

## **ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL**

**THURSDAY 25 JUNE 2015 AT 10.00 AM**

**PRESENT:** Councillor Nedved (Chairman), Bloxham (as substitute for Councillor Mitchelson), Bowditch, Caig, Christian, Graham (as substitute for Councillor Betton) and Wilson (as substitute for Councillor Dodd)

**ALSO**

**PRESENT:** Councillor Mrs Martlew – Environment and Transport Portfolio Holder  
Councillor Mrs Bradley – Economy, Enterprise and Housing Portfolio Holder  
Councillor J Mallinson – Observer (for part of the meeting)  
Councillor Allison – Observer (for part of the meeting)

**OFFICERS:** Director of Economic Development  
Director of Local Environment  
Director of Governance  
Principal Environmental Health Officer  
Policy and Performance Officer  
Overview and Scrutiny Officer

### **EEOSP.29/15 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Betton, Dodd, Ms Franklin and Mitchelson.

### **EEOSP.30/15 DECLARATIONS OF INTEREST**

Councillor Graham declared a registrable interest in accordance with the Council's Code of Conduct in respect of the minutes of the meeting held on 23 April 2015. His interest related to the fact that he was a Member of Cumbria County Council.

### **EEOSP.31/15 MINUTES OF PREVIOUS MEETINGS**

The Chairman asked for an update on the following matters from the minutes of the meeting held on 23 April 2015:

#### Memorandum of Understanding

The Environment and Transport Portfolio Holder was disappointed to report that there had been no further progress made with the Memorandum. The City Council had received a letter from the Chief Executive of the County Council which had stated that the County Council were satisfied with the existing arrangements and did not require a Memorandum of Understanding.

The Portfolio Holder reminded the Panel that during the Claimed Rights transfer process the Leader of the County Council and the Chair of the Local Committee had been part of the working group which had agreed a residual highways agreement. The agreement had diluted to a Memorandum of Understanding and the City Council had agreed to the dilution

so that the issue could be moved forward. She felt that the change had been a breach of the trust between the two authorities.

The Panel agreed with the Portfolio Holder and asked that the matter be pursued further.

#### Section 106 Briefing Notes

The Director of Economic Development responded that the briefing note was being prepared and it would be circulated to Members along with the Planning Advisory Service briefing note.

RESOLVED – 1) That the minutes of the meetings held on 12 March 2015 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 23 April 2015 be noted.

3) That the Leader and Deputy Leader of the Council make whatever efforts necessary to secure the Memorandum of Understanding between Cumbria County Council and the City Council.

#### **EEOSP.32/15 CALL IN OF DECISIONS**

There were no items which had been the subject of call-in.

#### **EEOSP.33/15 OVERVIEW REPORT AND WORK PROGRAMME**

The Overview and Scrutiny Officer presented report OS.13/15 which provided an overview of matters that related to the work of the Environment and Economy Overview and Scrutiny Panel.

The Overview and Scrutiny Officer reported that the Notice of Key Executive Decisions had been published on 29 May 2015. Both items which fell within the remit of the Panel had been included on the agenda.

Members did not raise any questions or comments on the items contained within the Notice of Key Decisions.

The Overview and Scrutiny Officer highlighted two diary clashes between the meeting of the Panel and Cumbria County Council meetings on 29 October 2015 and 21 January 2016. It was recommended that the meetings remain in the City Council diary as scheduled.

The Panel's work programme had been attached to the report. The Panel, Portfolio Holders and Senior Officers were asked to give some thought to issues which scrutiny could add value to during the Civic Year and should consider adding to their Work Programme. Guidance on Scrutiny Agenda Planning had been circulated with the report and Members were encouraged to use the prioritisation aid contained in the guidance to ensure that items placed in the work programme were those that scrutiny could add value to.

The Director of Economic Development and the Director of Local Environment had been invited to give an overview of the priorities in their directorates for the year ahead to assist the Panel in determining their work programme.

### Economic Development Directorate

The Director of Economic Development gave an overview of the priorities for her directorate which included:

#### *Economic Strategy Action Plan*

*Borderlands* – cross party working with Dumfries and Galloway, Scottish Borders and Northumbria to maximise the economic potential of the borderlands area.

*Enterprise Zone* – this would inform businesses that Carlisle was open to growth and encourage new jobs and businesses to the area. If the Government approved the Enterprise Zone it would take approximately 12 months to work on the agreement

*Development Brief* – The Council would work with partners to produce development briefs when appropriate, for example, the City Council was working with the County Council to produce a development brief for the Citadel which was a listed building and a key area of the City.

*Carlisle Airport* – Stobarts were looking to place a bid to the LEP to link Carlisle Airport and Southend in terms of flights and infrastructure improvements.

*Tourist Information Centre* – The TIC would open next month and Members were invited to visit the building and see the improvements that had been carried out.

*Public Realm* – This work was being undertaken with the Local Environment directorate. The public realm changes would be rolled out over the next couple of years and would improve the tourist offer within the City.

*Housing* – Although housing fell under the remit of the Community Overview and Scrutiny Panel, the Director felt that it was equally important to the economic development of the City.

A Member asked if the Local Plan would be considered further by the Panel. The Director of Economic Development explained that the Local Plan had been formally submitted, accepted and an inspector had been appointed. The examination was expected to be carried out in the autumn time. The Local Plan would not be considered by the Panel again but some aspects of it such as the Masterplan for the Southern area may wish to be picked up by the Panel in the future. She suggested that a cross party working group could consider the Masterplan.

A Member suggested that the development brief for the Citadel be taken through Informal Council to allow all Members the opportunity to consider and comment on the options. The Panel felt that this was an important matter for scrutiny and agreed a task and finish group would be beneficial. The Economy, Enterprise and Housing Portfolio Holder agreed that the matter should be scrutinised at the appropriate time.

### Local Environment Directorate

The Director of Local Environment gave an overview of the priorities for her directorate which included a refresh of the Service Plan through Lean System reviews, smarter service delivery including on line self service, improving performance management, risk management – reducing risks to health and service cuts in discretionary areas.

The Director explained that the Environment Health and Green Spaces and Bereavement Services sections had undergone reviews and were operating to high standards. She detailed the work that had been undertaken in the reviews which included:

#### Environmental Health

- Refreshed Food Law Enforcement

- Health Options Award

- Refreshed Contaminated Land Strategy

Education and Enforcement – this was a key priority and it was important that it was kept up to date and current

Anti Social Behaviour – new legislation had come into force and as a result the Enforcement Policy and Back Lane Policy had been refreshed

#### Green Spaces and Bereavement Services

High team morale and great customer satisfaction

Bereavement Services were looking at developing commercial awareness to create new income streams

Supporting and enabling events

Play area development – this had been revised to make the best of the resources available and had been very successful

Improving health and safety at the cemetery

Arboriculture review

The new City Centre and Engineers were being developed and the Neighbourhood Services Team was working to set the direction of travel for a new collection service:

#### City Centre and Engineers

This was a new small team following the transfer of on street parking to the County Council in February 2015. They had significant work which included the Car Parking Development Plan, Public Realm, City Centre events and off street Car Parking Enforcement.

Car Parking Development Plan – the marketing and sales were key to determining and refining the Council's offer. It included advertising, performance monitoring and consideration of the car parking offer.

#### Neighbourhood Services

Re-thinking Waste – a report would be considered by the Executive on 29 June which would set the direction of travel for the new service. Specific areas of work would come through the Scrutiny process at the appropriate time.

#### Back Lanes Project

Litter bins – the Panel had been involved in a Task and Finish Group review of Litter Bins and it was moving into the proposal stage which involved consultation with Ward Members.

Street Cleansing Performance – This would be a more innovative way of monitoring performance so inspectors could record the condition of streets on a mobile device which could then use GIS technology to map hot spots which would result in a smarter service delivery.

In response to a question the Director of Local Environment reported that there were specific elements of the Car Parking Development Plan which the Panel would find interesting including a review of pay and display machines and the position and use of car parks.

A Member highlighted the ongoing issues regarding weed spraying and dead weeds within the City. The Director of Local Environment reminded the Panel that the County Council were responsible for the spraying of weeds.

RESOLVED – 1) That the Overview Report incorporating the Work Programme and Key Decision items relevant to this Panel (OS.13/15) be noted.

2) That the meetings of the Panel on 29 October 2015 and 21 January 2016 remain as scheduled in the Civic Calendar.

3) That the following items be included in the Panel's Work Programme for 2015/16:

- Business Support and Development
- Skills and attainment
- Citadel Development Brief
- Economic Strategy Action Plan
- Local Enterprise Partnership
- Enterprise Zone
- Re-thinking Waste Project
- Car Parking Development Plan
- Enforcement Policy Refresh
- Update on Clean Carlisle
- Update on Public Realm
- Carlisle South Masterplan

### **EEOSP.34/15 CONTAMINATED LAND STRATEGY (COST RECOVERY AND HARDSHIP POLICY)**

The Environment and Transport Portfolio Holder complimented staff on the interesting, informative and well written report. The Panel agreed that the report was extremely well written and thanked officers involved.

The Principal Environmental Health Officer submitted report LE.14/15 presenting the revised 2015 Contaminated Land Strategy.

The Principal Environmental Health Officer summarised the background position, commenting that the Strategy set out a plan for how Carlisle City Council would approach land contamination, including the adoption of a Cost Recovery and Hardship Policy.

The Strategy proposed a number of priorities for the Council including a Cost Recovery and Hardship Policy and to ensure that investigations were concentrated on areas of land where there was the greatest risk of contaminant linkage (contaminant, pathway, receptor) being present. The full list of priorities was included in section 2.3 of the report.

The Principal Environmental Health Officer reported that the City Council should make an initial identification of persons who may be responsible for the remediation actions. The authority would look first for the persons who caused or knowingly permitted the contamination deemed as a Class A persons. If the pollution was historical, the original polluter may not be in existence, in this case the City Council would usually seek to identify the owners or occupiers of the land deemed as Class B persons. The Hardship Policy which was attached to the report detailed how the City Council would deal with landowners who did not have sufficient funds for the remedial work.

The Director of Governance asked the Panel to consider the membership and terms of reference of the Hardship Panel. The Panel would consist of the Director of Local Environment, Head of Finance, Portfolio Holders for Environment and Transport and Finance, Governance and Resources and the Section 151 Officer.

Any application to the Hardship Panel had a right of appeal. The Director of Governance highlighted an amendment to the appeals process set out at 18.5 of the report which would be submitted to the Executive for approval. Any appeals received would be considered by the Council's constituted Members Appeals Panel.

The Executive had considered the report at their meeting held on 1 June 2015 (EX.46/15 refers) and decided:

“1. That the Executive had considered:

- The priorities of the Contaminated Land Strategy 2015 outlined in section 2.3 of Report LE.04/15.
- The constitution of the Hardship Panel outlined in the Cost Recovery and Hardship Policy (Appendix 1 Page 59) contained within the attached Contaminated Land Strategy 2015.

2. Referred the Strategy to the Environment and Economy Overview and Scrutiny Panel for consideration.”

In considering the report Members raised the following comments and questions:

- What did the authority do to prevent contamination in new developments?

The Principal Environmental Health Officer explained that the Contaminated Land Strategy was for historic contamination. The City Council worked closely with partners, other organisations and developers when decisions are being taken regarding new developments. She added that new contamination was dealt with through separate legislation.

- Was there guidance on the terms ‘serious pollution’ and ‘imminent danger’?

The Principal Environmental Health Officer responded that there was guidance to determine what was serious or imminent danger.

- How was the source of the contamination identified?

The Principal Environmental Health Officer responded that when contaminated land was being investigated officers looked at the previous use of the land. Borehole testing would be carried out and samples would be analysed to determine the contamination.

- The Panel asked for assurance that the document would receive the appropriate positive press coverage.

The Director of Local Environment responded that an article would be included in the internal newsletter ‘In the Loop’ and included in the external newsletter @Carlisle Focus’.

RESOLVED –1) That report LE.14/15, Contaminated Land Strategy (Cost Recovery and Hardship Policy) be noted;

2) That the amendments made to the appeal process be welcomed and noted.

## **EEOSP.35/15 END OF YEAR PERFORMANCE REPORT 2014/15**

The Policy and Performance Officer submitted report PC.09/15 updating the Panel on the Council’s service standards that helped measure performance. The report also included an update on key actions contained within the Carlisle Plan.

The Policy and Performance Officer reminded Members that service standards were introduced at the beginning of 2012/13. They provided a standard in service that customers could expect from the City Council and a standard by which the Council could be held to account. The measures of the standard of services were based on timeliness, accuracy and quality of the service provided in areas that had a high impact on customers.

The LGA Peer Review identified gaps in the current performance framework. With this in mind a baseline report had been produced that included a selection of performance measures from inside and outside of the authority. The measures were not exhaustive and it was recognised that there were service areas that were not represented in the report, but PRISM would pick up all areas up as 2015/16 progressed. The Baseline Report had been appended to the report and Members were informed that there would be more detail added to the baseline report notes section in the future.

In considering the report Members raised the following comments and questions:

- A Member asked for an explanation with regard to the 221 units available that were let.

The Police and Performance Officer explained that the units were commercial units that the Council owned. Further information would be included in future reports.

- Who carried out the grading for the street cleanliness, litter and graffiti?

The Director of Local Environment responded that the Neighbourhood Services Team had a number of trained assessors who carried out the grading.

- A Member asked for a written response from the Director of Governance with regard to the Land Charges searches data. He asked for the timescale for searches that were not issued within ten days, the reason why they were not issued within the timescale and how the issue would be addressed.
- A Member asked for a written response from the Customer Services Manager with regard to the Corporate Complaints data. He asked for the reason why 12% of complaints were not concluded at stage one, why not all of the corporate complaints were responded to within target time and how this issue was being addressed.

RESOLVED – That report PC.09/15 – End of Year Performance Report 2014/15, be welcomed.

2) That the Director of Governance provide a written response to the questions regarding the Land Charges data:

the timescale for the searches that were not issued within ten days

the reason why they were not issued within the timescale

how the issue would be addressed

3) That the Customer Services Manager provide a written response to the questions regarding Corporate Complaints:

the reason why 12% of complaints were not concluded at stage one,

why not all of the corporate complaints were responded to within target time

how this issue was being addressed.

## **EEOSP.36/15      PUBLIC AND PRESS**

**RESOLVED** – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

## **EEOSP.37/15      RE-THINKING WASTE**

(Public and Press excluded by virtue of Paragraph 3)

The Director of Local Environment gave a detailed presentation updating Members of the Re-Thinking Waste project.

The Director of Local Environment reminded the Panel of the current service and the aims and objectives for the new service. The Panel had been involved in the process from an early stage and the Cross Party Working Group had proved to be invaluable in forming the options and recommendations. She summarised the original modelling options that had been considered and the reason for the update and re-modelling.

The Director of Local Environment gave a detailed overview of the updated options modelling and the preferred options. She reminded the Panel of the recommendation of the cross party working group and explained that they had informed the options that were being considered by the Executive on 29 June. The preferred option had been option 1 which was detailed in the presentation and the recommendation to Executive.

The Executive were being asked to consider the recommendations and agree the direction of travel for the project. Further detailed reports would be submitted through the political process as decisions were required.

The Director of Local Environment responded to Members questions with regard to bin capacity, recycling credits, renewal of the waste fleet and the options for the type of vehicles.

The Panel thanked Officers and the Executive for involving them at an early stage in the process and asked that this continue with future decision on the Project.

**RESOLVED** – That the Director of Local Environment's detailed presentation on Re-Thinking Waste be welcomed.

## **EEOSP.38/15      OVERVIEW AND SCRUTINY OFFICER**

The Panel thanked the Overview and Scrutiny Officer for her tremendous help and support over the previous years. They wished her every success in her new role as Licensing Officer.

(The meeting ended at 12.30pm)