

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE - 15 SEPTEMBER 2009

CHAIRMAN OF ENVIRONMENTAL QUALITY TASK AND FINISH GROUP

10. REPORT FROM ENVIRONMENTAL QUALITY TASK AND FINISH GROUP

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION - that (A) the findings of the Task and Finish Group and the Draft Action Plan be endorsed; and

(B) the findings of the Task and Finish Group and the Draft Action Plan be commended to the Executive for approval.

1.0 Purpose/Summary of Report

1.1 This report is intended to summarise the findings of the Local Environmental Quality task and finish group and present Environment Scrutiny Committee and the Executive with proposals to improve the way the Council works in partnership to manage local standards.

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 This report contributes to the following Corporate Priorities

Leading the way, working together

Deliver responsible community leadership that engages with our partners and the public.

What we build, where we build

Care for and improve our natural and built environment.

Pride in East Herts

Improve standards of the neighbourhood and environmental management in our towns and villages.

3.0 Background

3.1 At Environment Scrutiny Committee on 2 December 2008, it was agreed to set up a task and finish group to undertake a review of local environmental quality.

3.2 Group leaders were asked for nominees and the following Councillors were selected:

R H Beeching,
Mrs R F Cheswright,
D Clark (replaced part way through by K Barnes)
Mrs M H Goldspink
J Mayes
N C Poulton (Chair)

3.3 Severe weather delayed the first meeting of the task and finish group which lead to the Chairman having to table the scoping report at the Environment Scrutiny Committee on 3 March 2009. The scoping document is attached at Appendix A on pages 10.8 - 10.9.

3.4 In summary, the review considered:

- Current environmental quality performance/standards within the district from a residents' perspective and from wider information sources.
- Council's approach to maintaining and improving environmental quality within the context of legislation, powers and duties and limited financial resources.
- Measuring and monitoring progress against/using ENCAMS Matrix model (LEQSE).
- Best practice approaches taken by similar rural district councils
- Opportunities for partnership working with local and national agencies – including public, private and voluntary bodies.

3.5 Reports were also submitted to the Highways Joint Member Panel to gain support and commitment to the project.

4.0 Report

4.1 The group met on 7 occasions (including a Partners Conference) and requested officers undertake various pieces of work to be used as evidence for the review. At an early stage the group commission a 'visual audit' of issues which impacted on amenity. This was

achieved by considering photographic evidence collected by Area Environmental Inspectors as part of their job role.

- 4.2 It was noted that, although residents often believe that 'the council' is responsible for all local environmental issues, in fact these are spread across a range of local and national organisations with specific and limited responsibilities placed upon them by Government.
- 4.3 The group considered the legislative responsibilities of district councils and other statutory bodies for the key issues affecting environmental quality including litter, graffiti, fly posting, highways maintenance, landscape maintenance (hard and soft), rivers and canals, street furniture.
- 4.4 The enforcement powers available to district councils to address visual amenity issues on private land were discussed, specifically those within the Town and Country Planning Act and the Environmental Protection Act. It was noted that the Council had adopted the enforcement powers under the Clean Neighbourhoods and Environment Act (2005) and had significantly increased enforcement activity over the last few years, particularly in respect of fly tipping. Officers had also worked with the Police on a number of initiatives to reduce anti-social behaviour and environmental crime. Examples included multi-agency inspections of estates; 'stop and search' events to apprehend fly tippers and the training of Police Community Support Officers (PCSO) to identify environmental crime and issue fixed penalty notices where appropriate.
- 4.5 It was also recognised that private landowners of both residential and commercial property have a role to play in keeping their land and assets clean, tidy and free from graffiti and litter. The group felt that even more needed to be done to encourage and require private landowners to clean up their land, within the constraints of legislative powers.
- 4.6 The review considered whether it was possible to measure performance against a local environmental quality standard. National Performance Indicators are limited to the measurement of the Council's statutory duties (e.g. street cleansing of land under the Council's control) and were not very helpful when taking a wider, multi-agency view of environmental standards.
- 4.7 ENCAMS ('Keep Britain Tidy') had conducted a Government funded 'Local Environmental Quality Survey of England' (LEQSE) in

2006/07. This involved ENCAMS commissioning 300 inspections within every district in the country. This survey measured standards against a range of criteria which were intended to view the local area from a residents' perspective, (and did not relate to the responsibilities of specific agencies) for example, litter, road maintenance, street furniture etc..

- 4.8 It was noted that a number of improvements had been made by the Council against its responsibilities following this survey, for example removing staining and chewing gum in high profile areas; replacement and standardisation of litterbins; detritus removal programme.
- 4.9 The following organisations were identified as having a key role and responsibilities for land or assets in the public realm:
- Hertfordshire County Council, in particular for highways maintenance (including hard and soft landscaping) and bus stops.
 - Environment Agency – rivers and some fly tipping enforcement responsibilities.
 - Network Rail – as a the owner of the rail network, assets (e.g. bridges) and land in our main towns
 - British Waterways – Responsible for the canal network, towpaths, litter and dog bins.
 - Telecoms providers, in particular BT and Virgin Media, owners of street furniture.
 - Riversmead and Circle Anglia Housing Associations – key land owners within the District.
- 4.10 It was determined that representatives from these agencies should be invited to a 'partners conference', which was held on 16 June 2009. All attended with the exception of Network Rail. This event proved very helpful in identifying the roles and responsibilities of these partners; their approach to maintaining their assets and their preferred route for being contacted and advised of problems or to make a complaint. The key outcomes from the event have been incorporated into the draft action plan.
- 4.11 The task and finish group considered how the Council currently deals with enquiries on environmental matters received from residents that are the responsibility of other agencies; how it passes these on and how it raises awareness about the respective responsibilities of different agencies. Members felt that the Council should do more to raise awareness with customers about which agency is responsible for what and to route them to the correct organisation as quickly as

possible. This should include making better 'contact' information available to staff and providing clear information about responsibilities and links to partners on the Council's website.

- 4.12 Attendees at the Rural Parish Conference, held in May 2009, were asked to complete a questionnaire. In the context of 'visual amenity' delegates were asked two questions:
- Which organisations should we be working more closely with?
 - What are the most important environmental issues to tackle?
- 4.13 In terms of partners with whom the Council should be forging closer ties, private landowners and social landlords (both private and public) were given the highest priority, closely followed by Network Rail and the railway operating companies. With regards to actions to improve visual amenity, removing litter and repairing roads shared the highest priority with removal of fly tips and improving the appearance of road verges the next most common priority.
- 4.14 Members felt that, given the wide range of different agencies and private landowners that have a responsibility for and influence over environment standards, it was not possible for the Council to take direct responsibility for addressing all aspects of environmental quality. However, a greater emphasis should be placed on working with partners to identify opportunities to improve standards. This should be achieved both through working more closely with them and widening monitoring regimes to record and pass on serious problems, within the context of the limited staff resources available. The Draft Action Plan at Appendix B on pages 10.10 - 10.16 details how this will be achieved.
- 4.15 Members of Environment Scrutiny committee are invited to consider the work of the task and finish group, endorse their findings and commend the action plan to the Executive.

5.0 Consultation

5.1 As detailed in the report

6.0 Legal Implications

6.1 The Council complies with its statutory duties, as described in the report. There are no specific legal implications of the report or action plan, however, it should be noted that an increase in legal action taken against private land owners could result in an additional

workload for the Council's Legal Services Team. Any action taken must be proportional in accordance the Council's enforcement policies. Current legislation requires that all efforts to work informally and in partnership with private land owners must be exhausted before formal legal action can be undertaken.

7.0 Financial Implications

- 7.1 The financial implications of actions detailed in the Draft Action Plan will be undertaken within existing resources and current, approved budgets.
- 7.2 The ENCAMS LEQSE Survey will no longer be funded by Government and local authorities must fund any future surveys themselves, if they wish to continue with this approach. The Task and Finish Group and some key partners felt that it would be beneficial to continue with this survey to provide a local benchmark to nationally recognised standards. However, the cost of commissioning ENCAMS to do this for East Herts (c. £16,500 per annum) or funding training of EHC staff to undertake it (£15,000 per annum for 3 years) was considered prohibitive at this time.
- 7.3 Discussions with ENCAMS at a Hertfordshire wide level are currently being undertaken to determine whether this could be provided at a reduced cost. It is recommended that officers also work with partners to seek to identify potential external funding sources. Should external funding be identified, and there were any additional financial implications for the Council, this would be subject to a further report.

8.0 Human Resource Implications

- 8.1 There are none.

9.0 Risk Management Implications

- 9.1 There are none.

Background Papers:

Report to Environment Scrutiny Committee – Environmental Quality – Scoping Report (2 Dec 2008)

Report to Environment Scrutiny Committee – Update on Environmental Quality Review (3 March 2009)

Notes of all task and finish group meetings and a summary of the Partners Conference: available on request to the scrutiny officer by email via

scrutiny@eastherts.gov.uk or on 01992 531612

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