

AGENDA

Meeting: Environment Select Committee
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 18 February 2014
Time: 10.30 am

Please direct any enquiries on this Agenda to Eleanor Slack, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718255 or email eleanor.slack@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Rosemary Brown	Cllr Alan Hill (Chairman)
Cllr Brian Dalton	Cllr Magnus Macdonald
Cllr Dennis Drewett	Cllr Ian McLennan
Cllr Peter Edge (Vice-Chairman)	Cllr Horace Prickett
Cllr Peter Evans	Cllr James Sheppard
Cllr Jose Green	Cllr Bridget Wayman
Cllr Mollie Groom	

Substitutes:

Cllr Terry Chivers	Cllr Stephen Oldrieve
Cllr Tony Deane	Cllr Jeff Osborn
Cllr Nick Fogg	Cllr Ian Tomes
Cllr George Jeans	Cllr Nick Watts
Cllr Bob Jones MBE	Cllr Ian West
Cllr Jacqui Lay	Cllr Philip Whalley
Cllr Christopher Newbury	

AGENDA

PART I

Items to be considered while the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve and sign the minutes of the Environment Select Committee meeting held on 10 December 2013.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so **at least 10 minutes prior to the meeting**. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than **5pm on Tuesday 11 February 2014**. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior

to the meeting and made available at the meeting and on the Council's website.

6 Final Report of the joint Air Quality Task Group (Pages 9 - 16)

The Air Quality Task Group was established in September 2012 as a joint task group reporting to both the Environment and Health Select Committees. The Task Group presented its final report to the Health Select Committee at its meeting on 14 January 2014, which endorsed the recommendations in the final report of the Air Quality Task Group.

Cllr Peter Evans, Chairman of the Air Quality Task Group will present the final report of the Task Group.

The Committee is asked to consider the recommendations of the joint Air Quality Task Group.

Recommendations:

- 1) The 'template' created by the Calne Area Board to stage their Environment Event should be made available to other interested Area Boards.
- 2) A mechanism/process should be developed to allow Area Boards to share examples of good practice/templates for other successful activities;
- 3) Having completed its work, the Task Groups stands down.

7 Update on Highways and Streetscene Contract (BBLP) rapid scrutiny (Pages 17 - 26)

At its meeting on 5 November 2013, the O & S Management Committee agreed to a number of actions in respect of the Highways and Streetscene Contract (BBLP) following a request for its consideration by Councillor Jeff Osborn. They were that:

- 1) A Rapid Scrutiny Exercise would be conducted on the content of the report (from the Cabinet member) to enable greater clarity on the concerns raised.
- 2) A progress report would be presented to the Environment Select Committee after the winter, addressing operational performance.
- 3) Environment Select Committee to conduct a full scrutiny exercise in June 2014 after the first full operational year of the contract.

The Rapid Scrutiny Group referred to in 1) above met on 10 December 2013 and presented its report to the Overview and Scrutiny Management Committee at its meeting on 7 January 2014 (*pages 17 - 26*). It was agreed that the rapid Scrutiny Group should meet again to follow up two elements on which it required further

reassurance and present its second report to the Environment Select Committee.

It was also agreed that the second report would be presented to the Committee at the same time as the progress report from the service on operational performance over the winter period referred to in 2) above. It is anticipated that this will be at the April meeting of the Committee.

The Committee is asked to note the update.

8 Response to Waste Task Group

The Cabinet received the report of the Waste Task Group at their meeting on 21 November 2013. The Task Group had scrutinised:

- the high level service specification for the new waste contracts;
- the criteria to be used to develop the quality element of the tender evaluation models;
- the proposed re-modelling of waste collection and recycling rounds.

Throughout the course of their meetings the Waste Task Group had worked constructively with officers responsible for the service and provided them with a copy of their final report. The Task Group was pleased to note that their report had been taken into account in the drafting of the Executive report presented to Cabinet.

In particular the report supported the views of the Task Group that the Council should derive greater financial benefit from the sale of recyclable materials collected.

The report also supported the view of the Task Group that the Council should also benefit from any unforeseen additional revenue when considered with a contractual mechanism for sharing such income.

The Waste Task Group believed that the proximity principle should be referred to wherever relevant and consequently the contract specification should not just focus on existing sites but that additional sites should be sought. The report made clear that was no requirement for individual authorities to be self sufficient in terms of waste infrastructure and transporting waste to existing infrastructure to deliver the best environmental solution should not be considered a barrier. It stated that any proposals for new sites would be evaluated on their merits, including the cost of their development.

The Task Group considered the appropriate price/quality ratio for each of the five contract lots. The ratios proposed by the Task Group placed a high emphasis on the quality evaluation of submitted tenders, which reflected the Council's approach to delivering services. The Executive report placed a higher weighting on price. It was mindful of the Government's reduction in funding from central Government over the next four years the service pressures and inflation costs of all Council services over the same period and believed that it could retain a high

quality service by specifying its requirements in the new contracts.

The Committee is asked to note the response.

9 **Response to CIL Task Group**

Cllr Tony Trotman, chairman of the CIL Task Group, presented the final report of the CIL Task Group at the Cabinet meeting of 17 December 2013.

The Task Group recommended that the Council should adopt several rates on their charging schedule for CIL, based on the viability of those rates within specific settlement categories. They also advised that student housing should be included in the residential rates as it was considered a lucrative market and could withstand the higher charges.

The Task Group agreed that strategic sites contributed significantly to on-site infrastructure, schools and strategic transport through section 106, and so considered that these sites should be charged at 50% of residential sites.

The original Executive Report to Cabinet had recommended a single, flat rate of CIL for residential properties. It was welcomed that a split rate was now being recommended, although it did not go as far as the Task Group had recommended. Rapidly changing CIL legislation had impacted on the work of officers and the Task Group throughout this exercise.

Although the Task Group had completed its work in relation to its remit, the Cabinet member welcomed the continuation of the CIL Task Group in the light of recent legislation and emerging Government guidance.

The Committee is asked to note the response and the continuation of the CIL Task Group, as agreed at its last meeting, pending the latest Government guidance.

10 **Forward Work Programme (Pages 27 - 28)**

To note and receive updates on the progress of items on the forward work programme.

Under the revised Overview and Scrutiny (OS) arrangements there is now a single OS work programme controlled by the OS Management Committee, linked to priorities in the Business Plan.

Therefore it should be noted that, whilst any matters added by Members are welcome, they will be referred to the OS Management Committee for approval before formal inclusion in the work programme for the Environment Select Committee.

A copy of the Overview and Scrutiny Forward Work Programme for the

Environment Select Committee is attached for reference.

'Investing in Highways'

As agreed at the last meeting of the Committee, Cllr Alan Hill and Cllr Peter Edge met with Cllr John Thomson, Cabinet member for Highways and Streetscene and broadband, to consider the focus of scrutiny involvement following the presentation of the 'Investing in Highways' report.

Cabinet have agreed to increase investment in highways to £21 for 6 years and also to involve the Area Boards in helping to set local priorities for roads to be treated. The mechanism for the involvement of area boards and allocation of funds has yet to be developed and it was suggested that scrutiny could review these processes. Cllr Thomson has welcomed this suggestion and it was agreed that he will alert the Committee when work on the involvement of area boards begins to enable its review.

11 **Task Group Update**

To receive further updates on Environment Select Committee Task Group activity.

12 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

13 **Date of Next Meeting**

To confirm the date of the next scheduled meeting as 15 April 2014, Kennet Room, County Hall.

ENVIRONMENT SELECT COMMITTEE

**DRAFT MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING
HELD ON 10 DECEMBER 2013 AT KENNET ROOM - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Rosemary Brown, Cllr Dennis Drewett, Cllr Peter Edge (Vice Chairman),
Cllr Peter Evans, Cllr Jose Green, Cllr Mollie Groom, Cllr Alan Hill (Chairman),
Cllr Magnus Macdonald, Cllr Ian McLennan, Cllr Horace Prickett,
Cllr James Sheppard and Cllr Bridget Wayman

Also Present:

Cllr Trevor Carbin, Cllr Bill Douglas, Cllr Jon Hubbard, Cllr George Jeans, Cllr Simon
Killane, Cllr Jonathon Seed, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr
Anthony Trotman and Cllr Philip Whitehead

94 **Apologies**

Apologies were received from Cllr Brian Dalton

95 **Minutes of the Previous Meeting**

The minutes of the meeting on 29 October 2013 were presented for
consideration. It was,

Resolved

**That following a correction to Minute 91 - Task Group Updates - to correct
all instances of 'Adoptable Estates' to 'Air Quality' To APPROVE as a true
and correct record and sign the minutes.**

96 **Declarations of Interest**

There were no declarations.

97 **Chairman's Announcements**

The Chairman confirmed that the Management Committee would be engaging
in a rapid scrutiny exercise in respect of a recent report presented to the
Committee regarding the Balfour Beatty Living Places contract. The
Environment Select Committee therefore expected to receive a report

addressing the operational performance at the April meeting and it was expected that a full scrutiny exercise would be completed later in 2014.

98 **Public Participation**

The rules on public participation were noted. The Committee agreed that members of the public who wished to speak would make their statements directly before the item which concerned them.

99 **Community Infrastructure Levy (CIL) Task Group Report**

The Community Infrastructure Levy is a new charge that local authorities can choose to impose on development in their area. It will contribute towards bridging the funding gap between the total cost of infrastructure necessary to deliver new developments and the amount of funding available from other sources following the reduction in contributions to be received through section 106 legal agreements as part of the CIL regulations. Under the CIL regulations the Council must prepare and publish a charging schedule which sets out the rates of CIL which apply in Wiltshire.

In 2012 the Cabinet and Corporate Leadership Team identified the introduction of CIL as one of its corporate priorities. The Community Infrastructure Levy (CIL) Task Group was established in August 2012 to test out the charging proposals for CIL and report on recommendations for the future implementation of CIL.

Cllr Tony Trotman, Chairman of the CIL Task Group updated the Committee on the work of the Task Group.

Cllr Trotman thanked members of the Task Group for their work and contributions since the inception of the task group, noting four sets of revised regulations on CIL had been received from central government since the formation of the Task Group, necessitating additional work from its members. On behalf of the Task Group he also paid particular thanks to the support from Geoff Winslow (Manager - Spatial Planning Environment) and Maggie McDonald (Senior Scrutiny Officer) in facilitating the work of the Task Group.

The need to consider the whole county and find a solution appropriate for the cities, towns and villages in Wiltshire was highlighted, and therefore the Task Group had determined that a single set rate for the county was not the most appropriate solution, concluding that those areas which could support a higher level of CIL should be required to do so and so supported the concept of different CIL rates for different areas, noting also that the guidance suggests differential rates are more flexible to local conditions. It agreed with the levels proposed in Option 3 as detailed in the report papers.

The Committee considered whether it would be appropriate for the Task Group to continue working until the law had reached a stable point.

A discussion followed, where it was noted that a paper on the Community Infrastructure Levy that was due to be presented before Cabinet made different recommendations from those contained within the Task Group report.

The Committee also discussed the administration of any charging schedule for contributions, and that while a single set rate would be simpler to administer, the positive benefits of a schedule with differing rates would outweigh the additional administrative cost. That affordable housing would not incur a CIL contribution was raised, along with the comments of the Planning Inspector assessing the Council's emerging Core Strategy that the target rate of 40% affordable housing was unsustainable, and what impact this could have on what CIL rate was most appropriate.

Other points discussed included developments on strategic sites would only be liable for half the CIL rate of other areas, and the possibility of reviewing the set CIL rate at a future date.

Cllr George Jeans also made a statement supporting a reduction in the CIL rate for dwellings of 100m² or less in order to encourage affordable housing by design.

After discussion it was,

Resolved:

- a) **In drawing up the Preliminary Draft Charging Schedule for consultation, the Council adopts the CIL charges outlined in paragraph 16 of the report.**

100 **Wiltshire Policy on 20mph Speed Limits and Zones**

Public Participation

Ann Henshaw, Alex Machin, Gill Ansark and Ashley Halls addressed the Committee.

Cllr John Thomson, Deputy Leader of the Council and Cabinet Member for Highways, Streetscene and Broadband, gave an update on the Wiltshire Policy on 20 mph speed limit and zones which set out how 20 mph speed limits and zones would be applied in Wiltshire.

The policy was first begun as a delegated decision on the future use of 20 mph speed restrictions.

Guidance was issued by the Department for Transport in 2006, which enabled Local Authorities to set their own speed limits. Recent guidance issued in 2007

focused on 20mph speed limit use. Wiltshire had varying degrees of experience in relation to the application of 20mph speed limits having already imposed them in some areas.

A trial had taken place in 5 different locations over 18 months. The data collected reflected the guidance received from the Department of Transport policy. It was confirmed that a separate policy regarding 20mph limits outside schools would be developed.

Members of the public then had the opportunity to address the Committee as detailed above. Concerns were expressed about the level of consultation that had taken place and to what extent community opinions had been taken into account. It was felt that the requirements to be considered for the creation of a 20mph limit or zone were too restrictive, and that before the policy was approved a Task Group should be formed to investigate community requests and opinions in greater depth.

Cllr Bill Douglas, Lead for Highway Safety on Chippenham Area Board addressed the Committee, highlighting the launch of a 'no need to speed' campaign in the town seeking to reduce vehicle speed near schools and where pupils live through the use of signs and educational banners as utilized in Glasgow, and that this could be an alternate and far more cost effective method than the imposition of 20mph limits and zones which needed to be investigated further.

The Committee discussed the draft policy and consultation, where it was noted that some amendments had been made to the policy following the consultation, as detailed in the report. The increased funding from the Police and Crime Commissioner for Speedwatch schemes was noted, but some members had concerns that there was a gap in the policies between the average speeds where someone could apply for their area to become a 20mph zone and where they could apply for Speedwatch funding.

The trend towards an ageing and more vulnerable society was also highlighted, and whether increased frequency of 20mph zones would be of positive benefit, as well as other options such as shared space schemes.

At the conclusion of debate it was,

Resolved:

- a) **To approve the policy contained within the report.**
- b) **To set up a Task Group to review and develop the policy as it was enacted.**

101 **Drainage Byelaws**

Cllr Jonathan Seed, Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding updated the Committee on Wiltshire Council's intention to make Byelaws in connection with drainage. The Flood and Water Management Act 2010 allowed local authorities to make byelaws to

secure the efficient working of a drainage system in its area, to regulate the effects of a drainage system on the environment and to secure the effectiveness of flood risk management.

Flooding is a serious issue in Wiltshire. Cllr Seed explained that £500,000 had been invested into flood alleviation and that drainage byelaws were needed as part of this scheme.

In the discussion that followed, the Committee considered the need to focus on flood prevention, and potential financial implications for Wiltshire Council as a result of the Byelaws, along with issues in relation to development within 8m of a watercourse and the contacting of landowners regarding flood management schemes. It was noted that Byelaws act as an additional tool for the Council and that cooperation with local people was needed.

After discussion it was,

Resolved:

To note the intention of the Council to make the proposed Byelaws, which will assist the Council in carrying out its duties as Lead Local Flood Authority under the Flood and Water Management Act 2010

102 **Waste Task Group Report**

Cllr Green gave an update on the work of the Waste Task Group. She noted that, in agreeing a price;quality ratio to be used in the awarding of the contract, the Task Group had put the emphasis on quality not cost.

After discussion it was,

Resolved:

- a) **Relevant references to the requirement for adherence to the proximity principle should be inserted in the service specification under section 6 (Sites used for the delivery of services). The service specification is included for reference in Appendix 2. In addition, it should focus not only on existing MRF sites, but should encourage additional sites to be considered and/or sought in areas where there is no existing provision, in order to adhere to the proximity principle.**
- b) **The service specification should include the requirement for operators to make greater efforts to re-claim objects for re-use eg bicycles in section 4 (Scope of the service).**
- c) **The Council should benefit more than at present from the sale of recyclables, which might be a percentage of sale income or through a payment made once a specified ceiling had been reached. It would also like the Council to receive some benefit from any unexpected revenue and therefore would like to see a mechanism included in section 11 (service requirements) and section 26 (Innovation and**

efficiency) of the service specification whereby these could be achieved.

- d) **The layout of new, and where possible existing, household recycling centres (HRC) are designed to make them function more efficiently and easier for the public to use, eg 'drive-up' slopes which enable cars to park above the level of skips. The Task Group cited the HRC at Everleigh as an example of good design.**
- e) **The Task Group scrutinises the communications strategy in respect of the new collection rounds as soon as it is available.**
- f) **To authorise the Chairman of the Environment Select Committee and the Chairman of the Waste Task Group to liaise with officer from the scrutiny team with a view to facilitating a further presentation by Dr Alberry (including date, venue and invitees).**
- g) **That following completion of its remaining activity, the scrutiny of the communications strategy linked to the remodelling of the service, the Task Group will have completed its work. However, the final award of contract to be determined by Cabinet will no doubt be of interest to those members who contributed to the Task Group.**

103 **Task Group Updates**

Waste Task Group

It was confirmed that the Waste Task Group had completed its initial remit, but the Committee agreed that it would be extended in order to scrutinize the communications strategy being developed regarding the upcoming changes to the waste service.

Community Infrastructure Levy Task Group

It was confirmed that the work of the Community Infrastructure Levy Task Group will continue.

Adoptable Estates

The group met on 18 November 2013 to interview officers and developers. Further meetings were planned.

Air Quality

The second meeting of the group took place on 21 November 2013. The Committee was informed that information regarding planning guidance would be circulated in early 2014.

104 **Forward Work Programme**

It was confirmed that the Management Committee would have to be consulted regarding setting up new Task Groups.

The Committee also considered outstanding items from the work programme:

Investing in Highways - The Chairman and Vice-Chairman would meet with the Cabinet member to discuss the best approach for the Committee to add value, and report back to the next meeting of the Committee.

Parking Review - Members were sought for a Task Group to begin work in the new year.

Speedwatch - Members were sought for a Rapid Scrutiny Exercise to take place in the new year.

105 **Date of Next Meeting**

The date of the next meeting was confirmed as 18 February 2014. It was also confirmed that future meetings of the Committee would be located at County Hall in Trowbridge unless stated otherwise.

106 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.10 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank

Wiltshire Council

Environment Select Committee

18 February 2014

Report of the joint Air Quality Task Group

Purpose of report

- 1 To present the report of the Air Quality Task Group, seek endorsement for the recommendations and refer them to relevant Cabinet members for response.

Background

- 2 The Environment Select Committee had held a longstanding interest in the development of the Council's Air Quality Strategy and in August 2012. Having received a report on how a more holistic approach to tackling good air quality could be achieved, it suggested that the topic should also be considered by the Health Select Committee as it was not possible to separate 'cause and effect' of poor air quality.
- 3 The joint Air Quality Task Group was formed in August 2012 to review and scrutinise the implementation of the Air Quality strategic objectives and action plan and the effectiveness of Council Services working together holistically to ensure that respective service contributions are embedded within service delivery plans. Following the elections in May 2013, the Task Group reformed with some changes to its membership.

Main considerations

- 4 The Task Group was satisfied with the progress made in respect of the 17 items listed in the Action Plan of the Air Quality Strategy. It was also reassured that key services across the Council were working together to ensure that respective service contributions were embedded within service delivery plans and that they were effective in supporting the improvement of air quality across Wiltshire.
- 5 The Committee is asked to consider the attached report of the Air Quality Task Group and endorse its recommendations.

Proposal

To endorse the recommendations in paragraph 26 and refer the report to the relevant Cabinet members for response.

Paul Kelly, Scrutiny Manager and Designated Scrutiny Officer

Report Author: Maggie McDonald, Senior Scrutiny Officer
01225 713679 maggie.mcdonald@wiltshire.gov.uk

This page is intentionally left blank

Wiltshire Council – Overview and Scrutiny

Report of the joint Air Quality Task Group

Background

- 1 The Environment Select Committee had held a longstanding interest in the development of the Council's Air Quality Strategy. It agreed that in order to deliver the aims of the strategy a more holistic involvement from council teams and the community was required and that the aims and objectives should be integrated into relevant service delivery plans.
- 2 A report containing proposals as to how this could be achieved was presented to the Committee in August 2012. However, it was acknowledged that it was impossible to separate the 'cause and effect' of poor air quality and the Committee suggested that a joint Task Group should be established with the Health Select Committee to consider the Action Plan and the realisation of the strategic objectives of the Air Quality Strategy. At its meeting in September 2012, the O & S Management Committee agreed to the formation of a joint Task Group as the topic fell within the remit of both Committees.

Terms of reference

- 3 The terms of reference were to:
 - Review and scrutinise the implementation of the Air Quality strategic objectives and action plan.
 - Scrutinise the effectiveness of Council Services working together holistically to ensure that respective service contributions are embedded within service delivery plans.
 - Jointly report to the Health and Environment Select Committees, from which membership of the Task Group has been sourced.

Membership

- 4 Pre May 2013
Cllr Alan Hill (chairman)
Cllr Rosemary Brown
Cllr Nigel Carter
Cllr Christopher Cochrane
Cllr David Jenkins
Cllr Bill Roberts
- 5 Post May 2013
Cllr Peter Evans (chairman)
Cllr Glenis Ansell
Cllr Rosemary Brown
Cllr David Jenkins
Cllr Jacqui Lay

Witnesses

- 6 Evidence was taken from the following:
Cllr Keith Humphries, Cabinet member for Public Health, Protection Services, Adult Care and Housing;
Mandy Bradley, Service Director Public Protection;
Ariane Crampton, Head of Service, Account Management;
Gary Tomsett, Public Protection Manager;
Rachel Kent, Environmental Health Officer;
Allan Creedy, Head of Service, Sustainable Transport;
Ruth Durrant, School Travel Advisor.

Evidence

- 7 The following documentary evidence was provided:
- Air Quality Strategy for Wiltshire 2011 -15 (a high level guiding document to inform policy and direction across a range of council services with the aim to improve air quality);
 - Air Quality Strategic Action Plan (identifies links between existing strategies and suggests a series of time related actions that should be taken to advance work in this area);
 - Air Quality Supplementary Planning Document 2012
- 8 Local authorities have a duty to monitor air quality within their areas having regard to national air quality objectives and standards and report this information to Department for Environment, Food and Rural Affairs (Defra) on an annual basis. There are seven pollutants which the Council is required to consider under European and UK law, these include lead, benzene and sulphur dioxide.
- 9 Air quality in Wiltshire is predominantly good with the majority of the county having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in exceedances of the annual average for nitrogen dioxide (NO₂) and fine particulates (PM₁₀). In such cases, local authorities have to designate an air quality management area (AQMA). In Wiltshire these are in Salisbury, Bradford on Avon, Devizes, Marlborough, Westbury, Calne.
- 10 It is acknowledged by Defra that local air quality is outside the control of local authorities; however, they are expected to show steps they are taking towards improvement.
- 11 A Health and Environment Group has been formed comprising the Health Protection Agency, the Environment Agency and the public health and public protection service, which was consulted on the Air Quality Supplementary Planning Document.

- 12 The Air Quality Supplementary Planning Document provides technical advice for developers, consultants and the Council in dealing with applications that may have an impact on air quality with a view to ensuring consistency. The intention is that it should support planning and air quality should not be seen as a way of restricting development. The document is currently being revised.
- 13 A number of planning policies advocated energy efficiency/low carbon with regard to the quality of build. The standards within them cannot be forced on builders; builders may want to demonstrate that a development would not be financially viable if the standards were adopted, at which point, they could negotiate with the Council over the delivery of the standards. The carbon reduction team was working on boosting the capability of the Council to counter such arguments.
- 14 The Council's own fleet contains three electric vehicles for the use of staff. The budget for them was provided on an 'invest to save' basis. There were electric charging stations at County Hall and Shurnhold.
- 15 With regard to threats to health from air pollution, the Council followed the advice provided by the national public health experts. The Defra website provided advice for those at risk from air pollution. The public health evidence base was growing in respect of the impact of poor air quality. It was suggested that 29,000 deaths may be due to particulate pollution but it was difficult to attribute them to it as many factors were involved (Committee on the Medical Effects of Air Pollution 2010).
- 16 The environment and transport sections of the Joint Strategic Assessment were currently being updated.
- 17 Most schools had travel plans although a number were out of date and some school had problems with funding. On the school census, it was no longer compulsory to record how students travelled to school. The Council had limited influence over schools and it was felt that a more local influence would be effective. An example of good practice was provided whereby the Calne Area Board had organised a successful Environment Event, highlighting aspects including air quality and encouraging the involvement of the local schools.
- 18 The primary source of air pollution was traffic. It was not always possible to identify the source of any pollution; it could be local or trans-boundary. Local authorities were not required to monitor very small particulates (PM_{2.5}); this was a government responsibility.
- 19 The Council currently had three particulate monitors, situated in Salisbury, Bradford on Avon and Devizes. The monitors were very expensive (approximately £45,000) and required a crane to move them. Due to their large size it could be difficult to find suitable locations for them. The Council also had a monitoring network of diffusion tubes which measure nitrogen dioxide levels in the atmosphere and were used as a screening tool. They were moved around the county as required.

- 20 Transport planning was a key factor in the assessment of future development. The Core Strategy favours growth options which reduced the need to travel. Transport modelling was undertaken on each new settlement; this enabled the current position to be compared to the new position and presented options to mitigate any problems arising. These would include reducing congestion and improving accessibility.
- 21 Service plans for sustainable transport were under review. They comprise 8 key elements and air quality is included as a key tenet. Travel Plans were incorporated into contracts awarded by the Council where appropriate, and were enforced if necessary.

Conclusions

- 22 The 17 actions identified in the action plan had a range of completion dates, with the latest due to be completed by the end of 2013. The Task Group was satisfied with the progress that had been made on the 3 outstanding actions to be completed by the end of 2013 (points 13, 16 and 17 in the action plan), although it was acknowledged that the action plan was an evolving document and new actions could arise from those in the existing plan.
- 23 The Task Group was reassured that key services across the Council (Public Protection, Development, Transport and the ECO team) were working together to ensure that respective service contributions were embedded within service delivery plans and that they were effective in supporting the improvement of air quality across Wiltshire.
- 24 It was encouraged that both environmental and climate change considerations and public health considerations were compulsory elements of any report being presented to Cabinet.
- 25 The Task Group acknowledged that the Council alone could not tackle poor air quality and that it also required other key agencies and the community to work together.

Recommendations

- 26 The Task Group recommends that:
- a) The 'template' created by the Calne Area Board to stage their Environment Event should be made available to other interested Area Boards.
 - b) A mechanism/process should be developed to allow Area Boards to share examples of good practice/templates for other successful activities;
 - c) Having completed its work, the Task Groups stands down.

Next steps

- 27 The Report of the joint Air Quality Task Group is presented to both the Environment and Health Select Committees for endorsement and forwarded to the Cabinet member for Area Boards and Cabinet member for Public Health, Protection services, Adult Care and Housing for comment.
-

Cllr Peter Evans, chairman, joint Air Quality Task Group

Report author:

Maggie McDonald, Senior Scrutiny Officer
01225 713679
maggie.mcdonald@wiltshire.gov.uk

DRAFT

This page is intentionally left blank

Wiltshire Council

Overview and Scrutiny Management Committee

7 January 2014

Report of the Highways and Streetscene Contract Rapid Scrutiny Exercise (Balfour Beatty Living Places - BBLP)

Purpose of report

- 1 To present the recommendations of the BBLP rapid scrutiny exercise.

Background

- 2 At the Council meeting on 9 July 2013 Cllr Jeff Osborn moved the following motion which, following a lengthy debate, was defeated.

That Council asks the Environment Select Committee to:

- undertake regular and close monitoring of this element of the new contract with Balfour Beatty Living Places;
- consider what lessons can be learned from how this contract was implemented to assist with planning future similar contracts and
- make recommendations as appropriate to the Executive'.

- 3 As a member of the O & S Management Committee, Cllr Osborn subsequently submitted a request to the Committee for it to undertake a scrutiny exercise on the Balfour Beatty Living Places (BBLP) contract. The request was considered at the meeting of the Committee on 5 November; to enable members to discuss the matter from an informed position, the executive had been invited to comment on the request and to supply any supporting information. A report was received from the Cabinet member and was discussed at the Committee meeting. Following debate, the Committee agreed that:
 - a) A rapid scrutiny exercise would be conducted on the content of the report submitted by the Cabinet member to enable greater clarity of the concerns raised;
 - b) A progress report would be presented to the Environment Select Committee after the winter, addressing operational performance;
 - c) The Environment Select Committee conduct a full scrutiny exercise in June 2014, after the first full year of operation of the new contract.

Membership

- 4 The following members undertook the rapid scrutiny exercise:
Cllr Jeff Osborn (chairman)
Cllr Terry Chivers

Cllr Gordon King
Cllr Linda Packard
Cllr Pip Ridout
Cllr John Walsh.

Witnesses

- 5 Evidence was taken from:
- Cllr John Thomson, Cabinet member for Highways and Streetscene and Broadband
 - Cllr Philip Whitehead, Portfolio holder for Highways Contract
 - Carlton Brand, Corporate Director
 - Parvis Khansari, Associate Director, Highways and Transport
 - Peter Binley, Head of highways Asset Management and Commissioning
 - David Bailey, BBLP Business General Manager

Information provided by witnesses

- 6 Some disruption was caused at the start of the new contract due to lack of continuity of staff. This was due to six middle managers choosing not to transfer to the BBLP contract under the TUPE regulations at short notice. Under the regulations, staff are not obliged to transfer to the new employer or to give notice of their intentions.
- 7 The contract was introducing a fundamentally different way of working - bringing highways to the communities – and it was acknowledged that there had been some early disruption as a result. Two key elements were the introduction of the Community Teams and the application of the latest IT to support the service. It had been expected that these two elements would provide the biggest challenges.
- 8 The new IT systems include the introduction of the My Wiltshire App and hand held devices for all operatives. This is complex due to the requirement to ensure connectivity between different software from different companies. Development of the App is an ongoing process and improvements will continue to be made to the system as it is used. 'Clarence' will be phased out and a new number advertised. Residents can use the App directly or they can use the new free phone number, in which case customer care will input the details directly onto the App for them.
- 9 The previous contractor stopped grass cutting approximately two weeks before the end of the contract; they were only paid for the work they completed. This resulted in there being a backlog when BBLP took over. This was compounded by the lack of local knowledge of new staff, due to previous staff not transferring under TUPE. BBLP brought in the resources

needed to deal with the backlog, but competing demands had to be balanced and prioritised.

- 10 BBLP have reviewed grass cutting and identified all areas that should be cut. At the request of the rapid scrutiny members, it is understood that councillors will be provided with a list of grassed areas in their wards which are covered by the contract. Grass cutting frequency is based on the specification of the individual area. It was suggested by the Group that inadequate equipment was used to cut large areas of grass and the efficiency of this was questioned.
- 11 The contract indicates that bi-monthly programmes of work should be provided to the Area Boards. Councillors receive a list of major works in their areas but were interested to know about the smaller, local activities. Councillors were informed that they can contact their community coordinators for more information.
- 12 BBLP explained that they had good relations with the unions and that in a recent exercise two staff had been made redundant and others had moved teams. They had recruited three managers and continued to review their requirements. They use agency staff to provide flexibility.
- 13 Each community area now has its own community team (although they can be shared in an emergency). Representatives from the Community Teams plan to visit each Area Board after Christmas and provide updates. It is also proposed to visit each Area Board regularly every 6 -9 months with BBLP staff.
- 14 The Council, BBLP and Atkins meet monthly to review all projects, during which they score each other across all areas on a 1 – 10 scale (1 is poor), ie the Council and Atkins score BBLP etc; guidance is provided for the scoring. If a score is too high or too low, the scorer is obliged to comment. Scores provided for BBLP for October showed that they were scoring well in seven of the eight service areas, the weakest at 4.5 being local highways and streetscene. Members agreed that this area was of most concern as measured by complaints that councillors receive. BBLP were delivering on budget. The Group acknowledged that BBLP was performing well in the area of major maintenance on highways and larger schemes.

BBLP October scores by service

Service Area	Score
Highways major maintenance	7.10
Drainage works	8.00
Integrated transport	6.90
Local highways and streetscene	4.50
Major schemes	7.70
Street lighting maintenance	7.80

Street lighting improvements	7.70
Structures	6.70

- 15 There is good engagement at the weekly officer meetings held to review the Action List, which comprises registered concerns. Most issues have been resolved, those outstanding are IT related and will be complete by the end of the year. Some issues are due to the configuration of the Council network. Both BBLP and the Council have responsibility for IT. BBLP have procured a bespoke system for the Wiltshire Council contract. BBLP are able to purchase nationally or locally, to obtain the best product/service.
- 16 It was confirmed that the benefits outlined in Appendix A of the report from the Cabinet member were beginning to be realised. An additional potential benefit was identified, that of localisation of services.
- 17 The contract contains a number of undertakings, which are monitored to ensure delivery. One is the provision of six apprenticeships. Recruitment for the places has not yet started and a date could not be given. It was explained that it would be inappropriate to recruit until BBLP had established its employee needs. It was looking to extend its operations and this could provide opportunities.
- 18 The BBLP Performance Review provided was a 6 month 'snapshot'. The figures for 'highways major maintenance' represented total activity possible within the budget. Priority was on ensuring safe roads. 'Integrated transport' showed few schemes completed although many had been issued. Delivery is behind as there are issues around workflow, but progress is now being made. These represent many small schemes which are traditionally slow, often encountering difficulties through the consultation period. CATG projects account for approximately 25% of the programme.
- 19 Members posed a series of questions which required a response from the Legal Department. Members' questions and the subsequent responses from the Legal Department are contained in Appendix A to this report at the request of the group.

Views of the members of the rapid scrutiny exercise

- 20 The portfolio holder and officers stated that they had anticipated that two areas of work would cause the most challenge and that had proved to be the case; the areas being local highways and streetscene and IT. Members concurred that these remained areas of concern and required further scrutiny, particularly as they relate to the public.
- 21 It had been felt by members that inadequate equipment was being used to cut large areas of grass. They would like to be re-assured that the most

appropriate grass cutting equipment is available, that personnel are fully trained and that productivity has improved.

- 22 It was noted that BBLP used agency staff to provide flexibility but members were concerned that the use of agency staff resulted in a lack of important local knowledge and continuity.
- 23 Members were concerned that redundancies amongst Wiltshire Council staff meant that the appropriate people were not always in post. This resulted in a shortfall of communication between the public, the Council and BBLP.
- 24 Members were also concerned that issues were reported repeatedly but that nothing appeared to be done or there was too long a period between reporting and action being taken. The Portfolio holder explained that often action was being taken but that the process could take time eg where a notice period was required because of the necessity to close a road, but it was acknowledged that feedback was not as good as it should be. Members believed that the circle of reporting/feedback must be completed and must be seen to be completed.
- 25 Members suggested that early communications about the innovations arising from the new local highways and streetscene system may have raised the public's expectations unrealistically. There was also confusion among the public and parishes over terminology eg 'parish stewards', 'community teams', 'community days'.
- 26 It was noted that no action had yet been taken in respect of recruiting the six apprentices in Wiltshire which is an undertaking within the contract. Also that BBLP indicated that the apprenticeships might arise out of work they have yet to identify or develop.
- 27 Whilst acknowledging that different area boards may require different forms of engagement, it was noted that there was inconsistency in the way Community Coordinators engaged with area boards and parishes, particularly around the provision of local work programmes and progress reports. It was felt that they should have greater visibility in some areas.
- 28 Members now have a better understanding of the aspirational working of the contract, but still have questions on the absence of default notices and the role of early warning notices.
- 29 It was felt that it would be helpful for the legal department to provide members with a summary of the key elements of large contracts (the BBLP contract comprises 700+ pages). Members were surprised that these were not routinely provided to councillors.

- 30 Members consider that worthwhile scrutiny of any contract should include the tracking of its progress from development of service specification through to award and early performance. It was felt that lessons could be learned from the case of the BBLP contract.

Conclusions

- 31 Members were reassured that the contract was performing satisfactorily in seven of the eight main areas of the contract.
- 32 The local highways and streetscene element of the contract had been identified as a main area of concern within the contract, and the IT system as a concern within that; improvement must be sought in both these areas.
- 33 A fully effective reporting and feedback procedure was key to the effective operation of the local highways and streetscene contract. Members need to be convinced that an effective feedback mechanism exists in response to issues that are reported under the new system.
- 34 There was confusion over the terminology used in respect of the Community Teams and this needs to be addressed.
- 35 Members felt that the role of active local councillors was crucial in making the relationship work between parish councils, area boards, local highways and streetscene and BBLP.

Recommendations

- 36 **The Rapid Scrutiny Group recommends that:**
- a) **The members who undertook the rapid scrutiny exercise meet again in March 2014 to evaluate the work undertaken on IT, local streetscene and the reporting/feedback procedure;**
 - b) **Prior to the meeting in March, the rapid scrutiny group is provided with:**
 - **up to date evidence of the effective reporting and feedback procedure;**
 - **information on the role of early warning notices and the absence of default notices, and copies of the standard clauses used in the contract;**
 - **evidence that the most appropriate grass cutting equipment is available, that personnel are fully trained to use the equipment and that productivity has improved.**

- c) **The outcome of the second rapid scrutiny exercise is reported to the Environment Select Committee to coincide with the presentation of a progress report addressing operational performance after winter;**
- d) **The Highways team undertake a well planned and publicised re-launch of the Community Team service, which should be shared with the rapid scrutiny group prior to implementation then the group should have the opportunity to assess the effectiveness of the relaunch.**
- e) **A copy of the report of the rapid scrutiny group should be sent to all councillors with a covering letter, requesting feedback from them on any areas of concern on the local streetscene aspects of the BBLP contract. Their feedback to be sent to the Scrutiny Team and collated to inform the second meeting of the rapid scrutiny group in March.**
- f) **The legal department should, in future, provide summaries of the key elements of large contracts for circulation to councillors.**
- g) **The Audit Committee should arrange for a full audit of the Highways and Streetscene contract as soon as possible, the outcome of which should be reported to the O & S Management Committee.**
- h) **The report should be forwarded to the relevant Cabinet members for response.**

Next steps

37 The report will be submitted to the O & S Management Committee on 7 January 2014 for endorsement.

Cllr Jeff Osborn - Chairman, Rapid Scrutiny exercise

Report Author: Maggie McDonald, Senior Scrutiny Officer
01225 713679 maggie.mcdonald@wiltshire.gov.uk

Appendices

Appendix A Members' questions and responses from the Legal Department

Members' questions and responses from the Legal Department

Q1: *The contract is dated 1 June 2013 but I have an email from Peter Binley dated 17 July 2013 stating that it has not yet been signed. I also have an email from Peter dated 26 September 2013 stating that it has now been signed. I understand that there were negotiations of a legal nature taking place. Exactly what was being negotiated in the period between the 1 June 2013 and the actual date the contract was signed?*

A1: The negotiations that were carried out after the 1 June were to do with the leases of the depot sites. The Council had included in the tender documentation forms of leases for the depots which were based on the then existing leases with Ringway. We received no comments or indication that the leases were not acceptable to BBLP until after BBLP had been told that they were to be awarded the contract. In around the last week of May BBLP sent the draft depot lease to their external lawyers (Pinsents). Pinsents raised a large number of issues on the leases immediately prior to the planned execution date (1 June) and we were told that BBLP would not execute unless and until the issues were resolved. As it turned out there were few strictly "legal" issues – the main point of negotiation was what services to the depots would be supplied free by the Council and what would BBLP pay for.

Q2: *What was the actual date the contract was signed?*

A2: The contract was fully executed on 4 September.

Q3: *The contract is with Balfour Beatty Living Places (LP) and is guaranteed by Balfour Beatty (BB) The guarantee does not appear to have been executed. Is there a reason for this?*

A3: The guarantee was executed on the same day, 4 September.

Q4: *LP is a £100 company and has no income or assets. What was the advantage to Wiltshire Council to enter into an agreement with LP instead of with BB direct?*

A4: The benefit of this sort of special purpose company is for the organisations delivering the services. It allows (in this case) Balfour Beatty plc to identify and isolate liabilities. These sorts of companies are very common in large contract and PFI arrangements (e.g. the Council's social housing PFI arrangements). The

Council has to rely on the PCG to have BB plc to stand in for liabilities that are too big for BBLP to absorb.

Q5: *The guarantee states in clause 1 “ Notwithstanding any other provision of this Guarantee, the Guarantor shall have no greater liability under this deed than it would have had if the Guarantor had been named as joint contractor with the Contractor under the contract” This clause maybe interpreted as the Guarantor only being liable for 50% of LP liability as it does not state “joint and severally liable”. If this is correct why was this agreed to?*

A5: The use of a joint liability makes BB plc totally liable under the PCG for BBLP failure to perform its obligations under the service contract. There is no question of BB plc only having a 50% liability. But what the PCG does do is give BB plc a liability which is no more than BBLP’s liability arising out of BBLP’s failure to perform or breach of contract.

This page is intentionally left blank

Committee	Review / Task Group	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Scrutiny Officer	STATUS (incl. date)
		Cabinet 21st Nov	Cabinet 17th Dec	Cabinet 21st Jan	Cabinet 11th Feb	Cabinet 18th Mar	Cabinet 22nd April	Cabinet 20th May	Cabinet 17th Jun	Cabinet 22nd Jul		
		Council 12th Nov			Council 4th and 25th Feb			Council 13th May		Council 29th Jul		

ENVIRONMENT	Air Quality Joint Task Group (Env / Hlth)	Review in progress			Environment Feb 2014						MM	Task Group review complete, report to Committee Feb 14
	Community Infrastructure Levy (CIL) Task Group		Environment Dec 2013	Review in progress							MM	Task Group presented proposed rate of CIL to ESC and Cabinet Dec 13. Work to continue due to changing legislation.
	Waste Task Group		Environment Dec 2013								MM	Task Group presented final report to ESC and Cabinet member Dec 13. Still to scrutinise comms strategy for rounds remodelling.
	Adoptable Estates Task Group	Review in progress				Environment Feb 2014					MM	Task Group reviewing systems and communications around planning processes. Report to Committee Feb 2014
	Investing in Highways										MM	Direction to be agreed in consultation with Cabinet member Dec 2013
	Parking Review										MM	Members appointed, Task Group to convene Jan 2014
	20 mph Policy		Environment Dec 2013								MM	Policy supported. Task Group to review developing policy Jan 2014, members appointed
	Speedwatch										MM	Members appointed, Rapid Scrutiny to convene Jan 2014
	Highways and Streetscene Contract BBLP					Environment Feb 2014					MM	Review performance of winter operation followed by annual review in June
	Flood Plan Annual Report										MM	Annual report - duty to review Date to be confirmed

This page is intentionally left blank