

MINUTES OF A MEETING OF THE
ENVIRONMENT SCRUTINY COMMITTEE
HELD IN THE WAYTEMORE ROOM,
COUNCIL OFFICES, THE CAUSEWAY,
BISHOP'S STORTFORD ON TUESDAY 16
MARCH 2010, AT 7.30 PM

PRESENT: Councillor Mrs D L E Hollebon (Chairman)
Councillors W Ashley, A L Burlton,
Mrs R F Cheswright, D Clark,
Mrs M H Goldspink, P Grethe, G McAndrew
and N C Poulton.

ALSO PRESENT:

Councillors T Milner and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

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| Cliff Cardoza | - Head of Environmental Services |
| Marian Langley | - Scrutiny Officer |
| Peter Mannings | - Democratic Services Assistant |
| George A Robertson | - Director of Customer and Community Services |
| Trevor Watkins | - Waste Services Manager |
| Alison Young | - Development Control Manager |

639 APOLOGIES

An Apology for absence was submitted on behalf of
Councillor D A A Peek.

640 MINUTES

RESOLVED - that the Minutes of the meeting held on 1 December 2009 be confirmed as a correct record and signed by the Chairman.

641 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that the implementation of Alternate Refuse Collections (ARC) had been very successful. The Chairman commented that the Committee should congratulate the Waste Services Team for winning the Chairman's Award at the Staff Awards Ceremony.

The Chairman congratulated Steve Adelizzi and the Home Energy Efficiency Officers for their work on the Carbon Reduction Programme.

The Chairman thanked Members and Officers for their support in respect of a number of Task and Finish Groups.

642 ADDITIONAL WORK BY THE PLANNING ENFORCEMENT REVIEW TASK AND FINISH GROUP

The Chairman of the Planning Enforcement Policy Review Task and Finish Group submitted a report on the outcomes of the work of the Task and Finish Group.

The Committee was advised that the Task and Finish Group had met 4 times in 2009/10 and a number of documents had been prepared to assist the public. Councillor N C Poulton referred Members to the Essential Reference Papers attached to the report.

Councillor Poulton stressed that many of the timescales for enforcement action were determined by legislation and were often beyond the control of Officers and Members. He referred the Committee to Essential Reference Paper 'D' for specific timescales agreed by the group for the Council's Enforcement process.

The Committee was advised that Officers would record

and monitor details relating to these particular timescales over a 12 month period from 1 April 2010. A task and finish group would then look at the service again and make any further recommendations as may be required.

Councillor Poulton drew Members' attention to Essential Reference Paper 'E' on Planning Contravention Notices (PCNs). He thanked Members of the Task and Finish Group for their support.

Councillor Mrs M H Goldspink welcomed the report. She commented that the timescale of 15 working days for a site visit in non urgent priority cases should be reduced.

Councillor Poulton emphasised that this timescale was contained within the recently adopted Enforcement Policy and that for urgent priority cases, a site visit was carried out within 2 working days. Councillor Goldspink requested that Officers and Members reconsider the section of the policy covering the timescales for site visits.

In response to a query from Councillor G McAndrew, the Committee was advised that Officers had received no complaints in relation to the timescales for site visits. Councillor McAndrew commented that, if there were no complaints, then there was no need to revisit the policy. Councillor Poulton reported that Officers typically dealt with between 500 and 600 enforcement cases a year. He stressed that any targets included within the enforcement policy had to be realistic.

The Committee Chairman commented on whether the issue of planning enforcement could be presented to the Rural Planning Conference. Councillor Poulton agreed that this was an excellent idea. The Development Control Manager advised that Officers would be happy to attend if required.

RESOLVED - that (A) the planning enforcement guidance note and flow chart detailed in the report for public circulation be endorsed;

DNS

(B) the revised planning enforcement policy, guidance notes and flow chart be circulated to all Town and Parish Councils and others who acted as expert witnesses in the work of the original group; and

CE

(C) the introduction of trial timescales and criteria for the use of PCNs and the request by the task and finish group to reconvene after one year from the date of implementation of the policy to consider performance information gathered and formulate further recommendations, be supported.

643 ALTERNATE REFUSE COLLECTION SCHEME - PROGRESS REPORT

The Head of Environmental Services submitted a report to advise Members on the launch of the Alternate Refuse Collection (ARC) Scheme. He referred to an error in the penultimate sentence of paragraph 2.17 on page 23 of the report now submitted, in that organic waste now included cardboard as well as food waste.

The Committee was advised that the launch of the scheme had proved to be very successful. Officers were still fielding phone calls from residents with queries about the scheme, but the number of calls had been less than anticipated.

The Head of Environmental Services emphasised that there had been a higher than anticipated demand for additional recycling containers. He referred to some delays in issuing additional containers to residents due to the significant number of requests received.

Councillor D Clark requested that for future ARC updates, Members be given an indication of the number of bins the Authority expected to issue in relation to the number residents had actually asked for.

In response to a query from Councillor Clark, the Head of Environmental Services detailed the authorities that Officers had consulted in relation to the number of queries received during the implementation of ARC.

In respect of a query from Councillor G McAndrew, the Committee was advised that Officers had no data relating to side waste and overflowing bins during January 2010 as the policy forbidding these was temporarily suspended due to extra Christmas waste and the suspension of collection services caused by severe weather.

Members were advised that the Authority operated a 3 stage process for dealing with non compliance with the operation of the ARC scheme. The first, second and fourth (final) stages involved warning letters and the third stage involved a visit from an Officer.

The Head of Environmental Services advised that Officers had issued 416 stage 1 letters, 64 stage 2 letters and 4 final warning letters. To date the authority had not issued any Fixed Penalty Notices (FPNs) for non compliance.

The Committee was advised that FPNs should discourage deliberate non compliance as the Authority could not allow waste to be contaminated by a minority of residents. Such measures would only be taken after advice and a number of warnings

Councillor P Grethe commented on whether 'bring' site recycling banks would be removed. Members were advised that provision would remain in 2010/11. The Head of Environmental Services commented that removing these recycling banks was already included as an option in the Medium Term Financial Plan (MTFP) for 2011/12.

In response to a query from Councillor Grethe, the Waste Services Manager commented that the usage of the recycling banks had not decreased markedly since the introduction of ARC. Councillor Clark enquired whether

the authority was continuing to promote home composting.

The Committee was advised that the Waste Aware Partnership had promoted composting and composters were available to residents at a subsidised price. Although East Herts Council had not contributed directly to subsidising this scheme, the Authority had promoted the scheme via Link Magazine.

Councillor A L Burlton commented that he would be concerned if flats lost the provision of recycling banks as they did not have kerbside collection of plastic bottles. The Head of Environmental Services stressed that Officers hoped that kerbside sort collections of plastic bottles for flats would be introduced in the future.

RESOLVED - that (A) the progress and performance of the scheme be noted; and

(B) Officers be congratulated for their efforts in ensuring the smooth launch and operation of the ARC scheme.

644 REFUSE, RECYCLING AND STREET CLEANSING
CONTRACT DESIGN

The Chairman of the Refuse Contract Task and Finish Group, Councillor S Rutland-Barsby, presented a report that recommended the key elements of work and options to be included in the tender document for the Refuse, Recycling and Street Cleansing Contract due to be let by November 2010 for commencement in May 2011.

Councillor Rutland-Barsby thanked Officers and Members of the Panel for their hard work in support of this Task and Finish Group. She referred to a précis of the report as detailed on pages 46 and 47 of the report now submitted.

In response to a query from Councillor P Grethe, the Head of Environmental Services reported that the

contract would be for 7 years with a possible extension of a further 7 years. He stressed that a 7 year contract was compatible with the 7 year lifespan of refuse collection vehicles.

The Committee was advised that a shorter term contract would be more expensive, as contactors would seek to recoup the cost of specialist vehicles over the shorter period. A longer contract carried the risk that refuse vehicles may have to be replaced should they wear out prior to the end of the contract.

In response to Members' queries relating to weed clearance and road sweeping, the Committee was advised that the authority had a programme for dealing with heavily parked roads. Leaflet drops were carried out to request that residents move their cars on specific days.

Councillor A L Burlton stressed that the road sweepers do a good job but the crews often experienced difficulties due to parked cars. Members were advised that contractors were obliged to clean roads even if there were difficulties with parked cars.

Councillor D Clark requested that it be noted that she had withdrawn from the Task and Finish Group as the group had not agreed to her request to carry out a benchmarking exercise as to why the East Herts cost of collection was apparently more expensive than neighbouring authorities.

The Committee was advised of the pros and cons of co-mingled refuse collections. The Head of Environmental Services stressed that that if co-mingled collection was included as an alternative in the contract and this produced a bid or bids that were then proven to be the 'most economically advantageous', the Council could not change its mind once bids had been received. The Council would have a legal obligation to accept the most economically advantageous tender.

Officers stressed that the tendering environment was currently very litigious. Members were advised that co-mingled was a more efficient method of kerbside collection and quicker than 'kerbside sort'.

The Head of Environmental Services emphasised that a contractor who already had access to a recycling plant that could process co-mingled collections and which could be extended might be in a position to submit an extremely competitive bid. Members were advised that the challenges posed by set-up costs incurred such as by the delivery of up to 50,000 new bins, missed collections and phone queries may be offset by a contract which was cheaper over its 7 year term.

The Committee was advised that a change to co-mingled collections would result in a similar workload for Officers as was required for the roll out of ARC. Councillor Rutland-Barsby commented that a third wheeled bin would occupy the same footprint as two stacked recycling boxes. Councillor Burlton stressed that there were pros and cons for both systems and the council should consider the range and ease of recycling alongside the costs.

The Director of Customer and Community Services reiterated that the Council will have a legal obligation to accept the most economically advantageous tender irrespective of which option produces that outcome.

Councillor Clark commented that she was supportive of the approach being taken.

RESOLVED – that (A) the elements of work detailed in the report now submitted be recommended to the Executive for inclusion in the contract specification;

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(B) specified elements of work be recommended to the Executive as 'options' within the contract; and

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(C) the Committee's view that potential contactors be invited to submit bids for alternative recycling collection systems in the context of demonstrating best value for money services for the Council, be confirmed.

645 ENVIRONMENT SCRUTINY HEALTHCHECK - FROM OCTOBER 2009 TO JANUARY 2010

The Director of Customer and Community Services submitted an exception report on the performance of the key indicators related to Environment Scrutiny Committee for October 2009 to January 2010.

The Committee was advised that the data for November and December included on the graph detailed on page 75 of the report now submitted was a cumulative figure for waste per household. Members were further advised that the figure for November should have read 400.

The Director also pointed out that the data was now being presented as a measure of 'waste per household' in line with central government statistics and not as 'waste per person' which had been used in the first part of the year.

Councillor D Clark referred to paragraph 2.1 on pages 50 – 51 of the report now submitted. She commented on whether a more ambitious target should be considered for EHPI 204 – Planning Appeals Allowed.

The Committee received the report.

RESOLVED – that the report be received.

646 SCRUTINY WORK PROGRAMME 2010/11

The Committee considered items to be included in the work programme for 2010/11. The Scrutiny Officer reminded members that there would be a Joint Meeting of Scrutiny Committees on 1 June 2010, to present two

reports covering the operation of the Authority.

Scrutiny members had given feedback in the evaluation workshops regarding budget scrutiny. Whilst some Members preferred to see the whole picture and have all the information reported together, other members felt this was too much and important issues could be overlooked. The Committee was advised that a balance should be struck in relation to budget scrutiny.

The Scrutiny Officer commented that as items from the Medium Term Financial Plan (MTFP) and the Capital Programme for 2011/12 were already published, they could either be reported to individual scrutiny committees or through a cross-scrutiny task and finish specially convened for this purpose.

Councillor Mrs M H Goldspink commented that she would welcome the opportunity to consider a report relating to budget options in respect of the remit of the individual scrutiny committees. Councillor G McAndrew agreed that the workload should be shared between the 3 committees. The Director of Customer and Community Services stressed that there were pros and cons of whichever approach was taken.

Councillor D Clark commented that Members should consider what the Authority hoped to achieve from the budget scrutiny process. She stated that any reports should not be solely financial in nature and must also focus on practical issues.

The Scrutiny Officer advised that future budget reports to this Committee could focus on just the 'environment' aspects of the Medium Term Financial Plan (MTFP), the capital programme for the 2011/12 and following the two main reports at the Joint meeting on 1 June there would also be performance vs cost data available for consideration.

The Committee was advised that the ARC Progress

Report listed for presentation at the next meeting would actually be included within the Contract Performance Report on that agenda.

The Committee approved the work programme as now amended.

RESOLVED – that the work programme as now amended, be approved.

The meeting closed at 8.50 pm

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| Chairman | |
| Date | |