other boroughs might successfully undertake enforcement and whether there might be further good practice for L B Bromley to adopt. It was necessary to see more high profile enforcement action and increased fine levels to provide an appropriate deterrent. Members supported the Portfolio Holder's recommendation.

RESOLVED that:

(1) performance information related to the provision of enforcement against littering be noted; and

(2) a future PDS review be considered into how effective camera enforcement might be further improved in accordance with appropriate legislation and whether additional good practice, based upon successful enforcement elsewhere, might be adopted at L B Bromley.

67 ENVIRONMENTAL SERVICES ASPECTS OF THE LOCAL PLAN

The item was included on the agenda to consider the policies of environmental services identified within the scope of the draft Local Plan (Local Development Framework). The Head of Planning Strategy attended the meeting to provide further background on the draft Plan and respond to Member questions.

Consultation on the Proposed Submission Draft Local Plan took place in November/December 2016 being the latest round of consultation and the plan that the Council considers sound and intends to submit to the Secretary of State for examination by a Planning Inspector. A number of policies within the Plan concern environment matters such as those related to transport, crossover policies and general design of development including considerations such as recycling facilities. Environmental challenges such as flooding and sustainable urban drainage are also covered as well as matters related to noise and lighting. Responses to the latest consultation would be reported to Members and will be included in the submission to the Secretary of State. An examination process would then follow involving a planning inspector and hearings. Should the Council wish to make any modifications to policies then a further round of consultation would be required. However, on the basis of the Council considering the Proposed Submission Draft Local Plan 'sound' then modifications are not anticipated, subject to considering the responses to the formal consultation. The plan refers to guidelines and policies prepared by Environmental Services, for example, the Council's

Crossover Policy, and if these guidelines and policies are reviewed and updated, these would be the reference point for the Draft Local Plan.

The Chairman indicated that the purpose of the item was to consider the interfaces between the draft Local Plan and Environmental Services and where Environmental Services policies could be updated to support the Local Plan. General environmental issues would have been included during the consultations completed whilst developing the Local Plan.

A Member suggested that the Plan was not sufficiently strong on highlighting light pollution concerns but it was confirmed that planning policy worked with environmental officers on noise and light pollution policies and the policies were considered robust. Should the Committee consider application of the Street Design Manual, it would be possible to consider light pollution matters in the context of street lighting. A Member confirmed that new street lighting in her ward projected light down on to the road.

In response to a query on the Local Plan making reference to waste storage facilities at developments, officers advised that Draft Policy 37, General Design of Development, clause i), provided the relevant policy. Neighbourhood teams would also be approached for comment in regard to any major developments.

Officers in Highways and Traffic were always consulted on traffic management matters and planning applications and contributed to the development of the Draft Local Plan – including consultation on policies for congestion relief and road safety. The Plan also makes reference to Design Manuals. Client officers and Idverde would be similarly consulted on matters related to parks and amenity space (including provision in town centres) e.g. use of S106 monies from the Orpington Tesco development for amenity space. An Infrastructure Delivery Schedule sets out the infrastructure required to support the development and vision set out in the Draft Local Plan

The Chairman suggested that a working group considers the Environmental Services guidance and policy and ensures that the local plan process is kept advised of any changes made or new guidelines prepared so they can be referred either during the examination if appropriate or when the plan is reviewed.

68 FORWARD WORK PROGRAMME, MATTERS ARISING AND CONTRACTS REGISTER

Report ES17022

A date of 21st March 2017 was suggested for a special Committee meeting to consider a revised contractual approach for monitoring the Coney Hill Landfill site and associate leachate removal. It was also necessary to confirm a meeting date for the Congestion Working Group. The Working Group feeding into development of the Environmental Services contract would continue into 2017/18 (subject to confirmation at the Committee's first 2017/18 meeting).

For Environment related contracts attention was drawn to contract ECS 47 related to the CONFIRM software. The proposed contract extension related to a renewal of the software licence - the licence being subject to annual renewal. As such, it was preferred to exclude the contract from tender, with an annual licence necessary to maintain the software. Additional costs (in the order of £200k - £300k) would be incurred to uproot current arrangements and have another provider; it was not possible to share with another authority as neighbouring boroughs use different systems. Additionally, a software licence cost was levied upon each software user. The Chairman indicated that the contract would be reviewed as part of the Environmental Services Contract. A Member also highlighted that a number of contracts listed in the Contracts Register extract had no text in the commentary column.

RESOLVED that:

- (1) the Forward Work Programme be noted;**
- (2) progress concerning previous Committee requests be noted; and**
- (3) the Corporate Contract Register extract be noted.**

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

70 EXEMPT MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 24TH JANUARY 2017

The exempt minutes were agreed.

71 PRE-DECISION SCRUTINY OF REPORT TO THE EXECUTIVE
a FUTURE PROVISION OF STREET LIGHTING SERVICE

Report ES17018

Revised contractual arrangements were proposed for the Council's street lighting service.

The Meeting ended at 8.11 pm

Chairman