

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

Minutes of the meeting held at 7.00 pm on 13 November 2019

### **Present**

Councillor Will Harmer (Chairman)  
Councillor Kieran Terry (Vice-Chairman)  
Councillors Mark Brock, Ian Dunn, Colin Hitchins,  
Samaris Huntington-Thresher, Melanie Stevens,  
Harry Stranger and Michael Tickner

### **Also Present**

Councillor William Huntington-Thresher and  
Councillor Keith Onslow

#### **24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no apologies.

#### **25 DECLARATIONS OF INTEREST**

There were no declarations.

#### **26 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were no questions to the Committee.

#### **27 MINUTES OF THE ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE MEETING HELD ON 28TH AUGUST 2019**

The minutes were agreed.

Referring to Minute 22 (Forward Work Programme and Matters Arising), a Member noted that a report on the Transformation Programme was anticipated for the current meeting. However, ongoing work on the ECS Programme continues and the viability of a number of considerations depends in part on the outcome of the Local Government Finance Settlement for L B Bromley. A special Committee meeting on the Programme might be necessary before Christmas (but certainly before the Committee's next meeting on 29<sup>th</sup> January 2020 – see Minute 38 below).

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

A number of questions were received for Portfolio Holder reply. Details of the questions and replies are at **Appendix A**.

**29 ENVIRONMENT PORTFOLIO PLAN: PERFORMANCE OVERVIEW**

Members received the latest performance monitoring overview including performance indicators, targets, and a performance RAG status against each indicator. Where appropriate, monthly performance data was also provided for 2019/20 along with a year-end projection and a high/low assessment of good performance. Commentary against indicators provided further information as did performance in previous years against indicator targets.

It was explained that a green RAG status had been allocated for Indicator 1, *Public Satisfaction with Cleanliness*, in view of significant improvements made. Concerning Indicator 8, *Waste and Recycling Collections – Homes Missed*, the rise in missed bins for September 2019 was expected in view of Veolia introducing the major service changes from 16th September 2019. In the first two weeks of the month, missed bins per 100,000 amounted to only 45 missed bins; however, for the latter two weeks of the month the number of missed bins per 100,000 rose steeply to 397. A Corrective Action Plan (for three months) has been implemented by Veolia and a sum subtracted from the September payment. This sum is being kept in abeyance with its payment dependent on improved performance by the end of December 2019. It was indicated to Members that should Veolia increase performance by 30% for this indicator, they will be able to meet their target by December.

The Vice-Chairman questioned why the performance overview had no indicator for a percentage of parking payment transactions made by RINGO. The Head of Performance Management and Business Support offered to check.

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

**a BUDGET MONITORING 2019/20**

**Report FSD19101**

Based on financial information available to 30th September 2019, the latest 2019/20 budget monitoring position for the Environment and Community Services Portfolio shows an underspend of £58k.

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

Background to variations was also outlined as were comments from the Director of Environment and Public Protection.

Concerning a forecast shortfall for on and off-street parking and off-street income appearing to decrease faster than on-street income, the Vice-Chairman asked whether reasons for the downward trend are being investigated and whether the Council's car parks are competitive against those of other providers. Although management of Council Car Parks and their standards is APCOA's responsibility, Officers did try to compare L B Bromley charges with other parking venues when recommending the 2019 price changes. It will be necessary to monitor the effect of the new charges over a longer period but the Hill Car Park had not seen a large increase in use since prices were reduced at the venue.

The Chairman understood that footfall to Bromley Town Centre is not decreasing and questioned whether the parking decline might be attributed to changing transport modes. Another Member seeking comparisons with neighbouring boroughs for any similar trend was advised that a study can be undertaken. The Chairman felt it necessary to understand (reasons for) the parking decline against a stable footfall to Bromley Town Centre and suggested the matter be raised again with comparative borough data at the Committee's next meeting - either at Portfolio Performance monitoring or Budget Monitoring.

Previous work suggested that no large income can be expected from Car Park advertising and advertising is already permitted on the reverse of parking tickets. The Vice-Chairman suggested the Council use the opportunity to convey its own messages; however, there is a cost for any print run with considerations around advert size.

On Waste Services, the values for the budget were estimated on previous 2017/18 figures. The market has since moved on with a reduced number of trade waste customers and a projected income shortfall for trade waste collection. It was not clear why this should be the case and might possibly be Brexit related. Although there will be less income, less waste trade waste needs disposal and the Assistant Director of Environment confirmed that the Waste Services budget will be positive at year end based on current projections.

**RESOLVED that the Environment and Community Services Portfolio Holder be recommended to consider the latest 2019/20 budget projection for the Environment & Community Services Portfolio.**

**b PROPOSAL TO REMOVE PAY AND DISPLAY MACHINES**

**Report ES19066**

The Council has an ongoing policy to remove Pay and Display (P&D) machines from on-street locations where they are low in use and/or prone to

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vandalism and Report ES19066 proposed a more proactive approach to removing P&D machines where only “cashless” mobile phone payment can be retained. Cashless parking payments can be made via a phone call or by using an App; the system is currently administered by a company called RingGo.

Mobile Phone Parking has proved successful with about 50% of income received by this cashless system on average. A reduced number of cash payments and machines create savings through fewer cash collections, less machine maintenance, fewer machine upgrades and air time. Vandalism is also reduced and Mobile Phone Parking is more environmentally friendly with fewer vehicles collecting cash. Cash theft from machines is also denied and consumer behaviour insight from data can be used to influence parking policies and high street trends.

Officers reviewed under-utilised P&D machines where payments are predominantly cashless (mobile phone only). Should machines be removed, nearby machines will need relocating, in some cases to retain a cash payment option. However, many roads will become cashless only and roads recommended for removal of machines will need additional RingGo signage to show tariffs and operating days/times. In total, 35 machines were recommended for removal in the following locations:

- Copers Cope Ward – removing all nine machines in the area and converting it to RingGo only except for part of Beckenham High Street where machines will be reduced from two to one;
- Clockhouse Ward – removing all eight machines, converting the area to RingGo;
- Orpington, Petts Wood & Knoll, Farnborough & Crofton Wards – removing all 11 machines in the outer part of the High Street making the area RingGO only with the main High Street still having P&D machines; and
- Bromley Town Ward – removing six machines from the area and relocate other machines so that all but one of the roads has a pay and display machine as well as RingGo option, the only exception being Meadow Road as RingGo only.

A change was also recommended to enforcement policy so if all an area’s P&D machines are out of order, a customer has to either pay to park via RingGo or find parking where payment can be made by cash. Although P&D machines can be unreliable, it is worthy of note that RingGo has proved reliable since going live in April 2017 (it has not been necessary for the Council to apply a default for the system not working).

Details of the specific roads and income taken by P&D machines were appended to Report ES19066. Equivalent RingGo income for the zone

locations from August 2018 to July 2019 was also outlined as were costs for removing the cash payment machines. Likely Council savings at locations for the remainder of the parking contract were also detailed (the Council will bear the cost of P&D machine removals from existing 2019/20 maintenance budgets). Anticipated cost savings for the next seven years of the contract amount to £110,250.

Details were also provided of Council income that can be expected according to levels of RingGo use in the areas (a motorist needs to pay RingGo a 20p convenience fee to park with 4p, including VAT, paid to the Council and a confirmation and reminder text message costs 10p per text which is paid to the Council, including VAT). The report also outlined Council income from the extra fees in the last two financial years.

Supporting cashless payment, a Member expressed concern for the service charge element where it is necessary to extend a parking period and another service charge is then levied with further payment. However, the income covered services such as reminder messages (see above); publicity can also be provided via the RingGo app including details on charges, app benefits, and how additional charges can be avoided. It is intended to roll out the new approach in stages and where a new parking zone is introduced no parking machines will be installed.

For faulty, unreliable machines, a plentiful stock of spare parts will be available from decommissioned machines as the new approach takes effect. However, in an area where all P&D machines are out of order, Cllr Samaris Huntington-Thresher opposed the enforcement change requiring a customer to either pay by RingGo or find parking where cash can be paid. Cllr Huntington-Thresher suggested the contractor should be penalised and felt it unfair on residents to be inconvenienced, particularly as residents expect machines to be working. Cllr Huntington-Thresher supported moving a machine when poorly used but suggested the contractor can absorb the default for a non-working machine.

Cllr Huntington-Thresher moved that Recommendation 2.3 of Report ES19066 be removed and this was seconded by the Chairman. The Vice-Chairman also thought Cllr Huntington-Thresher's concerns appropriate. However, upon a vote, a majority voted to support the policy change and it was agreed to retain Recommendation 2.3.

The Vice-Chairman suggested that Recommendation 2.3 be amended so that a motorist has to pay by RingGo or find a different machine in the area for payment. It would not then be necessary for a motorist to travel some distance to find a machine if cash payment was preferred. It was agreed that where appropriate officers would look into the suggestion.

The Portfolio Holder had also requested a further recommendation as follows:

*2.4 By default, all future parking schemes will be presumed to be cashless.*

Members supported the recommendation.

On criteria for removing the P&D machines, this would be prioritised in areas where at least 80% of payments are cashless or where there is a glut of machines (with a machine then proposed for removal). Supporting the recommended approach, a Member felt it worthwhile to ensure good publicity, with signs installed in the areas well in advance of arrangements being implemented.

For Recommendation 2.2, Members also agreed that delegated authority to the Director for future removal of P&D Machines should take place in consultation with the Ward Councillors as well as Portfolio Holder.

Additionally, officers agreed to explore a further suggestion that new P&D models (for obsolete machines not removed) need to be flexible so that timings can be adjusted. However, it was hoped that new machines would not be necessary in view of the spare parts stock to be available.

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

**(1) removal of the P&D machines shown in Appendix 1 to Report ES19066 and more emphasis placed upon the RingGo payment option by increasing signage in these roads and by supplying information through the Council website;**

**(2) that delegated authority be given to the Director of Environment and Public Protection for future removal of P&D machines, in consultation with the Portfolio Holder and Ward Members;**

**(3) an enforcement policy, as set out at paragraph 4.4 of Report ES19066, when a P&D machine is out of order, provided that consideration is given to a motorist having to find a different machine in the area for payment as an alternative to payment by RingGo; and**

**(4) that by default, all future parking schemes will be presumed to be cashless.**

**c ORPINGTON K-PERMIT PARKING SCHEME - PROPOSED CHANGES**

**Report ES19067**

Orpington High Street is a Restricted Parking Zone (RPZ) Monday to Saturday between 8.30am and 6.30pm, with parking spaces currently designated for loading and short-stay parking, mainly to serve local shops, businesses and visitors.

High Street residents have exclusive entitlement to purchase a permit for parking in adjoining roads during controlled hours whereas residents of the roads can only park on paying at the point of parking (similar to town centre visitors). Many spaces currently remain under-utilised during controlled hours to the frustration of residents not permitted a permit. The scheme is also unwieldy to operate with a loose boundary, has confusing signage and wide area of coverage; and enforcement of parking controls in the area is not as efficient and cost effective as it could be.

A recent review identified the need for comprehensive change, ensuring fairness to all user classes, efficient use of kerb space, and open, robust and cost-effective enforcement of controls for positive net income. Accordingly, it is intended to replace the existing K-Permit scheme with a well-defined K-CPZ around Orpington town centre and a K1-CPZ comprising York Rise, Newstead Avenue and a small section of Crofton Road (shown in Appendix 1 to Report ES19067). This would rationalise the current K-Permit scheme, help to resolve weaknesses with current arrangements, and streets could also be decluttered within the area. Parking bays in the remaining K-Permit area outside the proposed CPZs would remain pay-to-park.

As the number of P&D machines are reduced and replaced with cashless payment, the number of permit holders is also likely to increase (from 38 to 105 based on 5% of the 1350 households in the proposed CPZs). Including every household within the two CPZs in the permit zone, a minimum £10.5k annual income is projected from permits (£6.7k above current annual income based on the current £100 annual permit charge). Income from paid parking is also likely to increase.

Reviewing and implementing the proposed changes are estimated to cost £25k to be met from TfL capital funding and Section 106 Funding.

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

**(1) the existing K-Permit Parking scheme be replaced with a new K-Controlled Parking Zone (CPZ) around Orpington town centre and a K1-CPZ west of Orpington Station (Appendix 1 to Report ES19067 showing the proposed CPZs within the existing K-Permit scheme boundary);**

**(2) charges to park in areas outside of the proposed CPZs be levied and paid for by cashless methods; and**

**(3) the proposed changes be implemented within a budget of £25k.**

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**d ORPINGTON HIGH STREET: WALKING AND SIGNAGE IMPROVEMENTS**

**Report ES19084**

In response to Orpington BID management's request for new signing (existing signing no longer being fit for purpose), approval was sought for a navigating signage system in Orpington along Station Road and the High Street, comprising 12 mounting poles and 65 signing fingers and having capacity to adapt to developmental changes.

The area is undergoing a number of changes to support regeneration e.g. Orpington Station forecourt improvement, Station Road congestion relief, and Crofton Road cycling and walking initiative. Following the 2008 town centre regeneration project, improving the High Street and surrounding areas, the Walnuts Shopping Centre will undergo major regeneration work shortly to improve the public realm and attract more business, shoppers and visitors. Additionally, the Orpington BID management have highlighted a number of concerns including the condition of current signing.

The chosen replacement system will be sturdier, more attractive, and flexible to facilitate new signage for future Town Centre changes. Existing mounting poles will be replaced as they are not compatible and a map appended to Report ES19084 highlighted locations where the signage units will be installed. The design offered many advantages including:

- ease for people already walking;
- encouraging more people to walk to shops and attractions in the area;
- consistent infrastructure in line with local developmental changes e.g. car charging points, cycle parking, and parking for the disabled.

Further material appended to Report ES19084 provided examples of the type of signs and their content and signpost locations. The signage will also be used to direct cyclists to any new facilities as necessary.

The scheme is estimated to cost £44k and will be met from identified funding within the Walking Infrastructure Development Budget.

No further Ward Member comments had been received on the proposals beyond those recorded in Report ES19084.

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

- (1) approve installation of the new upgraded local signage system;**
- (2) authorise allocation of £44k from the TfL walking and cycling budget to enable completion of the scheme during 2019/20; and**

**(3) approve delegation of any minor design changes to the Director of Environment and Public Protection, in consultation with the Portfolio Holder.**

**e HAYES VILLAGE LOCAL NEIGHBOURHOOD IMPROVEMENTS**

**Report ES19077**

A low cost version of a Liveable Neighbourhood scheme was recommended in Hayes Village to enhance the public realm and reduce traffic dominance through the village. Although traffic would not be displaced to other roads, the walking environment would be improved, helping parents, children, shoppers and local residents with improved access to local amenities.

Concerns from residents and businesses about road danger in the old Hayes area include:

- a lack of crossing facilities along Baston Road, particularly by the mini-roundabout outside Hayes Library; and
- speeds through the village and outside schools in the area, particularly in Baston Road and West Common Road, outside Hayes secondary School.

High-level analysis using the London-wide City Planner tool indicates a medium to high level of severance around the old Hayes area, particularly on Hayes Street/Baston road, reinforcing the view of residents identifying this as a barrier to walking. Delivery of quality infrastructure could improve matters and investment in improved walking facilities was proposed through a 'Local Neighbourhood Scheme'. Specific proposals for the old Hayes area comprise:

- installation of new and upgraded traffic islands on streets alongside and on routes to schools in the area;
- highlighting the crossings by changing the surface treatment, enhancing the public realm, and providing a visual deterrent to excessive speeds;
- trialling a 'School Street' in conjunction with Hayes Primary School to prevent parent vehicular access to the cul-de-sac section of George Lane at school drop-off and pick-up times but still permitting resident and emergency access (the measure could be enforced with a removable bollard or by ANPR); and
- a 20mph speed limit past the three schools in the area (a drawing appended to Report ES19077 - 13309-01-20mph – highlighting the extent of a proposed 20mph limit).

The proposed scheme was estimated to cost £135k, funded from the Road Danger Reduction allocation within the 2019/20 LIP3 budget agreed by TfL.

In discussion, Members were advised that Ward Members generally support the scheme but a recent Ward Member comment indicated that the 20mph

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zone limit is considered too large, with more discretion preferred and the scheme re-considered. Updating the scheme with revisions to the 20mph limit would effectively introduce two separate 20mph zones immediately around schools and adjoining roads in the middle of the Hayes Village area would continue to have a 30mph limit.

A Member suggested the report come back to the Committee's next meeting. Not supporting 20mph zones, he indicated that joining the schools in the manner proposed effectively makes Hayes Village a 20mph zone. Instead, he felt that a 20mph zone should be directly outside of the schools. Moreover, he suggested a 20mph limit should only be applicable during school opening and during travel time to and from the schools at the start and end of school days - it was unnecessary for a 20mph limit to be applied continuously. He also questioned the position of a bus stop opposite a junction.

A supporting Member was pleased to see the LIP3 policy for Local Neighbourhood Schemes being implemented in Hayes and thought the scheme looked good. However, with the changes suggested he felt the scheme should come back to the Committee and felt that a single discreet scheme for the area is best, split into two speed zones. The Vice-Chairman felt that a school street closure should be trialled in the borough. Another Member also asked that Pedestrian Severance be presented differently in any future report as it is not easy to understand.

Members agreed that the scheme should be deferred and an updated report presented after re-consideration and further discussion with Ward Members.

**RESOLVED that the Portfolio Holder be recommended to defer a decision on the scheme and present an updated report to the Committee.**

#### **f CRYSTAL PALACE PARK ROAD CROSSING POINT**

##### **Report ES19805**

With an increase of pedestrians and cyclists visiting Crystal Palace Park (travelling to and from nearby stations) and to provide a safe and more accessible crossing point at the junction of Crystal Palace Park Road and Thicket Road (a gateway to Crystal Palace Park), approval was sought for a Toucan Crossing to be installed.

In recent counts over 300 pedestrians crossed at the junction during two hours of peak time on a weekday and over 700 pedestrians at a similar two-hour period on a Saturday. The PV<sup>2</sup> Value to justify a pedestrian crossing for the junction (using traffic count figures over two days in September 2019) was more than double the threshold needed. Residents have requested a pedestrian crossing at the location, many expressing safety concerns, particularly for those crossing with children. Ten personal injury collisions

have also occurred at the location over a five-year period resulting in two serious injuries with one pedestrian sustaining slight injury.

Modelling also shows a high level of pedestrian severance at the location and the surrounding area has strong potential to switch from local car trips to walking. L B Bromley's LIP3 also aspires to extend Cycleway 7 (to end at Crystal Palace Parade) into Bromley via Crystal Palace Park and the route onwards towards Penge to link with the Lower Sydenham to Bromley and Greenwich to Kent House Quietways at New Beckenham. A Toucan crossing forms a key part of the aspiration, linking Crystal Palace Park to residential streets to promote cycling for local trips and trips to neighbouring boroughs. The crossing would also link pedestrians/cyclists to residential streets around Penge East Station.

Although a parallel Zebra Crossing is not viable (traffic congestion from heavy pedestrian footfall), a Signalled Controlled Crossing in the form of a Toucan Crossing (combined pedestrian and cycle crossing) provides safer crossing for pedestrians and cyclists and would also be demand dependent.

A shared path along the wide section of footway on the northern side between Thicket Road and Crampton Road would also be proposed and the opportunity taken to review dropped kerbs and tactile paving in the area. The urban realm would also be improved by adding trees and seating where appropriate. Additionally, a highly visible crossing surface could be added e.g. colourful dinosaur footprints which will help to highlight the crossing for drivers and particularly enhance it as an approach to the park.

A £105k sum for the scheme (estimated cost) is currently allocated within TfL LIP Walking Infrastructure Development Funding. This includes ongoing running costs of the proposed signals for approximately ten years based on anticipated annual costs.

The Vice-Chairman noted that the crossing would be sited within close proximity of another crossing in the area. This contrasted with other borough locations for a requested crossing where existing crossings are much further apart. However, in this case, the main park entrance is at the end of Thicket Road (close to the junction with Crystal Palace Park) and there is high footfall in summer months. The PV<sup>2</sup> Value following traffic counts is (at least) twice the recommended value for considering a crossing. The scheme will also link the Park to Penge East Station by cycle and foot.

In highlighting a high use of Elmstead Woods Station, the Vice-Chairman was advised that further traffic counts can be undertaken but in the case of Crystal Palace Park Road/Thicket Road, pedestrian traffic can be almost continuous and there are safety considerations. Another Member highlighted his own use of the Park's Thicket Road entrance and he welcomed the proposals.

On the PV<sup>2</sup> calculation for Crystal Palace Park Road, 18<sup>th</sup> September 2019 (Enc 1 appended to Report ES19805), a Member noted an inconsistent

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figure(s) for count details at 15:00 – 16:00 that day. The Assistant Director, Traffic and Parking agreed to check the details.

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

**(1) approve installation of a Toucan crossing at the junction of Crystal Palace Park Road with Thicket Road, as shown in diagram no13066-02 (Enc 5) appended to Report ES19805;**

**(2) authorise an allocation of £105k from the 2019/20 TfL LIP Walking Infrastructure Development programme; and**

**(3) delegate any minor changes to the design to the Director of Environment and Public Protection, in consultation with the Portfolio Holder.**

**g FRIENDLY STREETS - VALLEY SCHOOL GREEN SCREEN TRIAL**

**Report ES19073**

To enhance air quality in a targeted manner (as proposed in L B Bromley's LIP3), it is intended to trial new green infrastructure (e.g. trees and green walls) around schools in the Air Quality Management Area (AQMA). Accordingly, it is proposed to install a green screen at the location of Valley Primary School, Shortlands with strong support from parents of pupils at the school including local fundraising for ongoing maintenance. The school has been chosen in view of strong community support and the school's location adjacent to Beckenham Lane (A222) in the Friendly Streets Project area where TfL are able to provide additional funding.

Living green screens would be installed alongside the school's flank fence adjacent to Beckenham Lane. Tree planting would also take place and dwarf tree/shrub planters installed for the playground and in spaces between the school fence and school building. Although details of the screen will be determined by competitive tender, it would most likely be made from Ivy and other evergreen species. As IdVerde will deliver the project, the borough's role will be limited to a client function, engaging with the school and monitoring the success of the trial. The screen's impact will be monitored for the first year with data already being collected on site by the school using an AQMesh pod monitoring device.

The initiative forms part of a larger community led project to enhance green infrastructure at the school, the first stages of which include air quality mitigation measures (e.g. green screens) and air purifiers for classrooms. Other trees will be funded from the Community fund and vigorous fundraising led by parents of pupils at the school.

The proposal is estimated to cost £30k, funded from TfL Liveable Neighbourhoods funding. This is in addition to £149k already allocated for feasibility development of the Liveable Neighbourhood in 2019/20. If the additional funding is not secured for any reason the proposed scheme will not be implemented. The cost of ongoing maintenance and liability will be borne by the school.

Prior to the meeting the Founder of Greener & Cleaner Bromley (& Beyond), the Chairman of Ravensbourne Valley Residents, and the Head Teacher of Valley Primary School emailed the Chairman with comments supporting the proposal. As requested by the Chairman, the comments were emailed to Committee Members in advance of the meeting. For information, the comments were also copied to the Portfolio Holder by email.

Committee Members supported the proposal and it was **RESOLVED that the Portfolio Holder be recommended to approve the installation of a Green Screen at Valley Primary School, Shortlands as part of the Shortlands & Bromley Friendly Streets project.**

**31 PRE-DECISION SCRUTINY OF REPORT TO THE EXECUTIVE**

**a TEC DELEGATION FOR THE REGULATION OF DOCKLESS VEHICLE HIRE SCHEMES**

**Report ES19071**

With continued activity in the market for dockless bicycle hire and further deployment expected by new operators, approval was sought for a delegation of powers to London Councils to make a pan-London byelaw to regulate 'dockless' bicycle hire schemes. Boroughs can then use the byelaw as appropriate to help mitigate potential negative impacts of dockless cycle hire; the byelaw can also help to realise benefits from dockless cycle hire. No legal power exists for local authorities to control the operation of dockless bicycle hire operators, and with Central Government not minded to introduce legislation, Councils are currently dependent on each operator's approach. Accordingly, TfL and London Councils have been instructed by the latter's Transport and Environment Committee (TEC) to develop a new regulatory approach to dockless bike sharing schemes through a new byelaw. Although focused on bicycles, the proposed byelaw covers dockless 'vehicles' generally catering for a potential introduction of e-scooters or similar products.

London Councils request delegated authority to introduce the byelaw requiring dockless operators to use designated parking spaces and to prohibit bikes being left anywhere not agreed by the applicable Councils. The extent of dockless vehicle parking and enforcing the byelaw would be at each borough's discretion. L B Bromley could regulate the market as it saw fit so that commercially the borough could still be seen as an attractive market for potential providers; it would also provide the Council with an element of control over operators. To apply the byelaw uniformly across Greater London,

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each borough will need to delegate its authority to the TEC to make the byelaw; without all borough agreement it will not be possible to proceed.

A draft of the byelaw was appended to Report ES19071 and supplementary information published for the item prior to the meeting provided an Explanatory Note and Guidance. The byelaw would allow the Council the following provisions:

- that all dockless bicycles/vehicles are identifiable with an individual asset number and are able to be located remotely;
- that all dockless bicycles/vehicles meet the required safety and maintenance standards;
- that dockless bicycles/vehicles are only 'parked' and hire terminated by the user in approved locations as defined by the Council; and
- an ability to serve penalty notices for any breach of the above.

For the byelaw to apply London-wide, each London local authority participating in the TEC Joint Committee arrangement will need to delegate the exercise of additional functions to the Joint Committee requiring the TEC constitution - *Governing Agreement, dated 13 December 2001 (as amended)* - to be varied. Local authority functions related to the making of a pan-London byelaw for regulating dockless vehicles are not currently delegated as functions of the TEC.

With the byelaw making function not currently delegated to the TEC and the Joint Committee not having authority to undertake the function on behalf of London local authorities, the London Councils' TEC Agreement will also need amendment for the TEC to make the pan-London byelaw and Report ES19071 outlined how this would be enabled.

The Committee supported the report's recommendations but in so doing the Portfolio Holder highlighted a high probability that the TEC will agree to revise the detail of the byelaw in view of other boroughs wanting to charge a scheme operator for a licence. As such, the Committee agreed to additional wording for Recommendation 2.2 and it was accordingly **RESOLVED that the Executive be recommended to recommend to Full Council that it delegates the promotion and making of a pan-London byelaw for dockless bicycle hire to London Councils and agrees to the proposed or revised TEC amendment that will be required to make the proposed byelaw, authorising the Director of Environment and Public Protection to sign the delegation as required.**

## **32 JB RINEY - CONTRACTOR PERFORMANCE REVIEW**

### **Report ES19081**

Members received an update on the performance of JB Riney for major and minor highway works (from 1<sup>st</sup> July 2018) and highway engineering consultancy services within the major works contract (since April 2019). The

Committee previously considered the company's performance for L B Bromley on 9<sup>th</sup> April 2019 and Report ES19081 outlined subsequent progress.

Although the Council's previous contractor, FM Conway, had completed most schemes under the £11.8m capital investment for planned highway maintenance (approved 12th December 2016), JB Riney continued to make good progress on the improvement projects with carriageway works due to complete in November 2019 and most footway schemes to complete by Spring 2020. JB Riney had also completed a number of traffic schemes as part of the annual LIP programme.

On reactive highway maintenance tasks (minor highway works) and in-hours/out of hours emergency repairs, jobs have a completion time based on the nature of a defect and risk of causing an accident, usually two hours for an emergency, ten working days for urgent repairs and 35 days for non-urgent works. With a KPI in the Performance Management Framework (PMF) requiring 90% of all maintenance tasks to be completed within the specified timescales, amalgamated performance data against the required job durations was outlined in Report ES19081.

On street light maintenance, the PMF includes completion times for all routine maintenance tasks, with KPIs requiring 95% of tasks to complete within four working days, and 100% within eight working days. Performance against the required job durations were also outlined graphically in Report ES19081.

For the winter service, JB Riney undertakes precautionary gritting and snow clearance works on the carriageway network and footway clearance outside a number of schools in a snow emergency. Although the Council currently owns the gritter fleet, JB Riney is responsible for maintaining all vehicles and to provide drivers when weather forecasts predict freezing or below freezing temperatures. All precautionary gritting is required to be completed with 2.5 hours under the PMF which was achieved in all cases last winter.

JB Riney also undertake engineering consultancy services through their supply chain of specialist consultants and the arrangement has worked well for managing highway structures, various traffic surveys, and a number of traffic schemes commissioned on a 'design and build' basis.

Cyclical and ad-hoc highway drainage cleaning tasks have also been completed since the start of the contract. Although completion dates were initially delayed as a back-log of jobs from the previous contract was dealt with, performance is now in line with the PMF.

On management, the L B Bromley client team continues to have necessary resources to manage the contract successfully, including services subject to Contract Change Control Notices. Although JB Riney experienced a high turnover of key management, administrative and operational personnel during the first year of the contract, the current establishment is considered suitable for delivering all services covered by the contract.

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Although performance on street lighting maintenance and reactive highway maintenance was below contractual requirements during early months of the contract, with Low Service Damages (LSDs) being charged, performance in all service areas is now compliant with the PMF. JB Riney is aware that Key Performance Indicators (KPIs) in the PMF are minimum acceptable standards and are committed to ongoing improvements in delivering the services. Options to improve value for money will be based on new methods of working and adopting innovative materials.

A representative from JB Riney attended for the item. Improvements had been made across elements of JB Riney's service and the company is now demonstrating an improved level of service. The company needed to change its service delivery approach and hand held technology was introduced to record work undertaken. Much work was previously completed but not advised to the Council; there continues to be some outstanding backlog which would be resolved within the next month.

Concerning Biggin Hill, gullies are to be cleaned every two years and there are special beats. On a 100% completion target within eight working days for all routine maintenance tasks on street lighting, a Member asked for the longest time taken to repair a street light. JB Riney offered to find out and the Chairman asked for details to be distributed to Committee Members. There are variables and JB Riney is not currently meeting its target on street lighting maintenance. Although performance improved in July 2019, this is another challenging area. As there has been no real operational issue for JB Riney, it was concluded that the nature of repairs would have led to delays.

JB Riney was also focused on reducing CO2 emissions from their vehicle fleet. With the Ultra Low Emission Zone to be expanded, JB Riney is trialling electric vehicles in London. On materials, they are also looking at Asphalt production with a view to hopefully have a single production plant next year to reduce energy consumption.

A Member highlighted a pothole at the junction of Beckenham Road and Hayne Road. This had been subject to a number of repairs and recorded on Fix My Street (FMS) for nearly a year. Another Member considered the repair acceptable on the last occasion he viewed it. Nevertheless, JB Riney offered to fix the problem at no cost to the Council if attributable to workmanship.

On winter preparedness, JB Riney has a new maintenance agreement for all vehicles (including gritters). A rota and drivers are in place. The Council also co-ordinates with farms regarding vehicles in outlying areas.

JB Riney indicated that it is working with Tarmac to recycle material. Some 10% to 15% of waste highway product is recycled back into materials and JB Riney is looking to increase this amount.

Concluding the item, the Chairman advised that he is now a lot happier with JB Riney's performance and expressed his support for sustainability.

**RESOLVED that the content of Report ES19081, particularly the on-going work to ensure compliance with the contract, be noted.**

### **33 ARBORICULTURE - GLENDALE CONTRACT SCRUTINY REPORT**

#### **Report ES19083**

The Arboriculture Services contract commenced on 1<sup>st</sup> April 2019 supporting the Council's 2016-2020 arboriculture strategy.

Key Performance Indicators (KPIs) in the Performance Management Framework (PMF) are reviewed monthly, annually and bi-annually to ensure they are fit-for-purpose with any changes made through a Change Control Notice. In addition to client monitoring and partnership inspections, Glendale also has responsibility to monitor compliance with contract specification standards. The client arboriculture team and ECS Performance Management and Business Support can access Glendale's contract management system (Glendale Live) to view real-time data and access before and after date-stamped photographic evidence of completed works.

During the contract's first year, the Council is working with its ICT provider, BT, and Glendale on integrating IT systems so that data required under the contract can be extracted to monitor contractor performance. The data is derived from quantitative/qualitative monitoring by the service and reviewed and reported monthly by Performance Management and Business Support officers and Contract Management officers.

Ad-hoc and routine works comprise much of Glendale's service, originating primarily from cyclical tree surveying, the species specific management of basal growth, subsidence mitigation pruning and public enquiries. The volume of works raised from 1<sup>st</sup> April 2019 to 1<sup>st</sup> November 2019 significantly increased compared to volumes requested for the same period in 2017 and 2018 although weather conditions (e.g. severe winds) can impact seasonal variations. In applying the Council's tree management strategy, officers endeavour to limit the volume of potential ad-hoc works and thereby reduce potential risk to the Council associated with insurance claims.

Works completed within time (based on the Council's risk based priority system) form the primary KPI for routine and ad-hoc works and the PMF monitors and records monthly values. Performance on the KPI for works completed between April 2019 and July 2019 was within the Service Level Agreement (data for August 2019 to September 2019 needing further quality monitoring and verification). However, a Performance Adjusted Value (PAV) of £300 was applied for failure to notify damage to property when undertaking

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works on the Council's behalf. Remaining KPIs have been met since contract commencement.

For Emergency Call Out works, Glendale is required to attend a location/site within one hour during normal working time (8.30am to 5.30pm) and two hours at any other time. With the targets monitored monthly, details in Report ES19083 outlined the volume of hours worked to complete Emergency Call-Outs between April and September 2019.

The tree planting programme (November to March each year), comprises street and park tree replacement where felling has occurred or where contributions have been made for new provision. For Phase 1 of the 2019/20 planting programme, arrangements have been made to plant 400 trees and for Phase 2 an order for planting approximately 100 trees will be issued to Glendale at the beginning of January.

Although the client arboriculture team encountered significant staff resource issues at contract commencement, the interim service manager was successfully appointed to Service Manager in June 2019 and a job offer made and accepted for an arboriculture officer position. A second vacant arboriculture officer post was to be re-advertised as a development role (apprentice level), with on the job technical training and funding for an arboriculture qualification provided as part of the role.

A representative from Glendale was present for the item. Staff from the previous contractor were transferred to Glendale and inducted and trained. Glendale found the performance management framework informative with rigidity on both client and contractor.

Glendale has needed to deal with some legacy issues e.g. trees dying and the previous contractor not delivering; there have also been issues related to Fix My Street (FMS) and some insurance work adding to Glendale's mobilisation in the initial part of the contract. In resolving payment issues, it was confirmed that deductions had been made to the previous contractor.

Referring to an example of minimal arboriculture work in West Wickham Ward, a Member suggested it had been undertaken to meet a 28 day target. The work subsequently needed a return visit in a further three to four weeks for the matter to be dealt with.

It was confirmed that Glendale have a remit for arboriculture services on trees in parks. Glendale also have a remit to remove growth at the base of trees albeit there are some issues on mapping (the trees concerned) and parked vehicles blocking works. Lime trees are particularly known for growth at their base; however, the problems do get addressed.

A Member asked Glendale whether planted trees are revisited to assess whether or not they will live. In times of stress, the Member suggested a notice be affixed to trees so that residents can water them. Members were

advised that when new trees are planted this year, residents will be asked via a letter to formally adopt a tree. A robust monitoring programme is also provided in spring and monitoring takes place through the summer.

Glendale also advised that their vehicles are powered by Euro 6 engines. Additionally some 50% of chain saws used by Glendale are battery operated. Glendale is also trialling battery powered chipper machines.

**RESOLVED that the content of Report ES19083 be noted.**

## **34 FLY-TIPPING ACTION PLAN UPDATE**

### **Report ES19078**

Members considered actions to support outcomes of the Council's Fly-Tipping and Enforcement Working Group. The Fly-Tipping Action Plan - an output from the Working Group - was appended to Report ES19078 along with terms of reference for the group.

The first six months of 2019/20 saw 1,552 fly-tipping incidents in the borough (estimated 966.22 tonnes of waste) with 111 incidents (7.2%) subject to enforcement activity (investigations as reported to Defra, including fines and prosecutions). The same period in 2018/19 saw 1,651 incidents. Enforcement activity is limited by the quantity and quality of evidence available at the time of each incident.

Fly-tips by type and material volume were highlighted in Report ES19078 from April 2016 to September 2019 - the largest numbers being from small van loads, followed by single items.

Activities undertaken as part of the 2019/20 plan include targeted awareness campaigns (e.g. letters to residents in the immediate vicinity of a fly-tipping hotspot), physical prevention measures such as barriers and road closures and a benchmarking exercise to establish best practice that can be applied in the borough. The public can also report issues via Fix-My-Street (FMS), providing opportunity to upload photographic evidence of fly-tips and to see an update when the rubbish has been removed. In the first six months of 2019/20, 1,856 reports on FMS related to fly-tipping (1,746 excluding reports within parks). The number of reports is higher than the actual number of incidents as duplicate reports on the FMS system are included (different members of the public may have reported the same issue).

Activities in the Fly-Tipping Action Plan are funded through the Members Fly-Tipping Initiative Fund (unless otherwise stated). From an original £250k allocation, £15,696 has been spent and £113,480 committed leaving £120,824 remaining. As the sum of potential activities in the 2019/20 Action Plan totals £273,360, the working group will need to prioritise activities in consultation with the ECS Portfolio Holder and Members and according to the impact the activities are likely to have on preventing and reducing fly-tipping.

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Alternative funding will need to be identified for any schemes that cannot be funded through the Fly-Tipping Initiative Fund.

In discussion, a Member suggested that when a fly-tipping event had occurred, enquiries are made with neighbouring residents. It was confirmed that local enquiries would be made where reasonable although a local investigation would be attempted initially. A targeted letter would also be sent to residents - a resident might be unaware that leaving an unwanted item(s) on the footway outside a property could be fly-tipping. A letter can also provide reward advice (up to £500) payable for information leading to a successful prosecution. It was also confirmed that offenders successfully prosecuted for fly-tipping are "named and shamed". Additionally, Members were advised of proposals (subject to the Portfolio Holder's agreement) to raise the curtilage at certain locations to double edge kerbside in an effort to prevent fly-tipping.

Members were also advised of a trial use of new signage in rural lanes to help reduce littering. If successful, signs would be installed permanently. Thorough street cleansing would be necessary to highlight the effectiveness of the trial.

The Vice-Chairman highlighted litter bin misuse in Chislehurst Ward e.g. deposit of household waste in bins. He suggested a smaller aperture for bins to prevent larger waste being deposited. The Enforcement Manager advised that signs are provided on litter bins and if information is provided, an investigation can be initiated. The Portfolio Holder indicated that bins affixed to a lighting column normally have a cap and litter bins regularly misused are removed. In this scenario, the Vice-Chairman questioned whether Ward Members are consulted on bin removal. Black sacks are searched for any evidence of an offender and contact would be made should evidence be found in a bag. Cllr Samaris Huntington-Thresher (Chelsfield and Pratts Bottom) suggested this problem should be included in the *Environment Matters* newsletter to highlight any misconception amongst residents and highlight that misuse of a litter bin amounts to fly-tipping. Highlighting a layby in Court Road Orpington subject to regular fly-tipping, she also asked what action can be taken to make the layby inaccessible to fly-tipping and less easy to abuse in this way. She further asked for a site visit to the location. The Enforcement Manager advised that he had visited the dedicated layby and was happy to meet Cllr Huntington-Thresher there.

Cllr Michael Tickner (Copers Cope) highlighted a large scale fly-tipping incident in his ward, comprising some five trailer loads of industrial waste. Cllr Tickner enquired on enforcement progress with the incident and whether the Environment Agency had been informed. However, the Enforcement Manager indicated that it had not been possible to follow through successfully on investigations with the trailer.

**RESOLVED that the Fly-Tipping Action Plan be noted.**

## **35 ARBORICULTURAL SERVICES: UPDATE OF AUDIT FINDINGS**

### **Report ES19070**

In June 2019 Members received an update on findings from an internal audit report on the Arboriculture Services Contract (Report [ES19043](#)), the audit highlighting four Priority 1 recommendations and six Priority 2 recommendations.

Since the audit (in Quarter 3, 2018/19), the arboriculture Interim Service Manager has been appointed Service Manager and an Arboriculture Officer position has been accepted by a suitable officer. A second Arboriculture Officer post will be advertised as a development opportunity and include on-the-job training and an Arboriculture qualification.

A progress report to Audit Sub-Committee on 17<sup>th</sup> October 2019 (Report [FSD19081](#)) highlighted all four P1 recommendations as open. For the Payment Process recommendation, audit were satisfied in October that good progress has been made, particularly as payment responsibilities for Arboriculture have been transferred to the Performance Management and Business Support Team and there is a clear separation of financial duties. Clear documented payment processes are now in place. The Performance Management Framework has also been tested for six months of the new contract and is implemented. As such, the recommendation is partially implemented although further time is necessary to demonstrate effective implementation and testing of all new processes.

The recommendation on Open Orders and Confirm was considered in two parts - cleansing of data on Confirm for the previous contract and the number and value of open orders since April 2019. With allocated jobs finally processed on Confirm by the previous contractor, the final payment certificate/invoice for March 2019 was submitted to the Council on 31<sup>st</sup> October 2019. Following a review of the schedule of works submitted with the invoice (as evidence for payment) and a deduction for defaults, a final payment sum had been agreed for processing (during week beginning 11<sup>th</sup> November 2019). For the current contract, 1057 jobs have been delivered and paid for as at 4<sup>th</sup> November 2019 with 275 remaining jobs on the system completed and awaiting payment in the October 2019 invoice and 248 jobs accepted by the contractor but awaiting completion (for payment on completion in November's invoice). The recommendation remains outstanding until the final invoice from the previous contract is paid.

For the contract monitoring recommendation, Report ES19070 outlined the performance monitoring regime of job inspections - monitoring visits having to be completed before monthly meetings of the Service Operations Board (SOB). Procedures are documented for quality monitoring checks and for quantitative checks (part of invoice payment). A management report (being developed) will also highlight each job's status and be added to the Confirm Dashboard; the contractor and client can then monitor/control the progress of

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tasks more easily. Audit also considered SOB minutes (May to September) a comprehensive record of discussions and agreed actions. Additionally, further training is being delivered by BT to the Service Provider and Performance Management and Business Support Team concerning problems at contract commencement on accessing Confirm and uploading information. SOB minutes evidence consideration of the contract KPI's in line with the new Performance Management Framework. The recommendation is now partially implemented as key issues have been addressed e.g. procedure notes and completion of quality monitoring. Recruiting to the Arboriculture Officer posts should assist with monitoring and completing the monitoring spreadsheet.

Concerning the defaults recommendation, defaults applying to the previous contract have been deducted from the final invoice payment. Under the new Performance Management Framework, a Performance Adjusted Value (PAV) (replacing defaults) is applied to the monthly invoice for each applicable performance indicator. Should performance fall below a pre-determined minimum, an additional sum is held in abeyance until the Service Provider can demonstrate (through a Corrective Action Plan) that performance is returned to the acceptable range. Should Corrective Action fail to achieve a specified outcome, the amount in abeyance will be applied as a performance deduction.

The Chairman asked that when the P1 recommendations are closed a note is provided to the Committee to show that this is the case.

**RESOLVED that the report be noted.**

## **36 RISK REGISTER**

### **Report ES19068**

Members received the revised Environment and Public Protection (EPP) Risk Register which also forms part of the Annual Governance Statement evidence-base. The Register had been reviewed by the Environment and Public Protection Departmental Management Team, the Corporate Risk Management Group, and Audit Sub-Committee.

The EPP Department currently has 25 risks (~24% of the Council's total). No EPP risks are currently ragged 'red' following implementation of management control measures.

Concerning the risk, "*Arboriculture Management: Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc.*", Members were advised that the risk rating is to be reduced by the date of the Committee's next meeting.

**RESOLVED that the EPP Risk Register appended to Report ES19068, and updated in light of progress made since the previous meeting, be noted.**

## **37            CONTRACT REGISTER**

### **Report ES19075**

Contract ID 4865 covering depot security was highlighted as the only contract for attention in the portfolio extract (£50k and above) from the October 2019 Contracts Register.

Having commenced on 1<sup>st</sup> April 2019, the contract now serves the Central Depot only and Veolia are interested in taking over the security from 1<sup>st</sup> April 2020 through a variation to their Environmental Services contract. However, given Veolia's high quotation for the work (compared to the previous contract sum), a lower price has been requested based on delivering an 'as is' service. In the meantime, the service procurement will be explored through the existing ESPO framework (via a mini-competition) to ensure sufficient time for contract award in early 2020.

**RESOLVED that the £50k ECS Portfolio extract from the Contracts Register (also forming part of the Council's commitment to data transparency) as appended to Report ES19075 be noted.**

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

### **Report ES19065**

A timescale for presenting a further Hayes Village report would be discussed with the Director and his team and the Chairman reminded Officers that all Ward Members need to be engaged on schemes.

For the 29<sup>th</sup> January meeting, a listed report on "*William Barefoot Drive/Mottingham Road Bus Reliability*" might need rescheduling should funding for the scheme not be agreed with R B Greenwich in sufficient time.

A special meeting might also be necessary before 29<sup>th</sup> January to consider recommendations on the Portfolio's Transformation Programme.

**RESOLVED that:**

**(1) items listed for the Committee's 29<sup>th</sup> January meeting be noted subject to -**

- **removal of "*Electric Vehicle Rapid Charge Points*"; and**
- **the addition of "*BMX Hoblingwell*" and "*TEC Delegation on Electric Vehicles*";**

**(2) items listed for the Committee's 17<sup>th</sup> March meeting be noted; and**

**(3) progress concerning Committee requests (matters arising) be noted.**

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- 39 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION)  
(VARIATION) ORDER 2006, AND THE FREEDOM OF  
INFORMATION ACT 2000**
- 40 EXEMPT MINUTES OF THE ENVIRONMENT & COMMUNITY  
SERVICES PDS COMMITTEE MEETING HELD ON 28TH  
AUGUST 2019**

The Part 2 Minutes were agreed.

The Meeting ended at 9.24 pm

Chairman