

**ENVIRONMENT AND COMMUNITY SERVICES POLICY DEVELOPMENT  
AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 28 August 2019

**Present**

Councillor Kieran Terry (Vice-Chair, in the Chair)  
Councillors Aisha Cuthbert, Ian Dunn,  
Samaris Huntington-Thresher, Angela Page,  
Melanie Stevens, Harry Stranger and Michael Tickner

**12 APOLOGIES FOR ABSENCE AND NOTIFICATION OF  
SUBSTITUTE MEMBERS**

Apologies were received from Councillor Mark Brock, and Councillor Angela Page attended as substitute.

Apologies were received from Councillor William Harmer, and Councillor Aisha Cuthbert attending as substitute.

Apologies were also received from Councillor Colin Hitchins.

**13 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**14 QUESTIONS TO THE CHAIRMAN FROM COUNCILLORS AND  
MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received for the Chairman; all of the questions were for the attention of the Portfolio Holder.

**15 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING  
HELD ON 18TH JUNE 2019**

The minutes of the Environment PDS Committee that met on 18<sup>th</sup> June 2019 were agreed and signed as a correct record.

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

A number of questions had been submitted to the Portfolio Holder. Details of the questions and replies are at **Appendix A**.

The Portfolio Holder was unwell and unable to attend the meeting and so the questions were not able to be put to the Portfolio Holder on the evening.

*28 August 2019*

As such, Portfolio Holder replies to all questions listed for oral reply were provided in writing.

## **17 ENVIRONMENT PORTFOLIO PLAN: PERFORMANCE OVERVIEW**

The update on the Portfolio Plan Performance Overview was provided by the Head of Performance Management and Business Support.

Members noted the performance monitoring for Residual Household Waste per household. This was currently marked as a low performance area, with an amber rag rating. It was explained that service changes were taking place and a new recycling scheme was being introduced next month to improve performance in this area.

The Head of Performance Management and Business Support stated that regarding the routine maintenance for street lighting, the performance was slightly off trajectory and was being reviewed with the contractor.

A Member drew attention to outcome numbers 24 and 25 which related to the 10 day maintenance response time for highway maintenance tasks, and the 35 day highway response time for other highway maintenance tasks. He queried why the year end projections were below target. In response, the Assistant Director for Highways answered that the contractor was struggling with the 10 day response time. He anticipated that the target would be reached in 90% of cases in about a month's time. The Member asked if the targets on the report would be more accurate if they projected upwards, and the answer was affirmative.

A Member commented on outcome 10 which was regarding the cutting and strimming of highways and verges by Idverde. She was concerned to note that the 2019-2020 target was only 75%; she felt that this was too low and asked for the target to be revised upwards.

The Chairman referred to outcomes 13 and 15 which referred to the number of volunteer hours worked by friends of parks and countryside and woodlands sites respectively. In light of feedback from friends groups and one of the public questions, he asked for this to be reviewed.

**RESOLVED that the Environment Portfolio Plan Performance Overview is noted.**

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

**a CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2019/20**

**FSD 19075**

Members noted and agreed the recommendation of the Capital Programme Monitoring Report.

**RESOLVED that the Portfolio Holder be recommended to confirm the changes agreed by the Executive on 10th July 2019.**

**b LIP PROGRAMME 2020/21**

**ES19055**

This report sought the agreement of the Portfolio Holder for the submission of the Local Implementation Plan (LIP) to Transport for London for the financial year 2020/2021.

The Transport Planning Manager explained that LBB received LIP Formula Funding from TfL to implement the proposals set out in its LIP3 proposal document. He described the Programme as 'fluid and dynamic'.

If the funding remained the same as for 2019/2020, then the funding allocation would be £2.076m. TfL was undertaking a review of the LIP Funding Formula. This meant that either LBB would lose £21k of funding, or would benefit from an additional £182k per annum. If this was the case, the revised annual LIP funding would be £2,258k per annum.

Members were supportive of the initiatives outlined in the proposal. A Member cautioned against a blanket 20mph speed limit as part of the speed management and road danger reduction schemes. He felt that this would unduly penalise motorists and contribute to pollution.

A Member asked if the appropriate consultation process was being undertaken with respect to the Orpington to Green Street Green cycle route, and it was confirmed that consultation was being undertaken with Councillors and members of the public.

**RESOLVED that:**

**1) The Portfolio Holder is recommended to agree that officers should submit the Implementation Plan Programme for 2020/21 to TfL.**

**2) Any amendments to the programme, (once the final allocation is confirmed by TfL), be delegated to the Director of Environment and**

*28 August 2019*

**Public Protection, in consultation with the Portfolio Holder for Environment and Community Services**

**c CIVIC CENTRE MULTI-STOREY CAR PARK - REPLACEMENT OF PARKING MANAGEMENT SYSTEM**

**ES 19059**

The report made recommendations for the modernisation of the Civic Centre Car Park to enhance the customer experience and to encourage people to visit Bromley Town Centre.

Three options had been considered:

- **Option 1:** A Pay on Foot system which was the same as the current system
- **Option 2:** A Pay and Display system
- **Option 3:** ANPR (automatic number plate recognition) where the exit barrier would rise as the vehicle approached, as long as payment had been made

The report had recommended Option 3.

It was noted that the Portfolio Holder for Resources, as well as the Portfolio Holder for Environment supported the proposal as did the Chairman and Vice Chairman of the Environment PDS Committee.

At the meeting, the project was also supported by Members. However the way that the project was proposed to be part funded was not agreed by Members. This was because it had been proposed that £71.5k funding be allocated from the earmarked reserve for Member Initiatives (Environment Projects). Members expressed the view that the earmarked reserve for Member Initiatives was being used to acquire capital equipment, and felt that this was not the purpose of the funding.

The Director of Environment and Public Protection felt that it was important that the recommendations (as outlined in the report) should be agreed so that the project could proceed without delay.

The Chairman suggested that the matter of funding be delegated to the Director of Environment and Public Protection to discuss further with the Portfolio Holder.

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

**1) Option 3 be implemented—the car park should be modernised to an ANPR parking solution and to grant officers permission to go to the market to procure a new system. Delegated authority would be given to**

the Director of Environment and Public Protection to make the final selection.

2) The one-off funding cost of £181.5k is partially funded from the £110k release of provision that was no longer required. The remaining funding of £71.5k to make up the £181.5k is NOT funded from the earmarked reserve for Member Initiatives. The Director of Environment and Public Protection should discuss this further with the Environment Portfolio Holder to locate an alternative source of funding.

3) The funding of the ongoing equipment maintenance costs of £11.6k (£80.9k over 7 years) is NOT allocated from the earmarked reserve for Member Initiatives. The Director of Environment and Public Protection should discuss this further with the Environment Portfolio Holder to locate an alternative source of funding.

**d SALIX STREET LIGHTING LED UPGRADE**

**ES19056**

The report detailed a proposal to upgrade 3,870 street lights across the borough with new energy efficient LED lanterns and photocells.

The report was well received by Members and they hoped that any street lights that were not upgraded as part of this project could be upgraded in the near future.

A Member asked that a list of the street lights that were being upgraded be provided to Members. It was noted that the Chairman (Cllr Harmer) had requested a future report to be presented to the Committee regarding any remaining lighting that was not being upgraded during the current project.

Members were being asked to review the report and provide any comments they had to the Executive before the Executive considered the report.

**RESOLVED that**

1) The report is noted by the ECS PDS Committee with the recommendation that the Executive accept the recommendations of the report as follows:

2) The Executive is asked to approve the proposal set out in the report to replace a further 3,870 street lights with improved LED lighting and photocells, at a cost of £1.124m, funded from the Carbon Management Fund of £500k and an additional interest-free SEELS loan of £624k.

*28 August 2019*

**3) The Executive is asked to agree that the scheme is added to the Capital Programme at an estimated cost of £1.124m, subject to approval of Full Council.**

**4) The Executive is asked to note that following payback of the loans, annual savings of £221.1k will be achieved in 2025/26 and £229.4k from 2026/27 onwards, excluding any increases in energy prices.**

**e OPTIONS FOR FUTURE OPERATION OF THE WINTER SERVICE VEHICLE FLEET**

**ES19046a**

The Assistant Director of Highways presented the report which considered the options for the management and maintenance of the Winter Service Fleet going forward.

A Member asked if the management and maintenance work could be given to a smaller business or contractor. The Assistant Director of Highways responded that this was not possible due to the specialist nature of the equipment.

A Member highlighted the term '*management*' in the recommendation, and asked for clarification concerning what this meant. It was explained that this referred to the fact that JB Riney's name would be used on the log books of the vehicles. This would make the contract easier to operate. It did not mean that ownership was being conferred to JB Riney—it just meant that JB Riney would be registered as the keeper of the vehicles.

JB Riney would then be responsible (for the next two years) for maintaining, insuring and servicing the vehicles. There would be no changes in the way that the vehicles would be deployed.

Members discussed the cost of the contract and why it was being proposed as a two year contract instead of over one year. The Assistant Director of Highways explained that a two year contract was required to ensure reliability of the existing service and that during the two year period LBB would be developing a programme to provide replacement gritters and the establishment of a London Emission Zone compliant fleet.

**RESOLVED that the Portfolio Holder is recommended to agree that maintenance and management of the Council's winter service fleet is incorporated into the Highway Minor Works Contract provided by JB Riney, via a variation to the contract at an estimated cost of £86,000 p.a. for the next two years.**

**f ANTI-IDLING LEGISLATION**

**ES19047**

The report sought approval to introduce a new Fixed Penalty Notice (FPN) and charge for engine idling in the Borough under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The aim was to reduce polluting emissions from unnecessary engine idling by road vehicles. This would fulfill the commitment in Bromley's LIP3 to investigate powers to discourage unnecessary idling.

Members expressed support for the initiative.

A discussion took place concerning how the two new CEO's would be recruited and retained and how schools could also be involved. A discussion also took place concerning how the new CEOs could be allocated fairly to schools.

Members also discussed whether or not the project should be funded from the Members Initiative Earmarked Reserve for Environmental Projects.

Members asked for clarification of the TOR for the Members Initiative Earmarked Reserve to be provided.

**RESOLVED that the Portfolio Holder be recommended to:**

**1) Authorise the use of powers under Regulations 12, 13 and 14 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, to enforce against drivers who allow their vehicle engines to run unnecessarily when parked anywhere in the Borough.**

**2) Agree to delegate authority to the Director of Environment & Public Protection, to authorise, Environmental Protection Officers, Bromley Council Street Enforcement Officers (BCSEOs) and Civil Enforcement Officers of the Council, to make use of these powers to issue FPNs, and take legal proceedings for stationary engine idling offences.**

**3) Agree to allocate £53.8k from the Members Initiative Earmarked Reserve for Environmental Projects, to meet the cost of the two additional CEO's for the initial 12 month trial period and the 5 air quality sensors.**

**19 PARKING SERVICES - CONTRACTOR PERFORMANCE REVIEW, APCOA PARKING, YEAR 2.5**

The update on the Parking Services Contractor Performance Review was provided by the Interim Head of Parking Services. Kim Challis (Regional Managing Director of APCOA) attended to answer questions from Members.

*28 August 2019*

The Interim Head of Parking Services outlined the main issues and concerns that had been highlighted in the report. These were:

- Enforcement levels needed to improve
- APCOA staff retention was a concern—attrition rates were high
- A high number of CEO errors in the issuing of PCNs
- The ANPR equipped moped had not proved as effective as had been hoped
- Concerns had been raised regarding the reliability of the machines used in Council car parks
- Revised beat sheets had been provided by APCOA, but these had not been able to be signed off by officers
- The results from mystery shopping exercises had been disappointing and there were instances where PCNs should have been issued but were not
- There were issues that needed resolving concerning the transport and deployment of CEOs

Ms Challis expressed the view that staff turnover was high in Bromley because of an increase in the level of verbal abuse suffered by CEOs. In some cases there had also been physical attacks, and these incidents had been reported to the police.

Ms Challis continued that the issue of pay levels for CEOs was also a significant factor that contributed to the high turnover of staff. APCOA were paying above the national living wage (NLW), but were not paying the London Living Wage (LLW). APCOA had asked LBB if they would like to pay the London Living Wage, but LBB had declined. Ms Challis said that in many cases (because the LLW was not being paid) staff had left to find alternative employment with higher rates of pay.

A Member responded that the rate of pay administered by APCOA to its staff was not the responsibility of the Council, and it was APCOA's responsibility to recruit and retain suitable staff. The Chairman agreed with this, commenting that ultimately, the pay rates were set by APCOA and not the Council.

In response to this, Ms Challis stated that the rates of pay provided by APCOA would be determined by the rates that had been previously agreed in the contractual agreement between APCOA and the Council. LBB had not agreed in the terms of the contract to pay the LLW. The rates had been agreed with the authority during the tender process. The example was given of LB Southwark, where Southwark Council had agreed to pay the LLW during the tender process.

The Chairman disagreed with this, and maintained that the rates of pay provided by APCOA to its staff was their responsibility. Ms Challis informed the Committee that two pay awards had been provided recently and APCOA were doing what they could to improve pay rates subject to affordability limits.

A Member noted that a new Contracts Manager had been appointed since February, and she was interested to see if the new appointment would have any effect on reducing staff turnover.

It was confirmed that exit interviews were undertaken. A Member asked if any comparisons/differences had been identified in the exit interview data from two years ago and the last 6 months. Ms Challis responded that she had been focusing on the data over the last 6 months. If a comparison was required with the exit data taken two years ago, then she would be happy to source the data and feedback to the Committee.

A Member expressed concern that APCOA had tendered for the contract based on paying workers above the NLW, but not the LLW. She wondered why they had tendered on that basis if there was any doubt about their ability to fulfill the terms of the contract. Ms Challis responded that since the contract had been tendered, the LLW had expanded in terms of the number of additional boroughs that were now paying it. Redbridge and Hillingdon had originally been tendered on the basis of the NLW, but had since migrated to the LLW. This had improved the staff retention rate in these boroughs.

Ms Challis stated that APCOA currently only had two vacancies, and that the organisation was meeting its target of deployed hours. Additionally, if APCOA's staffing levels fell below 95% they were penalised. APCOA was looking at ways to stabilise the workforce.

Ms Challis advised the Committee that broken parking machines were fixed in line with the appropriate KPI's. There had been a significant rise in the number of attacks on parking machines, and these had been reported to police. Cash collections had increased in an effort to deter such attacks. The Chairman expressed the view that APCOA was not doing enough to fix parking machines once and for all. Ms Challis informed the Committee that some of the machines were over ten years old and that they had invested in some spare machines.

A discussion was held regarding ANPR enforcement and a Member expressed concern that APCOA had not approached the Council sooner for more detailed mapping information. Ms Challis hoped that the Council would agree to continue with the ANPR pilot as it was anticipated that having the full mapping system loaded would improve enforcement.

A Member noted that the number of PCNs cancelled due to CEO errors over the last two months had risen and wondered why this was the case. Ms Challis was unsure of the reasons for this and promised to look into the matter and come back with an answer.

*28 August 2019*

A Member raised the issue of parking problems that were occurring after 9.30pm in Beckenham High Street, between Thursday to Saturday inclusive. Ms Challis explained that there were only two CEOs allocated to late night duties over the Borough, and their shift finished at 10.00pm. If further resource was required, then a discussion would need to be had with the authority's team. Notice would be required to change the roster.

Information was provided by the Assistant Director-Traffic and Parking, concerning mobile school CCTV cameras:

- 5 new school CCTV cameras would be operational soon
- These would be in addition to the 5 already deployed
- The cameras were mobile and so could be moved
- The cameras would help in the correct issuing of PCNs

**RESOLVED that:**

**1) The Committee notes the report and in particular the on-going work to ensure that adequate deployment and compliance is taking place around the Borough.**

**2) A similar Parking Services Contractor Review report is presented to the Environment PDS Committee in January 2020.**

**3) APCOA provide updated data concerning staff turnover from the date that the new Contracts Manager was employed.**

**20 RISK REGISTER**

**ES19050**

The Risk Register report presented the revised E&CS Risk Register for detailed scrutiny by the Environment and Community Services PDS Committee.

The Risk Register formed part of the Annual Governance Statement evidence-base and had been reviewed by: E&CS DMT, the Corporate Risk Management Group and the Audit Sub-Committee.

Members were informed that an update report on the Mortuary Contract would be presented to the Public Protection and Enforcement PDS Committee on 10<sup>th</sup> September.

The Committee was pleased to note that no E&CS risks were currently flagged red following the implementation of management control measures.

**RESOLVED that the Risk Register report and associated appendices are noted.**

## **21 CONTRACT REGISTER**

### **ES19049**

Members noted the Part 1 Contract Register Report.

It was explained that sometimes, contracts were flagged red because of tight timescales for tender. In this case there were none.

It was noted that the Parks Security contract had been awarded to Veolia Environmental Services and would commence on 1st April 2020.

**RESOLVED that the PDS Committee:**

**1) Notes the appended £50k Contracts Register and also notes that the Contracts Register in Part 2 contains additional, potentially commercially sensitive, information in its commentary.**

## **22 FORWARD WORK PROGRAMME & MATTERS ARISING**

### **ES19048**

The Committee noted and discussed the Forward Work Programme and Matters that had arisen from previous meetings.

Members requested that a follow up report regarding the parking contract with APCOA be added to the Forward Work Programme for January 2020.

It was pointed out that updates from Idverde and Veolia had been scheduled for the January meeting. It was therefore decided that the update from Idverde be kept for the January meeting, and that the Veolia update be moved to the meeting scheduled for 17<sup>th</sup> March 2020.

It was anticipated that a report on the Transformation Programme would be presented at the November meeting.

**RESOLVED that**

**1) The Forward Work Programme and progress concerning Committee requests are noted.**

**2) A follow up report regarding the parking contract with APCOA be added to the Forward Work Programme for January 2020.**

**3) The update from Veolia be moved to the March meeting.**

*28 August 2019*

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

**a CONTRACT REGISTER**

Members noted the Part 2 extract from the Contracts Register.

**b OPTIONS FOR FUTURE OPERATION OF THE WINTER  
SERVICE VEHICLE FLEET**

The Part 1 minutes for this item are noted in minute 18e. The Committee noted some additional data in the Part 2 report that was commercially sensitive.

The meeting ended at 9.34pm

Chairman