

Scrutiny Standing Panel Agenda



Safer, Cleaner, Greener Scrutiny Standing Panel Tuesday, 8th March, 2011

Place: St Mary's Church - 201 High Road, Loughton, IG10 1BB

Time: 7.30 pm

Democratic Services Officer: Adrian Hendry, Office of the Chief Executive
email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors Ms C Edwards (Chairman), Ms J Hedges (Vice-Chairman), W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, B Judd, G Mohindra, Mrs C Pond and P Spencer

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. MINUTES OF THE LAST MEETING (Pages 3 - 10)

To agree the notes of the last meeting held on 6 January 2011.

5. LICENSING AND THE NIGHT TIME ECONOMY - MANAGING EXPECTATIONS

To receive short presentations from Council Officers and Essex Police on the processing, monitoring and enforcement of Licensing conditions and on the police powers and their recent operations in relation to Licensed establishments.

6. FUTURE MEETINGS

The final programmed meeting of the Panel for this year will be held on 07th April 2011.

Agenda Item 4

EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF SAFER, CLEANER, GREENER SCRUTINY STANDING
PANEL
HELD ON THURSDAY, 6 JANUARY 2011
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.17 PM

Members Present: Ms C Edwards (Councillor) (Chairman), R Bassett (Performance Management Portfolio Holder), W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, Mrs C Pond and J M Whitehouse

Other members present: Mrs M Sartin

Apologies for Absence: B Judd, G Mohindra and P Spencer

Officers Present J Gilbert (Director of Environment and Street Scene), J Nolan (Assistant Director (Environment & Neighbourhoods)), J Preston (Director of Planning and Economic Development) and A Hendry (Democratic Services Officer)

28. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was reported that Councillor Jon Whitehouse was substituting for Councillor P Spencer and Councillor R Bassett was substituting for Councillor B Judd.

29. DECLARATIONS OF INTEREST

No declarations of interest were made.

30. NOTES FROM THE LAST MEETING

The notes from the 7 October 2010 meeting were agreed as a correct record.

31. TERMS OF REFERENCE AND WORK PROGRAMME

(a) The Panel noted their Terms of Reference.

(b) **Work Programme:**

The Panel noted that:

Item 1 – Safer Cleaner Greener Strategy action plan – noted that this was on tonight's agenda and it was separate from the core strategy document.

The Food Standards Agency Audit report was also to be considered at this meeting.

Item 4 – Minutes of the waste management partnership board – the minutes of 20 October were to be tabled at this meeting.

Item 5 – Nottingham Declaration – progress report is to be considered at this meeting.

Item 6 – Bobbingworth tip – There had been a recent meeting of the management group and a report would be going to the council in due course.

Item 7 – Leisure Issues – officers are currently waiting for the consultants to finish their work to take the new sports hall to the pre planning stage as agreed with the Cabinet. Work to start once the current financial situation had eased.

32. UPDATE ON FLY-TIPPING

The Assistant Director, Environment and Street Scene, Jim Nolan, introduced the report updating the Panel on Fly-tipping. They noted that all reports of fly-tipping had been reported to the Environment and Neighbourhood Officers (ENO) since January 2010. The ENOs visit, gather any information and investigate as far as possible. There had been a 2552% increase in fly-tipping related enforcement action since 2008/09.

Unfortunately a large percentage of fly-tipping cases contain no evidence that can be used to lead to the perpetrator or source of the waste and the environment and neighbourhood team have 5 prosecutions for fly-tipping and related duty of care offences since March 2009. A number of cases are also pending.

There were generally two types of tipping, one being household and garden waste and the other being mainly builders waste.

Officers and the police took this seriously and together carried out stop checks on waste carriers. Officers also planned to put an item in the Members Bulletin asking for local hot spots to be identified by local ward members. If thought warranted, Environment and Neighbourhood Officers, assisted by the Safer Communities Team would arrange for CCTV to be installed in hot-spot areas.

RESOLVED:

That the Panel noted the current situation with regard to fly-tipping enforcement.

33. FOOD STANDARDS AGENCY AUDIT REPORT

The Assistant Director, Environment and Street Scene, Jim Nolan, introduced the report on the audit of the Food Standards Agency (FSA) as part of the remit to improve consumer protection and confidence in relation to food. The FSA undertook an inspection of the Council's services over 2 to 3 March 2010 and their final report was published on 27 July 2010. This went to the Audit and Governance Committee in September 2010. The Committee felt the matter should only be considered by them if there had been a failure to make progress against the action plan but that routine consideration of the FSA report should be undertaken by this Standing Panel.

The FSA together with the Council produced an action plan to deal with the identified shortcomings. The report had identified 19 recommendations which had been transposed into the action plan. Any action taken was also added to the plan to keep it up to date. The key element of actual inspection, which is the primary means of ensuring public safety and confidence was not criticised by the auditors.

Since the inspection took place significant progress had been made in addressing the requirements of the action plan and all are now complete. The FSA had indicated that they would review progress approximately six months after publication of the report (early 2011) and a report would be brought back to this Panel with the outcome of the FSA review.

RESOLVED:

- (1) That the referral from the Audit and Governance Committee of the Food Standards Agency report to this Panel be noted;
- (2) The Panel noted that all the required actions had been completed; and
- (3) That a report would be brought back to this Panel once the Food Standards Agency had undertaken a follow up audit.

34. SCG CRIME AND DISORDER REPORT

The Director of Environment and Street Scene, John Gilbert, introduced the report on the Crime and Disorder Scrutiny meeting held so far. The Panel noted that the Council was required, as part of its formal scrutiny arrangements, to arrange at least one meeting a year on crime and disorder issues. These meetings have examined and debated the following topics so far:

- Protection of the vulnerable from anti social behaviour;
- CCTV; and
- Cross border criminality and policing.

Member feedback has been generally positive, with meetings being well attended. At the end of each meeting there had been time for a general questions and answers session.

However there had been two areas of disappointment. The first was that they were unable to attract the public to these meetings. And secondly, member's response to requests for topics for consideration had been poor.

Members thought that:

- The public could be informed of the meeting by using additional methods such as flyers;
- Some of the answers to members questions given by our partners were generic and not specific enough;
- Other members thought that working with the police on a more local basis was more productive as centrally held meetings did not attract the public.

RESOLVED:

- (1) That the outcomes of the three crime and disorder Scrutiny Panel meetings were noted; and
- (2) That the members considered how best to ensure public and member engagement.

35. WASTE MANAGEMENT PARTNERSHIP BOARD MINUTES

The Panel received two sets of minutes from recent Waste Management Partnership Board meetings, one set from the 4th August meeting and the other from their 20th October meeting. The October meeting minutes were tabled.

They noted the key issues discussed including:

- Contract performance (operational and financial);
- Contract extensions to September 2014 (from November 2012);
- Health and Safety;
- Depot location;
- The Olympic Games;
- Reviews of current waste policies; and
- Winter contingencies.

With the Olympics approaching much work was being undertaken in respect of the impact of the event in the local area, including additional street cleansing and possible amendment of waste and recycling collections during the five days of the white water events. This authority was also liaising closely with its partner authorities on this.

It was noted that the Management Board had established an officer working group to consider the circumstances and steps that should be taken in abnormally severe weather conditions.

The meeting also noted that:

- the site visit to a MRF had to be rearranged for a later date;
- that an extra bin for food or garden waste would not increase the cost of the contract;
- dry recyclable statistics had declined recently and had not increased but were still keeping ahead of the 60% mark;
- SITA had not asked for an increase to cover their fuel costs;
- Introduction of weekly collections - the government had recently said that it was up to local authorities on what they did about weekly collections; and
- Discussions were still to be had on any depot relocation decisions, also to take account of any Value for Money considerations.

RESOLVED:

That the minutes of the Waste Management Partnership Board meetings for 4 August and 20 October were noted.

36. CHRISTMAS AND NEW YEAR SHUTDOWN REPORT

The Panel noted the report and recommendations of the officer working group on Christmas and New Year shutdown period. The working group looked into the manning of the Civic offices over the Christmas and New Year break; the ability to update the website and answer phone messages remotely; what other councils do over the Christmas and New Year period; and amending the various collection streams during adverse weather conditions.

They made the following recommendations which were accepted by Management Board and on consideration, by the Safer Cleaner Greener Standing Panel:

- (1) There were no pressing reasons to revisit the shutdown agreement at this time in order to deal with the issues of concern.
- (2) It was not considered necessary to recommend the inclusion of any further services to be provided during this period;

- (3) It is not considered necessary to provide a skeleton staff presence during the current shutdown period. This recommendation could be subject to review as part of future negotiations on the present shutdown arrangements;
- (4) The distinction between “emergencies” and severe weather events be retained;
- (5) In the event of severe weather and the need to provide customer contact during the shutdown period, Epping Depot be utilised, subject to testing to demonstrate ICT capabilities;
- (6) Directorates to ensure that they have adequate numbers of trained/authorised officers to provide updated web pages to the Council’s website and that Public Relations give consideration to the availability of officers to update the front page of the Council’s web pages;
- (7) The Director of Finance & ICT investigate means by which the messaging system of the telephony system can be updated using other officers or remotely by ICT engineers;
- (8) In the event of severe weather during the 2010/11 shutdown period and the need to provide customer contact, Epping Depot be utilised; and
- (9) The availability of key PR and ICT staff during emergencies and/or shut down periods be considered.

RESOLVED:

That the report of the working group on the Christmas and New Year shutdown period was noted and the recommendations agreed.

37. CCTV ACTION PLAN REPORT

The Panel received a report setting out the progress made over the last six months (April 2010 to September 2010) on the CCTV Action Plan. The Action Plan should be reviewed at six monthly intervals. They noted that officers were getting more requests from the Police to review CCTV footage as the images were becoming more and more useful. It was noted that anyone could ask for the images but they were subject to the data protection act and the requests had to meet that strict criteria. Requests had gone up from 36 requests in 2008 to 173 in 2010.

The Panel noted that there was no intention at this time to amend the core strategy document. This core strategy ensures that that CCTV was used appropriately and within the law, thereby protecting the law abiding citizen whilst helping to prevent criminal activities.

RESOLVED:

That the progress against the adopted CCTV Action Plan and the increase in the number of CCTV downloads was noted.

38. ENFORCEMENT ACTIVITY REPORT

The Assistant Director, Environment and Street Scene, Jim Nolan, introduced the six monthly report on the Council’s enforcement activities covering the period from April to end September 2010. It was noted that only the work of the Neighbourhood Team, the Waste Team and the Safer Communities Team was included. No data was included on enforcement activities by the Public Health Team that covered such issues as food and health and safety and some nuisance related work.

Noted that Members would like figures for general enforcement work included in the next report.

RESOLVED:

That the updated report on enforcement activity undertaken within the Neighbourhood Team of the Environment and Street Scene Directorate be noted.

39. MEDIATION REPORT

The members noted the report for information on the use of mediation as a mechanism for dealing with intractable neighbour based disputes. The Safer Communities Team had been using the services of a trained mediator for the last four years to resolve low level neighbour disputes which would otherwise cause a disproportionate drain on resources. The process requires all parties to agree to the mediation before it could be undertaken.

The mediator assists those in dispute by using facilitative mediation to negotiate a mutually agreed settlement.

The Panel noted that there were a number of possible outcomes from mediation:

- (a) Mediation was completed successfully and all parties agree to abide by a set of conditions drawn up by the mediator, resulting in no further action and the parties adhere to the mutually agreed conditions.
- (b) The mediation starts but was not able to reach a successful conclusion. Experience has shown that once started and then withdrawn by one of the parties concerned it could still be effective. Although no formal agreement was reached parties tended to become more tolerant and complaints reduce or stop.
- (c) The mediation was offered and refused by one or more parties in dispute. This situation could identify the main protagonist to the dispute and the refusal of mediation can also be used evidentially in any future enforcement action; showing an attempt at a resolution prior to any court action.
- (d) The mediation after being successfully completed suffers a breakdown by one or more of the parties and can lead to a similar outcome to the circumstances set out in (c) above.

Benefits were identified as:

- (i) mediation is usually quicker and more cost effective than other forms of resolution;
- (ii) mediation gives parties control over the eventual agreement;
- (iii) protagonists reaching their own agreement are more likely to succeed than an imposed one;
- (iv) mediation can take place at any stage of the dispute;
- (v) mediation focuses on positive outcomes and how to achieve better working relationships;
- (vi) mediation can help to reduce tension, anger and misunderstanding between parties;
- (vii) mediation can prevent further escalation of a dispute into criminal actions; and

- (viii) complaints to officers, partnership organisations and elected members are reduced.

RESOLVED:

That the Council's use of mediation as a mechanism for dealing with intractable complaints be noted.

40. HALF YEARLY REPORT ON CLIMATE CHANGE STRATEGY

The Director of Planning and Economic Development, John Preston, introduced the half yearly report on the Climate Change Strategy, noting the progress made against the declared pledges.

The Panel noted that:

- Although the Council had not done as well as hoped for on the 10:10 initiative, the introduction of the new heating contract and the installation of the new windows would improve its performance in the future;
- The smarter driving lessons had proved very useful and many of the participants had seen an improvement in their driving and the MPG achieved. Hopefully Members could be given the chance to take up some of these sessions;
- Unfortunately Smarter Driving lessons could not be made compulsory, and anyway the trainer would not have the capacity for every Council driver; and
- Councillor R Bassett commented that Solar panels were currently very heavy and a lot of roofs could not support the weight, but they were getting lighter and more efficient and affordable.

RESOLVED:

That the progress made against the pledges on climate change were noted.

41. EFDC GREEN CORPORATE WORKING PARTY MINUTES - JULY 2010

The Panel noted the minutes of the EFDC Green Corporate Working Party for 6 July 2010. They also noted that there had been four further meetings since then and these would be brought to the next meeting.

42. SAFER CLEANER GREENER STRATEGIC ACTION PLAN

The Panel noted the Safer Cleaner Greener Strategy Action Plan. This plan, arising out of the Safer Cleaner Greener Strategy, published last year, would be updated annually, and this was what was proposed for 2011-12.

The Panel considered that it would be useful to have the results of the street cleaning and recycling performance indicators brought to their meeting on a regular basis.

They noted that a report on the Local Biodiversity Action Plan would be brought to the next meeting.

RESOLVED:

That the Safer Cleaner Greener Action Plan be noted and agreed.

43. PROGRESS REPORT ON THE NOTTINGHAM DECLARATION

The Panel received the update report on the progress made against the Nottingham Declaration and related sustainability issues. They noted that the Council had adopted the Nottingham Agreement in 2007, which set out a number of challenges for the Council.

It was noted that the climate change strategy was being rewritten by the Environmental Co-ordinator.

RESOLVED:

That the report on the progress made against the Nottingham Declaration be noted.

44. FUTURE MEETINGS

The Panel noted that the next scheduled meeting for Panel (24 February 2011) would have to be rescheduled to a later date because of the revised Council meeting. It was agreed that the Democratic Services Officer would email members with a choice of alternative dates.