

**ENVIRONMENT SCRUTINY PANEL****20 July 2009****Attendance:**

## Councillors:

Lipscomb (Chairman) (P)

Bell (P)

Busher (P)

Clear

Gemmell (P)

Howell (P)

Jackson

Mather (P)

Maynard (P)

Spender

Worrall (P)

Wright (P)

**Deputy Members:**

Councillor Pearce (Standing Deputy for Councillor Jackson)

**Others in attendance who addressed the meeting:**

Councillor Pearson (Portfolio Holder for Environment)

Councillor Wood (Portfolio Holder for Planning and Access)

Councillors Learney and Tait

**Others in attendance who did not address the meeting:**

Councillor Read

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**1. DISCLOSURES OF INTEREST**

Councillors Pearson and Wood declared personal and prejudicial interests due to their involvement as Cabinet Members in actions taken or proposed in Reports EN85 and EN86 below.

However, the Panel asked the Cabinet Members, as Portfolio Holders, to remain in the meeting, under the provisions of Sections 21(13)(a) of the Local Government Act 2000, in order that they could provide additional information to the Panel and/or answer questions.

**2. APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Busher be appointed Vice-Chairman of the Panel for the 2009/10 Municipal Year.

### 3. **TIME OF FUTURE MEETINGS**

RESOLVED:

That future meetings of the Panel commence at 6.30pm and that the timetable of scheduled meetings for the 2009/10 Municipal Year be noted.

### 4. **MINUTES**

The Panel agreed the following corrections (shown in italics)

Page 2, Item 5:

"Ms James gave the Panel a presentation which is available electronically [here](http://www.winchester.gov.uk/Documents/Committees/Environment/Reports/090310EnergyPresentation.pdf) <http://www.winchester.gov.uk/Documents/Committees/Environment/Reports/090310EnergyPresentation.pdf>"

Page 3, Item 8:

"With regard to Tree Preservation Orders, the Panel ~~noted with regret that~~ *asked why* it was not possible to delegate powers ~~(even through a bye-law)~~ to Parish Councils to prevent important but protected trees being felled."

RESOLVED:

That, subject to the above amendments, the minutes of the previous meeting held 10 March 2009 be approved and adopted.

### 5. **PUBLIC PARTICIPATION**

Councillor Learney recommended that the Panel consider scrutinising the Council's policy on trees. She explained how the Council's policy to protect all of the trees it owned had caused difficulties for some residents. Some properties had suffered a significant loss of internal light as a consequence and others were unable to operate solar panels. She added that the Head of Environment concurred that now was an opportune time to review the effectiveness of the Council's Tree Strategy and to look in detail at the risk associated with Council owned trees to people and property.

Councillor Tait also commented on the importance of this subject and reminded Members of the planned Members' Training Evening to discuss tree issues.

### 6. **PUBLIC CONVENIENCE PROVISION INFORMAL SCRUTINY GROUP REVIEW**

[\(Report EN87 refers\)](#)

The Panel thanked the Informal Scrutiny Group (ISG) and the officers for their work on the Report.

The Panel discussed the ISG's recommendation to not re-open the Tower Street Public Conveniences and, during debate, several Members spoke against this particular recommendation. They commented that the car park was used by visitors to the town in the afternoon and evenings. Furthermore, its closure would do nothing to redress the lack of female toilets in Winchester, as identified by the British Toilet Association in the Report.

A Member also commented that the reason the Parking Manager may have only received one complaint about the currently closed Tower Street toilets, was because the public had assumed that the closure was temporary. If the public had been aware that the closure was permanent, the Member considered that it was likely that more complaints would have been received. The Member also stressed that the alternative conveniences at the Discovery Centre were some distance away and may be difficult for visitors to find. However, following debate, an amendment to re-open the Tower Street toilets was rejected by the Panel for the reasons set out in the Report.

However, Councillor Pearson explained that he intended to re-open the disabled toilet only at Tower Street and that able bodied people would be re-directed to the public conveniences at the Discovery Centre. The Panel noted these comments and, in endorsing the Informal Group's recommendation that all of the toilets at Tower Street should not be re-opened, acknowledged that the Portfolio Holder would decide whether or not to implement these recommendations in the best interests of the public.

Following debate, the Panel also agreed to amend recommendation 8 of the Informal Group to:

"That the organisers of large events, such as the Hat Fair or Winchester bonfire, be reminded by officers of the operator's responsibility to provide adequate toilet facilities and the possibility that, where it would require extended opening times, the Council's public conveniences could be made available at a cost to the event organisers."

**RESOLVED:**

**1. That Cabinet be recommended to approve the following recommendations from the Informal Scrutiny Group in order to improve the provision of Public Conveniences in the District:**

**1. That the Tower Street Public Conveniences not be reopened and that the money planned for its refurbishment, where possible, be re-directed to improve other public conveniences in the town.**

**2. That the Middle Brook Street Public Conveniences be closed, once the new public conveniences at Silver Hill become available. In the meantime, the lighting**

at the Middle Brook Street Public Conveniences should be improved.

3. That the Partnership Toilet Scheme (paragraph 4.16 refers) be supported in principle and that, in the Winchester town area, the City Centre Manager investigate, through the BID process, in consultation with the Head of Economic and Cultural Services, and report back to a future meeting of the Scrutiny Panel.

4. That the Head of Economic and Cultural Services investigate the possibilities for the Partnership Toilet Scheme in the rural District and report back to a future meeting of the Scrutiny Panel.

5. That officers prepare a long-term programme of planned refurbishment (with costings and identified priorities for improvement) and that these be reported to Cabinet as part of the 2010/11 Capital Programme.

6. That, in terms of improving the condition of the public conveniences, officers execute the “quick wins” identified by the Group at paragraph 5.4 onwards and by New Alresford Town Council (appendix 1), where practicable. In particular, the Group underlined the need to routinely check the operation of the disabled alarm systems, particularly at St Catherines Park and Ride car park.

7. That officers investigate and prepare a report to Cabinet on the feasibility of providing a “tardis-style” convenience to serve the night-time economy in central Winchester

8. That the organisers of large events, such as the Hat Fair or Winchester bonfire, be reminded by officers of the operator’s responsibility to provide adequate toilet facilities and the possibility that, where it would require extended opening times, the Council’s public conveniences could be made available at a cost to the event organisers.

9. That officers draw up and implement a programme of annual deep-cleaning each of the District’s public conveniences.

10. That a member of the Environment Team inspect each of the rural public conveniences at least once a month and more regularly in the Winchester town area.

**11. That the public convenience cleaners in Winchester town centre should rotate from one location to another to provide a better service to the public.**

**12. That officers should consider undertaking Criminal Records Bureau checks on new cleaning staff who worked in the public conveniences.**

**13 That, during the development of new facilities, or the major refurbishment of existing facilities, officers consider:**

- a) the imbalance between male and female cubicles**
- b) consulting the British Toilet Association and other local authorities on the design of new toilets**
- c) bringing the disabled facilities up to current standards**
- d) consider favourably the recommendations of the changing places scheme, subject to the practicalities of its implementation**
- e) the need for a separate family room and low-level urinals, basins and wc seats for children**

**14 That the Portfolio Holder for Environment should try to secure sufficient budget for the long term maintenance programme and the consequences of the changes to the Public Convenience NNDR charges.**

**15 That, without adding clutter to the town and village centres, better signage was required (especially in central Winchester) to direct people to the public conveniences and that funding should be provided to make this possible.**

**16 That officers investigate the feasibility of the SAT LAV mobile phone system.**

**17 That the location of public conveniences be included on maps of the town/village centres on notice boards.**

**18 That the Head of Environment report back progress on the above recommendations to the Environment Scrutiny Committee at its meeting on 2 February 2010.**

3. That the Panel review Cabinet's consideration of the above recommendations at its next meeting, to be held 11 November 2009.

4. That the Panel review Cabinet's implementation of the above recommendations in twelve months time, at its meeting to be held July 2010.

7. **ENVIRONMENT PORTFOLIO – 2008/09 PERFORMANCE OUTTURN AND 2009/10 QUARTER 1 UPDATE**  
[\(Report EN85 refers\)](#)

Councillor Pearson summarised the Report for the Panel and drew its attention to the main successes during the period.

During debate, Councillor Pearson and the Head of Environment clarified a number of issues, which included:

- i) that the visual audit of the streetscene was undertaken by neighbourhood wardens.
- ii) that Winchester's increased recycling rates were in contrast to a national downturn.
- iii) that Cabinet had agreed that there was no business case to continue partnership working with seven other local authorities on the Depot Services contract.
- iv) that local communities needed to be involved to ensure that residents' car parking did not limit the effectiveness of street cleaning (and that this issue would be examined further in the new depot contract).
- v) that public litter bins were emptied on a flexible schedule, which was based on the predicted use of the bin.
- vi) that the recent hot weather had not resulted in a significant increase in the number of complaints about the smell and flies from bins. Councillor Pearson explained that this could be because less food waste was being thrown away, which in turn could be a consequence of the recession and/or the Council's campaign to minimise food waste.
- vii) That the number of bin collections missed per 100,000 collections (the graph on page 4 of the Report) had indeed peaked in March 2009, as the Head of Environment was able to update the Panel that the figures for April and May were significantly less at 30 and 35 respectively.
- viii) The Head of Environment also explained in detail the underspends set out in the financial outturn (appendix 2 of the Report).
- ix) That, whilst the out of hours service for stray dogs was in accordance with the Clean Neighbourhoods and Environment Act, its location outside the District was not ideal, and officers were continuing to seek a closer facility.

The Panel also expressed its concern that small local companies, such as gardeners and builders, were prevented from using the Household Waste

Recycling Centres and were instead charged to use trade waste facilities. Although he expressed concerns about the possibility of waste contamination, Councillor Pearson agreed to forward these concerns to the County Council, as the relevant authority.

Councillor Pearson also agreed to forward the Panel's concerns to the County Council about their failure to deliver many of the Air Quality Action Plan's outcomes. In addition to this, the Panel requested a report setting out progress on the Air Quality Action Plan at their next meeting, to be held 11 November 2009.

At the conclusion of debate, the Panel congratulated the Portfolio Holder and staff for the good performance outlined in the Report.

RESOLVED:

1. That the monitoring information in the Report be noted.
2. That a report setting out progress on the Air Quality Action Plan be presented to the next meeting of the Panel, to be held on 11 November 2009.

8. **PLANNING AND ACCESS PORTFOLIO – PERFORMANCE MONITORING  
QUARTER 4 2008/09 AND QUARTER 1 2009/10 UPDATE**  
[\(Report EN86 refers\)](#)

During debate, the Panel noted the failure to meet the targets for both minor and major planning applications for the first quarter 2009/10 and that this was attributed to the backlog of applications awaiting validation. The Panel shared Councillor Wood's concern about this issue and hoped that the proposed measures to improve performance (such as temporary, additional staff) would be evident in the results considered at the next Panel meeting.

The Panel also congratulated Councillor Wood and the staff on the improved performance of the Enforcement Team.

In response to a comment, Councillor Wood explained that the Business Plan targets set out in Appendix 3 of the Report did include some tasks that could be concluded early in the five-year plan; however; targets were continually reviewed to ensure that they remained relevant and challenging.

A Member asked detailed questions regarding the financial summary on page 10. From this debate, the Panel noted that "third party claims" should be amended to read "third party payments", as these related to payments to parish councils arising from Section 106 Legal Agreements. The Panel also agreed that future financial summaries, which had major variances, should be accompanied by an explanation of the change.

With regard to the Access and Infrastructure Division out-turn (page 14 of the Report), the Panel agreed that income from car parking should be separated from "fees, charges and rents".

In response to a question, Councillor Wood clarified that the reduction in Civil Enforcement Officers (and therefore a likely drop in parking income) would not lead to an increase in the fees for Winchester residents' parking permits.

The Panel noted that construction work at the south Winchester Park and Ride was currently ahead of schedule and it was anticipated that the new facility would be opened in April 2010.

The Panel also discussed the continuing traffic problems at Junction 9 of the M3 in terms of congestion and danger to road users on the roundabout. Councillor Wood agreed to reiterate these concerns to the County Council, especially in the light of recent improvements to the motorway network to the south, and report back to the Panel on this issue at its next meeting.

**RESOLVED:**

1. That the monitoring information in the Report be noted.
2. That the Portfolio Holder for Planning and Access report back to the next meeting of the Panel (to be held 11 November 2009) on progress regarding Junction 9 of the M3.

9. **APPOINTMENT OF INFORMAL SCRUTINY GROUPS 2009/10**  
[\(Report EN88 refers\)](#)

The Panel noted Councillor Learney's comments during public participation in support of a review of the Council's Tree Strategy and risks associated with Council-owned trees. Following debate, it was agreed that this issue be considered by an Informal Scrutiny Group (ISG) with a membership as set out below.

Prior to the Panel meeting, the Chairman had asked all Councillors to forward suggested topics for review. These were reported to the Panel as (in no particular order):

- Rural Streetscene
- Retrospective Planning Applications
- Civil Enforcement Officers
- CCTV
- Disabled Parking
- Greening Projects
- The Sustainable Communities Act
- Road Traffic Orders
- The Flood and Water Bill



In addition to these suggestions, a Member suggested a review of how the City Council could improve cycling in the District.

Following a debate, the Panel agreed to delegate to the Head of Performance, Communications and Improvement (in consultation with the Chairman) authority to prioritise the Panel's work programme from the above subjects. These issues would be considered after the conclusion of the Trees Informal Scrutiny Group.

*NOTE: After the meeting, the Head of Performance, Communications and Improvement (in consultation with the Chairman) agreed that, at the conclusion of the Trees Informal Scrutiny Group, an Informal Scrutiny Group be established to consider CCTV issues in partnership with Members of the Social Issues Scrutiny Panel.*

*It was also agreed that the Panel should receive reports to its future meetings on Disabled Parking and Road Traffic Orders.*

RESOLVED:

1. That the Out of Hours Services Informal Scrutiny Group be not reappointed for the 2009/10 Municipal Year.
2. That the Major Outdoor Events Informal Scrutiny Group be not reappointed for the 2009/10 Municipal Year.
3. That the Public Conveniences Provision Informal Scrutiny Group be not reappointed for the 2009/10 Municipal Year.
4. **That Cabinet and Principal Scrutiny Committee be recommended to endorse the establishment of an Informal Scrutiny Group to consider the Council's Tree Strategy and associated risks with a membership of Councillors Lipscomb (Chairman), Bell, Busher, Howell and Mather.**
5. **That Cabinet and Principal Scrutiny Committee be recommended to endorse the establishment of an Informal Scrutiny Group (to be established after the Trees Informal Scrutiny Group, above) to consider CCTV issues. This Informal Scrutiny Group would have a joint membership with Members from the Social Issues Scrutiny Panel to be determined at a later date.**
6. That future meetings of the Environment Scrutiny Panel receive reports on Disabled Parking and Road Traffic Orders.

10. **SCRUTINY WORK PROGRAMME**  
**(Report PS375 refers)**

RESOLVED:

That the Scrutiny Work Programme, as set out on the reverse of the agenda, and as extracted from Report PS375, be noted.

The meeting commenced at 6.30pm and concluded at 9.45pm

Chairman