

## **EXECUTIVE CABINET MEMBER FOR ENVIRONMENTAL SERVICES**

A record of decisions made by the Executive Cabinet Member with responsibility for Environment Services, Community Services, Highways and Transport and Police and Community Safety :-

**MONDAY, 14<sup>th</sup> JULY, 2014**

Following consideration of the matters detailed below in the presence of:-

Councillor Peel	Executive Cabinet Member for Environmental Services
Councillor Bashir-Ismail	Cabinet Member for Community Services
Councillor Chadwick	Cabinet Member for Highways and Transport
Councillor Greenhalgh	Major Opposition Spokesperson, Environmental Services
Councillor Allen	Major Opposition Spokesperson, Environmental Services
Councillor Hayes	Minor Opposition Spokesperson

### **Officers**

Mr. M. Cox	Director of Environmental Services
Ms. J. Pollard	Head of Strategic Finance and Accountancy
Mr. J. Kelly	Head of Service, Highways and Engineering
Mr. I. D. Mulholland	Principal Democratic Services Officer

## **5. MONITORING OF EXECUTIVE MEMBER DECISIONS**

The Borough Solicitor submitted a report which set out details of the decisions made at previous meetings and the progress on each to date.

**The Executive Cabinet Member NOTED the report.**

## **6. SPINNING MEADOW – PETITION REQUESTING ALLEYGATING**

The Director of Environmental Services submitted a report which advised of the receipt of a petition for an alleygate to be provided to close the alleyway adjacent to number 48 Spinning Meadow, Bolton owing to incidents of crime and anti-social behaviour.

The report went onto set out the response from officers and it was highlighted that it was not fully clear that the alleyway was key to those crimes taking place and therefore it was not proposed to progress the gating.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member AGREED that the request for the gating of the alley in Spinning Meadow is not progressed.**

## **7. BRODICK DRIVE AREA – PROPOSED WAITING RESTRICTIONS, OBJECTIONS**

The Director of Environmental Services submitted a report which advised of the receipt of objections to the proposed introduction of waiting restrictions on Brodick Drive, Bolton.

The Executive Cabinet Member was advised that the proposal was advertised in May, 2014 and two representations had been received. The report set out a response to the submissions.

The report mentioned that consultations had taken place with various bodies and the ward councilors had not submitted any objections.

The cost of the proposed changes was £2,842.00 and those costs would be met from the Area Forum.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member AGREED, having considered the objections and the views of ward councilors, to implement the waiting restrictions as now amended and set out in Appendix A to the report.**

#### **8. WINTER HEY LANE ZEBRA CROSSING – RESULTS OF CONSULTATION**

The Director of Environmental Services submitted a report which outlined that following concerns from local residents and ward members the Director of Environmental Services investigated the possibility of providing a zebra crossing on Winter Hey Lane, Horwich, Bolton.

A consultation with local residents was duly undertaken and comments were received as set out in the report.

The report went on to advise that having considered the comments and the views of ward members the Director of Environmental Services recommended that the scheme be implemented.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member AGREED, having considered the objections and the views of ward councilors APPROVED the implementation of the scheme shown on drawing 123183-01, as set out in the report.**

#### **9. LEE LANE, ASSOCIATED STREETS – PROPOSED 20MPH SPEED LIMIT**

The Director of Environmental Services submitted a report on objections received to the proposed introduction of a 20mph speed limit on Lee Lane and associated streets.

The Director of Environmental Services agreed the proposal to introduce a 20mph speed limit under the Scheme of Delegation.

The proposal was advertised in April, 2014 and two objections were received.

The report went onto set out the reasons for the representations and gave a response to them.

The ward councilors had been consulted and were in support of the proposals.

In conclusion, the report explained that the estimated cost of the proposals was £2,898.00 including staff and legal fees. The road markings and signs were in addition to this and were estimated to be £15,000. This funding would be met from the Greater Manchester Casualty Reduction Partnership Award Fund.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member AGREED, having considered the objections and the views of ward councilors APPROVED the implementation of the restrictions as originally advertised.**

#### **10. HIGHWAYS CAPITAL PROGRAMME, 2014/15 AND YEAR END OUTTURN ON THE 2013/14 PROGRAMME**

The Director of Environmental Services submitted a report which advised the Executive Cabinet Member on the outturn position on the 2013/14 Highways Capital Programme and highlights adjustments to the approved programmes for 2014/15.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member APPROVED the adjustments to the Highways Capital Programme from the period 2014/15, as indicated in the report and NOTED the outturn on the 2013/14 Capital Programme.**

## **11. BEHAVIOUR CHANGE ENFORCEMENT**

The Director of Environmental Services submitted a report on the options available for the enforcement of waste offences including the information included in Section 46 notices and the process for issuing Fixed Penalty Notices.

Under provisions introduced within the Clean Neighbourhoods & Environment Act 2005, Local Authorities were presented with the ability to be able to issue Fixed Penalty Notices for offences in relation to how domestic waste is presented for collection. The use of Section 46 powers was seen as an important tool in satisfying Council and residents' aspirations by trying to achieve cleaner greener and safer neighbourhoods as well as being instrumental in enabling the Council to meet its recycling targets.

The report went onto advise of the issues within the Authority that had created a justification for looking at actions to reduce domestic waste and receptacle offences.

Existing legislation gave Local Authorities the power to issue legal notices known as a Section 46 notices that required the occupier of a property to take certain measures with regard to their waste. These include instruction as to the following:-

- prohibiting the presentation of residual loose waste;
- where and when the receptacle was presented for collection;
- not to overload the receptacle (Lid up policy); and
- the kind of substance that may be placed within the receptacle.

The offence under Section 46 was failure to comply with the above requirements imposed by the notice.

The Clean Neighbourhood and Environment Act also gave local authorities the option to issue fixed penalty notices (FPNs) instead of prosecuting offenders. These FPNs required the recipient to pay a fine of £100 (£75 if paid within 10 days) to

discharge all liability from the offence. Failure to pay would render the recipient open to prosecution.

Environmental Services frequently received complaints from customers that related to the nuisance caused by the presentation of loose refuse that could be addressed by use of Section 46.

The report went onto set out details of the existing Section 46 requirements.

The Executive Cabinet Member was informed that the enforcement of waste issues could be contentious and a clear process that showed the actions that the Council had taken to educate customers prior to any legal action was imperative. Within this process, the Council needed to have clear evidence that it had taken into account all aspects of the offence, including the ability of the customer to understand the requirements and that they were physically able to act on the instructions within the notice as set out in appendix one to the report.

**Following a recommendation from the Cabinet Member for Community Services the Executive Cabinet Member for Environmental Services NOTED the information presented in the report and APPROVED the process flow chart appended to the report.**

## **12. SAFETY AT SPORTS GROUNDS ACT 1975 – REVIEW AND RE-ISSUE OF GENERAL SAFETY CERTIFICATE**

The Director of Development and Regeneration submitted a report which sought approval for the re-issue of the General Safety Certificate at Bolton Wanderers FC under the Safety at Sports Grounds Act, 1975.

It was explained that the Development Manager, Building Control undertook an annual review of the issued safety certificate.

The review considered the terms and conditions of the safety certificate to validate they remained relevant for providing for the reasonable safety of spectators at the sports ground. The review consisted of monitoring by inspection and audit of the Stadium and the Ground Certificates and Reports.

Consultation had taken place with the Stadium Advisory Group.

The review concluded that four amendments were required to the current General Safety Certificate and these were set out in the report.

**The Executive Cabinet Member APPROVED the re-issuing of the General Safety Certificate for the Bolton Wanderers Stadium which is to be known as the Macron Stadium.**

### **13. DEPARTMENTAL PERFORMANCE UPDATE – FINAL OUTTURN 2013/14**

The Director of Environmental Services submitted a report which provided a quarter four performance update for the Environmental Services Department.

The report specifically provided –

- a summary of progress against the major strategic priorities for which the Environmental Services Department is responsible within the Council;
- a summary of progress against the operational priorities which the Department fulfils, as a provider of a number of large front line and support services; and
- conclusions and key messages concerning 2013/14.

**The Executive Cabinet Member NOTED the report.**

**Resolved - That, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A to the Act; and that it be deemed that, in**

**all the circumstances of the case, the public interest in their exemption outweighs the public interest in their disclosure.**

#### **14. HIGHWAYS FRAMEWORK CONTRACTS, 2014/18**

The director of Environmental Services submitted a report on the results of the tender for the Highways Framework Contracts , 2014/18 and recommended the contractors to be awarded it.

**The Executive Cabinet Member APPROVED the award of the Highway Framework Contracts, 2014/18 to the contractors listed in Appendix A to the report.**