

SELECT COMMITTEE ON ENVIRONMENT

Wednesday, 16th September, 2009 at 6.00pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Mrs Cowell (Chairman)
Councillor Mrs Turner (Vice-Chairman)
Councillors Mrs Blood, A Finch, Hanif, P Harley, Hill, James, J Martin, Mrs Shakespeare, and Waltho.

Officers

Interim Director of Law, Property and Human Resources (As Lead Officer to the Committee), Assistant Director of Housing Management (Directorate of Adult, Community and Housing Services), Assistant Director Environmental Management, Head of Street and Green Care, Head of Engineering Traffic and Transportation, Parking Management Team Manager, Civil Engineering Group Engineer, (All Directorate of the Urban Environment) and Miss K Fellows (Directorate of Law, Property and Human Resources).

14 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Jordan.

15 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor J Martin had been appointed as a substitute member for Councillor Mrs Jordan for this meeting of the Committee only.

16 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

17 **MINUTES**

RESOLVED

That, the minutes of the meeting of the Committee held on 23rd June, 2009, be approved as a correct record and signed.

No matters were raised under this agenda item.

ANNUAL REPORT OF THE SELECT COMMITTEE ON ENVIRONMENT

A report of the Lead Officer to the Committee was submitted on the Annual Report of the Committee for 2008/09.

Arising from the presentation of the report, it was noted that the report relating to the Conditions of Tenancy had been received at the June meeting and not the September meeting as indicated in the report, and following concerns raised by members in relation to Choice Based Lettings and multiple viewings, the Assistant Director of Housing Management had circulated to them a briefing note addressing their concerns. It was agreed that this note would be re-circulated to members.

It was also reported that the Choice Based Lettings Working Group had evaluated the pilot and monitored the roll out of the Choice Based Lettings on a Borough wide basis, with the group continuing to receive monitoring reports on the progress and any issues arising. The Working Group had also played a central role in overseeing the conversion from a points to bandings scheme and had reviewed the extensive consultation exercise, making suggestions to further improve the scheme.

It was further stated that the Working Group's Work Programme had been delayed as the testing on points to banding had been delayed by recent work in relation to the rent decrease and in line with their remit the Working Group would be considering local lettings policies, review of the medical process and the outcomes of the overcrowding pathfinder programme.

In responding to a question from a member in relation to the Recycling Working Group, the Assistant Director of Environmental Management reported that a considerable amount of work had been undertaken in relation to co-mingling waste. In order to meet long term national targets that work would continue to be built upon, with the Recycling Working Group continuing to consider co-mingling waste.

RESOLVED

- (1) That the Annual Report of the Select Committee for 2008/09 be received and noted and referred to Council.
- (2) That in relation to Choice Based Lettings the Assistant Director of Housing Management be requested to:-
 - (a) Arrange training for Committee Members;

- (b) Provide Councillor A Finch with background information;
 - (c) Re-circulate to members of the Committee the briefing note addressing concerns in relation to Choice Based Lettings and multiple viewings.
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CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c), it was

RESOLVED

That agenda item 8 – Final Evaluation of the North Dudley Gardening Initiative – be considered as the next item of business.

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GARDENING INITIATIVE

A report of the Director of Adult, Community and Housing Services was submitted on the full evaluation of the North Dudley Pilot and setting out proposals for making the scheme borough wide and widening its remit.

Arising from the presentation of the report members asked questions and made comments and the Assistant Director of Housing Management responded as follows:-

- Although the Pilot had taken place in North Dudley, residents from other areas within the Borough would be entitled to apply under the Gardening Initiative Scheme.
- In relation to the £100,000 annual budget allocated for garden maintenance for Council tenants, the Assistant Director of Housing Management would advise Councillor Hill whether this had been the amount allocated to the scheme from the outset;
- That the savings from the closure of Housing Estate Offices had been re-invested into Housing Services;
- Private residents could apply under the Scheme, and should contact the Adult Services Team;
- Concerns were raised in relation to the period of time that had elapsed from the pilot to the proposed date for roll out;
- Members requested details of savings achieved as a result of the closure of Estate Offices and the accounting process for these savings;
- Concerns that as a result of the costs incurred clearing fourteen gardens during the pilot of the scheme, that the budget for the scheme would not be sufficient, resulting in waiting lists and complaints to elected members from residents;
- A recommendation that priority should be given to elderly house bound residents;

- Confirmation that work would be conducted with Dudley Federation of Tenants and Residents Association (DEFTA) and other partners in order to achieve a system of prioritisation under the Scheme and that in order to ensure value for money a tendered service was planned;
- A request for the provision of information relating to the criteria set to prioritise those applying under the scheme during the pilot;
- A suggestion that the youth offending team be approached to enable them to provide volunteers to clear and maintain gardens under the scheme;
- It was confirmed that the possibility of match funding would be explored and DEFTA would be approached, as they may be able to access further funding for the scheme.
- Advising that the Committee Members had suggested that funding should be found to introduce gardening initiatives for voids and those tenants who were elderly or had disabilities, and that proposal had been referred to Cabinet in September, 2007;
- Members of the Committee welcomed the roll out of the Gardening Initiative.

RESOLVED

- (1) That the information contained in the report submitted, on the Gardening Initiative advising of the full evaluation of the North Dudley Pilot and the proposals for making the scheme borough-wide and widening its remit, be noted.
- (2) That the Assistant Director of Housing Management be requested to provide Members of the Committee with details of:-
 - (a) The Review of the Housing Finance report submitted to Cabinet on 12th September, 2007;
 - (b) The criteria set by Age Concern prioritising those applying to the Gardening Initiative Scheme during the pilot period;

DRAINAGE RESPONSIBILITIES

A report of the Director of the Urban Environment was submitted informing the Committee on the respective roles, obligations and responsibilities of the Council, Severn Trent Water Limited (STWL), the Environment Agency (EA), British Waterways (BWB) and riparian owners in respect of drainage matters and updating the Committee on the Floods and Water Management Bill (F&WMB). Details of Riparian ownership, a synopsis of The Pitt Review, a summary of the Floods and Water Management Bill, The Council's response to the draft Floods and Water Management Bill, press releases and the existing policy of South Gloucester Council were appended to the report.

The Head of Engineering Traffic and Transportation displayed photographs of areas affected by flooding whilst presenting the report.

Arising from the presentation of the report and Appendices to the report submitted members asked a number of questions and made comments in particular relating to:-

Were riparian owners, written to as and when problems occurred or were the Council aware of all riparian owners;

In relation to new builds would developers have an automatic right to connect to existing sewerage systems or would they have to put in place new sewerage systems; were there any controls in relation to tarmacing and concreting around new builds with concessions that more permeable materials must be utilised.

Were the details relating to riparian ownership displayed on the Council's website.

In relation to the proposals contained in the Floods and Water Management Bill, as this proposed to place more responsibilities upon the Council, had the financial burden been addressed, and if not there was a recommendation that costings should be researched and figures should be made available.

The ongoing issue in relation to flooding in Halesowen and whether details of the cause of the flooding were available and if not the stage at which the investigations into the cause were at.

In responding to the questions from members, the Head of Engineering Traffic and Transportation reported that:-

All riparian owners were not known by the Council, however as and when problems arose and their details became apparent, these were being recorded by the Council and would be linked into the geographical information system and the details relating to riparian ownership which were appended to the report appeared on the Council's website;

In relation to connections to the sewerage systems associated with new builds, these were under the control of Severn Trent Water Limited. Although there would be a right to connect under the current legislation, prior to authorising developers to utilise sewerage systems. Severn Trent Water Limited would determine the impact upon their sewerage infrastructure. In view of this some new builds had to provide surface water storage to reduce downstream flooding and under the Floods and Water Management Bill there would be a requirement to implement sustainable urban drainage systems unless this would not be practicable.

It was further stated that planning guidance was in place in relation to contractors utilising permeable materials when constructing driveways and remodelling gardens.

It was indicated that the issue of the Council becoming responsible for sustainable Urban Drainage Systems as a consequence of the Floods and Water Management Bill had been taken up by the Council, and the letter appended to the report which had been forwarded to the Flood and Water

Management Bill Team on behalf of the Council was referred to, stating that a response continued to be awaited from the Secretary of State, with the proposals resulting in significant costs being incurred by the Council. However the proposed responsibilities would be phased in over a number of years, resulting in costs being phased in also.

In relation to the cause of the flooding in Halesowen, it was reported that the Environment Agency had been hydraulic modelling the catchment and measuring the watercourse in order to provide a before and after picture, and the Agency wished to ensure that any measures that were implemented were robust and met design criteria. Where the Environmental Agency identified any causation these would be reported to a future meeting of the Committee.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report, submitted on Drainage Responsibilities be noted.
- (2) That the work undertaken by the Council's Street Maintenance and Engineering Sections in respect of managing drainage in the borough be supported.
- (3) That the additional responsibilities of the Council, assigned by the Floods and Water Management Bill, the role of external agencies and internal and external factors that were adding greater pressure on the capacity of existing budgets to deliver an adequate cleaning and drainage maintenance programme, be noted.
- (4) That Community ownership be supported.
- (5) That the response of the Council to the consultation be supported.
- (6) That a further report be submitted setting out the budgetary consequences following enactment of the Floods and Water Management Bill.

A report of the Director of the Urban Environment was submitted on the use, abuse and effectiveness of speed cameras. The Department for Transport National Safety Camera Programme: Four Year Evaluation report and the

Dudley District Major Road Network were attached as Appendices to the report submitted.

In responding to members questions, the Head of Engineering, Traffic and Transportation stated that he was unable to divulge the speed that had been set by West Midlands Police as the enforcement speed.

That in advance of speed cameras there should be signs advising the public of the speed for the road in question.

Standard road traffic signs and other signs, such as flashing signs were discretionary and usually put into place where there had been speed issues to monitor speed with these usually being placed next to schools.

It was not currently possible to disaggregate accidents to camera sites, as the data had not been collected by the Police in a manner to formulate such information.

In relation to flashing speed signs, some were utilised to collect speeding data which would be forwarded to the Police, who may then decide to install mobile speed camera units within certain areas.

The Chairman thanked the Head of Engineering Traffic, Transportation for the report submitted.

RESOLVED

- (1) That the information contained in the report, and Appendices to the report, submitted on the Use, Abuse and Effectiveness of Speed Cameras, be noted.
- (2) That the Head of Engineering, Traffic and Transportation be requested to provide:-
 - (a) Councillor Hill with written confirmation as to the number of speed cameras within the Borough;
 - (b) Councillor Hanif with written confirmation whether it would be mandatory to display speed signs prior to speed cameras.

A report of the Director of the Urban Environment was submitted so as to clarify the powers of the Council in operating Civil Parking Enforcement (CPE).

In presenting the report the Parking Management Team Manager stated that in relation to obstructive parking the Highway Code contained a code of conduct together with other mandatory instructions that would be covered by other legislation. Further, should the Police determine that a dangerous situation had occurred due to obstructive parking, they could issue their own enforcement notices.

Patrol Leaflets were circulated at the meeting with the Parking Management Team Manager making specific reference to the flow chart contained in the leaflet detailing the parking penalty enforcement process.

Arising from the presentation of the report, and information reported on at the meeting, members raised questions in particular relating to:-

The number of staff employed to deal with parking enforcement and whether the cost of employing the staff was covered by monies generated by fixed penalty notices;

Whether parking enforcement staff received performance related salaries;

Continuing problems with vehicles being parked opposite Russells Hall Hospital;

The position should a penalty ticket be issued and the owner of the vehicle fail to remove the vehicle;

The position relating to enforcement where vehicles were parked partly on pavements, causing obstruction to pedestrians.

In responding to questions from members the Parking Management Team Manager reported as follows:-

Following the Council taking on responsibility for dealing with the enforcement of on-street parking restrictions throughout the Borough, in addition to the ten staff employed to deal with car parking enforcement provision had been made to employ an additional sixteen staff. It was stated that there were currently twenty staff employed by the Council, with an additional six staff being sought. It was indicated that staff were required to cover work periods of twelve hours each day, seven days each week.

It was confirmed that those employed to deal with civil parking enforcement did not receive performance related pay.

It was reported that the Directorate of the Urban Environment were currently in the process of preparing their own annual report relating to enforcement notices, which would provide information in relation to income, expenses and any surplus or deficit.

It was indicated that parking enforcement Officers were aware of problems with parking opposite Russells Hall Hospital and would utilise enforcement powers when they were able to so, however the majority of parkers were blue badge holders, who could park on double yellow lines for a three hour period. Should badges or clocks not be displayed, or clocks be incorrectly set, penalty notices would be issued.

In relation to vehicle owners failing to remove their vehicles following the issue of penalty notices, although the council had no powers to clamp or remove vehicles, these powers could be invoked to deal with persistent evaders who would include those with three or more unpaid penalty notices.

The Assistant Director of Environmental Management reported that the Council's Enforcement Department removed vehicles on a daily basis but that these were abandoned vehicles causing obstruction, with the Council usually receiving requests from the Police to remove the vehicles.

It was reported that without restrictions upon street parking, a vehicle owner could park wherever they wished to on a public highway, as long as this met with the normal legal requirements relating to Tax, MOT and Insurance. It was stated that the Police could utilise their discretionary powers to deal with such parking. Should they deem that the vehicle was causing an obstruction action could be taken linked into available resources and the hazard the vehicle was causing.

RESOLVED

That the information contained in the report and as reported on at the meeting on the work undertaken by the Council in introducing and administering Civil Parking Enforcement in the Borough, be noted.

QUARTERLY CORPORATE PERFORMANCE REPORT.

A report of the Lead Officer to the Committee was submitted on performance in the first quarter of 2009/10, for the period April to June, 2009, in relation to the activities relating to the terms of reference of this Committee.

In presenting the report, the Lead Officer indicated that in relation to Housing Matters a briefing note had been circulated by the Assistant Director of Housing Management responding to those parts of the report that highlighted areas of concern.

In responding to areas for concerns relating to fly tipping enforcement, the Assistant Director of Environmental Management advised that the enforcement team concentrated on large fly-tipping incidents that needed to be reported to the press, as a deterrent to prevent future fly-tipping and there had been a fall in fly tipping incidents.

In responding to a question from a member it was reported that should one incident of fly-tipping occur, this could involve for example five enforcements being undertaken thus fly-tipping incidents may be less than the number of enforcements.

RESOLVED

That the information contained in the report, and colour copy of the extracted report circulated separately, on performance in the first quarter of 2009/10, for the period April to June, 2009, in relation to activities relating to the terms of reference of this Committee, be noted.

The meeting ended at 8.05 pm

CHAIRMAN