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**Select Committee on Environment**

**17<sup>TH</sup> September 2008**

**Report of the Lead Officer**

**Annual Report of the Select Committee on Environment**

**Purpose of Report**

1. To consider the Annual Report of the Committee for the 2007/08 municipal year.

**Background**

2. Article 6 of the Council's Constitution requires Select Committees to report annually to the full Council on their work and to make recommendations for future work programmes and amend their working methods, if appropriate. The Select Committee Chairmen have agreed that the annual report for this Select Committee should be submitted to the October meeting of the Council.
3. In deciding its work programme for 2007/08, the Committee chose to concentrate on a manageable list of important issues to ensure that they could be properly scrutinised, whilst at the same time giving the Committee some flexibility to add some additional items that arose during the course of the year.
4. Accordingly, items included in the planned work programme for the Committee in 2007/08 were as follows:-
  - Patchworking and Estate Management
  - Cross Border issues
  - Fixed Penalties for dropping litter
  - Highways and footpath maintenance
  - Update on Green Waste Composting Facility and Outcomes of the Probiotic Compound Trial
  - Air Quality Management process
  - Choice Based Lettings
  - Health Act 2006 – No Smoking in Public Places Progress

- Report from Recycling Working Group
5. We also considered the call in of a decision in respect of the visibility splay at land at Bromsgrove Street, Halesowen.

### **Analysis of the Work Programme for 2007/08**

#### **Appointment of Working Groups**

6. At our meeting held on 26<sup>th</sup> June 2007, we approved the reappointment of the Recycling Working Group with the remit to consider recycling feasibility options and to look further at the recycling of plastics.

The work programme for the working group comprised the following matters:-

- Waste Enforcement Policy
- Site visit to material recycling facility in Milton Keynes
- Consideration of issues arising from the above visit and recycling at schools and youth centres and recycling centres

The issue of school recycling facilities arose from initial consideration of this matter during the public forum agenda item of our meeting held on 26<sup>th</sup> June 2007, whilst, in addition, the issue of recycling facilities at youth centres arose from a report submitted to the September meeting of the Committee.

7. The Choice Based Lettings Working Group was also re-appointed at that meeting, with the remit to consider successions and joint tenancies and to oversee and monitor progress of the Choice Based Lettings pilot scheme and the banding proposals.

#### **Patchworking and Estate Management – Home Checks**

8. At our meeting on 26<sup>th</sup> June 2007, we received a report in respect of the implementation of Home Checks across the Borough in 2006/07. Arising from the presentation of the report, it was considered that a report detailing problems and outcomes from the Home Checks would be useful information to enable issues to be fully assessed. There was also considered to be a need to be more pro-active, particularly with regard to repeated breaches in tenancy agreements and anti-social behaviour. It was noted that these matters were given a high priority by the Legal team dealing with them and that they did act quickly and advice and support Officers appropriately but that if it was a matter of evidence required by the Court, this could take some time to collate. Reference was also made to the state of some gardens and the issue of assistance to the elderly and people with disabilities. Other matters

of concern were land-locked areas where tenants and residents had redefined their boundaries without permission and gardens in void properties. In respect of the latter issue an assurance was given that the matter was currently under review.

The work of the Area Housing Panels in respect of the monitoring of the Housing Service was also recognised.

### **Bus Service Review**

9. A report on progress made on improving Dudley's bus services was also received. Arising from the presentation of the report, comments were made about unreliable and worn out buses, that various scheduled buses did not turn up on time and that sometimes two or three buses came together. It was requested that these matters be addressed and taken seriously. In response to further concerns regarding bus shelters attracting vandalism and anti-social behaviour, it was requested that bus stop poles should be used instead of shelters.

### **Cross Border Working**

- 10 A report submitted to the meeting of the Committee held on 26<sup>th</sup> September 2007, on the issues surrounding cross border working between neighbouring Councils in relation to public protection matters was noted.

### **Fixed Penalties**

11. A report was submitted to the meeting of the Committee held on 26<sup>th</sup> September 2007, on Fixed Penalties to be adopted following the introduction of the Clean Neighbourhoods and Environment Act 2005. This followed detailed consideration of this issue by the Committee's Recycling Working Group. The level of Fixed Penalties was set out in the Appendix to the report submitted, and covered a range of offences relating in particular to litter, the transportation of waste, unauthorised distribution of leaflets, dog fouling and abandoned vehicles.

Arising from the presentation of the report, a number of comments were made, including the view that the fines as set out in the Appendix were too low, with a further comment that there was insufficient enforcement. Consideration was also given to a publicity campaign regarding the implementation of the fines. Certain litter hotspots, such as Coronation Gardens were also identified and action suggested to raise awareness of the issue. On the whole, there was considered to be a need to re-educate people with regard to littering.

## **Highway Maintenance**

12. A report was also submitted to the September meeting of the Committee on the Council's responsibilities in respect of highway maintenance, outlining the Council's resource capacity in the delivery of the service and on new legislation regarding the management of the Council's highway assets and new network control in the planning and co-ordination of works on the highway.

Following the presentation of the report, a number of issues were raised, including those relating to unadopted roads and the increasing number of new estates. These aspects were recognised as issues to be dealt with and an indication was given that work was undertaken with a developer during construction and that Council Officers regularly visited sites. However, the Council only adopted roads that met the required standard.

Issues with regard to gully cleaning were also commented on and it was noted that following the acquisition of another gully tanker, cleaning had improved.

Although the recommendations contained in the report were noted, Members indicated that there was a need to spend more time in scrutinising specific and major issues, such as the maintenance of roads, and that adequate time needed to be given to enable detailed discussions to be held. It was acknowledged that this would require a reduction in the work programme for next year to enable bigger issues to be properly scrutinised and appropriate recommendations made. It was also agreed that the report on highway maintenance be included as a background document for information, with the Air Quality Report to be considered by the Committee in January 2008.

## **Update on the Operation of the Green Waste Composting Facility at Iverley Park Farm, Norton**

13. The Committee, at its meeting held on 12<sup>th</sup> November 2007, considered a report on the current situation with regard to the operation of the Green Waste Composting Facility operated at Iverley Park Farm, Norton, with particular reference to the emissions of odour, which were adversely affecting local residents.

During the consideration of this matter it was reported that the company involved had had their exemption from requiring to hold a Waste Management Licence from the Environment Agency withdrawn and, therefore, could no longer operate. The facility had accordingly closed and the Environment Agency had asked that the site be cleared by 10<sup>th</sup> December 2007. It was further noted that, although the company could apply for a full Waste Management Licence, this would require them to also apply for full planning permission to enable this to

be done. Currently, the temporary planning permission granted was in force until November 2009.

In noting the report and the information given at the meeting, the Committee also supported continued monitoring of the matter.

### **Call-In of Decision – Visibility Splay at land at Bromsgrove Street, Halesowen**

14. At a special meeting of the Committee held on 28<sup>th</sup> November 2007, we considered a report arising from the call-in of a decision, proposed by the Cabinet Member for Personnel, Law and Property to approve an application for a restrictive covenant on land at Bromsgrove Street, Halesowen, at the request of the Chairman of this Committee.

As part of the consideration of this matter, a site visit had taken place prior to the commencement of the meeting. Arising from consideration of the information given, concerns were expressed by Members with particular regard to the speed of traffic, the traffic flow on the road and the volume of earth to be removed. It was also commented on that the Halesowen Area Committee had considered the matter on several occasions and had unanimously agreed that the application should be refused as it was a major operation and a substantial amount of vegetation would be lost.

### **The Health Act 2006: Progress with Smoke Free Enforcement**

15. At our meeting held on 6<sup>th</sup> March 2008, consideration was given to progress with the enforcement of the 'smoke free' regulations made under the Health Act 2006. Arising from the consideration of this report, the Committee welcomed and supported the approach that had been taken in Dudley, including increased publicity for the Smoking Cessation Service, the provision of associated training and support, the implementation of positive action to tackle health inequalities in the Borough and the use of enforcement powers and prosecutions in appropriate circumstances.

### **Recycling Working Group**

16. Consideration was also given to a report on the progress of issues considered by the Recycling Working Group. The issues reported on included the review of the draft Waste Enforcement Policy and the range of on-going initiatives to improve and develop recycling facilities. Consideration was also given to on-going work to develop a major materials recycling facility, following the visit to such a facility in Milton Keynes, potentially on a joint basis with a neighbouring authority. The Council had received a Waste Infrastructure Grant of £1.27m over a

three year period in the Capital Programme, commencing in 2008/09. The Committee supported the commencement of improvements and on-going initiatives to extend the Borough's recycling infrastructure.

### **Dudley at Home (Choice-Based Lettings) Update and Evaluation**

17. The Committee, at its meeting held on 6<sup>th</sup> March 2008, also considered a report on the Dudley at Home pilot for properties in Halesowen and Stourbridge arising from detailed consideration given to this matter by the Choice Based Lettings Working Group at a number of meetings.

The Committee supported the principle of extending choice to residents and requested reassurance on continuing access for all sectors of the community. In response it was reported that work was on-going to ensure access to the scheme was fairly promoted and that the needs of vulnerable people were properly taken into account, with the aim that a vulnerable person's strategy would be drawn up.

It was also noted that an impact assessment was being undertaken as part of the pilot to ensure that all sectors of the community were able to use the service. Improvements to the scheme would be considered in the light of operational experience to ensure fairness and equal access of potential service users. In respect of people with disabilities the new system would enable properties to be advertised, which had been adapted or which were capable of being adapted. This would extend the element of choice for people with disabilities, whilst ensuring that residents were matched to properties suited to their needs.

In supporting the recommendations contained in the report, it was also noted that the Choice Based Lettings Working Group would continue to meet to scrutinise the progress and address any on-going concerns.

### **Review of Housing Allocation Scheme**

18. A report was also considered at the meeting on proposals for the future of the Council's Housing Allocations Policy arising from recommendations made by the Choice Based Lettings Working Group.

The Committee noted that the working group had expressed a preference for the introduction of a 'banding' scheme, which would lead to greater transparency. A further detailed development model would be necessary to develop the proposal. Any proposals would be the subject of full public consultation and the approval of the Cabinet prior to the formal introduction of a new Allocations Policy/Procedure.

### **Other Items Considered**

19. During the year we also considered the following principal items:-
- Additional report on Equality and Diversity in the Directorate of Finance, ICT and Procurement 2006/07;
  - Quarterly reports on corporate management performance regarding housing and the environment;
  - Food Service Plan for 2007/08;
  - Update of the Council's capital strategy;
  - Update on Air Quality within Dudley ;
  - Revenue budget 2008/09;
  - Annual report of the Select Committee to Council

### **Key Issues Arising**

#### **Fixed Penalties**

20. Arising from consideration given to this matter by the Committee at its meeting on 26<sup>th</sup> September 2007, the Cabinet Member for the Environment was recommended to approve the Fixed Penalties as set out in the Appendix to the Report submitted to the Committee relating to a number of offences including those involving litter, the transportation of waste, unauthorised distribution of leaflets, dog fouling and abandoned vehicles. The Assistant Director, Environmental Management, was also requested to provide Members with further detailed information about the number of fines and categories of fines that have been imposed.

#### **Provision of a Materials Recycling Facility**

21. The Recycling Working Group visited a material recycling facility in Milton Keynes on 15<sup>th</sup> January 2008. Arising from that visit and consideration of a report at our March 2008, meeting, the Committee were informed of on-going work to develop a similar facility for Dudley, potentially on a joint basis with a neighbouring Authority. The Committee also supported the commencement of improvements and on-going initiatives to extend the Borough's recycling infrastructure.

#### **Dudley at Home (Choice Based Lettings) Update and Evaluation**

22. Arising from the on-going work regarding Choice Based Lettings by the Choice Based Lettings Working Group, recommendations of that working group with regard to this matter were considered at the March 2008, meeting of our Committee.

The recommendation of the Working Group to roll out 'Dudley at Home' to the rest of the Borough, following on from the pilot for properties in Halesowen and Stourbridge, in summer 2008, was supported and

referred to Cabinet at its meeting to be held on 19<sup>th</sup> March 2008, for approval. The working group would also continue to meet to scrutinise the process and submit regular progress reports to the Committee.

### **Review of Housing Allocations Scheme**

23. The Choice Based Lettings Working Group has considered and submitted proposals for the future of the Council's Housing Allocations Policy, which were considered at our meeting in March 2008.

The proposals of the working group were endorsed and accordingly it was recommended that the banding model should be taken forward with the intention of it replacing the 'points' scheme, subject to full testing and public consultation and referral to Cabinet for approval. It was also recommended that the Cabinet approves the continuation of the Select Committee in its role of overseeing the work and that the item be included in the Committee's Work Programme for 2008/09.

### **Recommendations that were Made**

24. Regarding Patchworking and Estate Management – Home Checks, the information contained in the report submitted, on the implementation of 'Home Checks' across the Borough in 2006/07, was noted, together with the monitoring and scrutiny role of the Area Housing Panels.
25. Regarding the Bus Service Review, the initiatives as set out in the report submitted, in particular those associated with network improvements to increase patronage, were supported, together with the proposal that Member Review Panels be set up to review bus routing proposals.
26. The information contained in the report submitted on Cross Border Working between neighbouring Councils in relation to public protection matters, was noted.
27. Highway Maintenance:
- The work undertaken by the Council's Street Care Section in respect of managing and maintaining the Borough's highway assets, was noted;
  - The internal and external factors that were adding greater pressure on the capacity of the existing budget to deliver an adequate maintenance programme, was noted;
  - Impact of new legislation regarding the introduction and on-going management of a Highway Asset Management Plan, the impact on resources and new control measures for work on the highway brought about by the Traffic Management Act, were noted;



- The reduced Local Transport Plan settlement for Highway Maintenance for 2007/08, and its impact on maintaining the condition of the Borough's public highways, was noted;
  - A suggestion made that the report on highway maintenance be included as a background document for information with the Air Quality Report to be considered in January 2008 was endorsed.
28. In respect of the update on the operation of the Green Waste Composting facility at Iverley Park Farm, Norton, the information contained in the report and as reported at the meeting and the support given for the continued monitoring of the matter were noted.
29. Call-in of Decision re Visibility Splay at Land at Bromsgrove Street, Halesowen:
- The view of this Committee was that the proposed visibility splay would be intrusive and detrimental to the land owned by the Council, which was adjacent to a highway that is a major gateway into the Borough;
  - A recommendation was made to the Cabinet Member for Personnel, Law and Property to reconsider the decision to approve a restrictive covenant on the land at Bromsgrove Street, Halesowen, as marked on the plan attached to Decision Sheet LP/11/2007, and to refuse the application for the reasons given in the bullet point above.
30. The Health Act 2006: Progress with Smoke Free Enforcement:
- The information contained in the report submitted, on progress made on delivery of the Smoke Free Enforcement Service, was noted.

### **Changes as a Result of Recommendations**

31. Arising from the work undertaken by the Choice Based Lettings Working Group, changes will arise from the roll out of 'Dudley at Home' to the rest of the Borough in summer 2008, and from the continued scrutiny and regular progress reports to be submitted to the Select Committee by the Working Group. Further work will also arise from the proposals made in respect of the review of the Housing Allocation Scheme, including the proposed banding model. Decision Sheet LP/11/2007 was also changed to reflect the recommendation of this Committee.

### **Any Issues which were Not Reviewed during the Work Programme**

32. None

### **Any Areas/ Opportunities for Improvement**

33. The Committee continues to recognise the value of having separate working groups to undertake detailed analysis of major issues, such as the Housing Allocation Scheme and Recycling.

### **Areas of Focus for the Year – Keys Issues to be Considered**

34. At our meeting held on 24<sup>th</sup> June 2008, the following outline work programme was proposed for the 2008/09 municipal year:-

- Choice Based Lettings;
- Recycling;
- Housing Allocations Scheme;
- Food Service Plan
- Aids and Adaptations;
- Enforcement of Tenancy Conditions;
- Annual Report of the Committee to Council;
- Food Service Plan progress;
- Update of the Council's Capital Strategy;
- Air Quality Management progress;
- Proposed Revenue Budget 2009/10;
- Provision and Condition of public conveniences;
- Outline Work Programme 2009/10;
- Equality and Diversity Report for the Directorate of Finance, ICT and Procurement;
- Patchworking;
- Quarterly Corporate Performance Management Reports

### **Finance**

35. There are no direct financial consequences arising from this report.

### **Law**

36. The requirement for Select Committees to make an Annual Report of the Council is contained in Article 6 of the Constitution.

37. The relevant statutory provisions regarding the Council's Constitution are contained in Part 11 of the Local Government Act 2000, together with regulations, orders and statutory guidance, issued by the Secretary of State.

### **Equality Impact**

38. This report complies fully with the Council's policies on equal opportunities and diversity.
39. This report has no specific effect on children and young people. There is no requirement for consultation with children and young people or the involvement of children and young people in producing the report or the development of proposals.

### **Recommendation**

40. That the Annual Report of the Select Committee on Environment for 2007/08, as set out above, be referred to Council.

*John Polychronakis*

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**John Polychronakis**  
**Director of Law and Property**  
**Lead Officer to the Committee**

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### **List of Background Papers**

Agendas, Reports and Minutes of meetings of the Select Committee on the Environment and Choice-Based Lettings and Recycling Working Groups held in the 2007 – 2008 municipal year.