

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY PANEL

THURSDAY 12 MARCH 2015 AT 10.00 AM

PRESENT: Councillor Nedved (Chairman), Mrs Bowman, Burns (as substitute for Councillor Caig), Dodd, Graham, Mitchelson, Watson and Wilson

ALSO

PRESENT: Councillor Mrs Bradley – Economy, Enterprise and Housing Portfolio Holder
Councillor Mrs Martlew – Environment and Transport Portfolio Holder
Councillor Bloxham – Lead Member – Litter Bin Task Group
Councillor J Mallinson – Observer

OFFICERS: Deputy Chief Executive
Director of Economic Development
Environmental Health Manager
Overview and Scrutiny Officer
Policy and Performance Officer
Technical Officer x2

EEOSP.08/15 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Caig.

Apologies for absence were also submitted on behalf of the Director of Local Environment.

EEOSP.09/15 DECLARATIONS OF INTEREST

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of any items relating to Cumbria County Council. The interest related to the fact that he is a member of Cumbria County Council.

Councillor Watson declared an interest in accordance with the Council's Code of Conduct in respect of any items relating to Cumbria County Council. The interest related to the fact that he is a member of Cumbria County Council.

EEOSP.10/15 MINUTES OF PREVIOUS MEETINGS

RESOLVED – 1. That the minutes of the meeting held on 22 January 2015 be approved and signed by the Chairman as a true record of the meetings.

EEOSP.11/15 CALL IN OF DECISIONS

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

EEOSP.12/15 OVERVIEW REPORT AND WORK PROGRAMME

The Overview and Scrutiny Officer presented report OS.04/15 which provided an overview of matters relating to the work of the Environment and Economy Overview and Scrutiny Panel and included the latest version of the work programme and Key Decisions of the Executive which related to the Panel.

- The Overview and Scrutiny Officer reported that the Notice of Key Executive Decisions, published on 30 January 2015, included no items which fell within the remit of this Panel.

Since circulation of the document pack a Notice of Executive Key Decisions had been published on 9 March 2015 which included the following items which fell within the remit of this Panel:

- KD.06/15 – Release of capital of Vehicle Replacement 2015/16 – the Executive will be asked to release capital budget provision for 2015/16 of £1,109,000 to provide vehicles and plant in accordance with the five year plan;
 - KD.07/15 – Public Realm – the matter would be added to the Work Programme for consideration by the Panel at their meeting to be held on 23 April 2015.
 - KD.08/15 – Durranshill Industrial Estate – the Executive will be asked to accept the funding offer from Cumbria LEP and vary the existing HCA funding and also approve the release and leasehold disposal of sites on final terms to be agreed by the Directors of Economic Development and Governance;
 - KD.09/15 – Carlisle Old Town Hall Phase 2 – Contract Variations and Emergency Repairs – the Executive will be asked to note the recent Portfolio Holder decision and reasons supporting that which approved the drawing down of an additional £90,000 from the overall associated budget, necessary to fund emergency repairs, and approve an additional draw down of up to £52,000 from the overall associated budget for progression of option ‘fit-out’ improvements to the Assembly Room and Tourist Information Centre necessary to maximise future usage.
- *With regard to KD.08/15 would it be possible to have Durranshill Industrial Estate added as a future agenda item for a general update?*

The Director of Economic Development confirmed that it would be useful to provide Members with an update hopefully at the meeting of the Panel to be held on 23 April 2015.

- *With regard to KD.09/15 what would the money that had been requested be used for?*

The Director of Economic Development confirmed that she would provide a full written response but summarised the reasons as additional steelwork which was needed to the front of the building and additional under floor support for the Assembly Room.

- *Why were the problems at the Old Town Hall not picked up in the surveys?*

The Director of Economic Development explained that it would have been difficult to see the problems until the work had commenced. Officers had only requested a draw down of what they thought necessary. The Director agreed to provide a written response and advised that full details would be included in the report to be presented to the Executive at their meeting on 7 April 2015.

- The Overview and Scrutiny Officer had contacted the Panel by email asking if there were particular issues they wished to see discussed in the Annual Report. A facilitated session was held on 2 March 2015 which looked at how scrutiny could work. In light of that the nature of the Panels may change. A meeting of the Scrutiny Chairs Group was scheduled to be held at the rising of this meeting and comments would feed into the

Annual Report. Therefore the Annual Report which would be submitted to the Panel's final meeting of the civic year on Thursday 9 April 2015 may be retrospective with the second part of the report being submitted at the Panel's first meeting of the next Civic year. The Annual Report would be presented to Council on 28 April 2015 and Members of the Panel agreed to give permission for this Panel's views on the draft report to be submitted via email in order to meet the deadline for reports.

- The Overview and Scrutiny Officer reminded Members that a report was received on 3 July 2014 updating Members on the transfer of Claimed Rights back to Cumbria County Council. Members were informed at that meeting that the County Council had agreed to a Memorandum of Understanding which detailed each Authority's responsibilities and agreement. It was reported in October 2014 that the memorandum had been drafted but had not been signed by Cumbria County Council and the City Engineer. There had been no progress in getting the Memorandum signed and the County Council had not responded to requests from the City Council for updates.

The Environment and Transport Portfolio Holder advised that when initial discussions were held at the Joint Working Group the County Council gave an assurance that there would be a residual agreement that would pick up any outstanding areas of work. The County Council then advised that they no longer wished to provide the residual agreement but rather would provide a Memorandum of Understanding in line with similar agreements across the district. The Portfolio Holder had asked the City Engineer to draft a letter which would be sent to the Chief Executive and Leader of the County Council expressing the disappointment of the City Council, seeking information about the delay and requesting that the matter is progressed as soon as possible.

- The Business Support Task Group had met with the representative from the North West BIS and had a visit to the Carlisle BIC where they met with representatives from the University. A list of small businesses had been compiled and an evening meeting will be arranged to determine how small businesses feel about the support that was provided and what help was available.
- The Work Programme for the Panel had been circulated as appendix 2 of the report.

RESOLVED – 1. That, subject to the issues raised above, the Overview Report incorporating the Work Programme and Notice of Executive Decisions items relevant to this Panel be noted.

2. That the Director of Economic Development to provide Members of the Panel with a written response in respect of the emergency repairs to the Old Town Hall.

3. That Members of the Panel gave permission for this Panel's views on the draft Overview and Scrutiny Annual Report to be submitted via email in order to meet the deadline for reports.

4. That the Panel wished to see a swift and urgent resolution to the issue around the Memorandum of Understanding in respect of Claimed Rights and that the Environment and Transport Portfolio Holder keeps the Panel updated on progress.

EEOSP.13/15 CLEAN UP CARLISLE UPDATE

The Environmental Health Manager reminded Members that Clean Up Carlisle had been a Corporate priority since 2012 because people were noticing and complaining about the deterioration in the tidiness of Carlisle's street and parks. Temporary additional funding was found for two years to improve enforcement and education and cleaning of the street.

Over the last two years many of the planned processes had come to fruition and the Environmental Health Manager summarised the work carried out during that time and looked at the impact that the cleaning, enforcement and educational activities had on local amenity and environmental quality.

Levels of enforcement had been high during the campaign and 58 fixed penalty notices had been issued for offences including dog fouling, dogs off leads, littering, waste receptacles and fly posting. 2012/13 also saw a total of 7 successful prosecutions for a variety of offences including the first fly tipping prosecution for a number of years. There were also fifteen successful prosecutions for dog fouling, dogs off leads, waste incorrectly put out for collection, littering, fly tipping and failing to ensure a dog wore a collar and tag. Two successful prosecutions had been taken in 2014/15 for littering and dog fouling with two prosecutions pending for littering and waste receptacles.

The Environmental Health Manager summarised a number of case studies relating to those prosecutions.

The report also detailed the number of service requests logged by the Enforcement and Education Team under the dog fouling category. The Clean Up Carlisle campaign had generated a lot of publicity so it was not surprising that the number of complaints had increased. A better indicator of the success of the campaign would be a reduction in fouling visible on the streets. The Environmental Health Manager was pleased to report that there had been a clear reduction and improvement of dog fouling in the areas monitored by the Enforcement and Education team.

As well as dog fouling the Enforcement and Education team had also been active in work on fly tipping and littering. In 2013/14 there were 98 service requests to Environmental Health in respect of litter and 65 in 2014/15 (up to 26 February 2015). Although the number of complaints had not reduced over the period of the campaign customer feedback from Council surveys had confirmed that 75% of customers were satisfied with street cleanliness.

With regard to fly tipping the number of complaints received had risen. However the report indicated a reduction in the amount of waste being picked up by the street cleaning team. The decrease in street cleaning showed that by keeping the street regularly clean and tidy people were less likely to drop litter themselves and place it into their own bin or recycling container.

With regard to education the Enforcement and Education team had been very proactive over the two year period and had visited many schools to reinforce the ethos of keeping the environment clean.

The Council embraced the Keep Britain Tidy's "Love Where You Live" campaign and had taken the campaign into schools, community groups and used it to generate media interest. It was hoped that members of the community would act as champions and

continue activities to encourage positive behaviours after the Enforcement and Education team had left the area. However that had been less successful and momentum was soon lost when support from the Enforcement and Education team was removed.

The Environmental Health Manager advised that new equipment had transformed and improved the quality of street cleaning with markedly reduced instances of detritus build up and improving the removal of dog fouling, littering and gum in the city centre. There had also been a huge improvement in the cleanliness of footpaths and pavements throughout the city. It was now possible to transport smaller sweepers to Brampton and Longtown and those areas were now included in scheduled programmes of work.

The blitz on cleaning the City Centre, which extended to the surrounding areas, would continue until all areas had been cleaned to an acceptable standard. Rural roads had been included and seven different types of street cleaning vehicles cleaned between 51 and 62 miles of streets per day within the District. Since the start of December 2014 a team of litter pickers had been picking up litter from the grass verges between Carlisle and Brampton, Brampton and Longtown and Longtown and Carlisle.

The rapid response team dealt with approximately fifteen requests per day as well as helping with clearing leaf fall when needed. The Rapid Response team also help the existing teams where cleaning was difficult due to parked cars.

Asbestos reports were dealt with by Environmental Health in the first instance and removal was carried out by fully trained operatives.

The majority of street litter bins within the City Centre were replaced in 2013 and ten of the bins would have advertising panels. All new bins have ashtrays on the top to improve the amount of cigarette litter.

Due to the problems with seagulls and cats ripping the purple sacks the Council agreed to introduce gull sacks which were working well. Following some initial problems the number of properties not using gull sacks had reduced and loose waste was no longer a problem due to education.

All crews had attended discussions and training which included the importance of returning containers after collection and picking up any litter they dropped or that was laying in the street. A design improvement was made to the cardboard and plastic bags and a Velcro strip prevented the bags from blowing open. Customers are reminded to squash plastic and flatten card and box hats for green boxes were available.

The Environmental Health Manager explained that 80% of the clean up money had been used on improved mechanisation and street cleaning. The remaining 20% was spent on increasing working hours and educational materials and programmes within enforcement and education. By budget management one of the full time equivalent posts had been secured so the post would remain full time after the finance from the campaign had finished.

The extra money available for education had been invaluable in kick-starting a cleaner Carlisle. The Love Where You Live campaign had been high profile with posters on the back of Council vehicles. Although the Enforcement and Education team would continue to use the advertising space for its promotional work the bin space would also be available

for advertising income opportunities for the Council. The branding of Love Where You Live would continue for the next few years.

Some legacy work from the Clean Up Carlisle campaign would remain including working with partners such as the Police and Riverside. Changing the behaviours of people who own dogs and those that handle litter would require a continuation of the activities started during the campaign. When highly visible priority signage was removed from an area where there had been an improvement, incidents of fouling increased again. That indicated that the public needed to see or perceive that the Council was active in tackling unacceptable behaviours.

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

- *The report stated there had been an improvement in customer satisfaction but that the number of complaints had increased? Were the complaints easier to deal with?*

The Environmental Health Manager explained that the customer satisfaction survey was a survey that had been undertaken by the Corporate Performance Team and looked at how people felt about the general condition of the streets. The complaints referred to within the report relate to contact with the Council in respect of service requests and were not necessarily a complaint.

- *A Member of the Panel had, on several occasions over the last three years, suggested the use of stencils on the pavement to advise against dog fouling and dropping litter. Why had stencilling not need used?*

The Environment and Transport Portfolio Holder advised that stencilling had been used on Petheril Bank and would be used in the St Aidans Ward. When stencilling was used the area also had to be monitored and while the whole of the district could not be monitored at the same time it was hoped that the use of the stencils would be effective in reducing the amount of dog fouling and littering. It was also anticipated that there would be a further campaign later in the year in respect of those issues.

- *Members of Cumbria County Council receive an amount that they can use as they wish within their Ward. A Member of the Panel stated that he had provided signage in his Ward advising against dog fouling and littering. The signs had been very effective and the area had not been monitored.*
- *What action was taken against people who allow their dogs to run freely in an area, particularly around play areas?*

The Environmental Health Manager advised that if the dogs were strays they could be picked up and the owners would have to pay a penalty to collect the dog. Dog Control Orders were in place in built up areas and around play areas that required dogs to be on leads otherwise the owner could face a fixed penalty. If an Officer asked someone to put their dog on a lead and the request was refused the person could receive a fixed penalty. The Environmental Health Manager explained that the law was about to change and the introduction of the Public Space Protection Order would require the Council to re-draft its dog control orders. Signage and stencilling would be used in future. The Environmental Health Manager advised that people noticed when high visibility signs were put up and then removed. Some people would try to get away with not picking up dog fouling and

littering if they thought they could. If the Environmental Health team were advised about particular incidents patrols could be organised to try to catch the person involved.

- *Harraby Campus had been declared a dog free zone. Would the new legislation provide something similar across the City?*

The Council could impose a ban on dogs in parks and public areas but proper consultation on the new public space protection notice would be required. At present there were no bans on dogs in any area.

The Environment and Transport Portfolio Holder advised that all play areas and the area around play areas were dog free zones.

- *Would the Council have to go through a legal process to make Harraby Campus a dog free zone?*

The Environmental Health Manager explained that the campus was private land. The Council would follow formal process for a ban on public land. When the new legislation was implemented the Council would have three years to put new procedures in place.

- *The report was upbeat. Were there any statistics to show the percentage of enforcements against the number of complaints?*

The Environmental Health Manager advised that enforcement activity and the number of complaints received was recorded. Residents were encouraged to contact the Council with information in respect of dog fouling and littering. The team know they are being successful if they receive more complaints. The contacts are called complaints but were really information or service requests. One measure of success was a reduction in the amount of dog fouling on the streets. The team could deal with people's behaviour and the impact on the community but the source of the offences would always be there.

The Environment and Transport Portfolio Holder believed that it was important to develop relationships with partners such as Riverside and the police and that there must be a common effort to tackle anti-social behaviour. If the Council received accurate information the team could act on it.

- *The report stated that sixteen fixed penalty notices had been issued. Why were there so few?*

The Environment and Transport Portfolio Holder advised that the team were without a Team Leader for nearly seven months in 2014. The new Enforcement and Education Team Leader had been in post since September and it would take a while for her to get up to speed.

The Environmental Health Manager advised that now that the team had the full complement the number of fixed penalty notices and prosecutions were expected to rise.

- *One measure of success was a reduction in the amount of dog fouling on the street. It was not easy to catch people offending.*

The Environment and Transport Portfolio Holder explained that the answer lay in catching and prosecuting offenders. Some people will not pay their fines. The Council had to look at the broader perspective to tackle the problem.

- *Did plays areas include football pitches?*

The existing Dog Control Orders did not specifically mention football pitches. New Public Space Protection Notices could cover football pitches, but that would require full public consultation.

- *Was there anything that Members can do to help?*

The Environment and Transport Portfolio Holder explained that the new legislation would deal with the issue and when the Council received individual complaints the team would try to catch the person.

The Environmental Health Manager advised that there had been some disruption to the team and they were looking at delivering progress with a new campaign. Keep Britain Tidy had done a lot of work. It was anticipated that posters would be put up and displayed on the back of refuse vehicles towards the end of May. If the Council did the same thing over and over people would get used to it and it would be less effective. The Council needed to always be thinking of new ways to engage.

- *Was there any way the Council could encourage people to complain?*

The previous team leader collated all complaints into areas which were then targeted either for cleaning or enforcement and education. People could complain by telephone, e-mail, the corporate Facebook/Twitter and by calling into the Civic Centre. The Love Where You Live website also had a form that could be submitted which would be picked up and passed to the team.

- *People may be afraid of reporting incidents for fear of reprisals.*

The Environmental Health Manager advised that people were legally bound to pick up their dog fouling. Enforcement Officers had taken statements and referrals had also come from other officers as well as from Riverside.

The Environment and Transport Portfolio Holder advised that Enforcement officers always patrolled in twos in the interests of evidence gathering and potential threats.

- *Was there a work schedule for verge clearing in rural areas? It would be useful for Ward Councillors to know when clearing work was to take place.*

The Environment and Transport Portfolio Holder was not sure if there was a timetable and advised that main roads were done at weekends and that verge clearing was done on a cyclical basis.

The Deputy Chief Executive explained that there was a schedule of work and the rapid response team could also be called out to clear a verge if necessary. If there was a particular hotspot it should be reported via the relevant form on the Council's website. Residents could also submit a report by telephone or by calling into the Civic Centre or by speaking directly with the Ward Councillor.

It would be difficult to deal with people's standards across the board but that should not discourage people from reporting mess and from holding clean up campaigns. Part of the approach was to get communities involved which would also build intolerance.

The Environment and Transport Portfolio Holder advised that one hotspot was a lay-by on the A595 near Dobbies Garden Centre. The Portfolio Holder had contacted the County Council and requested whether the lay-by was necessary or whether it could be closed.

- *The report stated that when resources were put into an area the problems reduced. When those resources were removed the problems increased.*

The Environmental Health Manager advised that the new campaign would have large posters and increased patrols within the Enforcement and Education team. Some people were quick to adapt to new habits while others were more resistant. The number of fixed penalties issued reduced when people knew they were being watched.

- *Was the education side of the team working effectively?*

The Environmental Health Manager explained that the majority of people knew that if they did not pick up dog fouling they would be fined. The issue was whether they would get away with it. Patrols and raising awareness helped but the Council could not expect there to be a change in people's behaviour overnight.

- *The situation could only change by changing the culture of the area. Getting communities involved was important but that took effort. What was the Council doing to ensure community engagement? What support was provided to groups undertaking clean up events?*

The Environmental Health Manager advised that the team supported Councillors engaged in clean up events and used the event to carry on the momentum of the campaign. People were happy delivering a certain amount of activity but where it was likely to be confrontational it was better dealt with by the Enforcement team. The team would work with Councillors to sort out particular problems.

In response to a query from a Member the Environmental Health Manager confirmed that the Education and Enforcement team visited schools in both urban and rural areas to educate about dog fouling and littering.

- *Were the Parish Councils involved in the Community Champion scheme?*

The Environmental Health Manager explained that when the Dog Fouling of Land Act was introduced a lot of work was done with the Parish Councils but that activities had not been taken forward. The team had seen more lasting project delivery success with community groups.

- *A Member suggested that the Environmental Health Manager speak with rural Ward Councillors and give a presentation to Parish Councils.*

The Environmental Health Manager advised that engagement in the past had been done with Parish Councils and the Education and Enforcement Team would be pleased to discuss project and activities to control dog fouling and littering with Parish Councils.

- *Was there money available to step up the clean up campaign?*

The Environmental Health Manager explained that he would look at the priorities and assess the situation. Chewing gum was a major problem and the team were currently considering two pieces of equipment to deal with it. Deep cleaning was effective but could cause damage to the pavement.

- *In the past dogs had to be licensed. Was there an intention to have dogs tagged and DNA held on record so environmental health teams could identify owners.*

The Environment and Transport Portfolio Holder advised that legal chipping would become compulsory from April 2016 and dogs would also need to wear a tag with contact details.

- *As a Ward Councillor a Member encouraged people to become involved in litter picks. The Member queried who was responsible if someone involved in a litter pick was hit by a vehicle.*

The Deputy Chief Executive explained that the Council tried to support community volunteers by supplying equipment such as high visibility jackets but they would not be able to take full responsibility.

- *How successful was the use of gull sacks?*

The Technical Officer advised that if black bags were left out instead of, or as well as, gull sacks a card was left for the owners advising that they had to remove the sacks and put the waste into gull sacks or dispose of the waste themselves. The Environmental Health team followed up the following day and if sacks had been left out the resident would be given a letter advising them to contact the City Council and detailing the potential fines that could be incurred. Since the introduction of the scheme there had been a significant reduction in the number of sacks left out after a card had been left for the residents and a further reduction on the following collection day.

Some residents complained that their gull sacks had been stolen. If that was the case the resident could, until the end of March, contact the City Council and receive a replacement gull sack free of charge.

The Environment and Transport Portfolio Holder reminded Members that the policy had been reinforced by the recent Task and Finish Group instigated by the Panel. If there was a problem with side waste the teams were following the policy and that had proved to be effective.

- *A Member stated that there were several black bags piled up in an area in his Ward.*

The Technical Officer advised that the enforcement team could look through the bags in an effort to identify the person who had left the bags. The Technical Officer explained that repeat offenders would be prosecuted.

The Environment and Transport Portfolio Holder stated that some of the problems were caused by residents in rented accommodation and that landlords should be targeted as well as the residents.

- *If people had a gull sack but had the facilities to use a wheelie bin could one be provided?*

The Environment and Transport Portfolio Holder advised that in such cases wheelie bins would only be provided if the whole street could use one. People with disabilities or the elderly could be provided with smaller gull sacks.

RESOLVED: 1. That report LE.08/15 – Clean Up Carlisle Update – be noted.

2. That a further report be submitted to the Panel in September 2015.

EEOSP.14/15 LITTER BIN TASK GROUP

Councillor Bloxham, Lead Member of the Litter Bin Task Group, presented the draft final report which made a number of recommendations for action to the Executive. Councillor Bloxham thanked all Members and staff who had been involved in the Group. As a result of the work undertaken by the Group a number of recommendations would be made to the Executive.

Members of the Group had shadowed members of staff on their rounds which had been very worthwhile. Members were able to see first hand the condition and content of the bins and identify those which were damaged. A damaged bin could cause problems for staff trying to remove the waste. Some bins also contained household and/or commercial waste.

The Group noted that there was no policy in place with regard to litter bins. Work had been undertaken to identify unused litter bins but that work had been put on hold until the recommendations from the Task and Finish Group were known.

There had been a pilot using Big Belly Solar bins which could provide a report on usage. Compactor bins required emptying less frequently than normal litter bins and the Councillor suggested that further work could be undertaken to determine their effectiveness in areas of greater use.

If a policy was developed it would provide guidance to the Director of Local Environment and her team about how to deal with litter bins and replacement bins in future.

The Task and Finish Group were disappointed to find that planning permission would be required for external advertising on litter bins in the district. That could cost the Council £30,000.

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

- *One of the suggestions from the Group was to give all litter bins an identification number so if a bin was damaged it would be easier to see which bin needed to be replaced.*

The Environment and Transport Portfolio Holder thanked the Members of the Task and Finish Group for their work and advised that the Council would look at the use of the Big Belly Solar bins. Such bins would be positioned in locations such as Talkin Tarn in summer which would avoid the need to be emptied on a daily basis. One of the

advantages of the Big Belly Solar bins was that they could be moved to different locations where they could be used most effectively.

With regard to planning fees for advertising on litter bins the Director of Economic Development advised that the matter would be covered by legislation and that she would speak with the Planning Officers to assess the situation. As well as costs for planning applications there could also be implications for Council Tax in the form of Business Rates.

The Environment and Transport Portfolio Holder confirmed that the matter would be investigated.

- *A Member believed that the Task and Finish Group were going to look at the usage of litter bins as part of the work.*

Councillor Bloxham advised that the Group had recommended that there should be a policy for the replacement of bins. If a Councillor requested a new bin within their Ward Officers would look to see from where another bin could be removed.

The Environment and Transport Portfolio Holder explained that a review would be undertaken looking at where bins were being underused and move them to where they were needed. An inventory was being undertaken to gather accurate information.

- *The report stated that GIS could be used to identify the location of numbered bins. The Member requested that Ward Councillors should be informed if a bin was going to be removed.*
- *It was important to have the right number of bins if the Council wanted the public to use them.*
- *There were a lot of new developments within Carlisle which would require additional bins and a disposal service. Because of a new contract in respect of green waste there was money available. Could that be used to assist with the cost of emptying new bins?*

The Deputy Chief Executive advised that the issue of litter bins would be part of the Re-Thinking Waste programme. The Re-Thinking Waste Group would look at the collection and recycling of waste and would be more flexible with budgets. There would be large scale debate with the County Council and Re-Thinking Waste would be included on the agenda for a future meeting of the Panel.

The Environment and Transport Portfolio Holder advised that the Council would be more strategic in respect of waste collection as there would be more houses from which refuse would need to be collected. Re-Thinking Waste was a massive project which would take account of the additional houses and capacity.

Councillor Bloxham stated that the Task and Finish Group were conscious that the number of houses was increasing and suggested that residents could be consulted on the position of bins. The Councillor hoped that the Panel would have sight of the policy when drafted.

In response to a query from a Member the Technical Officer advised that bins specifically for dog waste were not provided and dog waste could be disposed of in normal litter bins.

In response to a query from a Member the Technical officer advised that there had been a provisional audit of the usage of litter bins which could be circulated to Members.

RESOLVED: 1. That the recommendations from the Task and Finish Group be submitted to the Executive for consideration and await feedback to this Panel.

2. That the Technical Officer circulates details of the audit in respect of the usage of litter bins.

EEOSP.15/15 SECTION 106 AGREEMENTS AND PLANNING OBLIGATIONS - UPDATE

The Director of Economic Development presented report ED.13/15 that briefed Members on the current legislation relating to Section 106 Agreements and Community Infrastructure Levy (CIL), the Council's current approach and future options. The report also included an update of Section 106 money currently held by the City Council or which the Council expected to receive.

The Director of Economic Development explained the national legislation and policy context and recent changes to the use of planning obligations. Whilst the City Council objected to the introduction of a higher national, rather than a locally determined, threshold the Government had allowed those authorities which were designated as 'rural' to introduce lower thresholds for those areas. The Director of Economic Development explained the changes and advised that other changes introduced at the same time had seen self-build developments exempt from tariff style planning obligations or from contributing to affordable housing, and a reduced means of calculating such obligations where proposals brought back into use empty buildings or for replacement buildings.

In February 2015 the Government had launched a further consultation relating to planning obligations seeking views on proposals relating to speeding up the negotiation and completion of section 106 planning obligations and whether the requirement to provide affordable housing contributions acted as a barrier to development providing dedicated student accommodation.

An annual report was currently prepared that detailed all Section 106 Agreements entered into each year and how they were being delivered. The report also gave a breakdown of agreements that were still outstanding in whole or in part from previous years.

Given the difficult economic conditions prevailing from the recent recession as the economy continued to recover, developers were increasingly challenging requests for Section 106 Agreements on the grounds of viability. There had also been requests from developers to re-negotiate previously entered into Section 106 Agreements on the basis that the obligations were too onerous and that consequently the development was not viable. A Viability Assessment procedure had been agreed with developers which calculated the developers' profit and what money could be used to deliver the Council's priorities. In order to aid negotiations the Council's priorities based on planning legislation and the Local Plan had been drawn up.

A summary of the value of financial contributions currently secured through Section 106 Agreements was provided within the report. The analyses excluded any covenants made directly between the developer and Cumbria County Council.

The power to charge Community Infrastructure Levy (CIL) on certain bodies known as charging authorities came into force on 6 April 2010. The Director of Economic Development explained that the levy was intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms.

In order for the Council to consider the implementation of a CIL there must be an up to date Development Plan. A pre-requisite of being able to apply CIL was the adoption of the emerging Carlisle District Local Plan which was anticipated to be adopted in early 2016. Therefore the Council were not yet in a position to progress the adoption of the CIL.

The nature of infrastructure and circumstances which the Local Plan identified as being required would dictate whether the CIL was needed or the best approach to funding new infrastructure.

Any draft charging schedule was subject to viability assessments, public consultation and an examination in public.

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

- *Councillors do not seem to be able to have any input into where or how section 106 monies were used within their Ward. Decisions were made by the Development Control Committee.*

The Director of Economic Development acknowledged Members' frustration and advised that the decisions taken by the Development Control Committee were governed by legislation which made it clear how Section 106 monies could be imposed and asked for. Ward Councillors could talk to Planning Officers if they became aware of a development within their Ward. Planning Officers tried to make Section 106 Agreements flexible within the legislation. However due to the current legislation and the economic climate developers were beginning to challenge Section 106 Agreements or ask to re-negotiate previous Agreements.

- *Some of the schemes to be funded by Section 106 Agreements appeared to have an associated cost to the Council.*

The Director of Economic Development advised that new Section 106 Agreements were never agreed if there might be a potential cost to the Council. There was a policy in place whereby Section 106 monies for affordable housing from smaller developments were put into a pot and accumulated. The money could then be used at a later date within that Ward.

- *Under new legislation if a development was below ten houses the Council could not ask for a contribution for affordable housing. What could stop a developer from submitting an application for nine houses then at a later date submitting a similar application thereby avoiding the need for affordable housing contribution?*

The Director of Economic Development advised that Planning Officers were aware of that possibility and would challenge a developer if they knew he would be likely to come back at a later date. The issue could be covered by a Section 106 Agreement or by the imposition of a condition. Planning Officers could monitor proposed developments through the Local Plan allocations.

The Government had introduced new legislation which made it more difficult for the Council to ask for Section 106 contributions in respect of affordable housing. That could prevent young people from staying the area in which they grew up.

- *A Member was unclear about the process of Section 106 Agreements and ask for clarification.*

The Director of Economic Development explained that she had given a presentation and provided a briefing paper to the Panel in the past and would be happy to do so again. The Director of Economic Development would also be happy to speak with individual Councillors if they wished.

The Chairman stated that it was important that the Panel's knowledge was refreshed and that the issue could be looked at again in the new civic year.

The Director of Economic Development confirmed that she would combine the presentation and previous report into a briefing paper and circulate it to Members.

- *In the past Members were keen to be involved in the use of Section 106 contributions and queried whether Ward Councillors were involved in the request and use of Section 106 monies. A briefing paper to all Councillors would be useful to show how they could be involved in the process.*

The Director of Economic Development reminded Members that it was suggested twelve months ago that it was important for Members to be involved.

- *The Community Infrastructure Levy (CIL) could only be applied for when the Local Plan had been approved. Were Officers looking at how a CIL could be used?*

The Director of Economic Development explained that before a Council could apply for a CIL it was necessary for the Local Plan and Infrastructure Development Plan to have been approved which Officers were in the process of doing. If the Executive and Members wished to implement a CIL it would also have to undergo external examination which would take place approximately eighteen months after the adoption of the Local Plan. If the Council could not prove the viability of the CIL it would be rejected by the Planning Inspector.

- *Would the CIL be factored into the South Carlisle Masterplan?*

The Director of Economic Development stated that a CIL would be fundamental to the South Carlisle Masterplan.

- *Part of the principle of Section 106 Agreements was to provide play areas on new developments. The Council had recently closed a number of play areas. Were they now committing to building play areas then closing them after five years when they would be required to take over responsibility for the maintenance of those areas?*

The Director of Economic Development explained that on larger developments larger play areas would be developed which would be maintained by a management company.

- *The Play Area Strategy, which was considered recently by the Community Overview and Scrutiny Panel, recognised the issue and indicated that smaller play areas could be closed in order to allow larger, better quality play areas to be maintained.*
- *If some money was available for play areas on a specific development could that money be pooled to allow a larger, better play area to be developed?*

The Director of Economic Development explained that the Council would rather have fewer larger play areas that would feed a larger area.

- *Would it be possible to include information on the CIL in any briefing paper?*

The Deputy Chief Executive advised that any clarification would need to include how Ward Councillors could make their views known.

The Director of Economic Development explained that Planning Officers were under pressure to process planning applications as quickly as possible.

- *If there were 2-3 applications and money for a playground was put into a pot how would that fit into the obligation for spending the Section 106 monies in a particular area?*

The Director of Economic Development advised that that could be done through negotiation. A smaller development could not accommodate a play area. It was important that the Council saw development across the whole area and Planning Officers would discuss with Officers in Local Environment whether a play area was required or whether there was one in close proximity that could be upgraded.

RESOLVED: 1. That report ED.13/15 – Section 106 Agreements and Planning Obligations – Update – be noted.

2. That the Director of Economic Development produce a briefing note explaining Section 106 Agreements and CIL and that the paper be circulated to all Members of the Council.

EEOSP.16/15 QUARTER THREE PERFORMANCE REPORT 2014-15

The Policy and Performance Officer presented Report PC.16/15 which updated the Panel on the Council's service standards that help measure performance. The report also included updates on key actions contained within the Carlisle Plan.

Details of each service standard were included in a table appended to the report. The table illustrated the cumulative year to date figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline that had been established either locally or nationally. The updates against actions in the Carlisle Plan followed on from the service standard information which was included in the report.

The Policy and Performance Officer explained that there had been an improvement all service standards included in the report.

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

- *With regard to Promoting Carlisle the report stated that two consultants had been appointed to deliver the Ambassador Scheme. Would the cost of those consultants be covered by contributions from the Ambassadors?*

The Director of Economic Development advised that the Council had contributed some money but had also received contributions from businesses. In the future the Ambassadors would pay a subscription.

- *Was there any information available about what the Carlisle Ambassadors would do?*

The Director of Economic Development advised that the scheme was part of the Carlisle Story which focussed on the promotion of, and raised the profile of, Carlisle.

The Deputy Chief Executive reminded Members that there was a website dedicated to Carlisle Ambassadors which provided an overview of what the scheme was about. The scheme gave the opportunity for businesses to support each other with little assistance from the Local Authority. The aim of the scheme was to improve the City.

In response to a query from a Member the Director of Economic Development advised that there had been an increase in the number of representatives from small and medium businesses. At the last event there were 160 businesses present.

- *Would the scheme have any influence over City Council policies?*

The Deputy Chief Executive advised that at the present time the scheme could not influence City Council policies but that was a possibility in the future.

The Economy, Enterprise and Housing Portfolio Holder explained that businesses were recognising that they had an important role within Carlisle and that it was in everybody's interest to see Carlisle move forward.

RESOLVED: 1. That report PC.05/15 – Quarter Three Performance Report 2014-15 – be noted.

(The meeting ended at 12.30 pm)